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Executive Orders

EXECUTIVE ORDER KBB 05-59

Temporary Housing of Displaced Inmates

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 No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005;

WHEREAS Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

WHEREAS, as a result of emergency situations caused by Hurricanes Katrina and Rita, and the subsequent flooding that ensued, an excess of eight thousand (8,000) inmates were evacuated from parish prisons and/or jails from the parishes of Cameron, Calcasieu, Lafayette, Lafourche, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Martin, St. Tammany and Vermilion as well as other parishes in the path of Hurricanes Katrina and Rita, and placed in facilities operated by the Department of Public Safety and Corrections, or in other parish prisons, federal penitentiaries, and privately owned detention facilities;

WHEREAS, as a result of the temporary evacuation of parish inmates to other facilities, the Department of Public Safety and Corrections, and other penal facilities not operated by the Department of Public Safety and Corrections, are now temporarily housing inmates sentenced with or without hard labor, convicted of traffic, municipal, or misdemeanors offenses, and pre-trial detainees;

WHEREAS, pursuant to Executive Order No. KBB 2005-27, issued on September 3, 2005, cabinet members, statewide elected officials, and state agency heads are authorized and empowered to use their best judgment in purchasing goods and services necessary to satisfy the situation caused by this emergency;

WHEREAS, the facilities now temporarily housing inmates evacuated from other areas are experiencing additional costs and expenses due to the transportation and evacuation of the affected parish inmates and due to the increased population and the special needs of those inmates, as well as the extraordinary medical care that has been required for some of the temporarily evacuated inmates; and

WHEREAS, R.S. 15:824(B) authorizes the payment of $22.39 per day per inmate housed by a parish prison on behalf of the Department of Public Safety and Corrections;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: R.S. 15:824(C) is hereby suspended to the extent that the Department of Public Safety and Corrections has the authority to bring into their temporary, constructive custody, inmates evacuated from those parishes affected by Hurricanes Katrina and Rita, whether those inmates have been sentenced with or without hard labor, convicted of a traffic, municipal or misdemeanor offenses, or are awaiting trial as a pretrial detainee.

SECTION 2: Any extraordinary medical expenses incurred for the care of a parish inmate temporarily transferred from one of the affected parish prisons or any Department of Pubic Safety & Corrections inmates transferred to another parish prison, will be reimbursed in accordance with R.S. 15:824(B)(1)(b).

SECTION 3: The provisions of this Order shall not apply to Allen Correctional Center or Winn Correctional Center.

SECTION 4: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementations the provisions of this Order.

SECTION 5: This Order is effective upon signature and shall apply retroactive from Monday, August 29, 2005 through April 1, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 12th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#089

EXECUTIVE ORDER KBB 05-60

Emergency Suspension of In-State Licensure Laws
for Out-of-State Towing Operators

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 man-made causes, 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 citizens of the state of Louisiana;

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 No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005;

WHEREAS the safety and welfare of the inhabitants of the affected areas of the state of Louisiana require that the

abandoned, flooded or otherwise damaged motor vehicles in the parishes affected by Hurricanes Katrina and Rita be removed immediately to in-state areas of retention to clear roads, passage-ways, parking lots, and property in an orderly and timely manner;

WHEREAS, an estimated three hundred fifty thousand (350,000) vehicles need to be removed immediately from the affected areas to clear these areas as part of the emergency relief efforts;

WHEREAS, the number of tow trucks currently available to meet immediate needs are insufficient and there is a need to supplement that number to serve those affected by these disasters;

WHEREAS, there is an imminent need to suspend the operation of certain regulatory statutes and rules for out-of-state operators who are qualified to do business and who currently have good standing in their respective states;

WHEREAS, a reasonable amount of time for owners to claim their vehicles shall be allowed given the circumstances, and since previously issued Executive Order No. KBB 2005-32, as amended by Executive Order No. 2005-48, suspended all legal deadlines, by nature of that Order, dislocated evacuees will have additional time to receive notice and claim their vehicles in excess of what is normally provided for by R.S. 32:1711 et seq.; and

WHEREAS, the Department of Public Safety and Corrections has requested suspension of applicable laws so that out-of-state tow truck owners and operators can come into the affected areas of the state of Louisiana and assist in the immediate need to remove vehicles from the areas needed for emergency relief efforts;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The specifications of the Towing and Storage Act, R.S. 32:1715(A), solely with regard to the requirement of the display of a towing license plate, and R.S. 32:1716(B), and only those rules promulgated pursuant specifically thereto, shall be suspended in the affected areas so that a temporary tow truck license plate issued by the Department of Public Safety may be accepted in lieu of a license tag, provided that the tow truck is properly registered and licensed in the state of origin.

SECTION 2: For the purpose of this Order, "affected areas" are defined as, and is limited to, the parishes of Jefferson (except the town of Grand Isle), Orleans, Plaquemines, and St. Bernard.

SECTION 3: The permitting of out-of-state tow trucks will be accomplished in accordance with the directive of the deputy secretary of the Department of Public Safety and Corrections pursuant to the authority granted at LAC 55:I:1901(B), as amended, to effect an alternate, but equivalent means of compliance.

SECTION 4: All statutory and regulatory requirements regarding the towing industry not specifically addressed by this Order or the directives of the deputy secretary of the Department of Public Safety and Corrections shall remain in operation and out-of-state towing vehicles must be equipped with all of the safety and towing equipment required under state statute and regulation.

SECTION 5: The Department of Public Safety and Corrections shall designate offices where temporary tow truck licenses will be sold in the following cities: Slidell, Monroe, Bossier, Baton Rouge, Lafayette, Bogalusa, Hammond, and Ruston. Applicants are requested to call 1-877-368-5463 with questions regarding temporary tow truck licenses. For further information regarding temporary towing permits, interested persons should visit www.expresslane.org.

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

SECTION 7: This Order is effective upon signature and shall continue in effect until December 31, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 13th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#090

EXECUTIVE ORDER KBB 05-61

The National Incident Management System (NIMS) Designation

WHEREAS, it is necessary and desirable that all federal, state, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the secretary of the Department of Homeland Security to develop and administer a National Incident Management System (hereafter "NIMS"), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that federal, state, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification

standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communication, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management process;

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including current emergency management training programs;

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) has also recommended adoption of a standardized incident command system; and

WHEREAS, the best interests of the citizens of the state of Louisiana are served by the adoption of the standardized incident command system to facilitate the most efficient and effective incident management;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The National Interagency Incident Management System (NIMS) is hereby established within the Louisiana Office of Homeland Security and Emergency Preparedness as the state of Louisiana's standard for incident management.

SECTION 2: As mandated by Homeland Security Presidential Directive/HSPD-5, beginning in fiscal year 2005, adoption of NIMS will be a requirement for receipt of sub-grant funds from the Louisiana Office of Homeland Security and Emergency Preparedness.

SECTION 3: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 13th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#091

EXECUTIVE ORDER KBB 05-62

Declaration of Public Health Emergency for the Disposition of Human Remains by Licensed Funeral Establishments

WHEREAS, Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

WHEREAS, pursuant to Proclamation No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005, a state of emergency was declared for the entire state and is currently in effect;

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 man-made causes, 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 citizens of the state of Louisiana;

WHEREAS, as a consequence of Hurricanes Katrina and Rita and their aftermaths, hundreds of Louisianans have perished and many citizens of the state of Louisiana have suffered or may suffer injury and/or illness;

WHEREAS, R.S. 29:724(D(1) authorizes the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, the secretary of the State Board of Embalmers and Funeral Directors, a licensing and regulatory board under the Department of Health and Hospitals, has requested that R.S. 37:842(D)(5) and LAC 46:1103, be temporarily suspended, so that a funeral establishment in a parish declared within the disaster areas, which has been destroyed or made inoperable as a result of either hurricane, may secure a temporary alternative facility, with the approval of the State Board of Embalmers and Funeral Directors, and open such temporary facilities under their existing establishment license so long as the temporary facility meets certain minimum standards to properly care for the deceased and to properly serve the members of the community affected by the hurricanes;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: R.S. 37:842(D)(5) and LAC 46:1103, which require a funeral or embalming establishment license be for a specific location and an additional fee for any change of location, are hereby suspended to the extent that an establishment located in a parish within either Hurricane

Katrina or Hurricane Rita declared disaster areas and was destroyed or made inoperable as a result of either hurricane may secure a temporary facility, with the approval of the State Board of Embalmers and Funeral Directors, and open such temporary facility under its existing establishment license. Any such temporary facilities shall meet certain minimum standards as determined by the State Board of Embalmers and Funeral Directors.

SECTION 2: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation the provisions of this Order.

SECTION 3: This Order is effective upon signature and shall continue in effect until December 31, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 13th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#092

EXECUTIVE ORDER KBB 05-63

Louisiana Recovery Authority

WHEREAS, Hurricane Katrina, and its aftermath, and Hurricane Rita have caused unprecedented devastation and damage to the communities of south Louisiana, including its people, economy, infrastructure, natural resources and critical institutions;

WHEREAS, unprecedented state, federal, and other public and private resources will be committed to the rebuilding and redevelopment of these areas;

WHEREAS, it is essential that such resources be coordinated and targeted as well as leveraged with traditional resources to maximize their impact as well as improve efficiency and avoid duplication of efforts;

WHEREAS, the importance and magnitude of such an undertaking dictate that a single unit of government be charged with such a task;

WHEREAS, such unit must be guided by a distinguished board which shall ensure that the redevelopment is conducted to the highest standards of integrity and quality; and

WHEREAS, this unit must work across levels of government, guided by the governor's vision and in support of local communities, to develop and realize a comprehensive long-term vision for a rebuilt and renewed Louisiana.

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: As authorized by R.S. 49:215, the Louisiana Recovery Authority (hereafter "LRA") is hereby established within the Military Department, Office of Homeland Security and Emergency Preparedness. LRA shall be a separate unit of such office with independent authority to contract and to employ, appoint, remove, assign, and promote personnel.

SECTION 2: The duties of LRA shall include, but are not limited to, the following:

A. Establishing and realizing:

(1) short-term priorities for recovery; and

(2) long-term plans for redevelopment. Such priorities and plans shall draw upon traditional state resources and programs and create special programs dedicated to responding to the aftermath of the hurricanes. Such priorities and plans shall include time-lines and benchmarks and provide a mechanism for public input and modifications based on such input.

B. Creating and pursuing initial thirty (30) day and one hundred (100) day agendas, as well as one and five year plan for the recovery and redevelopment effort, consistent with the priorities and plans established pursuant to Paragraph A of the this Section.

C. Establishing a federal and state legislative agenda for the recovery and redevelopment effort and for coordinating between levels and branches of government to implement that agenda.

D. Identifying funding sources and/or innovative financing alternatives to adequately fund recovery and redevelopment as described in the plan. LRA shall set priorities and offer broad direction to the Office of Homeland Security and Emergency Preparedness relating to the use of funds made available through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended. It shall also receive, prioritize, create guidelines for and disburse to other agencies and organizations funding that is provided or otherwise made available to the state for recovery and redevelopment efforts, including but not limited to, any state funds made available and any special congressional appropriations associated with Hurricanes Katrina and Rita.

E. Setting priorities, planning, and coordinating resource allocations as it pertains to issues that may include, but are not limited to the following:

1) economic and workforce development;
2) environmental quality and review;
3) temporary and permanent housing;
4) healthcare;
5) infrastructure and transportation;
6) education;
7) fiscal stability;
9) family services; and
10) law and order.

SECTION 3: The LRA shall submit a written comprehensive report quarterly to the governor, the president of the Louisiana State Senate, the speaker of the Louisiana House of Representatives, and the public at-large on the issues set forth in Section 2 of this Order.

SECTION 4: The LRA shall be responsive to a Board which shall be composed of a maximum of twenty-six (26) voting members, who shall be appointed by and serve at the

pleasure of the governor. In addition, the speaker and speaker pro tempore of the Louisiana House of Representatives and the president and president pro tempore of the Louisiana Senate shall be ex-officio, non-voting members. These additional members shall not be counted for purposes for a quorum.

SECTION 5: The chair and vice-chair of the Board shall be selected by the governor. All other officers, if any, shall be elected by the membership of the Board.

SECTION 6: The Board shall have two primary responsibilities:

A. To provide leadership for an agenda for action to be set by the LRA. The Board may draw on state resources, as necessary, to exercise its leadership role in setting and assisting the LRA in advancing the agenda.

B. To provide oversight to the activities of the LRA.

SECTION 7:

A. The Board may create committees as appropriate which may include members of the Board and other stakeholders and conduct work through the use of such committees, provided all final decisions shall be by a vote of the Board.

B. The Board shall appoint an Audit Committee to ensure best practices and procedures in the management of any funds received, expended, or disbursed by the LRA. Such committee shall receive reports produced by the independent accounting firm or firms engaged by the Division of Administration and the Office of Homeland Security and Emergency Preparedness and by the audit firm or firms retained by the state or the LRA. The Audit Committee shall present the reports' finding to the full Board and make recommendations as may be appropriate.

SECTION 8: The Board shall meet at regularly scheduled meetings and at the call of the chair.

SECTION 9: Board members shall not receive additional compensation or a per diem from the LRA for serving on the Board; however, such members shall be entitled to reasonable and necessary travel expenses consistent with travel allowance for state classified employees as provided in the latest Policy and Procedure Memorandum 49 and approved by the Board's chair. Board members who are members of the Legislature may seek per diem and travel reimbursements from the Louisiana State Senate or House of Representatives, as appropriate for their attendance.

SECTION 10: The LRA shall also have a director who shall serve as the appointing authority for such unit. Such director shall be appointed by the governor and may be removed by the governor. The governor's direction to all gubernatorial appointees, cabinet officials, agency and department heads as it pertains to the recovery and redevelopment efforts shall be expressed through the director. The director shall serve as the executive and administrative officer of the Board and shall discharge all operational, administrative, and executive functions of the Board, subject to the control, jurisdiction, and supervision of the governor.

SECTION 11: The director, with the Board's approval, shall appoint a chief financial officer who shall report to the director and independently to the Audit Committee of the Board.

SECTION 12: In addition to regular staffing provided to the LRA, the LRA may draw upon staffing and resources from other executive branch agencies as needed.

SECTION 13: All funding received, expended, or disbursed by the LRA shall be subject to audit by the accounting firm engaged by the Office of Homeland Security and Emergency Preparedness to oversee the receipt and disbursement of federal funds as well as audit by the Legislative Auditor.

SECTION 14:

A. In accordance with R.S. 29:724(D), all departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, shall cooperate with the LRA and/or the Board in implementing the provisions of this Order.

B. As appropriate and when not prohibited by law, other agencies of the state shall establish subsidiaries or take on such functions as may be directed by the LRA in order to carry out the LRA's vision.

SECTION 15: All statutory requirements for state agencies shall be applicable to the Board and its committees, the LRA and any subsidiary established pursuant to this Order, including but not limited to those governing meetings, records, and ethical conduct.

SECTION 16: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be ffixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 17th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#093

EXECUTIVE ORDER KBB 05-64

Emergency Suspension of Certain Provisions Regarding Temporary Inoperable Hospitals Affected by Hurricane Katrina—Extension of Executive Order No. KBB 05-7

WHEREAS, Executive Order No. KBB 2005-37, issued on September 19, 2005, suspended certain statutes regarding a hospital license when that hospital is deemed inoperable, and also the procedures for closure of a hospital upon cessation of business due to the consequences of Hurricane Katrina and its aftermath;

WHEREAS, Executive Order No. KBB 2005-37, issued on September 19, 2005, is in effect until October 25, 2005; and

WHEREAS, the secretary of Department of Health and Hospitals has requested that this Order be extended for an additional thirty (30) days;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 1 of Executive Order No. KBB 2005-37, issued on September 19, 2005, is amended as follows:

Until Wednesday, November 30, 2005, LAC 48:I.9305(B)(3), which voids a hospital license once a hospital ceases to operate, is hereby suspended to the extent it applies to any hospital located in the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard that have ceased to operate or provide services to the community as a consequence of Hurricane Katrina and its aftermath. This suspension applies only to the extent that such regulation automatically voids a license when a hospital ceases to operate. [Any hospital located in any other parish that ceases to operate or any ownership changes of a hospital located in any parish statewide shall continue to void a hospital's license as provided in LAC 48:I.9305(B)(3).]

SECTION 2: Section 2 of Executive Order No. KBB 2005-37, issued on September 19, 2005, is amended as follows:

Until Wednesday, November 30, 2005, LAC 48:I.9307, which provides procedures for the closure of a hospital upon cessation of business is hereby suspended to the extent that it applies to any hospital located in the parishes of Jefferson, Orleans, Plaquemines, and St. Bernard that have ceased to operate or provide services to the community as a consequence of Hurricane Katrina and its aftermath. Any hospital located in any other parish that ceases to operate shall continue to be required to follow the procedures outlined in LAC 48:I-9307.

SECTION 3: All other paragraphs, subsections, and sections of Executive Order No. KBB 2005-37, issued on September 19, 2005, shall remain in full force and effect until Wednesday, November 30, 2005.

SECTION 2: This Order is effective upon signature and shall continue in effect until Wednesday, November 30, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 18th day of October, 2005.

Kathleen Babineaux Blano
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#094

EXECUTIVE ORDER KBB 05-65

Emergency Suspension of Certain Provisions
Regarding Temporarily Inoperable Hospitals
Affected by Hurricane Rita

WHEREAS, Hurricane Rita struck the state of Louisiana resulting in severe flooding and damage to the southwestern part of the state which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

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 man-made causes;

WHEREAS, pursuant to such Act, a state of emergency/disaster was declared through Proclamation No. 53 KBB 2005;

WHEREAS, pursuant to the Louisiana Health Emergency Powers Act, R.S. 29:760, et seq., a state of public health emergency was declared through Executive Order KBB 2005-33, as amended by Executive Order No. KBB 2005-47;

WHEREAS, R.S. 29:724(D)(1) and 766(D)(1) authorize the governor, during a state of emergency, to suspend the provisions of any regulatory statute prescribing procedures for the conducting of state business, or the orders, rules or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, as a direct consequence of the disaster and evacuation, several hospitals in the parishes affected by Hurricane Rita became temporarily inoperable, not fit for operation, and/or unable to provide services to the community;

WHEREAS, LAC 48:I-9305 and 9307 provide that a hospital's license shall be immediately void if a hospital ceases to operate and provides procedures for the closure of a hospital, including the disposition of patient records, public notice, etc.;

WHEREAS, there is a profound need for hospital services in the affected parishes to resume operations as soon as possible; and

WHEREAS, the secretary of the Department of Health and Hospitals has requested the suspension of certain regulations for hospitals located in the parishes of Acadia, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayettte, St. Mary, Terrebonne, and Vermilion which became temporarily inoperable, not fit for operation, or unable to provide services to the community as a result of Hurricane Rita so as to allow a prudent and expedited return to operation;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Until Wednesday, November 30, 2005, LAC 48:I.9305(B)(3), which voids a hospital license once a hospital ceases to operate, is hereby suspended to the extent it applies to any hospital located in the parishes of Acadia, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayettte, St. Mary, Terrebonne, and Vermilion that have ceased to operate or provide services to the community as a consequence of Hurricane Rita. This suspension applies only to the extent that such regulation automatically voids a license when a hospital ceases to operate. Any hospital located in any other parish that has ceased to operate or any ownership changes of a hospital located in any parish statewide shall continue to void a hospital's license as provided in LAC 48:I.9305(B)(3).

SECTION 2: Until Wednesday, November 30, 2005, LAC 48:I.9307, which provides procedures for the closure of a hospital upon cessation of business is hereby suspended to the extent that it applies to any hospital located in the parishes of Acadia, Calacsieu, Cameron, Iberia, Jefferson Davis, Lafayettte, St. Mary, Terrebonne, and Vermilion that has ceased to operate or provide services to the community as a consequence of Hurricane Rita. Any hospital located in any other parish that ceases to operate shall continue to be required to follow the procedures outlined in LAC 48:I-9307.

SECTION 3: Hospitals located in Acadia, Calacsieu, Cameron, Iberia, Jefferson Davis, Lafayettte, St. Mary, Terrebonne, and Vermilion parishes which have ceased to operate shall promptly notify the Department of Health and Hospitals, Health Standard Section, in writing when the hospital becomes operable and capable of providing services to the community.

SECTION 4: The Department of Health and Hospitals is hereby authorized to conduct any and all necessary surveys, inspections, and/or reviews of the hospital's facilities upon receipt of such notification.

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 apply retroactively from Friday, September 23, 2005, through Wednesday, November 30, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 18th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#095

EXECUTIVE ORDER KBB 05-66

Emergency Procedures for Conducting State Business

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency/disaster was declared through Proclamation No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005;

WHEREAS, Hurricane Katrina and its aftermath, and Hurricane Rita caused unprecedented and extensive damage in the state of Louisiana and these tragic events has significant consequences on the financial conditions of the state; and

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 man-made causes, 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 citizens of the state of Louisiana;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: For procurement and contracting, strict compliance with R.S. 39:1481, et seq., and R.S. 39:1551, et seq., shall not be required. However, all state agencies should comply with the following conditions:

A. An appointed official within the agency, or the equivalent for elected officials in higher education, must determine that the failure to strictly comply with the statutory restriction is necessary due to the emergency;

B. A centralized point of contact for each agency must monitor all transactions conducted without strict statutory compliance, maintaining copies of all documentation. Documentation should specify whether the purchase falls into the "emergency" or "permanent" category and whether the purchase relates to Hurricane Katrina or Hurricane Rita;

C. Competitive quotes and/or offers must be obtained whenever possible and agencies must take the necessary steps to assess that fair and equitable pricing is being offered;

D. Performance-based contracting should be used where practical;

E. Statewide contracts should be used where practical;

F. Copies of contracts which would otherwise require approval by the Office of Contractual Review or the Office of State Purchasing must be provided to those agencies. Additionally, ISIS agencies should enter small purchases into the AGPS/CFMS database. (Note: For CFMS contracts, agencies should use the document type "MISC"); and

G. Payments to contractors should be made only after verification that all goods and services meet contract requirements.

SECTION 2: The inspector general is directed and authorized to monitor those transactions conducted outside the scope of regulatory statutes, orders, rules and regulations to insure that those transactions are directly related to the emergency situation and are prudently handled and, if any inappropriate transactions are noted, those situations shall be reported directly to the governor.

SECTION 3: All cabinet members, statewide elected officials and department heads are authorized to transfer the directions, job assignments, personnel, and functions of their departments for the purpose of performing or facilitating emergency services as necessary.

SECTION 4: All available resources of state government should be utilized as reasonably necessary to cope with this emergency.

SECTION 5: Executive Order No. KBB 2005-27, issued on September 3, 2005, is hereby rescinded and terminated.

SECTION 6: This Order is effective upon signature and shall be made applicable from August 29, 2005, and continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 18th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#096

EXECUTIVE ORDER KBB 05-67

Emergency Suspension of Prescription,
Peremption and Other Legal Deadlines

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 nature or man-made causes;

WHEREAS, Hurricane Katrina and its aftermath, and Hurricane Rita struck the state of Louisiana causing severe damage and flooding to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency/disaster was declared through Proclamation No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005, as amended by Proclamation No. 60 KBB 2005;

WHEREAS, as a direct consequence of these disasters and evacuations, attorneys throughout the state had clients whom they could not contact due to the client's evacuation and similarly, there were clients who could not contact their counsel due to counsel's evacuation;

WHEREAS, in addition to challenges resulting from displacement and access to office and personal files and records, the storms and their aftermaths resulted in extreme challenges to communication networks and disruption of mail service;

WHEREAS, Hurricanes Katrina and Rita also rendered several court houses temporarily inoperable and/or not fit for occupancy;

WHEREAS, La. Constitution Art. I, Section 22 provides that all courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights;

WHEREAS, the destruction and disruption of services and infrastructure to our system of justice caused by Hurricanes Katrina and Rita would have had a profound impact on the basic rights to an untold number of persons unless action was taken to suspend the effects of the tolling of legal delays during the period of these emergencies;

WHEREAS, based on the above, on September 6, 2005, Executive Order No. KBB 2005-32, suspending deadlines in legal proceedings, was issued at the request of the Louisiana State Bar Association, the Louisiana Trial Lawyers Association, and the Louisiana Association of Defense Counsel, and in the interest of fairness and justice for all parties;

WHEREAS, on September 23, 2005, Executive Order No. KBB 2005-32, was amended to extend the suspension for an additional thirty days and to recognize the Louisiana Supreme Court's authority to lift the suspension, in whole or in part, by Order;

WHEREAS, on October 3, 2005, the Louisiana Supreme Court issued a Resolution and Temporary Rule that provided a procedure to have a judge consider allowing legal proceedings to proceed where justice and equity mandate the shortening or lifting of the suspension;

WHEREAS, it has been announced that the Louisiana Legislature will be called into a special session from November 6, 2005, to November 18, 2005, which will be the first opportunity for legislative action on these issues;

WHEREAS, as the immediacy of the emergency passes and as the state begins to move toward a recovery and rebuilding phase, it is necessary to provide notice and begin the process of returning legal affairs to their normal processes as soon as practical in an effort to restore commerce; and

WHEREAS, the attorney general will issue, to judges and Justice of the Peace Courts in the affected areas, recommended eviction guidelines according to current law but taking into consideration the emergency circumstances that occurred over the last several weeks, so that as these proceedings begin in the parishes affected by Hurricane Katrina, the authorities have legal guidance as to the rights and privileges of both the lessees and lessors;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 1 of Executive Order No. KBB 2005-32, issued on September 6, 2005 as amended by Executive Order No. KBB 2005-48, issued on September 23, 2005, is hereby amended as follows:

A. Liberative prescriptive and peremptive periods are hereby suspended statewide until at least Friday, November 25, 2005.

B. Except as provided in Subsection A of this Section, the suspension of deadlines in legal proceedings, as provided in Executive Order No. KBB 2005-32, as amended by Executive Order No. KBB 2005-48, in all courts, administrative agencies, and boards unaffected by Hurricane Rita, as defined as those parishes not identified in Subsection C of Section 1 of this Order, shall end as of Tuesday, October 25, 2005.

C. Deadlines in legal proceedings in courts, administrative agencies, and boards affected by Hurricane Rita, defined as the parishes of Calcasieu, Cameron, Jefferson Davis, and Vermilion are hereby suspended until at least Friday, November 25, 2005, including but not limited to, non-constitutionally mandated deadlines in criminal proceeding and any such deadlines as follows:

1. Louisiana Civil Code;
2. Louisiana Code of Civil Procedure;
3. La. R.S. Title 9, Civil Code Ancillaries;
4. La. R.S. Title 13, Courts and Judicial Procedure;
5. La. R.S. Title 23, Chapter 10, Workers' Compensation;
6. La. R.S. Title 40, Chapter 5 Part XXI-A, Malpractice Liability for State Services; and
7. La. R.S. Title 40, Chapter 5, Part XXIII, Medical Malpractice.

D. Paragraph C of this Section shall not be interpreted so as to prohibit the parties from proceeding in accordance with the Louisiana Supreme Court's Resolution and Temporary Rules issued on October 3, 2005, as amended, including but not limited to, landlord-tenant disputes, evictions proceedings, and lease disputes regarding immovable property, provided such proceedings are carried out in the manner provided for by the Louisiana Supreme Court Resolution and Temporary Rule, as amended.

E. Nothing in Subsection C of this Section shall prohibit an owner of immovable property from reclaiming leased property if abandoned as provided for by law, or entering leased property to make necessary repairs as provided for by law.

SECTION 2: This Order is effective upon signature and shall remain in effect until Friday, November 25, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#097

EXECUTIVE ORDER KBB 05-68

Emergency Procedures for Conducting State Business
for the Ernest N. Morial Convention Center

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 No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005;

WHEREAS, Hurricane Katrina has caused unprecedented and extensive damage in the state of Louisiana and this tragic event has significant consequences on the financial conditions of the state;

WHEREAS, the Ernest N. Morial Convention Center is an integral part of the economic vitality and recovery of the state, fostering tourism, generating revenue for the hotel and restaurant industry, and garnering recognition nationally and globally as a premier destination for conventions and shows;

WHEREAS, any delay in the restoration of the Ernest N. Morial Convention Center to a full service convention center may force continued cancellation of conventions and shows, severely decreasing tourism and ultimately affecting the overall economic recovery of the state;

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 man-made causes, 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 citizens of the state of Louisiana; and

WHEREAS, the Ernest N. Morial Convention Center requested that time-lines be abbreviated to expedite procurement of certain items to make this facility ready to host all Mardi Gras functions and other major commercial tourism events which will bring in very significant tax revenues and signal the opening of New Orleans;

NOW THEREFORE , KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: That such statutes which might prevent the Ernest N. Morial Convention Center (hereafter "Center"), as a political subdivision of the state of Louisiana, from being authorized and empowered to contract for necessary goods and services regarding the specifications, purchase and/or installation of carpeting, and any material related thereto to address the damage to the Center as a result from Hurricane Katrina and its aftermath, are hereby suspended. The Center shall maintain documentation which shall include the vendor's names and addresses, goods or services purchased, prices paid, invoices and other emergency related reasons for those purchases. Strict compliance with R.S. 38:2181, et seq., and R.S. 39:1551, et seq., shall not be required. Notwithstanding any provisions of this section, procedures set forth in R.S. 38:2212(D) shall be complied with. Notice of the declaration of this emergency as set forth in this Order shall be published in the official journal of the Ernest M. Morial Convention Center.

SECTION 2: The inspector general is directed and authorized to monitor those transactions conducted outside the scope of regulatory statutes, orders, rules and regulations to insure that those transactions are directly related to the emergency situation and are prudently handled and if any inappropriate transactions are noted, those situations shall be reported directly to the governor.

SECTION 3: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to that date.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#098

EXECUTIVE ORDER KBB 05-69

Suspension of Rules and Regulations for Proprietary Schools

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency/disaster was declared through Proclamation No. 48 KBB 2005, as amended by Proclamation No. 54 KBB 2005, and Proclamation No. 53 KBB 2005, as amended by Proclamation No. 60 KBB 2005;

WHEREAS, such Act also 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 man-made causes, 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 citizens of the state of Louisiana;

WHEREAS, Hurricane Katrina and its aftermath, and Hurricane Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

WHEREAS, R.S. 29:724 authorizes the governor, during a 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 authorizes the direction and transfer of personnel and functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

WHEREAS, the Board of Regents, created under Section 5 of Article VIII of the Louisiana Constitution, as amended, is a post-secondary education board that oversees, among other things, proprietary schools within the state of Louisiana;

WHEREAS, the rules currently followed by the Board of Regents governing proprietary schools pursuant to its authority under R.S. 17:3141.1, et seq., unless suspended, may hinder the delivery of emergency services as well as further contribute to the economic emergency existing in the affected areas of our state; and

WHEREAS, the Board of Regents has requested the suspension of the regulations governing proprietary schools and authorizing the commissioner of higher education to adopt and implement interim rules for the licensing of proprietary schools;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The rules and regulations governing proprietary schools followed by the Board of Regents pursuant to its authority under R.S. 17:3141.1, et seq., are hereby suspended.

SECTION 2: The commissioner of higher education is hereby authorized and directed to adopt and implement interim rules for the licensing of proprietary schools, not inconsistent with all applicable laws regulations not suspended herein.

SECTION 3: This Order is effective upon signature and shall continue in effect for sixty (60) days, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 24th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#099

EXECUTIVE ORDER KBB 05-70

Limited Transfer of Authority to Commissioner of Insurance and Rules Directive for Patient's Compensation Fund; Hurricanes Katrina and Rita
Amends Executive Order No. KBB 05-40

WHEREAS, Executive Order No. KBB 2005-40, issued on September 19, 2005, transferred to the commissioner of insurance limited authority to suspend laws regarding legal deadlines and certain processes and procedures as it applies to Louisiana citizens who on August 29, 2005, resided in certain parishes regarding any and all insurance matters, including but not limited to, flood insurance, life insurance, commercial general insurance, property and casualty insurance, vehicle insurance, liability insurance, burglary and forgery insurance, glass insurance, homeowner's insurance, health and accident insurance, health maintenance organizations, fire and extended coverage insurance, crop and livestock insurance, marine and transportation insurance, credit life insurance, health and accident insurance, all surplus lines insurance, reciprocal insurance, reinsurance, credit

WHEREAS, subsequently, Hurricane Rita struck the state of Louisiana resulting in severe flooding and damage to the southwestern part of the state, which has threatened the safety and security of the citizens of the affected areas of the state of Louisiana, along with private property and public facilities;

WHEREAS, the commissioner of insurance has requested the governor to amend Executive Order No. KBB 2005-40, issued on September 19, 2005, to include the citizens who, as of September 20, 2005, resided in the parishes affected by Hurricane Rita; and

WHEREAS, it is also necessary to amend Executive Order No. KBB 2005-40, to indicate a termination date for this limited transfer of authority to the commissioner of insurance;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 4 of Executive Order No. KBB 2005-40, issued on September 19, 2005, is amended as follows:

A. A limited transfer of authority as referenced in Sections 1, 2, and 3 shall specifically include, but is not limited to, the authority to suspend applicable statutes, issue any rules, regulations, directives or take any other actions that the commissioner deems necessary to protect the public health, safety, and welfare of the citizens of Louisiana, who were affected by Hurricane Katrina and on August 29, 2005 resided in the following parishes: Jefferson; Lafourche; Livingston; Orleans; Plaquemines; St. Bernard; St. Charles; St. James; St. John the Baptist; St. Mary; St. Tammany; Tangipahoa; Terrebonne; and Washington; and

B. A limited transfer of authority as referenced in Sections 1, 2, and 3 shall specifically include, but is not limited to, the authority to suspend applicable statutes, issue any rules, regulations, directives or take any other actions that the commissioner deems necessary to protect the public health, safety, and welfare of the citizens of Louisiana, who were affected by Hurricane Rita and on September 20, 2005 resided in the following parishes: Acadia, Allen; Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Lafayette, Lafourche, St. Mary, Terrebonne, and Vermilion.

SECTION 2: Section 7 of Executive Order No. KBB 2005-40, issued on September 19, 2005, is amended as follows:

This limited transfer of authority shall remain in full force and effect for the duration of the state of emergency and/or disaster any subsequent state of emergency and/or disaster declared thereafter, with regard to the disaster caused by Hurricanes Katrina and Rita. Additionally, any rules, regulations, directives or any actions taken by the governor or the commissioner of Insurance during the state of emergency and/or disaster that is in effect or any subsequent state of emergency and/or disaster is declared, shall remain in full force and effect notwithstanding the lifting of the state of emergency and/or disaster.

SECTION 3: Section 8 of Executive Order No. KBB 2005-40, issued on September 19, 2005, is amended as follows:

The Department of Insurance Emergency Rule Nos. 15, 16, and 17 as enacted and amended, are hereby declared to be part of this Order, and authorizes if necessary, the suspension of any laws, rules, and regulations necessary for the implementation and enforcement of such laws, rules and regulations.

SECTION 4: Executive Order No. KBB 2005-40, issued on September 19, 2005, shall continue in effect until December 31, 2005.

SECTION 5: All other paragraphs, subsections, and sections of Executive Order No. KBB 2005-40 shall remain in full force and effect.

SECTION 6: This Order is effective upon signature and shall continue in effect until December 31, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 24th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#100

EXECUTIVE ORDER KBB 05-71

Hurricane Katrina and Rita Clean-Up by Local Government

WHEREAS, Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

WHEREAS, several areas of the state of Louisiana need all available assistance to clean-up debris left by Hurricanes Katrina and Rita;

WHEREAS, many parish and local elected officials are requesting the issuance of an executive order to allow

employees of the parish or local governments to assist with debris removal;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Regular employees of local and municipal governments in South Louisiana who may be available to assist in removing debris left by Hurricanes Katrina and/or Rita shall have authority, at the discretion of the parish or municipal chief elected official, to perform work on private property to expedite the clean-up efforts. However, any work performed by public employees on private property shall be in accordance with Attorney General Opinion Nos. 05-0360, 05-0360A, and 05-0373.

SECTION 2: Prior to the performance of any work on private property as contemplated by this Order, an agreement shall be executed by the owner of the land upon which such work is to be performed whereby the landowner shall agree to hold the state of Louisiana and the local government or municipality harmless from any and all claims for damage which may in any way arise from such work performed on the private property.

SECTION 3: As to any work performed on abandoned property, the parish or local officials shall make a special effort to identify and document any and all damages which have occurred to the abandoned property prior to the clean-up or removal of debris.

SECTION 4: Any local government or municipality seeking reimbursement from the Federal Emergency Management Administration (FEMA) for work performed as authorized by Section 1 of this Order shall comply with appropriate federal statutes and regulations.

SECTION 5: This Order is effective upon signature and shall continue in effect until December 1, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 24th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#101

EXECUTIVE ORDER KBB 05-72

Declaration of Public Health Emergency and Suspension of In-State Licensure for Medical/Health Professionals and Personnel Licensed Out-of-State
Extension of Executive Order No. KBB 05-33

WHEREAS, Executive Order No. KBB 2005-33, issued on September 12, 2005, suspended Louisiana state licensure laws, rules, and regulations for medical/health professionals and personnel for those professionals and personnel from other states and nations offering medical services on a voluntary basis only to those needing medical services as a result of Hurricanes Katrina and Rita, provided that said out-of-state or out-of-country medical/health professionals and personnel possess a current medical license in good standing in their respective state or country of licensure and that they practice in good faith, and within the reasonable scope of his or her skills, training, or ability, including but not limited to, within the Department of Health and Hospitals operated and sponsored shelters, and other Department of Health and Hospitals managed medical operations;

WHEREAS, Executive Order No. KBB 2005-33, as amended by Executive Order No. KBB 2005-47, issued on September 23, 2005, extended the Order for an additional thirty (30) days; and

WHEREAS, the secretary of the Department of Health and Hospitals and the state health officer have requested that Executive Order No. 2005-33, as amended by Executive Order No. KBB 2005-47, be extended for an additional thirty (30) days;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 2 of Executive Order No. KBB 2005-47, issued on September 23, 2005, amending Executive Order No. KBB 2005-33, issued on September 12, 2005, is amended as follows:

Until Saturday, December 31, 2005, the Louisiana state licensure laws, rules, and regulations for medical/health professionals and personnel are hereby suspended for those medical/health professionals and personnel from other states or other countries offering medical services in Louisiana to those needing medical services as a result of this disaster provided that said out-of-state or out-of-country medical/health professionals and personnel possess a current medical license in good standing in their respective state or country of licensure and that they practice in good faith and within the reasonable scope of his or her skills, training, or ability, including but not limited to, within the Department of Health and Hospitals operated and sponsored shelters, and other Department of Health and Hospitals managed medical operations.

SECTION 2: Section 3 of Executive Order No. KBB 2005-47, issued on September 23, 2005, amending Executive Order No. KBB 2005-33, issued on September 12, 2005, is amended as follows:

All out-of-state or out-of-country medical/health professionals and personnel offering services on a voluntary basis only to the state of Louisiana by authority of this Order shall be covered by R.S. 40:1299.39, et seq., and shall thus be considered agents of the state of Louisiana for tort liability purposes contingent upon said out-of-state or out-of country medical/health professionals and personnel possessing a current medical license in good standing in their respective state or country of licensure and that they practice in good faith and within the reasonable scope of his or her skills, training or ability, including but not limited to, within the Department of Health and Hospitals operated and sponsored shelters, and other Department of Health and Hospitals managed medical operations.

SECTION 3: Section 4 of Executive Order No. KBB 2005-47, issued on September 23, 2005, amending

Executive Order No. KBB 2005-33, issued on September 12, 2005, is amended as follows:

All out-of-state or out-of-country medical/health professionals and personnel offering services on a voluntary basis only to the state of Louisiana by authority of this Order shall submit to the state health officer or his designee at the Office of Public Health within the Louisiana Department of Health and Hospitals, or the appropriate state health provider licensing board, a copy of their respective license and photo identification. Such persons shall contact the Public Health Office at 225-763-5762 or 225-763-5763.

SECTION 4: All other sections, subsections, and paragraphs of Executive Order No. KBB 2005-33, issued on September 12, 2005, as amended by Executive Order No. KBB 2005-47, issued on September 23, 2005, shall remain in full force and effect.

SECTION 5: This Order is effective upon signature and shall remain in effect until Saturday, December 31, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#102

EXECUTIVE ORDER KBB 05-73

Suspension of Special Officer's Commission Bond
Amends Executive Order No. KBB 05-29

WHEREAS, Executive Order No. KBB 2005-29, issued on September 3, 2005, suspended the requirement of a bond and proof thereof provided for in La. R.S. 40:1379.1, and the qualifications and requirements provided in LAC 55:I-1303(G) regarding a special officer's commission by the superintendent of state police;

WHEREAS, Executive Order No. KBB 2005-50, issued on September 25, 2005, extended these suspensions until October 25, 2005; and

WHEREAS, the superintendent of State Police has requested Executive Order No. KBB 2005-29, as amended by Executive Order No. 2005-50, be extended for an additional thirty (30) days;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 4 of Executive Order No. KBB 2005-29, issued on September 3, 2005, as amended by Executive Order No. KBB 2005-50, issued on September 25, 2005, is amended as follows:

The suspension of the bond requirements by a person receiving a special officer's commission from the superintendent of State Police and LAC 55:1-1303(G) shall extend through Thursday, November 24, 2005.

SECTION 2: All other sections of Executive Order No. KBB 2005-29 shall remain in full force and effect.

SECTION 3: This Order is effective upon signature and shall continue in effect until Thursday, November 24, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#103

EXECUTIVE ORDER KBB 05-74

Emergency Suspension of Certain
Workers' Compensation Laws
Extends Executive Order No. KBB 05-52

WHEREAS, Executive Order No. KBB 2005-52, issued on September 29, 2005, suspended portions of R.S. 23:1124 regarding consequences for failure to timely submit to a medical examination and portions of R.S. 23:1203(A) to the extent that such statute differentiates between in-state and out-of-state providers and facilities, due to the mass displacement of claimants across the state of Louisiana and the nation; and

WHEREAS, Executive Order No. 2005-52, issued on September 20, 2005, is in effect until Monday, October 24, 2005, and the secretary of the Department of Labor has requested this Order be extended;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 3 of Executive Order No. KBB 2005-52, issued on September 29, 2005, is amended as follows:

This Order is effective upon signature and shall apply retroactively from Monday, August 29, 2005, through Monday, November 28, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to Monday, November 28, 2005.

SECTION 2: All other sections, subsections, and paragraphs of Executive Order No. KBB 2005-52, issued on September 29, 2005 shall remain in full force and effect.

SECTION 3: This Order is effective upon signature and shall continue in effect until Monday, November 28, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#104

EXECUTIVE ORDER KBB 05-75

Emergency Filing Procedures for Uniform
Commercial Code and Notary Bonds
Extends Executive Order No. KBB 05-56

WHEREAS, Executive Order No. KBB 2005-56, issued on October 6, 2005, suspended the requirement that certain Uniform Commercial Code (hereafter "UCC"), filings be filed in the same parish as the original financing statement and that such notary, with temporary residence outside of their original parish, not be required to file additional bonds nor be assessed penalties for late annual report filings;

WHEREAS, the Secretary of State has requested this Order be extended for an additional thirty (30) days;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 1 of Executive Order No. KBB 2005-56, issued on October 6, 2005, is amended as follows:

Until Thursday, November 24, 2005, or the appropriate Clerk of Court's office becomes operational, all future UCC filings and subsequent UCC filings required to be filed in the parishes of Jefferson, Plaquemines, St. Bernard, St. Tammany, and Washington and in the Recorder of Mortgages in Orleans Parish, may be filed in any operational Clerk of Court office within the state of Louisiana.

SECTION 2: Section 3 of Executive Order No. KBB 2005-56, issued on October 6, 2005, is amended as follows:

Enforcement of annual report late penalties as provided in R.S. 35:202(B) shall be suspended against any resident of the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammy, and Washington during the time period of Friday, August 26, 2005, and Thursday, November 24, 2005.

SECTION 3: Section 4 of Executive Order No. KBB 2005-56, issued on October 6, 2005, is amended as follows:

Also until Thursday, November 24, 2005, or the appropriate Clerk of Court's office becomes operational, all future UCC filings and subsequent UCC filings required to be filed in the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vermilion may be filed in any operational Clerk of Court office within the state of Louisiana.

SECTION 4: Section 6 of Executive Order No. KBB 2005-56, issued on October 6, 2005, is amended as follows:

Enforcement of annual report late penalties as provided in R.S. 35:202(B) shall be suspended against any resident of the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vermilion during the time period of Tuesday, September 20, 2005, and Thursday, November 24, 2005.

SECTION 5: Section 9 of Executive Order No. KBB 2005-56, issued on October 6, 2005, is amended as follows:

This Order is effective upon signature and shall continue in effect until Thursday, November 24, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

SECTION 6: All other sections, subsections, and paragraphs of Executive Order No. KBB 2005-56, issued on October 6, 2005 shall remain in full force and effect.

SECTION 7: This Order is effective upon signature and shall continue in effect until Thursday, November 24, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#105

EXECUTIVE ORDER KBB 05-76

Emergency Suspension of Certain
Unemployment Insurance Laws
Extension of Executive Order No. KBB 05-34

WHEREAS, Executive Order No. KBB 2005-34, issued on September 12, 2005, suspended La. R.S. 23:1553, 23:1541, 23:1600(2) and (3), and 23:1601(1), (2), and (7), regarding the processing of unemployment insurance claims, in order for the Louisiana Department of Labor to timely and fairly adjudicate a dramatically increased volume of claims following Hurricane Katrina;

WHEREAS, Executive Order No. KBB 2005-34 was effective until September 25, 2005;

WHEREAS, On September 23, 2005, Executive Order No. KBB 2005-34 was amended by Executive Order No. KBB 2005-46, to extend the suspension until October 23, 2005, and limit its application to the claims originating in the parishes included in the federally declared disaster area as a result of Hurricane Katrina; and

WHEREAS, the secretary of Department of Labor has indicated that, with certain modifications, it is necessary that the suspension continue for another four weeks and that there be additional parishes to which it is applicable as a result of Hurricane Rita;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 1 of Executive Order No. KBB 2005-34, issued on September 12, 2005, and amended by

Executive Order No. KBB 2005-46, issued on September 23, 2005, be amended as follows:

A. The following statutes relative to unemployment insurance are hereby suspended during the state of emergency until Sunday, November 20, 2005, unless extended by subsequent executive order:

1. R.S. 23:1541, but only to the extent that it requires the administrator to render quarterly statements to each employer of benefits paid each individual and charged to his experience rating record. The benefits paid to persons whose unemployment resulted from Hurricanes Katrina and Rita will not be charged against the employer's account. To send out notices as traditionally done is likely to cause confusion since such notices include benefit charges by all former employees, including those whose benefit will be charged against the social charge account.

2. R.S. 23:1533, but only to the extent that it requires that benefits accruing and paid shall be charged against the experience rating records of base period employers. Benefit charges of such experience-rated employers shall be against the social charge tax rate and not against a specific employer.

3. R.S. 23:1601(1) and (2), which provide certain disqualifications for otherwise eligible claimants. Such disqualifications include reasons for separation from employment, including a substantial change in employment by the employer or intentional misconduct connected with employment by the claimant. Separations that are the direct result of the damage and destruction from Hurricanes Katrina and Rita and their aftermaths are not the fault of either the employer or the claimant. Administration of these separation issues with regard to such claims places an unnecessary burden on the state's unemployment system. Otherwise eligible claimants shall not be disqualified based on R.S. 23:1601(1) or (2).

B. The following statutes relative to unemployment insurance are hereby suspended during the state of emergency until Sunday, October, 23, 2005:

1. R.S. 23:1600(2), which requires that claimants be able to work, available for work, and conducting an active search for work. In the aftermath of Hurricanes Katrina and Rita, work search requirements were not practical for most claimants due to challenges with housing, communication, and other displacement issues.

2. R.S. 23:1601(7) which provides for an offset in unemployment insurance benefits for receipt of certain other benefits such as vacation pay, severance pay, etc. Proof of such payments and the personnel and payroll records of many employers were not timely available or no longer in existence due to the devastation caused by Hurricanes Katrina and Rita. Because of the unprecedented volume of claims, search and investigation of such payments would have imposed an unmanageable burden on the administration of the claims and an undue delay in payment.

C. Beginning on Sunday, October 23, 2005, R.S. 23:1601(7)(a), (b), (d) and (f) shall continue to be suspended during the state of emergency until Sunday, November 20, 2005, unless extended by subsequent executive order. However, pursuant to R.S. 23:1601(7)(c) and (e), payments under a retirement or pension plan, system or policy shall reduced the unemployment benefits otherwise payable by the amount the base period employer contributed on behalf of the claimant.

D. The suspension of laws provided in Subsections A, B, and C of this Section shall only apply with regard to claims of claimants whose unemployment was the direct result of Hurricanes Katrina and/or Rita, and:

1. Who, on August 29, 2005, resided or was employed in any of the following parishes: Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Pointe Coupee, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge and West Feliciana; or,

2. Who, on September 23, 2005, resided or was employed in any of the following parishes: Acadia, Allen, Ascension, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Plaquemines, Sabine, St. Landry, St. Martin, St. Mary, St. Tammany, Terrebonne, Vermilion, Vernon, or West Baton Rouge.

SECTION 2: This Order is effective upon signature and shall continue in effect until Sunday, November 20, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#106

EXECUTIVE ORDER KBB 05-77

Delay of the October 15, 2005 and November 12, 2005 Elections in the Parishes of Allen, Beauregard, Calcasieu, Jefferson Davis and Vermilion

WHEREAS, "in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to qualify or exercise their right to vote, to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process," the Louisiana Legislature enacted R.S. 18:401.1 to provide "a procedure for the emergency suspension or delay and rescheduling of absentee voting in person and elections"; and

WHEREAS, on September 28, 2005, pursuant to the provisions of R.S. 18:401.1(B), the secretary of state certified to the governor that as a result of Hurricane Rita a state of emergency exists in the parishes of Allen, Beauregard, Calcasieu, Jefferson Davis and Vermilion and recommends that the primary election scheduled to be held

on Saturday, October 15, 2005, be postponed and delayed in those parishes;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Under the authority of R.S. 18:401.1(B) and based on the September 28, 2005, certification of the secretary of state that a state of emergency exists in the parishes of Allen, Beauregard, Calcasieu, Jefferson Davis and Vermilion and the recommendation that the primary election in these parishes be postponed and delayed; the primary and proposition elections scheduled to be held on Saturday, October 15, 2005, in the parishes of Allen, Beauregard, Calcasieu, Jefferson Davis and Vermilion shall be held on Saturday, November 12, 2005; and the general election in the parishes of Allen, Calcasieu, and Jefferson Davis scheduled to be held on Saturday, November 12, 2005, be postponed and delayed until Saturday, December 10, 2005.

SECTION 2: Executive Order No. KBB 2005-54, issued on September 29, 2005, is hereby rescinded and terminated.

SECTION 3: This Order is effective upon signature.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 27th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#107

EXECUTIVE ORDER KBB 05-78

Emergency Occupation of Hotel and Motel Rooms
Rescinds Executive Order No. KBB 05-24

WHEREAS, Hurricanes Katrina and Rita struck the state of Louisiana causing severe and extreme damage and flooding in the southern part of the state rendering thousands of our citizens temporarily without housing;

WHEREAS, under the provisions of Louisiana Homeland Security and Emergency Assistance and Disaster Act, and R.S. 29:724(A) in particular, the governor is responsible for meeting the dangers to the state and people presented by emergencies or disasters and may issue executive orders, proclamations, and regulations which shall have the effect of law;

WHEREAS, initially, due to the disaster caused by Hurricane Katrina, emergency situations required the continued use of hotel and motel rooms by evacuees thereby allowing such evacuees time to make other plans for short-term and long-term housing;

WHEREAS, Executive Order No. KBB 2005-24 was issued on September 1, 2005, to allow Hurricane Katrina evacuees to stay in hotel and motel rooms beyond their scheduled departure date, provided the rates were paid or guaranteed;

WHEREAS, Executive Order No. KBB 2005-51 was issued on September 27, 2005, amending the prior Order to allow for the evacuees from Hurricane Rita to likewise be allowed to occupy hotel and motel rooms beyond their scheduled departure date, provided the rates were paid or guaranteed;

WHEREAS, during the last two months, Hurricane Katrina evacuees have been allowed to return home, assess damages, and explore alternative living arrangements where necessary; and

WHEREAS, as the state transitions from emergency to recovery and redevelopment, it is necessary that hotel and motel rooms be made available for relief workers and recovery personnel, and customary business activity be allowed and encouraged.

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Executive Order No. KBB 2005-24, issued on September 1, 2005, as amended by Executive Order No. KBB 2005-51, issued on September 27, 2005, is hereby rescinded and terminated. Hotels and motels are encouraged, but not mandated, to continue to assist Hurricanes Katrina and Rita evacuees during this transition to normal business activity.

SECTION 2: This Order shall become effective Tuesday, November 1, 2005.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 28th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#108

EXECUTIVE ORDER KBB 05-79

Emergency Suspensions to Assist in Meeting
Educational Needs of Louisiana Students
Regarding Type 3 Charter Schools

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 man-made causes, 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 citizens of the state of Louisiana;

WHEREAS, Hurricane Katrina and Hurricane Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has

threatened the safety, health, and security of the citizens of the state of Louisiana, along with the private property and public facilities;

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 No. 48 KBB 2005, amended by Proclamation Nos. 54 KBB 2005 and 61 KBB 2005, and Proclamation No. 53 KBB 2005, amended by Proclamation No. 60 KBB 2005;

WHEREAS, as a direct consequence of the disaster and evacuation, many Louisiana schools were damaged or destroyed and are currently inoperable. Thousands of public school students are unable to attend the schools in the school district in which they resided prior to the hurricanes and such students have temporarily enrolled in other schools districts throughout the state. However, many of these students will return to the school district in which they resided prior to the hurricanes in need of an operational school to attend;

WHEREAS, La. Constitution Art. VIII, §1 states that the Louisiana Legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system. In addition to local public school boards, charter schools, created pursuant to La. R.S. 17:3971, et seq., may fulfill this obligation;

WHEREAS, Charter schools are required to comply with various statutory and regulatory provisions governing the operation of their schools. Local school boards also incur responsibilities under certain regulatory statutes governing charter schools and the chartering process;

WHEREAS, R.S. 29:724(D)(1) authorizes the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, the state superintendent of the Department of Education supports the suspension of certain Type 3 charter school provisions to facilitate the use of charter schools to assist in meeting the educational needs of Louisiana students;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: R.S. 17:3973(2)(b)(iii) is hereby suspended to the extent that it provides that prior to the creation of a Type 3 charter to convert a pre-existing school, it shall be approved by the professional faculty and staff of the pre-existing school and approved by the parents or guardian of children enrolled in the school as provided in R.S. 17:3983(C).

SECTION 2: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 28th day of October, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#109

EXECUTIVE ORDER KBB 05-80

Emergency Procedures for Conducting State Business for the Ernest N. Morial Convention Center

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 No. 48 KBB 2005, as amended by Proclamation Nos. 54 KBB 2005 and 61 KBB 2005;

WHEREAS, Hurricane Katrina has caused unprecedented and extensive damage in the state of Louisiana and this tragic event has significant consequences on the financial conditions of the state;

WHEREAS, the Ernest N. Morial Convention Center is an integral part of the economic vitality and recovery of the state, fostering tourism, generating revenue for the hotel and restaurant industry, and garnering recognition nationally and globally as a premier destination for conventions and shows;

WHEREAS, any delay in the restoration of the Ernest N. Morial Convention Center to a full service convention center may force continued cancellation of conventions and shows, severely decreasing tourism and ultimately affecting the overall economic recovery of the state;

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 man-made causes, 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 citizens of the state of Louisiana; and

WHEREAS, the Ernest N. Morial Convention Center requested that time-lines be abbreviated to expedite procurement of certain items to make this facility ready to host all Mardi Gras functions and other major commercial tourism events which will bring in very significant tax revenues and signal the opening of New Orleans;

NOW THEREFORE, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: That such statutes which might prevent the Ernest N. Morial Convention Center (hereafter "Center"), as a political subdivision of the state of Louisiana, from being authorized and empowered to contract for necessary goods and services regarding the specifications, purchase and/or installation of furniture, equipment, glass, terrazzo tile and construction repairs, and any other related services, materials and repairs thereto to address the damage to the Center as a result from Hurricane Katrina and its aftermath, specifically R.S. 38:2181, et seq., and R.S. 39:1551, et seq., are hereby suspended. The Center shall maintain documentation which shall include the vendors' names and addresses, goods or services purchased, prices paid, invoices and other emergency related reasons for those purchases. Strict compliance with R.S. 38:2181, et seq., and R.S. 39:1551, et seq., shall not be required.

SECTION 2: Notwithstanding any provisions of this Order, when procurements are made which would otherwise be subject to the provisions of R.S. 38:2181, et seq., or R.S. 39:1551, et seq., procedures and requirements set forth in R.S. 38:2212(D)(2) shall be complied with. Additionally, the Ernest N. Morial Convention Center shall at a minimum:

A. Establish a centralized point of contact for the convention center that monitors all transactions conducted without strict statutory compliance and maintains copies of all documentation;

B. Solicit competitive quotes and/or offers from at least three potential offerers, whenever possible, and take the necessary steps to assess that fair and equitable pricing is being offered; and

C. Only issue payments to contractors after verification that all goods, services, and repairs meet contract requirements.

SECTION 3: The inspector general is directed and authorized to monitor those transactions conducted outside the scope of regulatory statutes, orders, rules and regulations to insure that those transactions are directly related to the emergency situation and are prudently handled and if any inappropriate transactions are noted, those situations shall be reported directly to the governor.

SECTION 4: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to that date.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#110

EXECUTIVE ORDER KBB 05-81

Declaration of Public Health Emergency for
Control and Disposition of Human Remains

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 No. 48 KBB 2005, amended by Proclamation Nos. 54 KBB 2005 and 61 KBB 2005, and Proclamation No. 53 KBB 2005, amended by Proclamation No. 60 KBB 2005;

WHEREAS, Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state which threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

WHEREAS, as a consequence of the hurricanes and their aftermath, hundreds of people perished and many citizens suffered injuries and/or illnesses;

WHEREAS, in addition, hundreds of human remains have been disinterred by the flood and storm surges;

WHEREAS, R.S. 29:766(A) authorizes the governor to declare a state of public health emergency following consultation with the public health authority, and R.S. 29:769(D) authorizes the Office of Public Health in such times to exercise control over the disposition of human remains; and

WHEREAS, the secretary of the Department of Health and Hospitals and the state health officer have requested there be an appointment of an Office of Public Health, State Medical Examiner to exercise control over the disposition of human remains of people who died in or as a result of Hurricanes Katrina and Rita, and exercise control over identification and re-casketing of disinterred remains;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Pursuant to Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:724, et seq., and more specifically R.S. 29:769(D), a state of public health emergency is hereby declared for the purpose of the control and disposition of human remains.

SECTION 2: The secretary of the Department of Health and Hospitals is hereby authorized to appoint an Office of Public Health, State Medical Examiner, to exercise control over the disposal of human remains of individuals who died in or as a result of Hurricanes Katrina and Rita.

SECTION 3: Such appointee is authorized and empowered to set up, operate, and control a regional morgue and autopsy facility (DMORT) in St. Gabriel, Louisiana, to receive, identify, and process human remains of those who died in or as a result of Hurricane Katrina, collected from the parishes affected by Hurricane Katrina, and throughout the state, for coroners who are unable or unwilling to handle the remains themselves, including but not limited to the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, and Washington. Such appointee shall coordinate and receive the cooperation of the coroners of the above parishes in the recovery, retrieval, identification, interment or cremation of hurricane related remains.

SECTION 4: Such appointee is authorized and empowered to order and obtain medical records, including hospital, nursing home, physicians, dental and other useful medical records of possible hurricane decedents to aid in their identification and in order to establish their cause of death.

SECTION 5: Such appointee is hereby authorized to sign death certificates, burial permits, and cremation permits for human remains whose death is related to Hurricane

Katrina and Rita when the jurisdictional coroner is unidentified, unavailable, unable or unwilling to sign.

SECTION 6: Such appointee is further authorized to assist and coordinate the parishes of Orleans, Plaquemines, St. Bernard, St. Tammany, and Washington for Hurricane Katrina and the parishes of Calcasieu, Cameron, Iberia, St. Mary, Terrebonne, Vermilion for Hurricane Rita and any other parish who asks for assistance with identification and re-casketing disinterred human remains as a result of the flooding and storm surges from either hurricane.

SECTION 7: Executive Order No. KBB 2005-39, issued on September 19, 2005, is hereby terminated and rescinded.

SECTION 8: This Order is effective upon signature and shall be applicable from Monday, September 12, 2005, through Saturday, December 31, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 4th day of November, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#111

EXECUTIVE ORDER KBB 05-82

Executive Branch—Expenditure Reduction

WHEREAS, pursuant to R.S. 39:75(A)(1), the Division of Administration is directed to submit a monthly budget status report to the Joint Legislative Committee on the Budget (hereafter "Committee"), indicating the balance of the budget for the state general fund and dedicated funds by comparing the official forecast for these funds to the total authorized appropriations for each fund; once approved by the Committee, the most recent budget status report becomes the official budget status of the state;

WHEREAS, if the most recently approved budget status report indicates that the total appropriation from any fund will exceed the official forecast for that fund, R.S. 39:75(B) mandates the Committee shall immediately notify the governor that a projected deficit exists for that fund;

WHEREAS, by letter dated October 31, 2005, the Committee notified the governor that it approved a budget status report at its October 31, 2005, meeting, indicating a projected deficit of nine hundred fifty-nine million sixty-two thousand dollars ($959,062,000) exists in the state general fund for fiscal year 2005-2006, based on the revised revenue forecast adopted by the Revenue Estimating Conference on October 28, 2005;

WHEREAS, once notified that a projected deficit exists, pursuant to Article VII Section 10(F), R.S. 39:75(C) and/or Section 10.A of Act No. 16 of the 2005 Regular Session of the Louisiana Legislature, the governor has interim budget balancing powers to adjust the budget, including the authority to reduce appropriations for the executive branch of government for any program that is appropriated from a fund that is in deficit posture, not exceeding ten percent (10%) in the aggregate of the total appropriations for each budget unit for the fiscal year, and if the governor does not make necessary adjustments in the appropriations within thirty (30) days of the determination of the projected deficit in a fund to eliminate the projected deficit, R.S. 39:75(D) mandates the governor shall call a special session of the Louisiana Legislature for that purpose;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The following departments, agencies, and/or budget units (hereafter "Unit" and/or "Units") of the executive branch of the state of Louisiana, as described in and/or funded by appropriations through Act No. 16 of the 2005 Regular Session of the Louisiana Legislature (hereafter "Act No. 16") as well as constitutional requirements, shall reduce expenditure of funds appropriated to the Unit by Act No. 16 and/or constitutional requirements, including mid-year adjustments, in the amounts shown below:

STATE GENERAL FUND

Schedule 01 - Executive Department		
01_100	Executive Office	($1,990,658)
01_101	Office of Indian Affairs	($2,705)
01_103	Mental Health Advocacy Service	($16,537)
01_107	Division of Administration	($7,543,608)
01_113	Workforce Commission Office	($43,077)
01_114	Office of Women's Policy	($175,643)
01_126	Board of Tax Appeals	($13,366)
01_129	Louisiana Commission on Law Enforcement	($143,917)
01_133	Office of Elderly Affairs	($1,090,455)
Schedule 03 - Department of Veterans Affairs		
03_130	Department of Veterans Affairs	($39,947)
03_131	Louisiana War Veterans Home	($70,644)
03_132	Northeast Louisiana War Veterans Home	($48,864)
03_134	Southwest Louisiana War Veterans Home	($52,973)

Schedule 04 - Elected Officials

04_139	Secretary of State	($1,119,192)
04_141	Office of the Attorney General	($663,308)
04_146	Lieutenant Governor	($88,807)
04_147	State Treasurer	($53,700)
04_160	Agriculture and Forestry	($1,583,678)

Schedule 05 - Department of Economic Development

05_251	Office of the Secretary	($172,696)
05_252	Office of Business Development	($2,561,768)

Schedule 06 - Department of Culture, Recreation and Tourism

06_261	Office of the Secretary	($187,444)
06_262	Office of the State Library of Louisiana	($347,141)
06_263	Office of State Museum	($253,438)
06_264	Office of State Parks	($1,181,486)
06_265	Office of Cultural Development	($417,679)
06_267	Office of Tourism	($30,250)

Schedule 07 - Department of Transportation and Development

07_273	Administration	($221,250)
07_275	Public Works and Intermodal Transportation	($25,000)
07_276	Engineering and Operations	($17,000)

Schedule 08 - Department of Public Safety and Corrections

Corrections Services

08_400	Corrections - Administration	($715,431)
08_401	C. Paul Phelps Correctional Center	($517,903)
08_402	Louisiana State Penitentiary	($2,556,283)
08_403	Office of Youth Development	($5,154,733)
08_405	Avoyelles Correctional Center	($722,307)
08_406	Louisiana Correctional Institute for Women	($1,996,702)
08_407	Winn Correctional Center	($485,880)
08_408	Allen Correctional Center	($487,118)
08_409	Dixon Correctional Institute	($1,053,778)

Public Safety Services

08_412	J. Levy Dabadie Correctional Center	($11,120)
08_413	Elayn Hunt Correctional Center	($709,805)
08_414	David Wade Correctional Center	($1,603,166)
08_415	Adult Probation and Parole	($1,750,680)
08_416	Washington Correctional Institute	($467,122)
08_419	Office of State Police	($321,693)
08_420	Office of Motor Vehicles	($5,000)
08_450	Adult Community-Based Rehabilitation Programs	($160,261)

Schedule 09 - Department of Health and Hospitals

09_300	Jefferson Parish Human Services Authority	($789,617)
09_301	Florida Parishes Human Services Authority	($434,367)
09_302	Capital Area Human Services District	($704,567)
09_303	Developmental Disabilities Council	($35,325)
09_304	Metropolitan Human Services District	($846,466)
09_305	Medical Vendor Administration	($3,373,315)
09_306	Medical Vendor Payments	($182,528,955)
09_307	Office of the Secretary	($1,723,575)
09_326	Office of Public Health	($1,804,358)
09_330	Office of Mental Health (State Office)	($401,972)
09_331	Mental Health Area C	($1,156,442)
09_332	Mental Health Area B	($2,660,846)
09_333	Mental Health Area A	($1,231,756)
09_340	Office for Citizens w/Developmental Disabilities	($997,707)
09_351	Office for Addictive Disorders	($916,896)

Schedule 10 - Department of Social Services

10_355	Office of Family Support	($7,764,012)
10_357	DSS - Office of the Secretary	($107,168)
10_370	Office of Community Services	($4,808,859)
10_374	Rehabilitation Services	($1,296,923)

Schedule 11 - Department of Natural Resources

11_431	Office of the Secretary	($224,055)
11_432	Office of Conservation	($286,360)

Schedule 12 - Department of Revenue

12_441	Louisiana Tax Commission	($152,193)

Schedule 13 - Department of Economic Development

13_850	Office of the Secretary	($354,976)

Schedule 14 - Department of Labor

14_474	Office of Workforce Development	($18,750)

Schedule 16 - Department of Wildlife and Fisheries

16_514	Office of Fisheries	($7,500)

Schedule 17 - Department of Civil Service		
17_562	Ethics Administration	($80,521)
17_563	State Police Commission	($24,313)
Schedule 19 - Higher Education ($66,599,062)		
Schedule 19 - Special Schools and Commissions		
19B_651	Louisiana School for the Visually Impaired	($341,788)
19B_653	Louisiana School for the Deaf	($884,071)
19B_655	Louisiana Special Education Center	($55,505)
19B_657	Louisiana School for Math, Science and the Arts	($328,715)
19B_661	Office of Student Financial Assistance	($853,934)
19B_662	Louisiana Educational TV Authority	($419,298)
19B_663	Council for Development of French in Louisiana	($8,525)
19B_666	Board of Elementary & Secondary Education	($65,752)
19B_672	Louisiana Systemic Initiatives Program	($45,412)
19B_673	New Orleans Center for the Creative Arts	($250,631)
Schedule 19 - Department of Education		
19D_678	Department of Education State Activities	($3,698,638)
19D_681	Subgrantee Assistance	($8,519,646)
19D_695	Minimum Foundation Program	($26,723,694)
19D_697	Non-Public Educational Assistance	($1,363,320)
19D_699	Special School Districts	($954,987)
Schedule 19 - Louisiana State University Health Service Center - Health Care Services Division ($3,908,319)		
Schedule 20 - Other Requirements		
20_923	Corrections Debt Service	($100,000)
20_933	Governor's Conferences and Interstate Compacts	($23,499)
20_945	State Aid to Local Government Entities	($881,526)
20_950	Special Acts/Judgements	($1,543,358)
20_XXX	Funds	($832,426)
	Total State General Fund	**($372,009,114)**

STATUTORY DEDICATIONS

Schedule 01 - Executive Department			
01_100	Executive Office	Rural Development Fund	($832,426)
01_101	Office of Indian Affairs	Avoyelles Parish Local Government Gaming	($155,000)
01_114	Office of Womens Policy	Battered Women Shelter Fund	($4,638)
01_129	Louisiana Commission on Law Enforcement	Tobacco Tax Health Care Fund	($175,056)
01_129	Louisiana Commission on Law Enforcement	Drug Abuse Education & Treatment Fund	($40,705)
01_254	Louisiana State Racing Commission	Video Poker Purse Supplemental Fund	($141,500)
Schedule 04 - Elected Officials			
04_139	Secretary of State	Shreveport Riverside Convention Center Independent	($2,004)
04_141	Office of the Attorney General	Video Draw Poker Device Fund	($75,970)
04_141	Office of the Attorney General	Riverboat Gaming Enforcement	($44,044)
04_141	Office of the Attorney General	Pari-mutuel Live Racing Fac. Gaming Control Fund	($37,985)
04_141	Office of the Attorney General	Medical Assistance Program Fraud Detection	($26,251)
04_141	Office of the Attorney General	Insurance Fraud Investigation Fund	($23,423)
04_141	Office of the Attorney General	Department of Justice Legal Support Fund	($18,200)
04_141	Office of the Attorney General	Louisiana Fund (Constitutional	($17,500)
04_147	State Treasurer	Incentive Fund	($200,000)
04_147	State Treasurer	Medicaid Trust Fund for the Elderly	($43,077)
04_147	State Treasurer	Louisiana Quality Education Support Fund (Constitutional)	($35,285)
04_147	State Treasurer	Health Excellence Fund (Constitutional)	($12,852)
04_147	State Treasurer	Education Excellence Fund (Constitutional)	($12,852)
04_147	State Treasurer	TOPS Fund (Constitutional)	($12,852)
04_158	Public Service Commission	Utility & Carrier Inspection/Supervision Fund	($322,712)
04_158	Public Service Commission	Motor Carrier Regulation Fund	($93,353)
04_158	Public Service Commission	Economic/Rate & Hearing Exam Supplemental	($27,608)
04_158	Public Service Commission	Telephonic Solicitation Relief Fund	($13,817)
04_160	Agriculture and Forestry	Boll Weevil Eradication Fund	($567,648)
04_160	Agriculture and Forestry	Petroleum & Petroleum Products Fund	($240,000)
04_160	Agriculture and Forestry	Pesticide Fund	($192,841)
04_160	Agriculture and Forestry	Forestry Productivity Fund	($164,692)
04_160	Agriculture and Forestry	Weights and Measures Fund	($79,342)
04_160	Agriculture and Forestry	Agricultural Commodity Dealers & Warehouse Fund	($56,774)
04_160	Agriculture and Forestry	Structural Pest Control Communication Fund	($52,612)
04_160	Agriculture and Forestry	Forest Protection Fund	($41,500)
04_160	Agriculture and Forestry	Horticulture Commission Fund	($39,700)
04_160	Agriculture and Forestry	Commercial Feed Fund	($21,028)
04_160	Agriculture and Forestry	Fertilizer Fund	($20,350)
04_160	Agriculture and Forestry	Agricultural Commodity Self Insurance	($17,500)
04_160	Agriculture and Forestry	Sweet Potato Pests & Diseases Fund	($15,455)
04_160	Agriculture and Forestry	Seed Commission Fund	($11,382)
04_160	Agriculture and Forestry	Feed Commission Fund	($9,735)

04_160	Agriculture and Forestry	Crop Pests and Diseases Fun	($4,000)
04_160	Agriculture and Forestry	Livestock Brand Commission Fund	($524)
04_160	Agriculture and Forestry	Apiary Fund	($100)
04_165	Commissioner of Insurance	Administrative Fund-Department of Insurance	($33,436)
04_165	Commissioner of Insurance	Insurance Fraud Investigation Fund	($16,483)
04_165	Commissioner of Insurance	Auto Theft and Insurance Fraud Prev. Auth. Fund	($4,147)
Schedule 05 - Department of Economic Development			
05_251	Office of the Secretary	Louisiana Economic Development Fund	($23,357)
05_252	Office of Business	Development Louisiana Economic Development Fund	($802,656)
05_252	Office of Business	Development Marketing Fund	($311,625)
05_252	Office of Business	Development Small Business Surety Bonding Fund	($50,730)
Schedule 07 - Department of Transportation and Development			
07_275	Public Works and Intermodal Transportation	General Aviation Reliever Maintenance	($3,699)
07_276	Engineering and Operation	DOTD Right of Way Permit Proceeds	($54,910)
Schedule 08 - Department of Public Safety and Corrections			
Public Safety Services			
08_418	Office of Management and Finance	Video Draw Poker Device Fund	($93,656)
08_418	Office of Management and Finance	Riverboat Gaming Enforcement	($50,321)
08_419	Office of State Police	Riverboat Gaming Enforcement	($2,702,115)
08_419	Office of State Police	Criminal Identification & Information	($704,478)
08_419	Office of State Police	Louisiana State Police Salary Fund	($469,998)
08_419	Office of State Police	Tobacco Tax Health Care Fund	($350,113)
08_419	Office of State Police	Video Draw Poker Device Fund	($304,994)
08_419	Office of State Police	Insurance Fraud Investigation Fund	($112,472)
08_419	Office of State Police	Pari-mutuel Live Racing Fac. Gaming Control Fund	($64,312)
08_419	Office of State Police	P.S. DWI Test Maintenance & Training	($36,536)
08_419	Office of State Police	Concealed Handgun Permit Fund	($19,010)
08_419	Office of State Police	Louisiana Towing and Storage Fund	($14,888)
08_419	Office of State Police	Explosives Trust Fund	($10,790)
08_419	Office of State Police	Right to Know Fund	($10,000)
08_419	Office of State Police	Sex Offender Registry Technology Fund	($10,000)
08_419	Office of State Police	Hazardous Materials Emergency Response	($5,756)
08_420	Office of Motor Vehicles	OMV Customer Service Technology	($659,420)
08_422	Office of State Fire Marshal	Louisiana Fire Marshal Fund	($422,922)
08_422	Office of State Fire Marshal	2 Percent Fire Insurance Fund	($16,000)
08_422	Office of State Fire Marshal	Alarm Regulatory Trust Fund	($12,523)
08_422	Office of State Fire Marshal	Fire Protection Trust Fund	($10,000)
08_422	Office of State Fire Marshal	Fire Sprinkler Trust Fund	($2,750)
08_423	Louisiana Gaming Control Board	Riverboat Gaming Enforcement	($56,978)
08_423	Louisiana Gaming Control Board	Pari-mutuel Live Racing Fac. Gaming Control Fund	($5,688)
08_424	Liquefied Petroleum Gas Commission	LPG Rainy Day Fund	($34,341)
Youth Services			
08_403	Office of Youth Development	Youthful Offender Management Fund	($150,000)
Schedule 09 - Department of Health and Hospitals			
09_305	Medical Vendor Administration	Health Trust Fund	($24,512)
09_306	Medical Vendor Payments	LA Medical Assistance Trust Fund - FY05 Excess	$14,945,932)
09_306	Medical Vendor Payments	LA Medical Assistance Trust Fund - Provider Fees	($5,699,457)
09_306	Medical Vendor Payments	Health Trust Fund	($710,258)
09_306	Medical Vendor Payments	Health Excellence Fund (Constitutional)	($623,459)
09_306	Medical Vendor Payments	Medical Assistance Program Fraud Detection	($339,611)
09_306	Medical Vendor Payments	Louisiana Fund (Constitutional)	($218,217)
09_326	Office of Public Health	Louisiana Fund (Constitutional)	($390,039)
09_326	Office of Public Health	Oyster Sanitation Fund	($5,050)
09_326	Office of Public Health	Vital Records Conversion Fund	($3,446)
09_326	Office of Public Health	Emergency Medical Technician Fund	($1,029)
09_351	Office for Addictive Disorders	Tobacco Tax Health Care Fund	($195,322)
09_351	Office for Addictive Disorders	Compulsive & Problem Gaming Fund	($142,950)
09_351	Office for Addictive Disorders	Addictive Disorders Prof Licensing and Cert Fund	($4,350)
Schedule 10 - Department of Social Services			
10_355	Office of Family Support	Fraud Detection Fund	($29,666)
10_370	Office of Community Services	Children's Trust Fund Comm. Service	($47,957)
10_374	Rehabilitation Services	Traumatic Head & Spinal Injury	($137,841)
10_374	Rehabilitation Services	Blind & Rehab Tele Deaf Fund	($101,972)
10_374	Rehabilitation Services	Blind Vendors Trust Fund	($57,658)
Schedule 11 - Department of Natural Resources			
11_431	Office of the Secretary	Oilfield Site Restoration Fund (Constitutional)	($423,566)
11_431	Office of the Secretary	Fisherman's Gear Compensation Fund	($128,987)
11_432	Office of Conservation	Oil and Gas Regulatory Fund	($476,947)
11_432	Office of Conservation	Underwater Obstruction Removal	($19,189)
11_434	Office of Mineral Resources	Mineral Resource Operation Fund	($550,268)
11_435	Office of Coastal Restoration and Management	Coastal Resources Trust Fund	($42,448)
11_435	Office of Coastal Restoration and Management	Oil Spill Contingency Fund (Constitutional)	($3,025)

Schedule 13 - Department of Economic Development			
13_850	Office of the Secretary	Environmental Trust Fund	($12,378)
13_851	Office of Environmental Compliance	Environmental Trust Fund	($196,100)
13_852	Office of Environmental Services	Environmental Trust Fund	($406,321)
13_852	Office of Environmental Services	Lead Hazard Reduction Fund	($6,000)
13_852	Office of Environmental Services	Keep Louisiana Beautiful Fund	($75)
13_853	Office of Environmental Assessment	Environmental Trust Fund	($673,589)
13_853	Office of Environmental Assessment	Hazardous Waste Site Cleanup Fund	($294,905)
13_855	Office of Management and Finance	Waste Tire Management Fund	($489,315)
13_855	Office of Management and Finance	Environmental Trust Fund	($2,135,377)
Schedule 14 - Department of Labor			
14_474	Office of Workforce Development	Labor-Workforce Development Training Account	($2,084,241)
14_474	Office of Workforce Development	Employment Security Administration Account	($252,524)
14_474	Office of Workforce Development	Labor - Penalty and Interest Account	($216,474)
14_475	Office of Workers' Compensation	Office of Workers' Compensation Administration	($719,949)
Schedule 16 - Department of Wildlife and Fisheries			
16_511	Wildlife and Fisheries Management and Finance	Conservation Fund (Constitutional)	($451,014)
16_511	Wildlife and Fisheries Management and Finance	Seafood Promotion and Marketing Fund	($1,286)
16_511	Wildlife and Fisheries Management and Finance	LA Duck License Stamp and Print Fund	($550)
16_512	Office of the Secretary	Conservation Fund (Constitutional)	($1,017,845)
16_512	Office of the Secretary	Seafood Promotion and Marketing Fund	($15,109)
16_512	Office of the Secretary	Oyster Development Fund	($8,750)
16_512	Office of the Secretary	Shrimp Marketing & Promotion Account	($8,750)
16_512	Office of the Secretary	Oyster Sanitation Fund	($2,525)
16_513	Office of Wildlife	Conservation Fund (Constitutional)	($468,420)
16_513	Office of Wildlife	Louisiana Alligator Resource Fund	($79,847)
16_513	Office of Wildlife	LA Duck License Stamp and Print Fund	($21,275)
16_513	Office of Wildlife	Wildlife Habitat & Natural Heritage	($10,044)
16_513	Office of Wildlife	Fur & Alligator Education-Marketing	($5,000)
16_513	Office of Wildlife	Louisiana Wild Turkey Stamp Fund	($3,743)
16_513	Office of Wildlife	Conservation of the Black Bear Account (Constitutional)	($2,180)
16_513	Office of Wildlife	Natural Heritage Account	($1,800)
16_513	Office of Wildlife	Scenic Rivers Fund	($675)
16_513	Office of Wildlife	Reptile & Amphibian Research	($380)
16_514	Office of Fisheries	Conservation Fund (Constitutional)	($503,449)
16_514	Office of Fisheries	Aquatic Plant Control Fund	($44,000)
16_514	Office of Fisheries	Public Oyster Seed Ground Development Account	($6,000)
16_514	Office of Fisheries	Oil Spill Contingency Fund (Constitutional)	($2,700)
16_514	Office of Fisheries	Oyster Sanitation Fund	($2,525)
Schedule 19 - Higher Education			
19A_600	LSU System	Tobacco Tax Health Care Fund	($1,350,450)
19A_600	LSU System	Fireman Training Fund	($133,585)
19A_600	LSU System	Equine Health Studies Program Fund	($37,500)
19A_600	LSU System	2 Percent Fire Insurance Fund	($7,000)
19A_615	Southern University System	Southern University Agricultural Program Fund	($75,000)
19A_615	Southern University System	Tobacco Tax Health Care Fund	($50,000)
19A_615	Southern University System	Pari-mutuel Live Racing Fac. Gaming Control Fund	($2,500)
19A_620	University of Louisiana System	Calcasieu Parish Fund	($20,985)
19A_649	LA Community & Technical Colleges	System Higher Education Initiatives Fund	($10,000)
19A_649	LA Community & Technical Colleges	System Calcasieu Parish Fund	($6,994)
19A_671	Board of Regents	Louisiana Quality Education Support Fund	($1,927,451)
19A_671	Board of Regents	Higher Education Initiatives Fund	($982,109)
19A_671	Board of Regents	Health Excellence Fund	($115,856)
19A_671	Board of Regents	Louisiana Fund	($104,668)
Schedule 19 - Special Schools and Commissions			
19B_651	Louisiana School for the Visually Impaired	Education Excellence Fund (Constitutional)	($3,803)
19B_653	Louisiana School for the Deaf	Education Excellence Fund (Constitutional)	($3,989)
19B_655	Louisiana Special Education Center	Education Excellence Fund (Constitutional)	($3,822)
19B_657	Louisiana School for Math, Science and the Arts	Education Excellence Fund (Constitutional)	($4,111)
19B_666	Board of Elementary & Secondary Education	Louisiana Quality Education Support Fund	($1,518,774)
19B_666	Board of Elementary & Secondary Education	Louisiana Charter School Startup Loan Fund	($35,753)
19B_673	New Orleans Center for the Creative Arts	Education Excellence Fund (Constitutional)	($4,190)
Schedule 19 - Department of Education			
19D_678	Department of Education State Activities	Motorcycle Safety & Training	($6,082)
19D_681	Subgrantee Assistance	Education Excellence Fund (Constitutional)	($663,877)
19D_681	Subgrantee Assistance	TEACH Fund	($46,872)
19D_697	Non-Public Educational Assistance	Education Excellence Fund (Constitutional)	($120,669)
Schedule 20 - Other Requirements			
20_901	Sales Tax	Dedications	($1,529,662)
20_924	Video Draw Poker - Local Government Aid	Video Draw Poker Device Fund	($2,150,000)
20_932	Two Percent Fire Insurance Fund	2 Percent Fire Insurance Fund	($727,000)
20_945	State Aid to Local Government Entities	Rehabilitation for the Blind and Visually Impair	($75,000)
20_945	State Aid to Local Government Entities	Bossier Parish Truancy Fund	($36,000)

20_945	State Aid to Local Government Entities	Calcasieu Parish Fund	($30,000)
20_945	State Aid to Local Government Entities	Evangeline Parish Rec. District Support Fund	($12,500)
20_945	State Aid to Local Government Entities	Beautification/Improvement New Orleans City Park	($10,000)
20_945	State Aid to Local Government Entities	Sports Facility Assistance	($5,000)
20_945	State Aid to Local Government Entities	Greater N.O. Expressway Commission	($1,800)
20_945	State Aid to Local Government Entities	Choose Life Fund	($1,000)
20_945	State Aid to Local Government Entities	Louisiana Operation Game Thief	($75)
Capital Outlay			
26_115	Facility Planning and Control	State Parks Improvement and Repair Fund	($275,000)
26_115	Facility Planning and Control	Wildlife Habitat & Natural Heritage	($75,000)
26_115	Facility Planning and Control	LA Duck License Stamp and Print Fund	($25,000)
		Total Statutory Dedications	**($59,192,744)**
		GRAND TOTAL	**($431,201,858)**

SECTION 2:

A. Except as provided for in Section 2(B) below, not later than November 10, 2005, the head of each Unit listed in Section 1 of this Order shall submit to the commissioner of administration (hereafter "commissioner") a mid-year budget reduction on the BA-7 form and questionnaire, which reflects the Unit's proposed allocation of the expenditure reduction ordered in Section 1 of this Order (hereafter "mid-year budget reduction"), and a description of the methodology used to formulate the mid-year budget reduction.

B. No later than November 18, 2005, the Board of Regents for Higher Education shall submit to the commissioner a mid-year budget reduction plan which reflects the proposed allocation of the mid-year budget reduction for Higher Education agencies and the description of the methodology used to formulate the mid-year budget reduction for each Higher Education agency or allocation.

C. No Unit shall implement the expenditure reduction mandated by Section 1 of this Order without the commissioner's prior written approval of the Unit's midyear budget reduction.

D. After the commissioner has given approval of a Unit's mid-year budget reduction, any change to the mid-year budget reduction requires prior written approval from the commissioner.

SECTION 3: Under the authority of Executive Order No. KBB 2005-38, which implemented an executive branch hiring and spending freeze effective September 19, 2005, expenditures for grant programs in the Office of Urban Affairs and the Office of Rural Development within the Office of the Governor, expenditures for certain special projects and line item appropriations, expenditures for positions subject to the hiring freeze and other expenditure categories are frozen for an expected savings of seventy million ($70,000,000) dollars.

SECTION 4: Expenditures from the Incentive Fund are hereby frozen for an expected savings of three million eight hundred thousand ($3,800,000) dollars.

SECTION 5: The commissioner is authorized to develop additional guidelines as necessary to facilitate the administration of this Order.

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

SECTION 7: This Order is effective upon signature and shall remain in effect through June 30, 2006, unless amended, modified, terminated, or rescinded prior to that date.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 5th day of November, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#112

EXECUTIVE ORDER KBB 05-83

E-Rate Oversight Committee

WHEREAS, Hurricane Katrina and its aftermath, and Hurricane Rita have caused unprecedented devastation and damage to the communities of south Louisiana, including its people, economy, infrastructure, natural resources and critical institutions;

WHEREAS, an unprecedented one hundred thirty-two ($132,000,000) million in federal E-Rate Hurricane Katrina Relief Funding will be committed to the rebuilding of school and library technology infrastructures in these areas and offsetting the cost entities have endured with the influx of displaced students;

WHEREAS, it is essential that the state of Louisiana coordinate such resources to fulfill its obligation to provide oversight as outlined in FCC 05-178 in Section 1, Paragraph 51;

WHEREAS, the importance and magnitude of such coordination and oversight undertaking dictate that a singe unit of government be charged with such a task;

WHEREAS, the unit must be guided by a distinguished board which shall ensure that E-Rate funding dedicated to the Hurricane Katrina Relief is coordinated to the highest standards of integrity and quality; and

WHEREAS, the unit must work across levels of governments, guided by the governor's vision and in support of local communities to develop and realize a comprehensive long-term vision for a rebuilt and renewed Louisiana;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of

the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Broadband Advisory Council (hereafter "Council) is hereby authorized to coordinate an E-Rate Oversight Committee (hereafter "Committee") within its Council to work under the guidance of the Universal Service Administrative Authority and the FCC.

SECTION 2: The duties of the Committee shall include, but are not limited to, the following:

A. Review and approve all applications filed by Louisiana schools and libraries that apply for the special Hurricane Katrina E-Rate Funding to ensure that the requests are cost effective, warranted, and necessary to rebuild the infrastructure to the same level of functionality as prior to August 28, 2005;

B. Review and approve all requests by Louisiana schools and libraries to adjust their National School Lunch Program data to reflect the influx of displaced students and library patrons; and

C. Provide assistance to the FCC and the Universal Service Administrative Authority by providing accurate data on the number of schools and libraries impacted by Hurricane Katrina and the extent to which those schools and libraries will need special E-Rate Hurricane Katrina Funding.

SECTION 3: The Committee shall submit a written comprehensive report quarterly to the governor and to the Council.

SECTION 4: The Committee shall be composed of a maximum of seven (7) members, who shall be appointed by, and serve at the pleasure of the governor, selected as follows:

A. Two (2) representatives of the Louisiana Department of Education;

B. One (1) representative of the Division of Administration;

C. One (1) representative of the State Library of Louisiana;

D. One (1) representative of the Louisiana Resource Center for Educators;

E. One (1) representative of the Louisiana Office of Telecommunications; and

F. One (1) representative of the Louisiana Office of State Purchasing.

SECTION 5: The chair of the Committee shall be selected by the governor. All other officers, if any, shall be elected by and from the membership of the Committee.

SECTION 6: The Committee shall meet at regularly scheduled meetings and at the call of the chair.

SECTION 7: Committee members shall not receive additional compensation or a per diem for serving on the Committee. However, such Committee members shall be entitled to reasonable and necessary travel expenses consistent with travel allowance for state classified employees as provided in the latest Policy and Procedure Memorandum PPM 49 and approved by the chair, if funding becomes available.

SECTION 8: Support staff, facilities, and resources for the Committee shall be provided by the Council.

SECTION 9: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Committee in implementing the provisions of this Order.

SECTION 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 9th day of November, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#113

EXECUTIVE ORDER KBB 05-84

Emergency Suspension of Time Limits for Municipal Civil Service Employee Testing for Firefighters and Police Officers

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 No. 48 KBB 2005, amended by Proclamation Nos. 54 KBB 2005 and 61 KBB 2005, and Proclamation No. 53 KBB 2005, as amended by Proclamation No. 60 KBB 2005;

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 man-made causes, 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 citizens of the state of Louisiana;

WHEREAS, Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state, which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;

WHEREAS, approximately forty-one (41) fire and police departments within the Municipal Fire and Police Civil Service System have been catastrophically impacted by Hurricanes Katrina and Rita, rendering their local civil service boards unable to provide for testing as required by R.S. 33:2471, et seq., and R.S. 33:2531, et seq.;

WHEREAS, the emergency staffing needs of these fire and police departments have increased dramatically due to emergency conditions and shifting populations, and the state law limiting emergency appointments within this civil service system to ten (10) days, failed to contemplate a disaster of this magnitude;

WHEREAS, there is a need to facilitate the matching of displaced fire and police personnel with critical staffing needs in other fire and police departments statewide;

WHEREAS, current state law requires that applicants for entrance employment with fire and police departments within the Municipal Fire and Police Civil Service be tested only after approval of local civil service board following the posting of four (4) individual publications over a thirty (30) day period in the Official Journal of the jurisdiction;

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

WHEREAS, the Office of the State Examiner has requested the suspension of the time limit as set forth in R.S. 33:2496(C) and R.S. 33:2552(3) to meet the critical staffing needs of fire and police departments statewide and also to suspend other certain provisions of R.S. 33:2492(A) and R.S. 33:2552(1), more specifically the posting and advertising requirements for tests administered on a statewide basis;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: R.S. 33:2496(C) and 2556(3) are hereby suspended to the extent that it limits an emergency appointment to a classified service position to ten (10) days. However, the authority to make such emergency appointments as well as other provisions of R.S. 33:2496(C) and 2556(3) shall remain in effect.

SECTION 2: R.S. 33:2492(A) and 2552(1) which require local posting and advertising are hereby suspended. The Office of the State Examiner shall administer statewide testing for entrance Firefighter and Police Officer on an emergency basis.

SECTION 3: The state examiner is hereby authorized and directed to take any action as necessary to administer entrance tests on an emergency basis, and to ensure that emergency appointments by local fire and police departments are not used to circumvent other provisions of civil service law. Applicants may request further information regarding emergency testing procedures by calling (225) 925-4400 or by visiting www.ose.louisiana.gov.

SECTION 4: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

SECTION 5: This Order is effective upon signature and shall continue in effect until March 1, 2006, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 10th day of November, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0511#114

Emergency Rules

DECLARATION OF EMERGENCY

Student Financial Assistance Commission
Office of Student Finanical Assistance

Scholarship/Grant Programs—Natural Disasters, Deferments
(LAC 28:IV.2103 and 2105)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend the rules of the Scholarship/Grant programs (R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)).

This Emergency Rule is necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families resulting in students being unable to attend college and thereby depriving these students of a postsecondary education and weakening the state's workforce. LASFAC has determined that this Emergency Rule is necessary to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective October 13, 2005, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG0668E)

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. - F. …

G. Natural Disaster Exceptions

1. For the purposes of this subsection, "displaced students" are TOPS recipients and students eligible for TOPS and:

a. on August 26, 2005:

i. were enrolled at one of the following eligible college or university campuses:

(a). University of New Orleans;
(b). Dillard University;
(c). Delgado Community College;
(d). Nunez Community College;
(e). Louisiana State University Health Sciences Center at New Orleans;
(f). Southern University at New Orleans;
(g). Loyola University;
(h). New Orleans Baptist Theological Seminary;
(i). Our Lady of Holy Cross College;
(j). Tulane University;
(k). Xavier University;
(l). St. Josephs Seminary College;
(m). Louisiana Technical College, Jefferson Campus;
(n). Louisiana Technical College, Sidney N. Collier Campus;
(o). Louisiana Technical College, Slidell Campus;
(p). Louisiana Technical College, Sullivan Campus;
(q). Louisiana Technical College, West Jefferson Campus; or

ii. whose home of record was one of the following Louisiana parishes:

(a). Jefferson;
(b). Lafourche;
(c). Orleans;
(d). Plaquemine;
(e). St. Bernard;
(f). St. Tammany;
(g). Tangipahoa;
(h). Washington;

b. on September 23, 2005:

i. were enrolled at one of the following eligible college or university campuses:

(a). SOWELA Technical Community College;
(b). Louisiana Technical College, Gulf Area Campus;
(c). Louisiana Technical College, Morgan Smith Campus;
(d). Louisiana Technical College, Lamar Salter Campus;
(e). Louisiana Technical College, Oakdale Campus;
(f). Louisiana Technical College, Sabine Valley Campus; or

ii. whose home of record was one of the following Louisiana parishes:

(a). Acadia;
(b). Allen;
(c). Beauregard;
(d). Calcasieu;
(e). Cameron;
(f). Iberia;
(g). Jefferson Davis;
(h). Lafayette;
(i). St. Mary;
(J). Terrebonne;
(k). Vermilion.

2. For the purposes of this Subsection, "home of record" is:

a. the domiciliary address of a dependent student's parent or court ordered custodian; or

b. the domiciliary address of an independent student.

3. For the purposes of this Subsection, "natural disaster" is limited to Hurricane Katrina and/or Hurricane Rita.

a. For the 2005-2006 academic year (college), displaced students are not required to enroll as full time students, to maintain continuous enrollment or to earn at least 24 hours during the 2005-2006 Academic Year (College).

4.a. Displaced students may enroll on a part-time basis in an eligible college or university without losing TOPS eligibility. Upon request by the student, the eligible college or university may bill for these part-time students.

b. The terms of eligibility for a displaced student whose part-time enrollment is paid by TOPS will be reduced by one full semester (term) for each semester (term) (part or full-time) paid.

d. Institutions must document the displaced student's request for part-time payment of the award.

e. If a displaced student enrolls in an eligible college or university during the 2005-2006 academic year (College) and receives grades, those grades will be included in calculating the student's cumulative grade point average.

5.a. For the 2005-2006 Academic Year (College), students who are not Displaced Students, but due to the effects of a Natural Disaster were unable to enroll for the first time as full time students by the deadline or to enroll as full time students or to maintain continuous enrollment or to earn at least 24 hours during the Academic Year (College), may submit a request for an exception in accordance with §2103.D, based on one of the circumstances listed in §2103.E, or in accordance with the following procedures for the circumstances described in this Subsection.

i. The student should file the application for exception as soon as it is known that the student will not meet one or more of the continuing eligibility requirements to ensure the earliest reinstatement of the award. The student must submit the application for exception no later than six months after the date of the notice of cancellation. The deadline for filing the exception shall be prominently displayed on the notice of cancellation. If the applicant for an exception is a dependent student, a parent or court ordered custodian of the dependent student may submit the application for exception on behalf of the applicant.

ii. If determined eligible for an exception, the recipient will be reinstated if he or she enrolls in the first fall, winter or spring semester or term immediately following the exception ending date.

b. Natural Disaster Exception (for other than displaced students)

i. Definition. The effects of a natural disaster prevented the student/recipient from enrolling as a full time student or continuing enrollment or earning 24 hours during the 2005-2006 Academic Year (College).

ii. Certification Requirements. The student /recipient must submit:

(a). a completed exception request form; and

(b). a written statement detailing the natural disaster's impact on the student and/or the student's immediate family (mother, father, custodian, siblings and/or spouse and children), which prevented the student from meeting the continuation requirements, including the length of the impact; and

(c). documentation corroborating the student's statement (examples: photographs of damage; insurance, FEMA, fire and/or police reports; statements from public officials; statements from family members or other persons with actual knowledge; receipts and invoices for work done and materials purchased).

iii. Maximum Length of Exception. Up to two consecutive semesters (three consecutive quarters).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), 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 32:

§2105. Repayment Obligation, Deferment and Cancellation

A. - B.8.b. …

9. Natural Disaster Deferments

a. For the purposes of this subsection, "Displaced Students" are recipients of the Rockefeller State Wildlife Scholarship or TOPS Teacher Award who are in repayment status and:

i. on August 26, 2005, whose Home of Record was one of the following Louisiana parishes:

(a). Jefferson;
(b). Lafourche;
(c). Orleans;
(d). Plaquemine;
(e). St. Bernard;
(f). St. Tammany;
(g). Tangipahoa;
(h). Washington;

ii. on September 23, 2005, whose home of record was one of the following Louisiana parishes:

(a). Acadia;
(b). Allen;
(c). Beauregard;
(d). Calcasieu;
(e). Cameron;
(f). Iberia;
(g). Jefferson Davis;
(h). Lafayette;
(i). St. Mary;
(j). Terrebonne;
(k). Vermilion.

b. For the purposes of this subsection, "home of record" is:

i. the domiciliary address of a dependent student's parent or court ordered custodian; or

ii. the domiciliary address of an independent student.

c. For the purposes of this subsection, "natural disaster" is limited to Hurricane Katrina and/or Hurricane Rita.

d. The loan payments for displaced students are deferred and accrual of interest is suspended from August 26, 2005 through August 31, 2006.

e. For the period of August 26, 2005, through August 31, 2006, recipients of the Rockefeller State Wildlife

Scholarship or TOPS Teacher Award who are in repayment status and who are not displaced students, but who are unable to repay their loan during the academic year (college) due to the effects of a natural disaster, may submit a request for deferment of payments and suspension of accrual of interest in accordance with §2105.D, based on one of the circumstances listed in §2103.B.1 through 8 or the following circumstance.

i. The effects of a natural disaster prevented the student/recipient from making payments during the period of August 26, 2005, through August 31, 2006.

ii. Certification Requirements. The student /recipient must submit:

(a). a completed exception request form; and

(b). a written statement detailing the natural disaster impact on the student and/or the student's immediate family (mother, father, custodian, siblings and/or spouse and children), which prevented the student from meeting the repayment requirements, including the length of the impact; and

(c). Documentation corroborating the student's statement (examples: photographs of damage; insurance, FEMA, fire and/or police reports; statements from public officials; statements from family members or other persons with actual knowledge; receipts and invoices for work done and materials purchased).

iii. Maximum Length of Exception. Through August 31, 2006.

C. - H.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000), repromulgated LR 27:1868 (November 2001), amended LR 28:775 (April 2002), LR 30:781 (April 2004), LR 30:1167 (June 2004), LR 30:1168 (June 2004), LR 32:

George Badge Eldredge
General Counsel

0511#006

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

8-Hour Ambient Ozone Standard and
Nonattainment New Source Review
(LAC 33:III.111, 504, 607, 711, 2201, and 2202)(AQ253E1)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Environmental Quality to use emergency procedures to establish rules, and under the authority of R.S. 30:2011, the secretary of the department hereby finds that imminent peril to the public welfare exists and declares that an emergency action is necessary to implement rules concerning the revised primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone and transitional provisions for nonattainment new source review under the revised standard.

This is a renewal of Emergency Rule AQ253E, which was effective on June 15, 2005, and published in the *Louisiana Register* on June 20, 2005. The department is drafting a rule to promulgate these regulation changes.

On April 30, 2004, EPA enacted 8-hour ozone NAAQS classifications, effective June 15, 2004 (69 FR 23858). The revised 8-hour NAAQS is more protective than the existing 1-hour ozone NAAQS. In order to transition from the existing 1-hour standard to the new 8-hour standard, EPA adopted a rule for implementation of the 8-hour ozone NAAQS-Phase 1 (the "Phase 1 Implementation Rule") on April 30, 2004 (69 FR 23951). In the Phase 1 Implementation Rule, EPA revoked the 1-hour standard in full, including the associated designations and classifications, effective on June 15, 2005.

Litigation by a number of stakeholders pending in the United States Court of Appeals for the District of Columbia Circuit challenged various aspects of the Phase 1 Implementation Rule, resulting in EPA's agreement to reconsider several portions of the Rule through renewed notice and public comment. EPA only recently made final decisions on reconsideration, thus clearing the way for effectiveness of the Phase 1 Implementation Rule (70 FR 30592, May 26, 2005). As a result, Louisiana is required to adopt the 8-hour revised standard and measures to implement such standard. This Emergency Rule is necessary to address two of the most immediate aspects of implementation: 1) revision of LAC 33:III.711 to replace the 1-hour primary ambient air quality standard with the 8-hour standard; and 2) revision of nonattainment new source review provisions for parishes that were reclassified from severe under the 1-hour standard to marginal under the 8-hour standard (parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge). Because such parishes are still in nonattainment and because EPA has not yet developed guidance for nonattainment new source review under the 8-hour standard, the department is adopting measures to ensure that these parishes continue to make progress toward attainment while still accommodating growth. Regulatory changes will also delete references to the 1-hour standard and substitute the 8-hour standard, and take other actions to transition to the 8-hour standard. The attainment date for the Baton Rouge area under the 8-hour standard is June 15, 2007. Failure to adopt this Rule on an emergency basis (i.e., without the delays for public notice and comment) would result in imminent peril to the public welfare as the department would not have the authority to enforce the 8-hour standard.

This Emergency Rule is effective on October 13, 2005, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning AQ253E1, you may contact the Regulation Development Section at (225) 219-3550.

This Emergency Rule is available on the Internet at www.deq.louisiana.gov under Rules and Regulations, and is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 1. General Provisions
§111. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

* * *

Ozone Exceedance—a daily maximum 8-hour average ozone measurement that is greater than the value of the standard.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:

Chapter 5. Permit Procedures
§504. Nonattainment New Source Review Procedures

A. …

1. For an area that is designated incomplete data, transitional nonattainment, marginal, moderate, serious, or severe nonattainment for the ozone national ambient air quality standard, VOC and NO_x are the regulated pollutants under this Section. VOC and NO_x emissions shall not be aggregated for purposes of determining major stationary source status and significant net emissions increases.

2. Except as specified in Subsection H of this Section, the potential to emit of a stationary source shall be compared to the major stationary source threshold values listed in Table 1 of this Section to determine whether the source is major.

3. Except as specified in Subsection H of this Section, the emissions increase which would result from a proposed modification, without regard to project decreases, shall be compared to the trigger values listed in Table 1 of this Section to determine whether a calculation of the net emissions increase over the contemporaneous period must be performed.

4. Except as specified in Subsection H of this Section, the net emissions increase shall be compared to the significant net emissions increase values listed in Table 1 of this Section to determine whether a nonattainment new source review must be performed.

5. …

6. For applications deemed administratively complete in accordance with LAC 33:III.519.A on or after December 20, 2001 and prior to June 23, 2003, and for which the nonattainment new source review (NNSR) permit was issued in accordance with Subsection D of the Section on or before June 14, 2005, the provisions of this Section governing serious ozone nonattainment areas shall apply to VOC and NO_x increases. For applications deemed administratively complete in accordance with LAC 33:III.519.A on or after June 23, 2003, and for which the nonattainment new source review (NNSR) permit was issued in accordance with Subsection D of the Section on or before June 14, 2005, the provisions of this Section governing severe ozone nonattainment areas shall apply to VOC and NO_x increases.

B. - D.4. …

5. Except as specified in Subsection H of this Section, emission offsets shall provide net air quality benefit, in accordance with offset ratios listed in Table 1 of this Section, in the area where the national ambient air quality standard for that pollutant is violated.

D.6. - F. …

1. All emission reductions claimed as offset credit shall be from decreases of the same pollutant or pollutant class (e.g., VOC) for which the offset is required. Interpollutant trading, for example using a NO_x credit to offset a VOC emission increase, is not allowed. Except as specified in Subsection H of this Section, offsets shall be required at the ratio specified in Table 1 of this Section.

F.2. - G.*Visibility Impairment*. …

H. Notwithstanding the parish's nonattainment status with respect to the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone, the provisions of this Subsection shall apply to sources located in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge.

1. For an existing stationary source with a potential to emit of 50 tons per year or more of VOC or NO_x, consideration of the net emissions increase will be triggered for any project that would:

a. increase emissions of VOC or NO_x by 25 tons per year or more, without regard to any project decreases;

b. increase emissions of highly reactive VOC (HRVOC) listed below by 10 tons per year or more, without regard to any project decreases:

i. acetaldehyde;
ii. 1,3-butadiene;
iii. butenes (all isomers);
iv. ethylene;
v. propylene;
vi. toluene;
vii. xylene (all isomers);
viii. isoprene.

2. The following sources shall provide offsets for any net emissions increase:

a. a new stationary source with a potential to emit of 50 tons per year or more of VOC or NO_x;

b. an existing stationary source with a potential to emit of 50 tons per year or more of VOC or NO_x with a significant net emissions increase of VOC, including HRVOC, or NO_x of 25 tons per year or more.

3. The minimum offset ratio for an offset required by Paragraph H.2 of this Section shall be 1.2 to 1.

4. This Subsection shall become effective June 15, 2005.

Table 1. - Footnote PM_{10}. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental

Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 32:

Chapter 6. Regulations on Control of Emissions through the Use of Emission Reduction Credits Banking

§607. Determination of Creditable Emission Reductions

A. - C. …

1. If the design value for the nonattainment area is above the national ambient air quality standard (NAAQS) for ozone, the department shall compare the current total point-source emissions inventory for the modeled parishes to the base case inventory except that beginning with the 2005 emissions inventory, this comparison shall be made to the base line inventory.

2. - 4.a. …

i. if the design value for the nonattainment area is above the NAAQS for ozone and the current total point-source inventory for the modeled parishes exceeds the base case inventory or base line inventory, as appropriate per Paragraph C.1 of this Section, baseline emissions shall be the lower of actual emissions, adjusted allowable emissions determined in accordance with Paragraph C.3 of this Section, or emissions attributed to the stationary point source(s) in question in the base case or base line inventory, as appropriate; or

ii. if the design value for the nonattainment area is not above the NAAQS for ozone or the current total point-source inventory for the modeled parishes does not exceed the base case inventory or base line inventory, as appropriate per Paragraph C.1 of this Section, baseline emissions shall be the lower of actual emissions or adjusted allowable emissions determined in accordance with Paragraph C.3 of this Section; and

C.4.b. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:302 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 32:

Chapter 7. Ambient Air Quality

§711. Tables 1, 1a, 2—Air Quality

A. Table 1. Primary Ambient Air Quality Standards

Table 1. Primary Ambient Air Quality Standards		
Air Contaminant	**Maximum Permissible Concentration**	
PM_{10}	50 μg/m^3	(Annual geometric mean)
	150 μg/m^3	(Maximum 24-hour concentration not to be exceeded more than once per year)
Sulfur Dioxide (SO_2)	80 μg/m^3	or 0.03 ppm (Annual arithmetic mean)
	365 μg/m^3	or 0.14 ppm (Maximum 24-hour concentration not to be exceeded more than once per year)
Carbon Monoxide (CO)	10,000 μg/m^3	or 9 ppm (Maximum 8-hour concentration not to be exceeded more than once per year)
	40,000 μg/m^3	or 35 ppm (Maximum 1-hour concentration not to be exceeded more than once per year)
Ozone	0.08 ppm daily maximum 8-hour average	The standard is met at an ambient air monitoring site when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration is less than or equal to 0.08 ppm, as determined in accordance with 40 CFR 50, Appendix I.
Nitrogen Dioxide (NO_2)	100 μg/m^3	(0.05 ppm) (Annual arithmetic mean)
Lead	1.5 μg/m^3	(Maximum arithmetic mean averaged over a calendar quarter)

1. - 2. …

B. Table 1a. Secondary Ambient Air Quality Standards

Table 1a. Secondary Ambient Air Quality Standards		
Air Contaminant	**Maximum Permissible Concentration**	
PM_{10}	50 μg/m^3	(Annual arithmetic mean)
	150 μg/m^3	(Maximum 24-hour concentration not to be exceeded more than once per year)
Sulfur Dioxide (SO_2)	1,300 μg/m^3	(Maximum 3-hour concentration not to be exceeded more than once per year)
Carbon Monoxide (CO)	10,000 μg/m^3	or 9 ppm (Maximum 8-hour concentration not to be exceeded more than once per year)
	40,000 μg/m^3	or 35 ppm (Maximum 1-hour concentration not to be exceeded more than once per year)
Ozone	0.08 ppm daily maximum 8-hour average	The standard is met at an ambient air monitoring site when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration is less than or equal to 0.08 ppm, as determined in accordance with 40 CFR 50, Appendix I.
Nitrogen Dioxide (NO_2)	100 μg/m^3	(0.05 ppm) (Annual arithmetic mean)
Lead	1.5 μg/m^3	(Maximum arithmetic mean averaged over a calendar quarter)

B.1. - C.Table 2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), amended by the Office of the Secretary, Legal Affairs Division, LR 32:

Chapter 22. Control of Emissions of Nitrogen Oxides (NO_x)

§2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence

A .- C.20. …

D. Emission Factors

1. The following tables list NO_x emission factors that shall apply to affected point sources located at affected facilities in the Baton Rouge Nonattainment Area or the Region of Influence.

D.1.Table D-1A. - I.5. …

J. Effective Dates

1. The owner or operator of an affected facility shall modify and/or install and bring into normal operation NO_x control equipment and/or NO_x monitoring systems in accordance with this Chapter as expeditiously as possible, but by no later than May 1, 2005.

2. The owner or operator shall complete all initial compliance testing, specified by Subsection G of this Section, for equipment modified with NO_x reduction controls or a NO_x monitoring system to meet the provisions of this Chapter within 60 days of achieving normal production rate or after the end of the shake down period, but in no event later than 180 days after initial start-up. Required testing to demonstrate the performance of existing, unmodified equipment shall be completed in a timely manner, but by no later than November 1, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:

§2202. Contingency Plan

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:1170 (June 2004), repealed by the Office of the Secretary, Legal Affairs Division, LR 32:

Mike D. McDaniel, Ph.D.
Secretary

0511#004

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Expedited Penalty Agreement
(LAC 33:I.801, 803, 805, and 807)(OS054E7)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allow the Department of Environmental Quality to use emergency procedures to establish rules, and of R.S. 30:2011 and 2074, which allow the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby declares that an emergency action is necessary in order to implement expedited penalty agreements.

This is a revision of and will replace Emergency Rule OS054E6, which was effective on October 8, 2005, and published in the *Louisiana Register* on October 20, 2005, and is hereby rescinded. This version of the Emergency Rule retains the edited language of OS054E6 and revises the penalty amounts of three Stage II Vapory Recovery violations. The Emergency Rule will abate the delay in correcting minor and moderate violations of the Environmental Quality Act. Delays in enforcement reduce the effectiveness of the action, unnecessarily utilize resources, and slow down the enforcement process. In the past three years alone, the Enforcement Division has received 8,139 referrals and has issued 4,259 actions. Currently strained budget and resource issues pose imminent impairment to addressing minor and moderate violations. This Rule will provide an alternative penalty assessment mechanism that the department may utilize, at its discretion, to expedite penalty agreements in appropriate cases. The report to the Governor by the Advisory Task Force on Funding and Efficiency of the Louisiana Department of Environmental Quality recommended this action as a pilot program. The legislature approved the report and passed Act 1196 in the 2003 Regular Session allowing the department to promulgate rules for the program. This Emergency Rule allows the operation of the pilot program to commence immediately, without the delay and inflexibility of a permanent Rule. It will also allow the department to gather information to formulate a long-term rule and to evaluate the environmental and public health benefits and the social and economic costs of such a program in order to justify these requirements for the permanent rule.

This Emergency Rule is effective on November 10, 2005, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning OS054E7 you may contact the Regulation Development Section at (225) 219-3550.

This Emergency Rule is available on the Internet at www.deq.louisiana.gov under Rules and Regulations, and is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 1. Departmental Administrative Procedures
Chapter 8. Expedited Penalty Agreement

§801. Definitions

Agency Interest Number—a site-specific number assigned to a facility by the department that identifies the facility in a distinct geographical location.

Qualifying Permit Parameter—for the purposes of these regulations: total organic carbon (TOC), chemical oxygen demand (COD), dissolved oxygen (DO), 5-day biochemical

oxygen demand (BOD_5), 5-day carbonaceous biochemical oxygen demand ($CBOD_5$), total suspended solids (TSS), fecal coliform, and/or oil and grease.

Expedited Penalty Agreement—a predetermined penalty assessment issued by the department and agreed to by the respondent, which identifies violations of minor or moderate gravity as determined by LAC 33:I.705, caused or allowed by the respondent and occurring on specified dates, in accordance with R.S. 30:2025(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:

§803. Purpose

A. The purpose of this Chapter is to provide an alternative penalty assessment mechanism that the department may utilize, at its discretion, to expedite penalty assessments in appropriate cases. This Chapter:

1. addresses common violations of minor or moderate gravity;

2. quantifies and assesses penalty amounts for common violations in a consistent, fair, and equitable manner;

3. ensures that the penalty amounts are appropriate, in consideration of the nine factors listed in R.S. 30:2025(E)(3)(a);

4. eliminates economic incentives for noncompliance for common minor and/or moderate violations; and

5. ensures expeditious compliance with environmental regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:

§805. Applicability

A. Limit of Penalty Amount. The total penalty assessed for the expedited penalty agreement shall not exceed $1,500 for one violation or $3,000 for two or more violations per penalty assessed.

B. Departmental Discretion. The secretary of the department or his designee, at his sole discretion, may propose an expedited penalty agreement for any violation described in LAC 33:I.807.A and considered in accordance with Subsection E of this Section. The expedited penalty agreement shall specify that the respondent waives any right to an adjudicatory hearing or judicial review regarding violations identified in the signed expedited penalty agreement. The respondent must concur with and sign the expedited penalty agreement in order to be governed by this Chapter and R.S. 30:2025(D).

C. Notification to the Respondent. The expedited penalty agreement shall serve as notification to the respondent of the assessed penalty amount for the violations identified on the specified dates.

D. Certification by the Respondent. By signing the expedited penalty agreement, the respondent certifies that all cited violations in the expedited penalty agreement have been or will be corrected, and that the assessed penalty amount has been or will be paid, within 30 days of receipt of the expedited penalty agreement.

E. Nine Factors for Consideration. An expedited penalty agreement may be used only when the following criteria for the nine factors for consideration are satisfied.

1. The History of Previous Violations or Repeated Noncompliance. The violation identified in the expedited penalty agreement is not the same as or similar to a violation that occurred at the facility under the same agency interest number, and that was identified in any compliance order, penalty assessment, settlement agreement, or expedited penalty agreement issued to the respondent by the department within the previous two years. Site-specific enforcement history considerations will only apply to expedited penalty agreements.

2. The Nature and Gravity of the Violation. The violation identified is considered to be minor or moderate with regard to its nature and gravity.

a. The violation identified in the expedited penalty agreement deviates somewhat from the requirements of statutes, regulations, or permit; however, the violation exhibits at least substantial implementation of the requirements.

b. The violation identified is isolated in occurrence and limited in duration.

c. The violation is easily identifiable and corrected.

d. The respondent concurs with the violation identified and agrees to correct the violation identified and any damages caused or allowed by the identified violation within 30 days of receipt of the expedited penalty agreement.

3. The Gross Revenues Generated by the Respondent. By signing the expedited penalty agreement, the respondent agrees that sufficient gross revenues exist to pay the assessed penalty and correct the violation identified in the expedited penalty agreement within 30 days of receipt of the expedited penalty agreement.

4. The Degree of Culpability, Recalcitrance, Defiance, or Indifference to Regulations or Orders. The respondent is culpable for the violation identified, but has not shown recalcitrance, defiance, or extreme indifference to regulations or orders. Willingness to sign an expedited penalty agreement and correct the identified violation within the specified timeframe demonstrates respect for the regulations and a willingness to comply.

5. The Monetary Benefits Realized Through Noncompliance. The respondent's monetary benefit from noncompliance for the violation identified shall be considered. The intent of these regulations is to eliminate economic incentives for noncompliance.

6. The Degree of Risk to Human Health or Property Caused by the Violation. The violation identified does not present actual harm or substantial risk of harm to the environment or public health. The violation identified is isolated in occurrence or administrative in nature, and the violation identified has no measurable detrimental effect on the environment or public health.

7. Whether the Noncompliance or Violation and the Surrounding Circumstances Were Immediately Reported to the Department and Whether the Violation or Noncompliance Was Concealed or There Was an Attempt to Conceal by the Person Charged. Depending upon the type of violation, failure to report may or may not be applicable to

this factor. If the respondent concealed or attempted to conceal any violation, the violation shall not qualify for consideration under these regulations.

8. Whether the Person Charged Has Failed to Mitigate or to Make a Reasonable Attempt to Mitigate the Damages Caused by the Noncompliance or Violation. By signing the expedited penalty agreement, the respondent states that the violation identified and the resulting damages, if any, have been or will be corrected. Violations considered for expedited penalty agreements are, by nature, easily identified and corrected. Damages caused by any violation identified are expected to be nonexistent or minimal.

9. The Costs of Bringing and Prosecuting an Enforcement Action, Such as Staff Time, Equipment Use, Hearing Records, and Expert Assistance. Enforcement costs for the expedited penalty agreement are considered minimal. Enforcement costs for individual violations are covered with the penalty amount set forth for each violation in LAC 33:I.807.

F. Schedule. The respondent must return the signed expedited penalty agreement and payment for the assessed amount to the department within 30 days of the respondent's receipt of the expedited penalty agreement. If the department has not received the signed expedited penalty agreement and payment for the assessed amount by the close of business on the thirtieth day after the respondent's receipt of the expedited penalty agreement, the expedited penalty agreement may be withdrawn at the department's discretion.

G. Extensions. If the department determines that compliance with the cited violation is technically infeasible or impracticable within the initial 30-day period for compliance, the department, at its discretion, may grant one 30-day extension in order for the respondent to correct the violation cited in the expedited penalty agreement.

H. Additional Rights of the Department

1. If the respondent signs the expedited penalty agreement, but fails to correct the violation identified, pay the assessed amount, or correct any damages caused or allowed by the cited violation within the specified timeframe, the department may issue additional enforcement actions including, but not limited to, a civil penalty assessment and may take any other action authorized by law to enforce the terms of the expedited penalty agreement.

2. If the respondent does not agree to and sign the expedited penalty agreement, the department may notify the respondent that a formal civil penalty is under consideration. The department may then pursue formal enforcement action against the respondent in accordance with R.S. 30:2025(C), 2025(E), 2050.2, and 2050.3.

I. Required Documentation. The department shall not propose any expedited penalty agreement without an affidavit, inspection report, or other documentation to establish that the respondent has caused or allowed the violation to occur on the specified dates.

J. Evidentiary Requirements. Any expedited penalty agreement issued by the department shall notify the respondent of the evidence used to establish that the respondent has caused or allowed the violation to occur on the specified dates.

K. Public Enforcement List. The signed expedited penalty agreement is a final enforcement action of the department and shall be included on the public list of enforcement actions referenced in R.S. 30:2050.1(B)(1).

L. Date of Issuance. When an expedited penalty agreement is issued in conjunction with a Notice of Potential Penalty, the following issuance dates shall apply.

1. If the respondent does not wish to participate in the expedited penalty agreement program, the issuance date for the Notice of Potential Penalty portion of the document shall be 30 days after the respondent receives the document.

2. If the respondent does wish to participate in the expedited penalty agreement program, the issuance date for the expedited penalty agreement portion of the document shall be the date the administrative authority signs the document for the second, and final, time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:

§807. Types of Violations and Expedited Penalty Amounts

A. The types of violations listed in the following table may qualify for coverage under this Chapter; however, any violation listed below, which is identified in an expedited penalty agreement, must also meet the conditions set forth in LAC 33:I.805.E.

Expedited Penalties			
Violation	**Citation**	**Amount**	**Frequency**
ALL MEDIA			
Failure to provide timely notification for the unauthorized discharge of any material that exceeds the reportable quantity but does not cause an emergency condition.	LAC 33.I.3917.A	$300	Per day
Failure to provide timely written notification for the unauthorized discharge of any material that exceeds the reportable quantity but does not cause an emergency condition.	LAC 33:I.3925.A	$300	Per day
AIR QUALITY			
40 CFR Part 70 General Permit conditions (Part K, L, M, or R): Failure to timely submit any applicable annual, semiannual, or quarterly reports.	LAC 33:III.501.C.4	$500	Per occurrence
Failure to submit an Annual Criteria Pollutant Emissions Inventory in a timely and complete manner when applicable.	LAC 33:III.919	$500	Per occurrence
Failure to submit an Annual Toxic Emissions Data Inventory in a timely and complete manner when applicable.	LAC 33:III.5107	$500	Per occurrence
Control of Fugitive Emissions, sandblasting facilities: Failure to take all reasonable precautions to prevent particulate matter from becoming airborne.	LAC 33:III.1305.A	$250	Per occurrence

Expedited Penalties			
Violation	**Citation**	**Amount**	**Frequency**
Failure to provide notice of change of ownership within 90 days after the change.	LAC 33:III.517.G	$200	Per occurrence
Failure to timely submit any applicable Specific Condition or General Condition report as specified in a minor source permit.	LAC 33:III.501.C.4	$250	Per occurrence
Failure to timely submit any applicable Specific Condition or General Condition report (other than those specified elsewhere in this Section) as specified in a Part 70 (Title V) air permit.	LAC 33:III.501.C.4	$350	Per occurrence
Failure to submit an updated Emission Point List, Emissions Inventory Questionnaire (EIQ), emissions calculations, and certification statement as described in LAC 33:III.517.B.1 within seven calendar days after effecting any modification to a facility authorized to operate under a standard oil and gas permit.	LAC 33:III.501.C.4	$750	Per occurrence/ emission point
Failure to submit the Title V permit renewal application at least six months prior to the date of expiration, applicable only when the renewal application is submitted prior to permit expiration and a renewal permit is issued on or before the expiration date.	LAC 33:III.507.E.4	$1,000	Per occurrence
Failure to maintain records for glycol dehydrators subject to LAC 33:III.2116.	LAC 33:III.2116.F	$250	Per occurrence
Failure to submit an initial perchloroethylene inventory report.	LAC 33:III.5307.A	$250	Per occurrence
Failure to submit perchloroethylene usage reports by July 1 for the preceding calendar year.	LAC 33:III.5307.B	$250	Per occurrence
Stage II Vapor Recovery			
Note: LAC 33:III.2132 is only applicable to subject gasoline dispensing facilities in the parishes of Ascension, East Baton Rouge, West Baton Rouge, Iberville, Livingston, and Pointe Coupee.			
Failure to submit an application to the administrative authority prior to installation of the Stage II vapor recovery system.	LAC 33:III.2132.B.6	$500	Per occurrence
Failure to have at least one person trained as required by the regulations.	LAC 33:III.2132.C	$300	Per occurrence
Failure to test the vapor recovery system prior to start-up of the facility and annually thereafter.	LAC 33:III.2132.D	$750	Per occurrence
Failure to post operating instructions on each pump.	LAC 33:III.2132.E	$100	Per occurrence
Failure to maintain equipment and tag defective equipment "out of order."	LAC 33:III.2132.F.1 and 3-4	$500	Per inspection
Failure to perform daily inspections and accurately record results.	LAC 33:III.2132.F.2	$300	Per inspection

Expedited Penalties			
Violation	**Citation**	**Amount**	**Frequency**
Failure to maintain records on-site for at least two years and present them to an authorized representative upon request.	LAC 33:III.2132.G.1-7	$300	Per compliance inspection
Failure to use and/or diligently maintain, in proper working order, all air pollution control equipment installed at the site.	LAC 33:III.905	$100	Per occurrence
HAZARDOUS WASTE			
Used Oil			
Failure of a used oil generator to stop, contain, clean up, and/or manage a release of used oil, and/or repair or replace leaking used oil containers or tanks prior to returning them to service.	LAC 33:V.4013.E	$500	Per occurrence
Failure of a used oil transfer facility to stop, contain, clean up, and/or manage a release of used oil, and/or repair or replace leaking used oil containers or tanks prior to returning them to service.	LAC 33:V.4035.H	$500	Per occurrence
Failure of a used oil processor or re-refiner to stop, contain, clean up, and/or manage a release of used oil, and/or repair or replace leaking used oil containers or tanks prior to returning them to service.	LAC 33:V.4049.G	$500	Per occurrence
Failure of a used oil burner to stop, contain, clean up, and/or manage a release of used oil, and/or repair or replace leaking used oil containers or tanks prior to returning them to service.	LAC 33:V.4069.G	$500	Per occurrence
SOLID WASTE			
Waste Tires			
Storage of more than 20 whole tires without authorization from the administrative authority.	LAC 33:VII.10509.B	$200	Per occurrence
Transporting more than 20 tires without first obtaining a transporter authorization certificate.	LAC 33:VII.10509.C	$200	Per occurrence
Storing tires for greater than 365 days.	LAC 33:VII.10509.E	$200	Per occurrence
Failure to maintain all required records for three years on-site or at an alternative site approved in writing by the administrative authority.	LAC 33:VII.10509.G	$200	Per occurrence
Failure to obtain a waste tire generator identification number within 30 days of commencing business operations.	LAC 33:VII.10519.A	$300	Per occurrence
Failure to accept one waste tire for every new tire sold unless the purchaser chooses to keep the waste tire.	LAC 33:VII.10519.B	$100	Per occurrence
Failure to remit waste tire fees to the state on a monthly basis as specified.	LAC 33:VII.10519.D	$100	Per occurrence

Expedited Penalties			
Violation	**Citation**	**Amount**	**Frequency**
Failure to post required notifications to the public.	LAC 33:VII.10519.E	$100	Per occurrence
Failure to list the waste tire fee on a separate line on the invoice so that no tax will be charged on the fee.	LAC 33:VII.10519.F	$100	Per occurrence
Failure to keep waste tires or waste tire material covered as specified.	LAC 33:VII.10519.H	$200	Per occurrence
Failure to segregate waste tires from new or used tires offered for sale.	LAC 33:VII.10519.M	$200	Per occurrence
Failure to provide a manifest for all waste tire shipments containing more than 20 tires.	LAC 33:VII.10533.A	$200	Per occurrence
Failure to maintain completed manifests for three years and have them available for inspection.	LAC 33:VII.10533.D	$200	Per occurrence
Failure to collect appropriate waste tire fee for each new tire sold.	LAC 33:VII.10519.C, 10535.B	$200	Per occurrence
Failure to submit application and fees for transporter authorization.	LAC 33:VII.10523.A	$300	Per occurrence
Failure to use a manifest when transporting greater than 20 waste tires.	LAC 33:VII.10523.C	$200	Per occurrence
Failure of transporter to transport all waste tires to an authorized collection center or a permitted processing facility.	LAC 33:VII.10523.D	$300	Per occurrence
Failure of out-of-state or out-of-country transporters to comply with state waste tire regulations.	LAC 33:VII.10523.E	$200	Per occurrence
Failure to provide notification in writing within 10 days when any information on the authorization certificate form changes, or if the business closes and ceases transporting waste tires.	LAC 33:VII.10523.G	$100	Per occurrence
Failure by collectors or collection centers to follow the requirements for receipt of tires.	LAC 33:VII.10527.A	$200	Per occurrence
Failure of collection center operators to meet the standards in LAC 33:VII.10525.D.1-10 and 12-24.	LAC 33:VII.10527.B	$300	Per occurrence
Failure of recyclers to provide notification of their existence and obtain an identification number.	LAC 33:VII.10531.A	$300	Per occurrence
Failure of waste tire or waste tire material recyclers to meet the requirements of LAC 33:VII.10525.D.	LAC 33:VII.10531.B	$300	Per occurrence
Failure to follow the requirements for manifest discrepancies.	LAC 33:VII.10533.C	$300	Per occurrence
WATER QUALITY			
Failure to properly operate and maintain a facility:			
1. Failing to provide disinfection at any applicable sewage treatment plant.	LAC 33:IX.2701.E	$200	Per occurrence

Expedited Penalties			
Violation	**Citation**	**Amount**	**Frequency**
2. Failing to operate/maintain backup or auxiliary systems within a treatment system.	LAC 33:IX.2701.E	$200	Per occurrence
3. Failing to implement adequate laboratory controls and quality assurance procedures.	LAC 33:IX.2701.E	$200	Per occurrence
4. Allowing excessive solids to accumulate within a treatment system.	LAC 33:IX.2701.E	$200	Per occurrence
5. Allowing sample holding times to expire before analyzing any sample and failing to follow approved methods when collecting and analyzing samples.	LAC 33:IX.2701.J.4	$200	Per occurrence
Failure to sample any permit parameter in accordance with an LPDES permit.	LAC 33:IX.2701.A	$100	Per permit parameter
Failure to submit Discharge Monitoring Reports (DMRs):			
1. Failing to submit DMRs, for any outfall, required by any LPDES individual permit.	LAC 33:IX.2701.L.4.a	$200	Per submittal (per outfall)
2. Failing to submit DMRs, for any outfall, required by any LPDES general permit.	LAC 33:IX.2701.L.4.a	$100	Per submittal (per outfall)
Exceedance of LPDES permit effluent limitations:			
1. Exceeding the daily maximum or weekly average concentration permit limit for any qualifying permit parameter.	LAC 33:IX.2701.A	$150	Per permit parameter (per exceedance)
2. Exceeding a monthly average concentration permit limit for any qualifying permit parameter.	LAC 33:IX.2701.A	$300	Per permit parameter (per exceedance)
3. Exceeding a daily maximum or weekly average mass loading permit limit for any qualifying permit parameter.	LAC 33:IX.2701.A	$200	Per permit parameter (per exceedance)
4. Exceeding a monthly average mass loading permit limit for any qualifying permit parameter.	LAC 33:IX.2701.A	$400	Per permit parameter (per exceedance)
5. Discharging effluent outside of the permitted range for pH (grab samples only).	LAC 33:IX.2701.A	$150	Per grab sample (per exceedance)
Failure to develop and/or implement a Spill Prevention and Control Plan (SPC):			
1. Failing to develop an SPC plan for any applicable facility.	LAC 33:IX.905	$500	Per occurrence
2. Failing to implement any component of an SPC plan.	LAC 33:IX.905	$100	Per occurrence
Failure to submit certain reports as required by an LPDES permit, including storm water reports, pretreatment reports, biomonitoring reports, overflow reports, construction schedule progress reports, environmental audit reports as required by a municipal pollution prevention plan, and toxicity reduction evaluation reports.	LAC 33:IX.2701.A	$300	Per required submittal

Expedited Penalties			
Violation	**Citation**	**Amount**	**Frequency**
Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Plan (SWPPP), Pollution Prevention Plan (PPP), or Best Management Practices/Plan (BMP) as required by an LPDES permit.	LAC 33:IX.2701.A	$500	Per occurrence
Failure to submit a Notice of Intent for coverage under the LPDES Storm Water Permit for Construction Activities or under the LPDES Storm Water Multi-Sector General Permit.	LAC 33:IX.2511.C.1	$1,000	Per occurrence
Failure to provide notification of facility changes as required by an LPDES permit.	LAC 33:IX.2701.L.1	$300	Per occurrence
Failure to submit a noncompliance report required by an LPDES individual permit.	LAC 33:IX.2701.L.7	$200	Per occurrence
Failure to submit a noncompliance report required by an LPDES general permit.	LAC 33:IX.2701.L.7	$100	Per occurrence
Unauthorized discharge of oil field wastes, including produced water.	LAC 33:IX.1901.A	$1,000	Per occurrence
Unauthorized discharge of oily fluids.	LAC 33:IX.1701.B	$1,000	Per occurrence
UNDERGROUND STORAGE TANKS			
Failure to register existing or new USTs containing regulated substances.	LAC 33:XI.301.A-B	$300	Per inspection
Failure to certify and provide required information on the department's approved registration form.	LAC 33:XI.301.B.1-2	$300	Per inspection
Failure to provide notification within 30 days after selling a UST system or acquiring a UST system; failure to keep a current copy of the registration form on-site or at the nearest staffed facility.	LAC 33:XI.301.C.1-3	$300	Per inspection
Failure to provide corrosion protection to tanks that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303.B.1	$500 and completion of a department -sponsored compliance class	Per inspection
Failure to provide corrosion protection to piping that routinely contains regulated substances using one of the specified methods.	LAC 33:XI.303.B.2	$250 and completion of a department -sponsored compliance class	Per inspection
Failure to provide corrosion protection to flex hoses and/or sub-pumps that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303.B.2	$100 and completion of a department -sponsored compliance class	Per inspection

Expedited Penalties			
Violation	**Citation**	**Amount**	**Frequency**
Failure to provide spill and/or overfill prevention equipment as specified.	LAC 33:XI.303.B.3	$300 and completion of a department -sponsored compliance class	Per inspection
Failure to upgrade existing UST systems to new system standards as specified.	LAC 33:XI.303.C	$500 and completion of a department -sponsored compliance class	Per inspection
Failure to pay fees by the required date.	LAC 33:XI.307.D	$200	Per inspection
Failure to report, investigate, and/or clean up any spills and overfills.	LAC 33:XI.501.C	$1,500	Per inspection
Failure to continuously operate and maintain corrosion protection to the metal components of portions of the tank and piping that routinely contain regulated substances and are in contact with the ground or water.	LAC 33:XI.503.A.1	$300 and completion of a department -sponsored compliance class	Per inspection
Failure to have UST systems equipped with cathodic protection systems inspected for proper operation as specified.	LAC 33:XI.503.A.2	$500 and completion of a department -sponsored compliance class	Per inspection
Failure to inspect UST systems with impressed current cathodic protection systems every 60 days to ensure that the equipment is running properly.	LAC 33:XI.503.A.3	$300 and completion of a department -sponsored compliance class	Per inspection
Failure to comply with recordkeeping requirements.	LAC 33:XI.503.B	$200 and completion of a department -sponsored compliance class	Per inspection
Failure to meet requirements for repairs to UST systems.	LAC 33:XI.507	$300	Per inspection
Failure to follow reporting requirements, maintain required information, and/or keep records at the UST site and make them immediately available or keep them at an alternative site and provide them after a request.	LAC 33:XI.509	$300 and completion of a department -sponsored compliance class	Per inspection
Failure to meet the performance requirements when performing release detection required in LAC 33:XI.703.	LAC 33:XI.701	$750 and completion of a department -sponsored compliance class	Per inspection

Expedited Penalties			
Violation	**Citation**	**Amount**	**Frequency**
Failure to use a method or combination of methods of release detection described in LAC 33:XI.701 for all new or existing tank systems.	LAC 33:XI.703.A.1	$1,500 and completion of a department-sponsored compliance class	Per inspection
Failure to satisfy the additional requirements for petroleum UST systems as specified.	LAC 33:XI.703.B	$350 and completion of a department-sponsored compliance class	Per inspection
Failure to maintain release detection records.	LAC 33:XI.705	$200 and completion of a department-sponsored compliance class	Per inspection
Failure to report any suspected release within 24 hours after becoming aware of the occurrence or when a leak detection method indicates that a release may have occurred.	LAC 33:XI.703.A.2 or 707	$500 and completion of a department-sponsored compliance class	Per occurrence
Failure to investigate and confirm all suspected releases of regulated substances that require reporting under LAC 33:XI.707 within seven days.	LAC 33:XI.711	$1,500	Per occurrence
Failure to maintain corrosion protection and/or release detection on a UST system that is temporarily closed and contains more than 2.5 cm (1 inch) of residue, or 0.3 percent by weight of the total capacity of the UST system.	LAC 33:XI.903.A	$500 and completion of a department-sponsored compliance class	Per inspection
Failure to comply with permanent closure and/or changes in service procedures.	LAC 33:XI.905	$500	Per inspection

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:

Mike D. McDaniel, Ph.D.
Secretary

0511#077

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of Secretary
Legal Affairs Division

Laboratory Accreditation Exemption for
Analyses of Target Volatile Organic Compounds
(LAC 33:I.4719)(OS064E2)

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

This is a renewal of Emergency Rule OS064E1, which was effective on July 16, 2005, and published in the *Louisiana Register* on July 20, 2005. This version of the Emergency Rule revises LAC 33:I.4719.E to establish laboratory requirements outlined in the Technical Assistance Document for Sampling and Analysis of Ozone Precursors (TAD) as guidance to those responsible for implementing the Photochemical Assessment Monitoring Stations (PAMS) program.

The department recently issued a number of Administrative Orders (AOs) to certain facilities requiring monitoring and testing of ozone precursors. The intent of the fenceline monitoring program in the AOs is to make the data generated similar to and comparable to the data generated in the EPA Photochemical Assessment Monitoring Stations (PAMS) program. Compliance with these AOs will drastically increase the number of samples collected and analyzed. The department relies on analytical data submitted both directly and indirectly to the department to determine compliance with state and federal regulations. As a result of deadlines established in current Louisiana regulations, the department is prohibited from accepting data from commercial laboratories that have not received departmental accreditation. A finding of imminent peril to public health, safety, and welfare is based on the insufficient number of accredited laboratories existing at this time that are capable of performing the volume of sample analyses within the time frame required by the department. The department relies on analytical data to determine permit compliance, enforcement issues, and effectiveness of remediation of soils and groundwater. Permit issuance and compliance are effective means of determining the impact on human health and the environment. The department must have access to accurate, reliable, precise analytical data in order to meet its mandate to protect human health and the environment. This Emergency Rule will allow the department to accept data from laboratories that have supporting documentation showing the quality assurance and quality control program used to generate analytical data by the laboratory.

This Emergency Rule is effective on November 13, 2005, and shall remain in effect for a maximum of 120 days or until a final Rule is promulgated, whichever occurs first. For more information concerning OS064E2, you may contact the Regulation Development Section at (225) 219-3550.

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 3. Laboratory Accreditation
Chapter 47. Program Requirements
§4719. Implementation

A. All commercial laboratories analyzing data as of the effective date of these regulations that are directly or indirectly submitting data to the department must submit an application for accreditation as required in LAC 33:I.4701.A.1, including the review fee, by July 1, 2000. The

department shall not accept laboratory data generated by laboratories that do not comply with this deadline until such laboratories receive accreditation and fully comply with the requirements of this Section. Except as provided in Subsection E of this Section, the department shall not accept environmental data submitted to the department either directly or indirectly until the laboratory has applied for accreditation under these regulations.

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

C. - D. …

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

1. the laboratory has supporting documentation, and produces the documentation upon request by the department, showing the quality assurance and quality control programs used in generating analytical data by the laboratory and that the laboratory follows all requirements established by the Technical Assistance Document for Sampling and Analysis of Ozone Precursors, EPA 600-R-98/161 (TAD);

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

3. the laboratory is submitting analytical data for any of the target volatile organic compounds listed in Table 1 of this Section using the TAD, with modifications as specified below:

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

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

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

Table 1
Target Volatile Organic Compounds
Ethylene
Acetylene
Ethane
Propylene
Propane
Isobutane
1-butene
n-Butane
trans-2-Butene
cis-2-Butene
Isopentane (2-methylbutane)
1-Pentene
n-Pentane
Isoprene
trans-2-Pentene
cis-2-Pentene
2,2-dimethylbutane
Cyclopentane
2,3-dimethylbutane
2-methylpentane
3-methylpentane
1-Hexene
n-Hexane
Methylcyclopentane
2,4-dimethylpentane
Benzene
Cyclohexane
2-methylhexane
2,3-dimethylpentane
3-methylhexane
2,2,4-trimethylpentane
n-Heptane
Methylcyclohexane
2,3,4-trimethylpentane
Toluene
2-methylheptane
3-methylheptane
n-Octane
Ethylbenzene
m/p Xylene
Styrene
o Xylene
1,3-butadiene

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:922 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 29:312 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:

Mike McDaniel, Ph.D.
Secretary

0511#078

DECLARATION OF EMERGENCY

Office of the Governor
Board of Examiners of Certified Shorthand Reporters

Emergency Extension of Suspension Date for Renewal of Certificates (LAC 46:XXI.501)

Under the authority of R.S. 37:2554 and in accordance with R.S. 49:951 et seq., the Louisiana Board of Examiners of Certified Shorthand Reporters (CSR Board) advertises its intent to amend LAC 46:XXI.501, which sets out procedures governing the expiration and renewal of certificates.

The practice of shorthand reporting has been disrupted by the devastation and disorder resulting from Hurricanes Katrina and Rita. Large numbers of Louisiana residents, many of them certified court reporters, have been forced from their homes and regular places of work. This emergency enactment is necessary to allow those persons displaced by Hurricanes Katrina and Rita additional time in which to renew their certificates.

This Rule shall become effective on November 15, 2005, and shall remain in effect for 120 days or until it becomes re-

enacted by Emergency Rule or through the normal promulgation process, whichever comes first.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXI. Certified Shorthand Reporters
Chapter 5. Certificates
§501. Expiration of Certificates

A. All certificates shall be suspended as of 12 p.m. on June 30, 2006 if not renewed. To renew a certificate, the certificate holder shall, on or before the date on which the certificate would otherwise be suspended, pay the renewal fee established by the board. A suspension under this Section shall be effective until all delinquent fees have been paid in full.

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

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:678 (October 1983), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:531 (August 1988), LR 19:1538 (December1993), Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 32:

Judge Guy Holdridge
Chairman

0511#001

DECLARATION OF EMERGENCY

Office of the Governor
Division of Administration
Board of Cosmetology

Certification of Payment of Contractual Fees Owed to Schools
(LAC 46:XXXI.309 and 313)

The Louisiana State Board of Cosmetology hereby adopts the following Emergency Rule governing examination of applicants and transfer of students. These rules are adopted in accordance with R.S. 37:575(A)(4), 37:596, 37:598(A)(4) and the Emergency Rules provisions of the Administrative Procedure Act, R.S. 49:953(B), to allow examination of applicants and transfer of students who attended schools unable to provide certification of payment of contractually owed fees due to temporary or permanent closure of schools or due to loss of records.

Hurricane Katrina struck southeast Louisiana on August 29, 2005 and Hurricane Rita struck southwest Louisiana on September 24, 2005 resulting in catastrophic damage. These catastrophes have severely impacted over a million residents, damaged thousands of homes, businesses and many cosmetology schools. Additionally, these disasters have left many communities without electricity, water and telephone service for extended periods of time.

Many of the state's cosmetology students and graduates of cosmetology schools have suffered losses of personal property and been have displaced from their residences. The temporary and permanent closure of cosmetology schools and the lack of access to student records will severely limit the ability of many students to complete their education and the ability of many cosmetology school graduates to take examinations required for licensure.

The Louisiana State Board of Cosmetology finds that an imminent peril to the welfare of cosmetology students and graduates of cosmetology students requires the adoption of these Emergency Rules to permit students to transfer to other cosmetology schools and to permit graduates of cosmetology schools to take examinations without certification of payment of contractual fees owed to schools for schools which are unable to provide certifications due to temporary or permanent closures or loss of records.

This Emergency Rule is effective October 3, 2005, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until the promulgation of a permanent Rule, whichever is sooner.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXI. Cosmetologists
Chapter 3. Schools and Students
§309. Examination of Applicants

A. - B. ...

C. Fees. All fees contractually owed by an applicant to a cosmetology school from which they graduated must be paid before applying for an examination, for a certificate of registration or for a license. If the school attended by the applicant is temporarily or permanently closed or has suffered a loss of records and is therefore unable to issue a certification that all fees contractually owed by the applicant to the cosmetology school from which they graduated have been paid, the applicant shall not be required to provide the certification required by this subsection.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(4) and 37:586.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), LR 32:

§313. Transfer Students

A. ...

B. In-State. When enrolling a transfer student from another school within Louisiana, the school owner must provide the board with the following:

1. ..

2. certification of payment of contractual fees owed to the former school; unless the former school is unable to certify payment of contractual fees owed due to temporary or permanent closure or loss of records; and

B.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:598(A)(4).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:327 (March 2003), LR 32:

Jackie Burdette
Executive Director

0511#003

DECLARATION OF EMERGENCY

Office of the Governor
Office of Financial Institutions

Louisiana Community Development
Financial Institution Program
(LAC 10:XV.1701-1712)

The Office of Financial Institutions, pursuant to the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), adopts the following Emergency Rules of the Louisiana Community Development Financial Institutions Act as authorized by R.S. 51:3083. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., shall become effective October 1, 2005, and shall remain in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Office of Financial Institutions has found an immediate need to provide direction to Louisiana community development financial institutions who are seeking to participate in the Louisiana Community Development Financial Institution Act, which became effective July 12, 2005. Without these Emergency Rules the public welfare may be harmed as a result of the inability of Louisiana community development financial institutions to raise capital, to then invest in Louisiana entrepreneurial businesses operating in low income communities that are in need of capital for survival, expansion, new product development, or similar business purposes. The failure to adopt these rules may impede economic development in Louisiana.

Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC
Part XV. Other Regulated Entities
Chapter 17. Louisiana Community Development Financial Institution Program

§1701. Description of Program

A. These rules implement the Louisiana Community Development Financial Institution (LCDFI) Program pursuant to R.S. 51:3075 et seq. This program was created by Act 491 of the 2005 Louisiana Legislature to further community development, diminish poverty, provide assistance in the formation and expansion of businesses in economically distressed areas, which create jobs in the state by providing for the availability of venture capital financing to entrepreneurs, managers, inventors, and other individuals for the development and operation of Louisiana entrepreneurial businesses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1702. Definitions

A. The following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Affiliate and/or Affiliated Company—

a. the term *affiliate* is defined as follows:

i. when used with respect to a specified person or legal entity, *affiliate* means a person or legal entity controlling, controlled by or under common control with, another person or legal entity, directly or indirectly through one or more intermediaries;

ii. when used with respect to a Louisiana entrepreneurial business, *affiliate* means a legal entity that directly, or indirectly, through one or more intermediaries, *controls,* is *controlled* by, or is under common control with, a Louisiana entrepreneurial business;

Applicant—a Louisiana corporation organized under an incorporating statute which applies to the commissioner for certification as a LCDFI.

Application—a completed application as determined by the commissioner.

Associate of a LCDFI—

a. any of the following:

i. a person serving a LCDFI, or an entity that directly or indirectly controls a LCDFI, as any of the following: officer, director (including advisory, regional directors and directors emeritus), employee (provided such employee has significant management and policy responsibilities and powers, or is highly compensated in comparison with the other employees), agent, investment or other advisor, manager (in the case of a manager-managed limited liability company), managing member (in the case of a member-managed limited liability company), external accountant, or outside general/special counsel;

ii. a person directly or indirectly owning, controlling or holding with the power to vote 10 percent or more of the outstanding voting securities or other ownership interests of the LCDFI;

iii. a current or former spouse, parent, child, sibling, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law of any person described in §1702.*Associate of a LCDFI*.a.i or ii;

iv. a person individually or collectively controlled by or under common control, directly or indirectly, with any person described in §1702. *Associate of a LCDFI*.a.i, ii or iii;

v. a person that invests in the LCDFI and has received an income tax credit reduction under the LCDFI Act;

vi. an affiliate of any person described in §1702. *Associate of a LCDFI*.a.v; or

vii. a person that, within six months before or at any time after the date that a LCDFI invests in the person, is controlled by a LCDFI or any of its affiliates.

(a). However, even though a LCDFI may not intend to control a business in which it invests, it may obtain short-term (less than one year) control over the Louisiana entrepreneurial business after its initial investment if such control is acquired as a means of protecting the LCDFI's investment resulting from a material breach of any financing agreement. Such control will not create an associate relationship under §1702.*Associate of a LCDFI*.a.vii.(a).

b. For the purposes of this definition, if any associate relationship described in §1702.*Associate of a LCDFI*.a.i-vi exists between a person and the LCDFI at any time within six months before or at any time after the date that the LCDFI makes its initial investment in such person, that associate relationship is considered to exist on the date of the investment.

Business Plan—a written narrative providing a general description of the proposed Louisiana community

development financial institution ("LCDFI") which should include, at a minimum, a description of the LCDFI's organizational structure; its location; the types of lending and financing it intends to offer and to whom; whether it intends to provide management assistance and if so, to what extent and to whom; and whether the LCDFI will operate as a profit or nonprofit corporation.

Capitalization—for purposes of initial certification, pursuant to R.S. 51:3080(B):

a. Generally Accepted Accounting Principles (GAAP) Capital—common stock, preferred stock, general partnership interests, limited partnership interests, surplus and any other equivalent ownership interest, all of which shall be exchanged for cash; undivided profits or loss which shall be reduced by a fully-funded loan loss reserve; contingency or other capital reserves and minority interests; less all organization costs;

b. Less—the following, when any preferred or common stock, partnership interests, or other equivalent ownership interests are subject to redemption or repurchase by the LCDFI: preferred stock, common stock, partnership interests, limited partnership interests, and other equivalent ownership interests shall be multiplied by the following percentage reductions and deducted from capital.

Within 5 years from redemption or repurchase	20 percent
Within 4 years from redemption or repurchase	40 percent
Within 3 years from redemption or repurchase	60 percent
Within 2 years from redemption or repurchase	80 percent
Within 1 year from redemption or repurchase	100 percent

c. Notwithstanding the foregoing, there will be no reduction for a withdrawal of capital within five years after certification, provided the withdrawal is contemplated by all governing documents and disclosed to all prospective investors and any such withdrawal is concurrently replaced by an equal amount of cash GAAP capital. Moreover, the amount contemplated to be withdrawn shall not be the basis for any income tax credit reduction.

Change of Control—for purposes of R.S. 51:3081(F) shall mean:

a. a change in beneficial ownership of 50 percent or more of the outstanding voting shares of the LCDFI; or

b. individuals who constitute the voting power of the Board of Directors, Board of Managers or other governing board of the LCDFI as of the later of the LCDFI's certification date or the date of the LCDFI's last notification under R.S. 51:3081(F) cease to comprise more than 50 percent of the voting power of such Board of Directors, Board of Managers, or other board; or

c. a change in the general partner or manager of the LCDFI or a *change of control* with respect to such general partner or manager; or

d. any merger or consolidation if a *change of control* has occurred based upon the surviving entity being considered to be a continuation of the LCDFI that was the party to the merger or consolidation transaction.

Control—

a. Solely for purposes of determining whether a Louisiana entrepreneurial business *controls*, is *controlled* by, or is under common *control* with another person, or if a person is an associate of a LCDFI, *control* means:

i. the power or authority, whether exercised directly or indirectly, to direct or cause the direction of management and/or policies of a legal entity by contract or otherwise; or

ii. to directly or indirectly own of record or beneficially hold with the power to vote, or hold proxies with discretionary authority to vote, 50 percent or more of the then outstanding voting securities issued by a legal entity, when such control is exercised with respect to a specified person or legal entity.

b. For all other purposes, *control* means:

i. the power or authority, whether exercised directly or indirectly, to direct or cause the direction of management and/or policies of a legal entity by contract or otherwise; or

ii. to directly or indirectly own of record or beneficially hold with the power to vote, or hold proxies with discretionary authority to vote 25 percent or more of the then outstanding voting securities issued by a legal entity.

Date on Which an Investment Pool Transaction Closes—date that a LCDFI designates, and notifies the commissioner of such designated date, that it has received an investment of certified capital in an investment pool. For purposes of this definition, an investment pool transaction may not close prior to:

a. execution of all required documents and elimination of all material contingencies associated with the consummation of the transaction; and

b. the date that the LCDFI receives a cash investment of certified capital that is available for investment in Louisiana entrepreneurial businesses.

Employees—

a. Full-time and part-time employees and officers, converted to a full-time equivalent basis.

b. The term *employees* shall not include:

i. attorneys, accountants or advisors providing consulting or professional services to a Louisiana entrepreneurial business on a contract basis; or

ii. employees of any business that perform services (contractor) for a Louisiana entrepreneurial business.

For example: a contractor may enter into an agreement to perform services for a Louisiana entrepreneurial business. The contractor's employees that perform services under that agreement would not be employees under this definition.

Equity Features—includes [pursuant to R.S. 51:3078(5)(b)] the following:

a. *Royalty Right*—rights to receive a percent of gross or net revenues, either fixed or variable, whether providing for a minimum or maximum dollar amount per year or in total, for an indefinite or fixed period of time, and may be based upon revenues in excess of a base amount.

b. *Net Profit Interests*—rights to receive a percent of operating or net profits, either fixed or variable, whether providing for a minimum or maximum dollar amount per year or in total, for an indefinite or fixed period of time, and may be based upon operating or net profits in excess of a base amount.

c. *Warrants for Future Ownership*—options on the stock of the Louisiana entrepreneurial business. The Louisiana entrepreneurial business may repurchase a warrant

(a "call") or the Louisiana entrepreneurial business may be required to sell a warrant (a "put") at some stated amount or an amount based on a pre-agreed upon formula.

d. *Equity Sale Participation Right*—conversion options of debt, to convert all or a portion of the debt to the corporate stock of the Louisiana entrepreneurial business, then to participate in the sale of the stock of the Louisiana entrepreneurial business.

e. *Equity Rights*—the receipt or creation of a significant equity interest in a Louisiana entrepreneurial business.

f. And such other conceptually similar rights and elements as the OFI may approve.

Financing Assistance Provided in Cash and *The Investment of Cash*—transaction, which in substance and in form, results in a disbursement of cash.

Examples of transactions excluded from this definition are: circular transactions as determined by the commissioner; capitalization of accrued principal, interest, royalty or other income; letters of credit; loan guarantees; prepaid debt; loan collection expenses or legal fees incurred by a LCDFI in protecting its collateral interest in an investment.

Institution Affiliated Party—a director, officer, employee, agent, controlling person, and other person participating in the affairs of the LCDFI.

Investment—

a. at all times, in order to perfect the tax credits earned as a result of an investment described in R.S. 51:3078(3) and (9), or R.S. 51:3079(A) and (B), the LCDFI shall have at least 50 percent of the certified capital of each investment pool that is received in cash:

i. available to be invested in *qualified investments*;

ii. invested in qualified investments made subsequent to the date on which the investment pool transaction closes; or

iii. a combination of §1702.*Investment*.a.i and ii.

b.i. an *investment* furthers economic development within Louisiana if the proceeds from an investment are used in a manner consistent with representations contained in the affidavit required to be obtained from the Louisiana entrepreneurial business prior to an investment in the business and the documented use of such proceeds promote Louisiana economic development. Proceeds shall be determined to promote Louisiana economic development if more than 90 percent of the proceeds derived from the investment are used by the Louisiana entrepreneurial business for two or more of the following purposes:

(a). to hire significantly more Louisiana employees;

(b). to directly purchase or lease furniture, fixtures, land or equipment that will be used in the Louisiana operations of the business or to construct or expand production or operating facilities located in Louisiana. This does not include the purchase of these assets as part of a company buyout;

(c). to purchase inventory for resale from Louisiana-based operations or outlets;

(d). to capitalize a business in order for the business to secure future debt financing to support the Louisiana operations of the business. Such future debt financing must be obtained within three months of the *qualified investment* date;

(e). to increase or preserve working capital and/or cash flows for Louisiana operations of the business. However, except as allowed in Subclause (d) above, this does not include those *investments* whereby the proceeds of the *investment* will be utilized to refinance existing debt of the business;

(f). to preserve or expand Louisiana corporate headquarters operations. *Preserve* means a company that is in danger of failing or contemplating a move out-of-state;

(g). to support research and development or technological development within Louisiana;

(h). to fund start-up businesses that will operate primarily in Louisiana; or

(i). to provide for an additional economic benefit not otherwise described above. However, before this purpose may be used as a basis for a determination that the *investment* furthers economic development within Louisiana, the LCDFI shall request in writing and the commissioner shall issue a written response to the LCDFI that, based upon relevant facts and circumstances, the proposed *investment* will further Louisiana economic purposes and result in a significant net benefit to the state. The commissioner's letter opinion shall be issued within 30 days of the request by the LCDFI, and shall be part of the annual review required to be performed by the office and billed according to provisions contained in §1710.A.1. However, upon written notification to the LCDFI, the 30-day review period can be extended by the commissioner if he determines that the initial information submitted is insufficient or incomplete for such determination;

ii. an *investment* by a LCDFI in an interim construction project shall not be considered to further economic development within Louisiana unless the same LCDFI also provides the permanent financing.

Net Income—net income as defined under or consistent with Generally Accepted Accounting Principles.

Net Worth—net worth as defined under or consistent with Generally Accepted Accounting Principles.

Office—the Louisiana Office of Financial Institutions (OFI).

Participation Between LCDFIs—are loans or other investments in which one or more LCDFIs have an ownership interest. If a loan or investment is determined to meet the definition of a qualified investment, a LCDFI may only include its participation (ownership interest) as a qualified investment.

Permissible Investments—for purposes of R.S. 51:3081(G), cash deposited with a federally-insured financial institution; certificates of deposit in federally insured financial institutions; investment securities that are obligations of the United States, its agencies or instrumentalities, or obligations that are guaranteed fully as to principal and interest by the United States; investment-grade instruments (rated in the top four rating categories by a nationally recognized rating organization); obligations of any state, municipality or of any political subdivision thereof; money market mutual funds or mutual funds that only invest in *permissible investments* of a kind and maturity permitted by this definition; or any other *investments* approved in advance and in writing by the commissioner. All *permissible investments* which are included in the calculation under Subsection a.(i) of the definition of

Investment in LAC 10:XV.102 shall have a maturity of two years or less or the terms of the investment instrument shall provide that the principal is repayable to the LCDFI within 10 days following demand by the LCDFI in connection with funding a qualified investment.

Person—a natural person or legal entity qualified to seek certification as a LCDFI.

Sophisticated Investor—any of the following:

a. an institutional investor such as a bank, savings and loan association or other depository institution insured by the Federal Deposit Insurance Corporation, registered investment company or insurance company;

b. a corporation with total assets in excess of $5,000,000;

c. a natural person whose individual net worth, or joint net worth with that person's spouse at the time of his purchase, exceeds $1,000,000; or

d. a natural person with an individual taxable income in excess of $200,000 in each of two most recent years or joint income with that person's spouse in excess of $300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year.

Total Certified Capital under Management—for purposes of investment limits, pursuant to R.S. 51:3081(G):

a. GAAP Capital—common stock, preferred stock, general partnership interests, limited partnership interests, surplus and other equivalent ownership interests, all of which shall be exchangeable for cash and which is available for investment in qualified investments; undivided profits or losses which shall be reduced by a fully-funded loan loss reserve; contingency or other capital reserves and minority interests; reduced by all organization costs.

b. Plus—qualified Non-GAAP Capital: the portion of debentures, notes or any other quasi-equity/debt instruments with a maturity of not less than five years which is available for investment in qualified investments.

c. Less—the following, when any GAAP capital or Qualified Non-GAAP capital is subject to redemption or repurchase by the LCDFI:

i. The GAAP Capital and Qualified Non-GAAP Capital subject to redemption or repurchase shall be multiplied by the following percentage reductions and deducted from capital.

Within 5 years from redemption or repurchase	20 percent
Within 4 years from redemption or repurchase	40 percent
Within 3 years from redemption or repurchase	60 percent
Within 2 years from redemption or repurchase	80 percent
Within 1 year from redemption or repurchase	100 percent

d. The portion of an investment that is guaranteed by the United States Small Business Administration or the United States Department of Agriculture's Business and Industry Guaranteed Loan Program shall be excluded from the amount of the investment when determining the investment limit pursuant to R.S. 51:3081(G).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1703. Applications

A. A company organized and existing under the laws of Louisiana, created for the purpose of making qualified investments, as required in R.S. 51:3075 et seq., shall make written application for certification to the commissioner on application forms provided by the office.

1. An application fee as prescribed by LAC 10:XV.1712 shall be submitted with the application. Checks should be payable to the Office of Financial Institutions.

2. This Office reserves the right to return the application to the applicant if the fee submitted is incorrect. The application may be resubmitted with the correct fee. The application will not be considered officially received and accepted until the appropriate fee is submitted. Application fees are nonrefundable.

B. The forms for applying to become a LCDFI may be obtained from the Office of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095, and shall be filed at the same address. The time and date of filing shall be recorded at the time of filing in the office and shall not be construed to be the date of mailing.

C. Applications and all submissions of additional information reported to the office shall be delivered via United States mail, or private or commercial interstate carrier, properly addressed and postmarked, and signed by a duly authorized officer, manager, member or partner and shall be made pursuant to procedures established by the commissioner.

D. The commissioner shall cause all applications to be reviewed by the office and designate those he determines to be complete. In the event that an application is deemed to be incomplete in any respect, the applicants will be notified within 30 days of receipt. A previously incomplete application may be resubmitted, either in a partial manner or totally, which will establish a new time and date received for that application.

E. The submission of any false or misleading information in the application documents will be grounds for rejection of the application and denial of further consideration, as well as decertification, if such information discovered at a subsequent date would have resulted in the denial of such license. Whoever knowingly submits a false or misleading statement to a LCDFI and/or the office may be subject to civil and/or criminal sanctions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1704. Certification Instructions and Guidelines

A. The application shall contain the following specific information:

1. name of applicant;
2. date of application;
3. address of applicant;
4. Louisiana corporate certification number and certified copies of the articles of incorporation and initial report filed with the Louisiana Secretary of State;
5. a federal tax identification number;
6. phone number, address and zip code;
7. a copy of any bylaws executed by the board of directors;

8. the designation of a correspondent, agent or person responsible for responding to questions relating to the application;

9. a resolution of the board of directors of the applicant corporation authorizing, empowering and directing an officer of the applicant corporation to apply for certification as a LCDFI, and to sign said application;

10. current (less than one year) financial statements for all incorporators and initial directors;

11. description of the LCDFI's business plan, in a narrative form, which shall include, at a minimum, the following:

a. a description of the LCDFI's statement of purpose and organization;

b. types of lending and financing it intends to offer and to whom;

c. whether it intends to provide management assistance, and if so, to what extent and to whom;

d. whether the LCDFI will be a profit or nonprofit corporation;

e. pro forma financial statements for the three consecutive years following the filing of the application, showing future earnings prospects;

f. a proposed net worth structure as required by R.S. 51:3080(B);

12. a list of all of current directors, officers and controlling persons;

13. biographical information concerning the proposed directors, officers and controlling persons, including personal information, résumé of each person's education, their employment record and prior associations or position with other LCDFI's and in what capacity in or out of Louisiana;

14. form granting the commissioner authority to obtain information from outside sources;

15. evidence that the applicant entity has been certified as a Community Development Financial Institution by the United States Department of the Treasury; and

16. other pertinent information as may be required by the commissioner in his sole discretion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1705. Conditions of Certification

A. All LCDFIs, through an act under private signature executed by the business, duly acknowledged pursuant to Louisiana law, shall certify and acknowledge all of the following conditions for certification as a Louisiana Community Development Financial Institution and shall certify and acknowledge that the statement is true and correct:

1. The LCDFI has an initial capitalization of not less than $500,000. If any capitalization is repurchased or contemplated to be repurchased by the LCDFI within five years after certification, the LCDFI will concurrently replace any repurchased capital with cash capital, as defined under Generally Accepted Accounting Principles. Any contemplated repurchases shall be disclosed in all governing documents to all prospective investors. The amount repurchased shall not be the basis for any income tax credits.

2. At least 30 days prior to the sale or redemption of stock, partnership interests, other equivalent ownership interests or debentures constituting 10 percent or more of the then outstanding shares, partnership interests, other equivalent ownership interests or debentures, the LCDFI will provide a written notification to the office. Information, as determined by the commissioner, shall be submitted with the notification.

3. The board of directors/shareholders will not elect new or replace existing board members or declare dividends without prior written consent of the office during the first two years following certification as a LCDFI.

4. The LCDFI will immediately notify the office in writing when its total certified capital under management is not sufficient to enable the LCDFI to operate as a viable going concern.

5. The LCDFI will not engage in any activity which represents a material difference from the business activity described in its application without first obtaining prior written approval by the office.

6. The LCDFI will comply with the LCDFI Act and all applicable rules, regulations and policies that are currently in effect or enacted after the date of certification.

7. The LCDFI will adopt and follow OFI's valuation guidelines and record retention policies.

8. Any other conditions deemed relevant by the commissioner.

B.1. If a LCDFI contemplates any public or private securities offerings, prior to the certification of any tax benefits resulting from the certified capital raised through such offerings, the LCDFI shall have a securities attorney provide a written opinion that the company is in compliance with Louisiana securities laws, federal securities laws, and the securities laws of any other states where the offerings have closed. Copies of all offering materials to be used in investor solicitations must be submitted to the office at least 30 calendar days prior to investor solicitation.

2. If a LCDFI seeks to certify capital pursuant to R.S. 51:3078(6)(b), the LCDFI shall submit to the commissioner documentation showing the proposed structure in sufficient detail to allow the office to determine that the proposed structure complies with all applicable laws and regulations. This information shall be submitted to the commissioner no later than 30 calendar days prior to a request for certification of capital.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1706. Requirements for Continuance of Certification and Decertification

A. In calculating the percentage requirements for continued certification of an investment pool under Subsection A of R.S. 51:3081 and decertification of an investment pool under R.S. 51:3082.

1. The numerator for the investment pool shall be:

a. 100 percent of the sum of all qualified investments made on or after the investment date of the investment pool that are held for a minimum of one year; and

b. 50 percent of the sum of all qualified investments made on or after the investment date of the investment pool that are intended to be held less than one year.

2. For purposes of the calculation of the numerator:

a. no qualified investment may be counted more than once;

b. the date the investment of cash is made determines whether the one-year holding date is achieved. For multiple funding, each funding must be held for one year to receive 100 percent treatment. The calculation of the amount of time an investment is held will begin at the time of the investment of cash. Therefore, for multiple funding situations, only those cash investments that have been or are intended to be held for a minimum of one year are eligible for full credit as a qualified investment. All other advances will receive 50 percent credit.

3. The denominator shall be total certified capital of the investment pool.

B. Compliance with requirements for continuance of certification and voluntary or involuntary decertification (collectively referred to as compliance) of each investment pool will be determined on a first-in, first-out basis: a LCDFI's first investment pool will be evaluated for compliance before any succeeding pools. Only those qualified investments made after the investment date of each investment pool are considered in determining compliance for that particular investment pool. No qualified investments made prior to an investment pool's investment date may be used in determining that particular investment pool's compliance. However, if more than one investment pool operates simultaneously, a LCDFI may allocate its qualified investments to all open investment pools, provided such allocations are reasonable as determined by the commissioner.

C.1. Upon voluntary decertification, any investments which received 100 percent treatment and were counted as part of A.1.a above may not be sold for a minimum of one year from the date of funding provided that this requirement shall not apply to:

a. a sale that is executed in connection with a sale of control of a Louisiana entrepreneurial business; or

b. the sale of any investment that is publicly traded.

2. At the time of voluntary decertification, the LCDFI may deliver to the Office a letter of credit in form and substance, and issued by a federally insured bank. The letter of credit:

a. shall be payable to the Office as beneficiary;

b. shall be in a face amount equal to the aggregate value of investments required to be held following voluntary decertification in accordance with C.1 above;

c. shall provide that the letter of credit is forfeitable in full if the LCDFI fails to comply with the requirements of C.1 above; and

d. may provide for reduction of the face amount of the letter of credit as the holding periods of the investments which are required to be held pursuant to C.1 above exceed one year, provided that the face amount of the letter of credit may never be less than the aggregate value of investments counted as part of A.1.a above which have not yet been held by the LCDFI a minimum of one year.

3. If the LCDFI provides a letter of credit in accordance with C.2 above, the forfeiture of the letter of credit shall constitute an assessment against the LCDFI as the sole remedy for the failure of the LCDFI to comply with the requirements of C.1 above; otherwise, the failure to comply with C.1 above shall be considered a violation of R.S. 51:3081(E)(3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1707. Change of Control

A. In the event of a change of control of a LCDFI, the LCDFI shall provide written notification to the commissioner of the proposed transaction at least 30 days prior to the proposed change of control effective date. Unless additional information is required, the commissioner shall review the information submitted and shall issue either an approval or denial of the change of control within 30 days of the receipt of the notification.

B. Information to be included in the notification shall include:

1. a completed biographical and financial statement on each new owner, provided that any transfer to a person or entity who was a shareholder as of the later of the certification date for the LCDFI or the date of the LCDFI's last notification under R.S. 51:3081(F) for whom the Office of Financial Institutions has received a current Biographical and Financial Report and conducted a current background check shall be disregarded;

2. a copy of the proposed business plan of the new owners covering a three year period;

3. a discussion of the previous experience the proposed owner has in the field of venture capital financing;

4. a credit report on each new owner;

5. a listing of any changes to the board of directors and/or of the LCDFI;

6. a copy of any legal documents or agreements relating to the transfer, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1708. Information Required from Louisiana Entrepreneurial Businesses

A. Prior to making a qualified investment in a Louisiana entrepreneurial business, a LCDFI shall obtain, from an authorized representative of the business, a signed affidavit, the original of which shall be maintained by the LCDFI in its files. The affidavit shall contain all of the following:

1. full and conclusive legal proof of the representative's authority to act on behalf of the business. For example: a board resolution or such other appropriate evidence of a grant of necessary authority;

2. a binding waiver of rights and consent agreement sufficient to allow the LCDFI, upon request to the business, full access to all information and documentation of the business which is in any way related to the LCDFI's investment in the business;

3. completed forms, certifications, powers of attorney, and any other documentation, as determined by the commissioner, sufficient to allow access by the LCDFI of any of the information and/or records of the business in the possession of any other business or entity, including but not limited to, financial institutions and state and federal governmental entities;

4. a statement certifying the intended use of the investment proceeds, and that the business will provide to the LCDFI documentation to support the use of proceeds;

5. a statement certifying that the business meets the qualifications of a "Louisiana Entrepreneurial Business" as defined by R.S. 51:2303(5); and

6. an act under private signature executed by the business, duly acknowledged pursuant to Louisiana law, certifying all of the above and foregoing as being true and correct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1709. General Provisions

A. Books and Records

1. A LCDFI shall make and keep its records in conformity with Generally Accepted Accounting Principles.

2. A LCDFI shall make and keep all of its records at its main office as identified in its application for certification or at some other location authorized by prior written approval of the commissioner.

3. All books and records of a LCDFI shall be retained for a period of at least three years following decertification of the LCDFI in accordance with R.S. 51:3082.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1710. Directors and Officers

A. Election of Directors or Managers. At least 30 days prior to the election of any person as the director or manager of a LCDFI, such LCDFI and such director or manager shall file with the commissioner a report containing the following information:

1. name, address and occupation of the proposed director or manager;

2. title of any office which the director or manager previously held with the LCDFI;

3. anticipated election date of the director or manager;

4. manner of election of the director or manager (that is, whether by the board or by the shareholders);

5. in case a director or manager is not an incumbent director or executive officer of the LCDFI, the LCDFI shall provide:

a. a personal financial statement and confidential résumé on a form prescribed by the commissioner, containing the information called for therein, as of a date within 90 days before the filing of the report and signed by the proposed director or manager;

B. Appointment of Executive Officers. At least 30 days prior to the appointment of any person as an executive officer of a LCDFI, such LCDFI and such executive officer(s) shall file with the commissioner a report containing the following information:

1. name and address of the executive officer;

2. title of the office to which the executive officer will be appointed;

3. a summary of the duties of the office to which the executive officer will be appointed;

4. title of any office which the executive officer previously held with the LCDFI and title of any office (other than the office to which the executive officer was will be appointed) which the executive officer currently holds with the LCDFI;

5. the LCDFI shall provide a personal financial statement and confidential résumé on the form prescribed by the commissioner, containing the information called for therein, dated as of a date within 90 days before the filing of the report, and signed by the newly appointed executive officer.

C. Notification. Following approval by the Office, each LCDFI shall provide to the commissioner a written notice stating the effective date of the newly elected/appointed director, manager, or executive officer. Said notice must be received by the Office within 30 days of the stated effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1711. Income Tax Credits

A. Pursuant to R.S. 51:3078(6), an investment for the purposes of earning income tax credits means a transaction that, in substance and in form, is the investment of cash in exchange for either:

1. common stock, preferred stock, or an equivalent ownership interest in a LCDFI; or

2. a loan receivable or note receivable from a LCDFI which has a stated final maturity date of not less than five years from the origination date of the loan or note and is repaid in a manner which results in the loan or note being fully repaid or otherwise satisfied in equal amounts over the stated maturity of the loan or note.

B. In order to be eligible for any income tax credits, debentures, notes or any other quasi-equity/debt instruments shall have an original maturity date of not less than five years from the date of issuance. If an investment is in the form of stock, partnership interest, or any other equivalent ownership interest, such investment shall not be subject to redemption or repurchase within five years from the date of issuance. Except in the case where a LCDFI voluntarily decertifies and preserves all income tax credits, if debentures, notes or any other quasi-equity/ debt instruments or stock, partnership interests, or other equivalent ownership interests are redeemed or repurchased within five years from issuance, any income tax credits previously taken, to the extent applicable to the investment redeemed or repurchased, shall be repaid to the Department of Revenue and Taxation at the time of redemption, and any remaining tax credits shall be forfeited, pursuant to R.S. 51:3082. Amortization of a note over its stated maturity does not constitute a redemption or repurchase under this Subpart.

1. No LCDFI certified after December first of any year shall be entitled to receive an allocation pursuant to R.S. 51:3079 for the same calendar year in which it was certified.

2. By December 10th, the commissioner shall review all requests for allocation of income tax credits and notify the LCDFI of the amount of certified capital for which

income tax credits are allowed to the investors in such institution. During this 10 day review period, no investor substitutions will be allowed.

3. If a LCDFI does not receive an investment of certified capital equaling the amount of the allocation made pursuant to R.S. 51:3079 within 10 days of its receipt of notice of such allocation, that portion of the allocation will be forfeited and reallocated to the remaining LCDFIs on a pro rata basis.

C. Conditions to Sell or Transfer Income Tax Credits

1. The transfer or sale of income tax credits, pursuant to R.S. 51:3079(A), will be restricted to transfers or sales between affiliates and sophisticated investors, collectively referred to as acquirers. Furthermore, even though a transfer or sale of credits may involve several entities, only one election may be made during any calendar quarter. Therefore, an investor in a LCDFI may only transfer or sell credits once during a calendar quarter and the entity that purchases or acquires the credits may not transfer credits obtained during the calendar quarter of purchase. In any subsequent calendar quarter, the purchaser or acquirer of the credits may make one election per calendar quarter, if needed.

2. Companies and/or individuals shall submit to the Louisiana Department of Revenue and Taxation in writing, a notification of any transfer or sale of income tax credits at least 30 days prior to the transfer or sale of such credits. The notification shall include the original investor's income tax credit balance prior to transfer, the projected remaining balance after transfer, all tax identification numbers for both transferor and acquirer, the date of transfer, and the amount transferred.

3. If income tax credits are transferred between affiliates or sophisticated investors (acquirers), the notification submitted to the Department of Revenue and Taxation must include a worksheet, which the transferor and each acquirer shall also attach to their Louisiana corporate and/or individual income tax returns, which shall contain the following information for each corporation or individual involved:

a. name of transferor and each acquirer;

b. the gross Louisiana corporation or individual income tax liability of the transferor and each acquirer; and

c. credits taken by the transferor and each acquiror under R.S. 51:3079(A) and (B).

4. The transfer or sale of income tax credits, pursuant to R.S. 51:3079(A), shall not affect the time schedule for taking such tax credits, as provided in R.S. 51:3079(A) and (C), respectively. Any income tax credits transferred or sold, which credits are subject to recapture pursuant to R.S. 51:3082, shall be the liability of the taxpayer that actually claimed the credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

§1712. Fees and Assessments

A. Pursuant to the authority granted under R.S. 51:3082(A) and 3083(4), the following fee and assessment structure is hereby established to cover necessary costs associated with the administration of the Louisiana Community Development Financial Institution Act, R.S. 51:3075 et seq.

1. Fees and Assessments

Description	Fee
Application for certification as a LCDFI.	$2,000
Annual assessment fee of each LCDFI at a floating rate to be assessed no later than May 15th of each year, to be based on the total certified capital under management, as defined in LAC 10:XV.1702, as of the previous December 31st audited financial statements. Any amounts collected in excess of actual expenditures related to the administration of the Louisiana community development financial institution act by the Office of Financial Institutions shall be credited or refunded on a pro rata basis. Any shortages in assessments to cover actual operating expenses of OFI relating to the administration of the Louisiana community development financial institution act shall be added to the next variable assessment or billed on a pro rata basis.	Variable
Late fee for each calendar day that an assessment fee is late pursuant to the requirements of LAC 10:XV.1712(A)(2).	$100 per day
Fee for request filed on December 1st of each year for certification of capital pursuant to LSA-R.S. 51:3079 in order obtain an allocation of certified capital.	$1,000 Non-refundable
Fee for annual review of each LCDFI to determine the company's compliance with statutes and regulations.	$50 per hour, per examiner, or $500, whichever is greater.

2. Administration

a. The failure to timely submit a fee with the request for allocation as required in §1712 (A)(4) shall result in the denial of an allocation of certified capital.

b. The assessment described in §1712(A)(2) shall be considered timely if received by the office on or before May 31 of each calendar year. If the office receives an assessment after May 31, it shall not be deemed late if it was postmarked on or before May 31.

c. Unless annual audited financial statements are submitted to the office by April 30th, annual unaudited financial statements shall be submitted no later than May 1. These unaudited financial statements shall then be used to determine the assessment amount provided for in §1712(A)(2). Accompanying these audited or unaudited financial statements shall be a detailed calculation of total certified capital under management as of December 31st.

d. If neither an audited nor unaudited financial statement has been received by this office by May 1st, the late fee described in §1712(A)(3) shall be assessed beginning on June 1 until the assessment has been paid in full.

e. If any of the dates prescribed in §1712(B)(2) and §1712(B)(3) with the exception of the April 30th and the December 31st due date for audited financial statements, occurs on an official state holiday, a Saturday, or a Sunday, the next business day for the Office of Financial Institutions shall be the applicable due date.

f. The assessment for each Louisiana Community Development Financial Institution, as defined in R.S. 51:3078(9), and described in §1712(A)(3) shall be based on the following formula.

i. The numerator will be the total certified capital under management of the LCDFI as of December 31 of the previous year.

ii. The denominator will be the total certified capital under management for all Louisiana community development financial institutions as of the previous December 31.

3. Severability. If any provision or item of this regulation, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the regulation which can be given effect without the invalid provisions, items, or application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3075 et seq.

HISTORICAL NOTE: Promulgated by the Office of Financial Institutions, LR 32:

John Ducrest, CPA
Commissioner

0511#002

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Board of Practical Nurse Examiners

Practice and Delegation (LAC 46:XLVII.1601 and 1603)

The Board of Practical Nurse Examiners, in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979, adopts, effective November 4, 2005, this emergency rule related to practical nursing practice and delegation. This emergency rule shall be in effect for the maximum period allowed under the Act or until adoption of the rule, whichever occurs first.

Hurricanes Katrina and Rita have resulted in the relocation of nursing home residents to unaffected areas of the state and increased the number of occupied nursing home beds in those areas. At the same time, the hurricanes have exacerbated the shortage of licensed practical nurses in the state. This emergency rule action is being taken in order to address these issues.

The Emergency Rule allows for maximum utilization of available health care workers while ensuring that essential health care services are delivered to nursing home residents timely and safely. To that end, this rule provides for the licensed practical nurse to enlist the aid of certified nursing assistants in the administration of oral medications to residents of licensed nursing homes. Under this rule the licensed practical nurse may delegate, to a certified nursing assistant, the part of oral medication administration that involves handing the oral medication to the resident or placing the oral medication in the mouth of the resident, and observing that the resident swallows the medication.

Licensed practical nurses may delegate those tasks that are within their legal scope of practice, but they retain accountability for those tasks. Therefore the rule also provides for the licensed practical nurse to determine when and if it is safe to delegate a task.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses
Subpart 1. Practical Nurses

Chapter 16. Practice

§1601. Scope of Practice

A. The practice of practical nursing, as defined in RS 37:961 et seq. occurs under the direction of a:

1. licensed physician;
2. optometrist;
3. dentist;
4. psychologist; or
5. registered nurse.

B. Practice must be consistent with the practical nurse's education, preparation, knowledge, skill and ability. Practice includes:

1. health maintenance;
2. healthcare promotion;
3. administration of medications and treatments;
4. on the job training;
5. supervising other licensed practical nurses;
6. supervising subordinate personnel;
7. providing patient instruction;
8. and, with additional training, additional specified acts which are authorized by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 32:

§1603. Delegation

A. Delegation is defined as transferring, to a competent individual, the authority to perform a selected activity in a selected situation.

B. In certain settings, the practical nurse may delegate selected tasks that are within the scope of their practice, and outlined herein, to specified subordinate personnel. The practical nurse retains accountability for the delegated task.

1. In licensed nursing homes, after the practical nurse has completed all of the required steps in preparing medications for administration, the practical nurse may delegate the following to certified nursing assistants:

a. handing oral medications to the resident or placing oral medications in the mouth of a resident; and

b. observing that the resident swallows the oral medications.

2. The practical nurse shall ensure that the delegated task is performed in accordance with safe standards.

C. A task that is delegated to a specified person, shall not be re-delegated by that person to any other individual, person, subordinate personnel, nursing assistant, or nurse.

D. The practical nurse shall not be cajoled, coerced or forced into delegating any task if the practical nurse determines it is inappropriate or unsafe to do so.

E. The practical nurse shall not be subject to disciplinary action by the board for refusal to delegate if the practical nurse determines that delegation of any task compromises patient safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 32:

Claire Doody Glaviano
Executive Director

0511#066

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Board of Practical Nurse Examiners

Temporary Permits (LAC 46:XLVII.501 and 1705)

The Board of Practical Nurse Examiners, in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979, adopts, effective November 4, 2005, amendments to §501 and §1705. This Emergency Rule shall be in effect for the maximum period allowed under the Act or until adoption of the rule, whichever occurs first.

Hurricanes Katrina and Rita have exacerbated the shortage of licensed practical nurses in Louisiana. This action is being taken so that the board may act, without delay, to protect the citizens of the state by ensuring that there is a sufficient supply of licensed practical nurses and specifically, that those who are qualified and eligible for licensure by endorsement, are allowed to enter practice immediately.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses
Subpart 1. Practical Nurses

Chapter 5. Definitions

§501. Terms in the Manual

A. …

Temporary Permit—short term authorization to practice practical nursing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:961 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:193 (April 1977), amended LR 10:337 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18:1259 (November 1992), amended LR 26:2617 (November 2000), amended LR 32:

Chapter 17. Licensure

§1705. Temporary Permit

A. - C. ...

D. An eight week temporary permit may be issued to applicants for licensure by endorsement upon receipt of all of the following: verification of current licensure, in good standing, from another state or U.S. territory; a notarized sworn statement, by the applicant, that the applicant meets the requirements for licensure in this state and has a negative history for criminal activity, a negative history for chemical dependency, and a negative history for complaints against and/or related to any and all licenses held for any profession in any state or U.S. territory; the required fee. The temporary permit shall be immediately revoked upon receipt of information indicating that the applicant may not qualify for licensure. A temporary permit may not be reissued to any person, under any circumstances, including reapplication for licensure by endorsement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 5:65 (March 1979), LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1130 (October 1992), repromulgated LR 18:1263 (November 1992), LR 28:2355 (November 2002), amended LR 32:

Claire Doody Glaviano
Executive Director

0511#067

DECLARATION OF EMERGENCY

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

Intermediate Care Facilities for the Mentally Retarded
Community Homes Licensing—Emergency Preparedness
(LAC 48:I.51188)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule as authorized by R.S. 36:254 and R.S. 40:2180-2180.5. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a rule governing licensing requirements for community homes for inclusion in the Louisiana Administrative Code *(Louisiana Register,* Volume 13, Number 4). The Department now proposes to amend the April 20, 1987 Rule to adopt the following provisions governing emergency preparedness requirements for community homes, also known as intermediate care facilities for the mentally retarded (ICFs-MR). This action is being taken to prevent imminent peril to the health and well-being of Louisiana citizens who are residents of community homes that have been evacuated as a result of natural disasters or other emergencies. It is anticipated that the implementation of this emergency rule will increase expenditures for community home licensure surveys by $1,349,515 for state fiscal year 2005-06.

Effective October 18, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services adopts the following provisions governing emergency preparedness requirements for community homes.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification

Chapter 51. Licensing Requirements for Community Homes

§51188. Emergency Preparedness

A. The community home, also known as an intermediate care facility for the mentally retarded (ICF-MR), shall have

an emergency preparedness plan which conforms to the Office of Emergency Preparedness (OEP) model plan and is designed to manage the consequences of natural disasters or other emergencies that disrupt the community home's ability to provide care and treatment or threatens the lives or safety of the community home residents. The community home shall follow and execute its approved emergency preparedness plan in the event of the occurrence of a natural disaster or other emergency.

B. At a minimum, the community home shall have a written plan that describes:

1. the evacuation of residents to a safe place either within the community home or to another location;

2. the delivery of essential care and services to community home residents, whether the residents are housed off-site or when additional residents are housed in the community home during an emergency;

3. the provisions for the management of staff, including distribution and assignment of responsibilities and functions, either within the community home or at another location;

4. a plan for coordinating transportation services required for evacuating residents to another location; and

5. the procedures to notify the resident's family, guardian or primary correspondent if the resident is evacuated to another location.

C. The community home's plan shall be activated at least annually, either in response to an emergency or in a planned drill. The community home's performance during the activation of the plan shall be evaluated and documented. The plan shall be revised if indicated by the community home's performance during the planned drill.

D. The community home's plan shall be reviewed and approved by the parish OEP, utilizing appropriate community-wide resources.

E. The plan shall be available to representatives of the Office of the State Fire Marshall.

F. In the event that a community home evacuates as a result of an evacuation order issued by the parish OEP, or temporarily relocates or temporarily ceases operation at its licensed location and sustains damages due to wind, flooding or power outages, the community home shall not be re-opened to accept returning evacuated residents or new admissions until a joint survey has been conducted by the Office of the State Fire Marshal, the Office of Public Health and the Bureau of Health Services Financing, Health Standards Section. The purpose of this joint survey is to assure that the community home is in compliance with the licensing standards in the areas of the structural soundness of the building, the sanitation code, staffing requirements and access to the community service infrastructure (i.e., hospitals, emergency transportation [including adequate resources for evacuation], physicians and other professional services, and necessary supplies.

1. If a community home evacuates as a result of an evacuation order issued by the parish OEP, or temporarily relocates or temporarily ceases operation at its licensed location and does not sustain damages due to wind, flooding or power outages, the community home may be re-opened.

G.1. Before re-opening at its licensed location, the community home must submit a detailed summary to the licensing agency attesting how the facility's emergency preparedness plan was followed and executed. A copy of the facility's approved emergency preparedness plan must be attached to the detailed summary. The detailed summary must contain, at a minimum:

a. pertinent plan provisions and how the plan was followed and executed;

b. plan provisions that were not followed;

c. reasons and mitigating circumstances for failure to follow and execute certain plan provisions;

d. contingency arrangements made for those plan provisions not followed; and

e. a list of injuries and/or deaths of residents that occurred during the execution of the plan, evacuation and temporary relocation.

2. Before re-opening, the community home must receive approval from the licensing agency that the facility was in substantial compliance with the emergency preparedness plan. The licensing agency will review the facility's plan and the detailed summary submitted.

a. If the licensing agency determines from these documents that the facility was in substantial compliance with the plan, the licensing agency will issue approval to the facility for re-opening, subject to the facility's compliance with any other applicable rules and regulations.

b. If the licensing agency is unable to determine substantial compliance with the plan from these documents, the licensing agency may conduct an on-site survey or investigation to determine whether the facility substantially complied with the plan.

c. If the licensing agency determines that the facility failed to comply with the provisions of its plan, the facility shall not be allowed to re-open.

H. If it is necessary for a community home to temporarily relocate beds and/or increase the number of beds in the home as a result of Hurricanes Katrina and/or Rita, the community home may request a waiver from the licensing agency to operate outside of its licensed location for a time period not to exceed November 30, 2005 in order to provide needed services to its clients. Extension requests will be considered on a case-by-case basis and must include a plan of action which specifies timelines in which the beds will either be moved back to the original licensed location or permanently relocated as specified in I.1.-2.

I. The permanent relocation of community home beds as a result of a natural disaster or other emergency must be approved by the Office for Citizens with Developmental Disabilities and the Bureau of Health Services Financing, Health Standards Section in order to assure that:

1. the new location has either the same number or fewer of the previously licensed beds; and

2. the location of the residents' family members is taken into consideration in the selection of the new site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40: 40:2180-2180.5.

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

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible

for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

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

0511#010

DECLARATION OF EMERGENCY

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

Intermediate Care Facilities for the Mentally Retarded
Group Homes Licensing—Emergency Preparedness
(LAC 48:I.63188)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule as authorized by R.S. 36:254 and R.S. 40:2180-2180.5. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a rule governing licensing requirements for group homes for inclusion in the Louisiana Administrative Code (*Louisiana Register,* Volume 13, Number 4). The department now proposes to amend the April 20, 1987 rule to adopt the following provisions governing emergency preparedness requirements for group homes, also known as intermediate care facilities for the mentally retarded (ICFs-MR). This action is being taken to prevent imminent peril to the health and well-being of Louisiana citizens who are residents of group homes that have been evacuated as a result of natural disasters or other emergencies. It is anticipated that the implementation of this Emergency Rule will increase expenditures for group home licensure surveys by $1,319,515 for state fiscal year 2005-06.

Effective October 18, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services adopts the following provisions governing emergency preparedness requirements for group homes.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 63. Licensing Requirements for Group Homes
§63188. Emergency Preparedness

A. The group home, also known as an intermediate care facility for the mentally retarded (ICF-MR), shall have an emergency preparedness plan which conforms to the Office of Emergency Preparedness (OEP) model plan and is designed to manage the consequences of natural disasters or other emergencies that disrupt the group home's ability to provide care and treatment or threatens the lives or safety of the group home residents. The group home shall follow and execute its approved emergency preparedness plan in the event of the occurrence of a natural disaster or other emergency.

B. At a minimum, the group home shall have a written plan that describes:

1. the evacuation of residents to a safe place either within the group home or to another location;

2. the delivery of essential care and services to residents, whether the residents are housed off-site or when additional residents are housed in the group home during an emergency;

3. the provisions for the management of staff, including distribution and assignment of responsibilities and functions, either within the group home or at another location;

4. a plan for coordinating transportation services required for evacuating residents to another location; and

5. the procedures to notify the resident's family, guardian or primary correspondent if the resident is evacuated to another location.

C. The group home's plan shall be activated at least annually, either in response to an emergency or in a planned drill. The group home's performance during the activation of the plan shall be evaluated and documented. The plan shall be revised if indicated by the group home's performance during the planned drill.

D. The group home's plan shall be reviewed and approved by the parish OEP, utilizing appropriate community-wide resources.

E. The plan shall be available to representatives of the Office of the State Fire Marshal.

F. In the event that a group home evacuates as a result of an evacuation order issued by the parish OEP, or temporarily relocates or temporarily ceases operation at its licensed location and sustains damages due to wind, flooding or power outages, the group home shall not be re-opened to accept returning evacuated residents or new admissions until a joint survey has been conducted by the Office of the State Fire Marshal, the Office of Public Health and the Bureau of Health Services Financing, Health Standards Section. The purpose of this joint survey is to assure that the group home is in compliance with the licensing standards in the areas of the structural soundness of the building, the sanitation code, staffing requirements and access to the community service infrastructure (i.e., hospitals, emergency transportation [including adequate resources for evacuation], physicians and other professional services, and necessary supplies.

1. If a group home evacuates as a result of an evacuation order issued by the parish OEP, or temporarily relocates or temporarily ceases operation at its licensed location and does not sustain damages due to wind, flooding or power outages, the group home may be re-opened.

G.1. Before re-opening at its licensed location, the group home must submit a detailed summary to the licensing agency attesting how the facility's emergency preparedness plan was followed and executed. A copy of the facility's approved emergency preparedness plan must be attached to the detailed summary. The detailed summary must contain, at a minimum:

a. pertinent plan provisions and how the plan was followed and executed;

b. plan provisions that were not followed;

c. reasons and mitigating circumstances for failure to follow and execute certain plan provisions;

d. contingency arrangements made for those plan provisions not followed; and

e. a list of injuries and/or deaths of residents that occurred during the execution of the plan, evacuation and temporary relocation.

2. Before re-opening, the group home must receive approval from the licensing agency that the facility was in substantial compliance with the emergency preparedness plan. The licensing agency will review the facility's plan and the detailed summary submitted.

a. If the licensing agency determines from these documents that the facility was in substantial compliance with the plan, the licensing agency will issue approval to the facility for re-opening, subject to the facility's compliance with any other applicable rules and regulations.

b. If the licensing agency is unable to determine substantial compliance with the plan from these documents, the licensing agency may conduct an on-site survey or investigation to determine whether the facility substantially complied with the plan.

c. If the licensing agency determines that the facility failed to comply with the provisions of its plan, the facility shall not be allowed to re-open.

H. If it is necessary for a group home to temporarily relocate beds and/or increase in the number of beds in the home as a result of Hurricanes Katrina and/or Rita, the group home may request a waiver from the licensing agency to operate outside of its licensed location for a time period not to exceed November 30, 2005 in order to provide needed services to its clients. Extension requests will be considered on a case-by-case basis and must include a plan of action which specifies timelines in which the beds will either be moved back to the original licensed location or permanently relocated as specified in I.1.-2.

I. The permanent relocation of group home beds as a result of a natural disaster or other emergency must be approved by the Office for Citizens with Developmental Disabilities and the Bureau of Health Services Financing, Health Standards Section in order to assure that:

1. the new location has either the same number or fewer of the previously licensed beds, and

2. the location of the residents' family members is taken into consideration in the selection of the new site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2180-2180.5.

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

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

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

0511#011

DECLARATION OF EMERGENCY

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

Intermediate Care Facilities for the Mentally Retarded
Licensing Standards—Disaster Area Restriction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule as authorized by R.S. 36:254 and R.S. 40:2009.1-2116.4. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated rules governing licensing requirements for residential homes for inclusion in the Louisiana Administrative Code (*Louisiana Register,* Volume 13, Number 4). The Department now proposes to adopt temporary provisions governing the re-opening of large intermediate care facilities for the mentally retarded (ICFs-MR) located in areas affected by Hurricanes Katrina and/or Rita. A large ICF-MR is defined as a facility licensed to operate 16 or more beds. This action is being taken to prevent imminent peril to the health and well-being of Louisiana citizens who are residents of large intermediate care facilities for the mentally retarded that were evacuated as a result of the recent natural disasters. It is anticipated that the implementation of this Emergency Rule will be cost neutral for state fiscal year 2005-06.

Emergency Rule

Effective October 18, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following temporary provisions governing the re-opening of large intermediate care facilities for the mentally retarded (ICFs-MR) located in areas affected by Hurricanes Katrina and/or Rita. A large ICF-MR is defined as a facility licensed to operate 16 or more beds. Large ICFs-MR located in Orleans, St. Bernard, Plaquemines, Cameron and Calcasieu parishes shall not re-open to accept returning evacuated residents or new admissions before November 30, 2005 unless the facility can demonstrate, to the satisfaction of the Department, that the facility can meet the minimum licensing standards in the areas of:

1. structural soundness of the building;
2. compliance with the sanitation code;
3. compliance with staffing requirements; and
4. access to the community service infrastructure such as hospitals, emergency transportation (including adequate resources for evacuation), physicians and other professional services, and necessary supplies.

Past performance of the facility and its contractors in the execution of the facility's emergency preparedness plan shall be considered. The re-opening of large ICFs-MR in these parishes after November 30, 2005 shall be contingent upon

the results of a joint survey conducted by the Office of the State Fire Marshal, the Office of Public Health and the Bureau of Health Services Financing, Health Standards Section to assure that the facility is in compliance with the licensing standards.

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

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

0511#013

DECLARATION OF EMERGENCY

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

Intermediate Care Facilities for the Mentally Retarded
Residential Homes Licensing—Emergency Preparedness
(LAC 48:I.7927)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule as authorized by R.S. 36:254 and R.S. 40:2180-2180.5. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a rule governing licensing requirements for residential homes for inclusion in the Louisiana Administrative Code *(Louisiana Register,* Volume 13, Number 4). The Department now proposes to amend the April 20, 1987 rule to adopt the following provisions governing emergency preparedness requirements for residential homes, also known as intermediate care facilities for the mentally retarded (ICFs-MR). This action is being taken to prevent imminent peril to the health and well-being of Louisiana citizens who reside in residential homes that have been evacuated as a result of natural disasters or other emergencies. It is anticipated that the implementation of this emergency rule will increase expenditures for residential home licensure surveys by $1,349,515 for state fiscal year 2005-06.

Effective October 18, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services adopts the following provisions governing emergency preparedness requirements for residential homes.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 79. Licensing Requirements for Residential Homes
§7927. Core Requirements

A. - G.6. …

H. Emergency Preparedness

1. The residential home, also known as an intermediate care facility for the mentally retarded (ICFs-MR), shall have an emergency preparedness plan which conforms to the Office of Emergency Preparedness (OEP) model plan and is designed to manage the consequences of natural disasters or other emergencies that disrupt the residential home's ability to provide care and treatment or threatens the lives or safety of the residential home residents. The residential home shall follow and execute its approved emergency preparedness plan in the event of the occurrence of a natural disaster or other emergency.

2. At a minimum, the residential home shall have a written plan that describes:

a. the evacuation of residents to a safe place either within the residential home or to another location;

b. the delivery of essential care and services to residential home residents, whether the residents are housed off-site or when additional residents are housed in the residential home during an emergency;

c. the provisions for the management of staff, including distribution and assignment of responsibilities and functions, either within the residential home or at another location;

d. a plan for coordinating transportation services required for evacuating residents to another location; and

e. the procedures to notify the resident's family, guardian or primary correspondent if the resident is evacuated to another location.

3. The residential home's plan shall be activated at least annually, either in response to an emergency or in a planned drill. The residential home's performance during the activation of the plan shall be evaluated and documented. The plan shall be revised if indicated by the residential home's performance during the planned drill.

4. The residential home's plan shall be reviewed and approved by the parish OEP, utilizing appropriate community-wide resources.

5. The plan shall be available to representatives of the Office of the State Fire Marshall.

6. In the event that a residential home evacuates as a result of an evacuation order issued by the parish OEP, or temporarily relocates or temporarily ceases operation at its licensed location and sustains damages due to wind, flooding or power outages, the residential home shall not be re-opened to accept returning evacuated residents or new admissions until a joint survey has been conducted by the Office of the State Fire Marshal, the Office of Public Health and the Bureau of Health Services Financing, Health Standards Section. The purpose of this joint survey is to assure that the residential home is in compliance with the licensing standards in the areas of the structural soundness of the building, the sanitation code, staffing requirements and access to the community service infrastructure (i.e., hospitals, emergency transportation [including adequate resources for evacuation], physicians and other professional services, and necessary supplies.

a. If a residential home evacuates as a result of an evacuation order issued by the parish OEP, or temporarily relocates or temporarily ceases operation at its licensed location and does not sustain damages due to wind, flooding or power outages, the residential home may be re-opened.

7. Before re-opening at its licensed location, the residential home must submit a detailed summary to the licensing agency attesting how the facility's emergency preparedness plan was followed and executed. A copy of the facility's approved emergency preparedness plan must be attached to the detailed summary. The detailed summary must contain, at a minimum:

a. pertinent plan provisions and how the plan was followed and executed;

b. plan provisions that were not followed;

c. reasons and mitigating circumstances for failure to follow and execute certain plan provisions;

d. contingency arrangements made for those plan provisions not followed; and

e. a list of injuries and/or deaths of residents that occurred during the execution of the plan, evacuation and temporary relocation.

8. Before re-opening, the group home must receive approval from the licensing agency that the facility was in substantial compliance with the emergency preparedness plan. The licensing agency will review the facility's plan and the detailed summary submitted.

a. If the licensing agency determines from these documents that the facility was in substantial compliance with the plan, the licensing agency will issue approval to the facility for re-opening, subject to the facility's compliance with any other applicable rules and regulations.

b. If the licensing agency is unable to determine substantial compliance with the plan from these documents, the licensing agency may conduct an on-site survey or investigation to determine whether the facility substantially complied with the plan.

c. If the licensing agency determines that the facility failed to comply with the provisions of its plan, the facility shall not be allowed to re-open.

9. If it is necessary for a residential home to temporarily relocate beds and/or increase in the number of beds in the home as a result of Hurricanes Katrina and/or Rita, the residential home may request a waiver from the licensing agency to operate outside of its licensed location for a time period not to exceed November 30, 2005 in order to provide needed services to its clients. Extension requests will be considered on a case-by-case basis and must include a plan of action which specifies timelines in which the beds will either be moved back to the original licensed location or permanently relocated as specified in 10.a.-b.

10. The permanent relocation of residential home beds as a result of a natural disaster or other emergency must be approved by the Office for Citizens with Developmental Disabilities and the Bureau of Health Services Financing, Health Standards Section in order to assure that:

a. the new location has either the same number or fewer of the previously licensed beds; and

b. the location of the residents' family members is taken into consideration in the selection of the new site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2180-2180.5.

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

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

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

0511#012

DECLARATION OF EMERGENCY

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

Mental Health Rehabilitation Program
Medical Necessity Criteria
(LAC 50:XV.Chapters 1-7)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule hereby amends LAC 50:XV.Chapters 1-7 in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule to adopt the revised provisions governing the administration of the Mental Health Rehabilitation Program (*Louisiana Register,* Volume 31, Number 5). The bureau amended by Emergency Rule the May 20, 2005 Rule to adopt revised medical necessity criteria for mental health rehabilitation services and to clarify Medicaid policy governing provision of services in off-site locations and staffing requirements (*Louisiana Register,* Volume 31, Number 8). This Emergency Rule is being promulgated to continue provisions contained in the August 1, 2005 emergency rule. This action is being taken to promote the health and well being of Medicaid recipients who are receiving mental health rehabilitation services by assuring continuity of services during the transition period to the restructured Mental Health Rehabilitation Program.

Effective November 30, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions contained in the May 20, 2005 Rule to adopt revised medical necessity criteria for mental health rehabilitation services and to clarify Medicaid policy governing provision of services in off-site locations and staffing requirements.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 1. Mental Health Rehabilitation
Chapter 1. General Provisions
§103. Definitions and Acronyms

* * *

Off-Site Service Delivery Location—locations of service that are publicly available for, and commonly used by, members of the community other than the MHR provider and site or locations that are directly related to the recipient's

usual environment, or those sites or locations that are utilized in a non-routine manner. This can also include a location used solely for the provision of allowable off-site service delivery by a certified MHR provider.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:

§105. Prior Authorization

A. Every mental health rehabilitation service shall be prior authorized by the Bureau or its designee. Services provided without prior authorization will not be considered for reimbursement. There shall be no exceptions to the prior authorization requirement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1083 (May 2005), amended LR 32:

Chapter 3. Covered Services and Staffing Requirements

Subchapter A. Service Delivery

§301. Introduction

A. - B. …

C. Children's Services. There shall be family and/or legal guardian involvement throughout the planning and delivery of MHR services for children and adolescents. The agency or individual who has the decision making authority for children and adolescents in State custody must request and approve the provision of MHR services to the recipient. The case manager or person legally authorized to consent to medical care must be involved throughout the planning and delivery of all MHR services and such involvement must be documented in the recipient's record maintained by the MHR agency.

1. The child or adolescent shall be served within the context of the family and not as an isolated unit. Services shall be appropriate for:

a. age;

b. development;

c. education; and

d. culture.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1083 (May 2005), amended LR 32:

Subchapter B. Mandatory Services

§311. Assessment

A. - B.1. …

2. A licensed mental health professional (LMHP) shall:

a. have a face-to-face contact with the recipient for the purpose of completing the assessment;

b. score the LOCUS/CALOCUS if he/she has been approved to be a clinical evaluator by Office of Mental Health (OMH); and

c. sign and date the assessment.

3. Physical health history, current health status, medication use profile, medication allergies and adverse reactions must be documented to confirm that the information has been reviewed by the treating psychiatrist in a face-to-face contact with the recipient.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1083 (May 2005), amended LR 32:

§317. Community Support

A. Community support services is the provision of mental health rehabilitation services and supports necessary to assist the recipient in achieving and maintaining rehabilitative, resiliency and recovery goals. The service is designed to meet the educational, vocational, residential, mental health treatment, financial, social and other treatment support needs of the recipient. Community support is the foundation of the recovery-oriented ISRP and is essential to all MHR recipients. Its goal is to increase and maintain competence in normal life activities and to gain the skills necessary to allow recipients to remain in or return to naturally occurring supports. This service includes the following specific goals:

1. achieving the restoration, reinforcement, and enhancement of skills and/or knowledge necessary for the recipient to achieve maximum reduction of his/her psychiatric symptoms;

2. minimizing the effect of mental illness;

3. maximizing the recipient's strengths with regard to the mental illness;

4. increasing the level of the recipient's age-appropriate behavior;

5. increasing the recipient's independent functioning to an appropriate level.

6. enhancing social skills;

7. increasing adaptive behaviors in family, peer relations, school and community settings;

8. maximizing linkage and engagement with other community services, including natural supports and resources;

9. applying decision-making methods in a variety of skill building applications; and

10. training caregivers to address the needs identified in the ISRP using preventive, developmental and therapeutic interventions designed for direct individual activities.

B. - B.3. …

C. Service Exclusions. This service may not be combined on an ISRP with Parent/Family Intervention (Intensive). Community support is an individualized service and is not billable if delivered in a group setting or with more than one recipient per staff per contact.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1084 (May 2005), amended LR 32:

§319. Group Counseling

A. Group counseling is a treatment modality using face-to-face verbal interaction between two to eight recipients. It is a professional therapeutic intervention utilizing psychotherapy theory and techniques. The service is directed to the goals on the approved ISRP.

B.1. - 2. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1084 (May 2005), amended LR 32:

§321. Individual Intervention/Supportive Counseling

A. Individual intervention and supportive counseling are verbal interactions between the counselor therapist and the recipient receiving services that are brief, face-to-face, and structured. Individual intervention (child) and supportive counseling (adult) are services provided to eliminate the psychosocial barriers that impede the skills necessary to function in the community.

A.1. - B.2. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1084 (May 2005), amended LR 32:

§325. Psychosocial Skills Training—Group (Youth)

A. Psychosocial Skills Training—Group (Youth) is a therapeutic, rehabilitative, skill building service for children and adolescents to increase and maintain competence in normal life activities and gain the skills necessary to allow them to remain in or return to their community. It is an organized service based on models incorporating psychosocial interventions.

B. - D. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1085 (May 2005), amended LR 32:

Subchapter C. Optional Services

§335. Parent/Family Intervention (Intensive)

A. Parent/Family Intervention (Intensive) is a structured service involving the recipient and one or more of his/her family members. It is an intensive family preservation intervention intended to stabilize the living arrangement, promote reunification, or prevent utilization of out of home therapeutic placement (i.e., psychiatric hospitalization, therapeutic foster care) for the recipient. These services focus on the family and are delivered to children and adolescents primarily in their homes. This service is comprehensive and inclusive of certain other rehabilitative services as noted in the "Services Exclusions" sections of those services.

B. - D. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1085 (May 2005), amended LR 32:

§337. Psychosocial Skills Training—Group (Adult)

A. Psychosocial Skills Training—Group (Adult) is a therapeutic, rehabilitative, skill building service for individuals to increase and maintain competence in normal life activities and gain the skills necessary to allow them to remain in or return to their community. It is designed to increase the recipient's independent functioning in his/her living environment through the integration of recovery and rehabilitation principles into the daily activities of the recipient. It is an organized program based on a psychosocial rehabilitation philosophy to assist persons with significant psychiatric disabilities, to increase their functioning to live successfully in the natural environments of their choice.

B. - D. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1085 (May 2005), amended LR 32:

Chapter 5. Medical Necessity Criteria

§501. General Provisions

A. When a recipient requests MHR services, an initial screening must be completed to determine whether the recipient potentially meets the medical necessity criteria for MHR services. If it determined that the recipient potentially meets the criteria for services, an initial assessment shall be completed and fully documented in the recipient's record no later than 30 days after the request for services. Information in an assessment shall be based on current circumstances (within 30 days) and face-to-face interviews with the recipient. If the recipient is a minor, the information shall be obtained from a parent, legal guardian or other person legally authorized to consent to medical care.

B. If it is determined at the initial screening or assessment that a recipient does not meet the medical necessity criteria for services, the provider shall refer the recipient to his/her primary care physician, the nearest community mental health clinic, or other appropriate services with copies of all available medical and social information.

C. In order to qualify for MHR services, a recipient must meet the medical necessity criteria for services outlined in §503 or §505. These medical necessity criteria shall be utilized for authorization and reauthorization requests received on or after August 1. 2005.

D. Initially all recipients must meet the medical necessity criteria for diagnosis, disability, duration and level of care. MHR providers shall rate recipients on the CALOCUS/LOCUS at 30 day intervals, and these scores and supporting documentation must be submitted to the Bureau or its designee upon request. Ongoing services must be requested every 90 days based on progress towards goals, individual needs, and level of care requirements which are consistent with the medical necessity criteria.

E. For authorization and reauthorization requests received on or after August 1. 2005, lengths of stay in the MHR Program beyond 270 days (nine months) shall be independently reviewed by the Bureau or its designee for reconsideration of appropriateness, efficacy, and medical necessity for continuation of MHR services.

F. The bureau or its designee reserves the right to require a second opinion evaluation by a licensed mental health professional that is not associated with the MHR provider that is seeking authorization or reauthorization of services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1086 (May 2005), amended LR 32:

§503. Adult Criteria for Services

A. In order to qualify for MHR services, Medicaid recipients age 18 or older must meet the following criteria:

1. diagnosis—the recipient must currently have or, at any time during the past year, had a diagnosable mental behavioral or emotional disorder of sufficient duration to

meet the diagnostic criteria specified within the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV-TR) or the *International Classification of Diseases*, Ninth Revision, Clinical Modification (ICD-9-CM); or subsequent revisions of these documents. The diagnostic criteria specified under DSM-IV-TR "V" codes for substance use disorders and developmental disorders are excluded unless these disorders co-occur with another diagnosable serious mental illness; and

2. disability—in order to meet the criteria for disability, the recipient must exhibit emotional, cognitive or behavioral functioning which is so impaired, as a result of mental illness, as to substantially interfere with role, occupational and social functioning as indicated by a score within levels four or five on the LOCUS that can be verified by the Bureau or its designee; and

3. duration—the recipient must have a documented history of severe psychiatric disability which is expected to persist for at least a year and requires intensive mental health services, as indicated by one of the following:

a. psychiatric hospitalizations of at least six months duration in the last five years (cumulative total); or

b. two or more hospitalizations for mental disorders in the last 12-month period; or

c. structured residential care, other than hospitalization, for a duration of at least six months in the last five years; or

d. documentation indicating a previous history of severe psychiatric disability of at least six months duration in the past year.

NOTE: Recipients who are age 18 and up to 21 and who have been determined not to meet the adult medical necessity criteria for MHR services, initial or continued care, shall be reassessed by the bureau or its designee using the children/adolescent medical necessity criteria for services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:

§505. Child/Adolescent Criteria for Services

A. In order to qualify for MHR services, Medicaid recipients age 17 or younger must meet the following criteria:

1. diagnosis—the recipient must currently have or, at any time during the past year, had a diagnosable mental, behavioral or emotional disorder of sufficient duration to meet the diagnostic criteria specified within the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV-TR) or the *International Classification of Diseases*, Ninth Revision, Clinical Modification (ICD-9-CM), or subsequent revisions of these documents. The diagnostic criteria specified under DSM-IV-TR "V" codes for substance use disorders and developmental disorders are excluded unless these disorders co-occur with another diagnosable serious mental illness; and

2. disability—in order to meet the criteria for disability, the recipient must exhibit emotional, cognitive or behavioral functioning which is so impaired, as a result of mental illness, as to substantially interfere with role, educational, and social functioning as indicated by a score within levels four or five on the CALOCUS that can be verified by the Bureau or its designee; and

NOTE: Youth returning to community living from structured residential settings or group homes under the authority of the Office of Community Services or the Office of Youth Services may be considered to meet the disability criteria for admission with a level three on the LOCUS or CALOCUS.

3. duration—the recipient must have a documented history of severe psychiatric disability that is expected to persist for at least a year and requires intensive mental health services, as indicated by at least one of the following:

a. past psychiatric hospitalization(s);

b. past supported residential care for emotional/behavioral disorder;

c. past structured day program treatment for emotional/behavioral disorder; or

d. documentation indicating that an impairment or pattern of inappropriate behaviors has persisted for at least three months and is expected to persist for at least six months.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:

§507. Exclusionary Criteria

A. Mental health rehabilitation services are not considered to be appropriate for recipients whose diagnosis is mental retardation, developmental disability or substance abuse unless they have a co-occurring diagnosis of severe mental illness or emotional/behavioral disorder as specified within DSM-IV-TR or ICD-9-CM, or its subsequent revisions of these documents.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:

§509. Discharge Criteria

A. Discharge planning must be initiated and documented for all recipients at time of admission to MHR services. For those recipients who are receiving MHR services as of July 31, 2005, discharge planning must be initiated and documented prior to the end of the then current 90 day service plan. Discharge from mental health rehabilitation services for current and new recipients shall be initiated if at least one of the following situations occurs:

1. the recipient's treatment plan/ISRP goals and objectives have been substantially met;

2. the recipient meets criteria for a higher level of treatment, care or services requiring admission to a 24-hour care facility for 30 days or more;

3. the recipient, family, guardian, and/or custodian are not engaging in treatment or not following program rules and regulations, despite attempts to address barriers to treatment;

4. consent for treatment has been withdrawn;

5. supportive systems that allow the recipient to be maintained in a less restrictive treatment environment have been arranged; or

6. the recipient receives three successive scores within level three or less on the CALOCUS/LOCUS. If this situation occurs, the provider shall implement a written discharge plan which includes a plan for the arrangement of

services required to transition the recipient to a lower level of care within the community.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:

Chapter 7. Provider Participation Requirements

Subchapter A. Certification and Enrollment

§701. Provider Enrollment Moratorium

A. …

1. Exception. MHR providers may be allowed to enroll and obtain a new Medicaid provider number for existing satellite offices. In order to obtain a provider number for a satellite office, the MHR provider must have disclosed the satellite office to DHH before August 20, 2004. The MHR provider must provide clear and convincing proof, in the discretion of the Department, that any listed satellite office or off-site location was operational prior to the moratorium.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:668 (March 2005), amended LR 32:

§703. Application

A. To be certified or recertified as a mental health rehabilitation provider requires that the provisions of this Subpart 1, the provider manual and the appropriate statutes are met. A prospective provider who elects to provide MHR services shall apply to the Bureau of Health Service Financing or its designee for certification. The prospective provider shall create and maintain documents to substantiate that the provider meets all prerequisites in order to qualify as a Medicaid provider of MHR services.

1. - 10. …

11. proof of an adult day care license issued by the Department of Social Services or its successor when psychosocial skills training for adults is offered by the MHR provider. All licenses and certificates shall be in the name of the MHR provider and shall contain the provider's correct name and address;

12. - 14. …

C. The MHR provider shall have a separate Medicaid provider number for each location where it routinely conducts business and provides scheduled services. This does not include those sites or locations that meet the definition of an off-site service delivery location. Satellite offices or off-site locations must have been operational before August 20, 2004 or they will not be allowed to provide MHR services after August 1, 2005.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1086 (May 2005), amended LR 32:

§705. Application and Site Reviews

A. A prospective MHR provider shall undergo one or more reviews by BHSF or its designee before certification:

1. an application review;
2. a first site review; and if necessary
3. a second site review.

B. BHSF or its designee will conduct a review of all application documents for compliance with MHR requirements. If the documentation is approved, the applicant will be notified and an appointment will be scheduled for a first site review of the prospective MHR provider's physical location. If the first site review is successful, the certification request will be approved and forwarded to Provider Enrollment for further processing.

C. If the application documentation furnished by the prospective MHR provider is not acceptable, a meeting will be scheduled to discuss the deficiencies. The applicant has 30 days to correct the documentation deficiencies and to request a site visit at their physical location.

1. If the prospective MHR provider requests a site visit in a timely manner, a site review of their physical location will be scheduled. At the onsite review, BHSF or its designee will review the corrected documents and make an assessment of the physical location. If the prospective provider has corrected the application document deficiencies and the physical location is deemed acceptable and sufficient to operate as a mental health rehabilitation provider, BHSF or its designee will approve the certification request and forward the necessary paperwork to Provider Enrollment for further processing.

C.2. - E. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:802 (April 2004), amended LR 31:1087 (May 2005) amended LR 32:

Subchapter C. Provider Responsibilities

§731. General Provisions

A. - A.1 …

B. The MHR provider shall immediately report any suspected or known violations of any state or federal criminal law to the Bureau.

C. Each MHR provider shall maintain written procedures and implement all required policies and procedures immediately upon acceptance of recipients for services.

D. The MHR provider shall develop a policy and procedure for hospitalization that is in conformity with the single point of entry (SPOE) policy and procedure.

E. The MHR provider shall request an expedited prior authorization review for any recipient whose discharge from a 24 hour care facility is dependent on follow-up mental health services.

F. The MHR provider shall develop a quality improvement procedure (QIP) plan as outlined in the current MHR provider manual. It should address all aspects of the MHR provider operation.

G. If, as a result of a monitoring review, a written notice of deficiencies is given to the MHR provider, the provider shall submit a written corrective action plan to the Bureau within 10 days of receipt of the notice from the Department. If the MHR provider fails to submit a corrective action plan within 10 days from the receipt of the notice, sanctions may be imposed against the MHR provider.

H. The MHR provider must establish regular business office hours for all enrolled office locations. Business office locations must be fully operational at least eight hours a day, five days a week between the hours of 7 a.m. and 7 p.m. This requirement doe not apply to off-site service delivery locations. Each office shall contain office equipment and furnishings requisite to providing MHR services including,

but not limited to, computers, facsimile machines, telephones and lockable file cabinets. Offices shall be located in a separate building from the residence of the MHR provider's owner.

1. An office location is fully operational when the provider:

a. has met all the requirements for and becomes certified to offer mental health rehabilitation services;

b. has at least five active recipients at the time of any monitoring review, other than the initial application review;

c. is capable of accepting referrals at any time during regular business hours;

d. retains adequate staff to assess, process and manage the needs of current recipients;

e. has the required designated staff on site (at each location) during business hours; and

f. is immediately available to its recipients and BHSF by telecommunications 24 hours per day.

2. MHR services may be delivered in off site service delivery locations that are:

a. publicly available for and commonly used by members of the community other than the provider (e.g., libraries, community centers, YMCA, church meeting rooms, etc.);

b. directly related to the recipient's usual environment (e.g., home, place of work, school); or

c. utilized in a non-routine manner (e.g., hospital emergency rooms or any other location in which a crisis intervention service is provided during the course of the crisis).

NOTE: Services may not be provided in the home(s) of the MHR provider's owner, employees or agents. Group counseling and psychosocial skills training (adult and youth) services may not be provided in a recipient's home or place of residence.

NOTE: Services may not be provided in the professional practitioner's private office.

3. Every location where services are provided shall be established with the intent to promote growth and development, client confidentiality, and safety.

4. The MHR provider accepts full responsibility to ensure that its office locations meet all applicable federal, state and local licensing requirements. The transferring of licenses and certifications to new locations is strictly prohibited. It is also the responsibility of the MHR provider to immediately notify the Bureau of any office relocation or change of address and to obtain a new certification and license (if applicable).

I. As part of the service planning process, when it is determined that MHR discharge criteria has been met, the MHR provider shall refer the recipient to his/her primary care physician or to the appropriate medically necessary services, and document the referral.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1088 (May 2005) amended LR 32:

§735. Orientation and Training

A. Orientation and training shall be provided to all employees, volunteers, interns and student workers. This orientation should be comprised of no less than five face-to-face hours and may be considered as part of the overall requirement of 16 hours orientation.

1. - 5. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1089(May 2005) amended LR 32:

§737. Staffing Qualifications

A. MHR services shall be provided by individuals who meet the following education and experience requirements.

1. Licensed Mental Health Professional (LMHP*)*. A LMHP is a person who has a graduate degree in a mental health-related field from an accredited institution and is licensed to practice in the state of Louisiana by the applicable professional board of examiners. All college degrees must be from a nationally accredited institution of higher education as defined in Section 102(b) of the Higher Education act of 1965, as amended. In order to qualify as a mental health-related field, an academic program must have curriculum content in which at least 70 percent of the required courses for the major field of study are based upon the core mental health disciplines. The following professionals are considered to be LMHPs.

a. Psychiatrist. Each MHR provider shall implement and maintain a contract with a psychiatrist(s) to provide consultation and/or services on site as medically necessary. The psychiatrist must be a licensed medical doctor (M.D. or D.O.) who is board-certified or board-eligible, authorized to practice psychiatry in Louisiana and enrolled to participate in the Louisiana Medicaid Program. A board eligible psychiatrist may provide psychiatric services to MHR recipients if he/she meets all of the following requirements.

i. The physician must hold an unrestricted license to practice medicine in Louisiana and unrestricted DEA and state and federal controlled substance licenses. If licenses are held in more than one state or jurisdiction, all licenses held by the physician must be documented in the employment record and also be unrestricted.

ii. The physician must have satisfactorily completed a specialized psychiatric residency training program accredited by the Accreditation Council for Graduate Medical Education (ACGME), as evidenced by a copy of the certificate of training or a letter of verification of training from the training director which includes the exact dates of training and verification that all ACGME requirements have been satisfactorily met. If training was completed in child and adolescent psychiatry, the training director of the child and adolescent psychiatry program must document the child and adolescent psychiatry training.

NOTE: All documents must be maintained and readily retrieved for review by the Bureau or its designee.

b. Psychologist—an individual who is licensed as a practicing psychologist under the provisions of R.S. 37:2351-2367;

c. Registered Nurse—a nurse who is licensed as a registered nurse or an advanced practice registered nurse in the State of Louisiana by the Board of Nursing. An advanced practice registered nurse, who is a clinical nurse specialist in psychiatry, must operate under an OMH approved collaborative practice agreement with an OMH approved board certified psychiatrist. A registered nurse must:

i. be a graduate of an accredited program in psychiatric nursing and have two years of post-master's supervised experience in the delivery of mental health services; or

ii. have a master's degree in nursing or a master's degree in a mental health-related field and two years of supervised post master's experience in the delivery of mental health services; and

NOTE: Supervised experience is experience in mental health services delivery acquired while working under the formal supervision of a LMHP.

iii. six CEUs regarding the use of psychotropic medications, including atypicals, prior to provision of direct service to MHR recipients.

NOTE: Every registered nurse providing MHR services shall have documented evidence of five CEUs annually that are specifically related to behavioral health and medication management issues.

d. Social Worker—an individual who has a master's degree in social work from an accredited school of social work and is a licensed clinical social worker under the provisions of R.S. 37:2701 – 2723.

e. Licensed Professional Counselor—an individual who has a master's degree in a mental health related field, is licensed under the provisions of R.S. 37:1101-1115 and has two years post-masters experience in mental health.

2. Mental Health Professional (MHP). The MHP is an individual who has a master's degree in a mental health-related field, with a minimum of 15 hours of graduate-level course work and/or practicum in applied intervention strategies/methods designed to address behavioral, emotional and mental disorders as a part of, or in addition to, the master's degree.

NOTE: The MHP must be an employee of the MHR provider and work under the supervision of a LMHP.

3. Mental Health Specialist (MHS). The MHS is *a*n individual who meets one or more of the following criteria:

a. a bachelor's degree in a mental health related field; or

b. a bachelor's degree, enrolled in college and pursuing a graduate degree in a mental health-related field, and have completed at least two courses in that identified field; or

c. a high school diploma or a GED, and at least four years experience providing direct services in a mental health, physical health, social services, education or corrections setting.

Note: The MHS must be an employee of the MHR provider and work under the supervision of a LMHP.

4. Nurse. A registered nurse who is licensed by the Louisiana Board of Nursing or a licensed practical nurse who is licensed by the Louisiana Board of Practical Nurse Examiners may provide designated components of medication management services if he/she meets the following requirements.

a. A registered nurse must have:

i. a bachelor's degree in nursing and one year of supervised experience as a psychiatric nurse which must have occurred no more than five years from the date of employment or contract with the MHR provider; or

ii. an associate degree in nursing and two years of supervised experience as a psychiatric nurse which must have occurred no more than five years from the date of employment or contract with the MHR provider; and

NOTE: Supervised experience is experience in mental health services delivery acquired while working under the formal supervision of a LMHP.

iii. six CEUs regarding the use of psychotropic medications, including atypicals, prior to provision of direct service to MHR recipients.

b. A licensed practical nurse may perform medication administration if he/she has:

i. one year of experience as a psychiatric nurse which must have occurred no more than five years from the date of employment/contract with the MHR provider; and

ii. six CEUs regarding the use of psychotropic medications, including atypicals, prior to provision of direct service to any recipient.

NOTE: Every registered nurse and licensed practical nurse providing MHR services shall have documented evidence of five CEUs annually that are specifically related to behavioral health and medication management issues.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1089 (May 2005), amended LR 32:

Subchapter D. Records

§757. Personnel Records

A. A complete personnel records creation and retention policy shall be developed, implemented and maintained by the MHR provider. The MHR provider shall maintain documentation and verification of all relevant information necessary to assess qualifications for all staff, volunteers and consultants. All required licenses as well as professional, educational and work experience must be verified and documented in the employee's or agent's personnel record prior to the individual providing billable Medicaid services. The MHR provider's personnel records shall include the following documentation.

1. Employment Verification. Verification of previous employment shall be obtained and maintained in accordance with the criteria specified in the MHR Provider Manual.

2. Educational Verification. Educational documents, including diplomas, degrees and certified transcripts shall be maintained in the records. Résumés and documentation of qualifications for the psychiatrist and LMHPs, including verification of current licensure and malpractice insurance, must also be maintained in the records.

3. Criminal Background Checks. There shall be documentation verifying that a criminal background check was conducted on all employees prior to employment. If the MHR provider offers services to children and adolescents, it shall have background checks performed as required by R.S. 15:587.1 and R.S. 15:587.3. The MHR provider shall not hire an individual with a record as a sex offender or permit these individuals to work for the provider.

4. Drug Testing. All prospective employees who apply to work shall be subject to a drug test for illegal drug use. The drug test shall be administered after the date of the employment interview and before an offer of employment is made. If a prospective employee tests positive for illegal drug use, the MHR provider shall not hire the individual. The MHR provider shall have a drug testing policy that provides for the random drug testing of employees and a written plan to handle employees who test positive for illegal drug use, whether the usage occurs at work or during off

duty hours. This documentation shall be readily retrievable upon request by the Bureau or its designee.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1090 (May 2005), amended LR 32:

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

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

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

0511#060

DECLARATION OF EMERGENCY

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

Medical Transportation Program
Emergency Ambulance Services
Certification for Ambulance Services

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule to increase the reimbursement paid for designated emergency ambulance procedures by 1.4 percent *(Louisiana Register,* Volume 27, Number 11). The bureau subsequently adopted a Rule which established the provisions governing the medical certification of emergency and non-emergency ambulance services *(Louisiana Register,* Volume 29, Number 11). The bureau promulgated an Emergency Rule effective July 25, 2005 to amend the November 20, 2001 and November 20, 2003 rules governing reimbursement methodology and medical certification of emergency ambulance services. The bureau repealed the July 25, 2005 Emergency Rule and amended the November 20, 2003 Rule to discontinue the requirement for completion of a medical certification form for reimbursement of emergency ambulance services. This emergency rule is being promulgated to continue provisions contained in the August 3, 2005 Emergency Rule. This action is being taken to assure continued access to emergency ambulance services for Medicaid recipients by encouraging the continued participation of ambulance services providers in the Medicaid Program.

Emergency Rule

Effective for dates of service on or after December 1, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing discontinues the requirement for completion of the medical transportation certification form for reimbursement of emergency ambulance services. In order to submit a claim for Medicaid reimbursement, the emergency ambulance trip must meet the definition of emergency response as defined by the Centers for Medicare and Medicaid Services. All claims for emergency ambulance services are subject to post pay review.

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

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

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

0511#059

DECLARATION OF EMERGENCY

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

Nursing Facilities—Licensing Standards
Disaster Area Restriction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Emergency Rule as authorized by R.S. 36:254 and R.S. 40:2009.1-2116.4. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule to adopt minimum licensing standards for nursing homes *(Louisiana Register,* Volume 24, Number 1). The Department now proposes to adopt temporary provisions governing the re-opening of nursing facilities located in areas affected by Hurricanes Katrina and/or Rita. This action is being taken to prevent imminent peril to the health and well-being of Louisiana citizens who are residents of nursing facilities that were evacuated as a result of the recent natural disasters. It is anticipated that the implementation of this Emergency Rule will be cost neutral for state fiscal year 2005-06.

Emergency Rule

Effective October 18, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services

Financing adopts the following temporary provisions governing the re-opening of nursing facilities located in areas affected by Hurricanes Katrina and/or Rita. Nursing facilities located in Orleans, St. Bernard, Plaquemines, Cameron and Calcasieu parishes shall not re-open to accept returning evacuated residents or new admissions before November 30, 2005 unless the facility can demonstrate, to the satisfaction of the Department, that the facility can meet the minimum licensing standards in the areas of:

1. structural soundness of the building;
2. compliance with the sanitation code;
3. compliance with staffing requirements; and
4. access to the community service infrastructure such as hospitals, emergency transportation (including adequate resources for evacuation), physicians and other professional services, and necessary supplies.

Past performance of the facility and its contractors in the execution of the nursing facility's emergency preparedness plan shall be considered. The re-opening of nursing facilities in these parishes after November 30, 2005 shall be contingent upon the results of a joint survey conducted by the Office of the State Fire Marshal, the Office of Public Health and the Bureau of Health Services Financing, Health Standards Section to assure that the facility is in compliance with the licensing standards.

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

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

0511#008

DECLARATION OF EMERGENCY

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

Nursing Facility Minimum Licensing Standards
Emergency Preparedness (LAC 48:I.9729)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 48:I.9729 as authorized by R.S. 36:254 and R.S. 40:2009.1-2116.4. This Emergency Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a rule to adopt minimum licensing standards for nursing homes *(Louisiana Register*, Volume 24, Number 1). The Department now proposes to amend the January 20, 1998 rule to revise the provisions governing emergency preparedness requirements for nursing facilities. This action is being taken to prevent imminent peril to the health and well-being of Louisiana citizens who are residents of nursing facilities that have been evacuated as a result of natural disasters or other emergencies. It is anticipated that the implementation of this Emergency Rule will increase expenditures for nursing facility licensure surveys by $670,104 for state fiscal year 2005-06.

Effective October 18, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions contained in the January 20, 1998 Rule governing emergency preparedness requirements for nursing facilities.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing
Chapter 97. Nursing Homes
Subchapter B. Organization and General Services
§9729. Emergency Preparedness

A. The nursing facility shall have an emergency preparedness plan which conforms to the Office of Emergency Preparedness (OEP) model plan and is designed to manage the consequences of natural disasters or other emergencies that disrupt the facility's ability to provide care and treatment or threatens the lives or safety of the residents. The facility shall follow and execute its approved emergency preparedness plan in the event of the occurrence of a natural disaster or other emergency.

B. As a minimum, the nursing facility shall have a written plan that describes:

1. the evacuation of residents to a safe place either within the nursing facility or to another location;
2. the delivery of essential care and services to residents, whether the residents are housed off-site or when additional residents are housed in the nursing facility during an emergency;
3. the provisions for the management of staff, including distribution and assignment of responsibilities and functions, either within the nursing facility or at another location;
4. a plan for coordinating transportation services required for evacuating residents to another location; and
5. the procedures to notify the resident's family or responsible representative if the resident is evacuated to another location.

C. The nursing facility's plan shall be activated at least annually, either in response to an emergency or in a planned drill. The nursing facility's performance during the activation of the plan shall be evaluated and documented. The plan shall be revised if indicated by the nursing facility's performance during the planned drill.

D. The nursing facility's plan shall be reviewed and approved by the parish OEP, utilizing appropriate community-wide resources.

E. The plan shall be available to representatives of the Office of the State Fire Marshal.

F. In the event that a nursing facility evacuates as a result of an evacuation order issued by the parish OEP, or temporarily relocates or temporarily ceases operation at its licensed location and sustains damages due to wind, flooding or power outages, the nursing facility shall not be re-opened to accept returning evacuated residents or new admissions until a joint survey has been conducted by the Office of the State Fire Marshal, the Office of Public Health and the Bureau of Health Services Financing, Health Standards

Section. The purpose of this joint survey is to assure that the facility is in compliance with the licensing standards in the areas of the structural soundness of the building, the sanitation code, staffing requirements, and access to the community service infrastructure (i.e., hospitals, emergency transportation [including adequate resources for evacuation], physicians and other professional services, and necessary supplies).

1. If a nursing facility evacuates as a result of an evacuation order issued by the parish OEP, or temporarily relocates or temporarily ceases operation at its licensed location and does not sustain damages due to wind, flooding or power outages, the nursing facility may be re-opened.

G.1. Before re-opening at its licensed location, the nursing facility must submit a detailed summary to the licensing agency attesting how the facility's emergency preparedness plan was followed and executed. A copy of the facility's approved emergency preparedness plan must be attached to the detailed summary. The detailed summary must contain, at a minimum:

a. pertinent plan provisions and how the plan was followed and executed;

b. plan provisions that were not followed;

c. reasons and mitigating circumstances for failure to follow and execute certain plan provisions;

d. contingency arrangements made for those plan provisions not followed; and

e. a list of injuries and/or deaths of residents that occurred during the execution of the plan, evacuation and temporary relocation.

2. Before re-opening, the nursing facility must receive approval from the licensing agency that the facility was in substantial compliance with the emergency preparedness plan. The licensing agency will review the facility's plan and the detailed summary submitted.

a. If the licensing agency determines from these documents that the facility was in substantial compliance with the plan, the licensing agency will issue approval to the facility for re-opening, subject to the facility's compliance with any other applicable rules and regulations.

b. If the licensing agency is unable to determine substantial compliance with the plan from these documents, the licensing agency may conduct an on-site survey or investigation to determine whether the facility substantially complied with the plan.

c. If the licensing agency determines that the facility failed to comply with the provisions of its plan, the facility shall not be allowed to re-open.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.3-40:2009.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:49 (January 1998), amended LR 31:

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

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

0511#009

DECLARATION OF EMERGENCY

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

Professional Services Program—Physician Services
Supplemental Payment

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

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reimburses professional services in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes, locally assigned codes and Healthcare Common Procedure Code System. Reimbursement for these services is a flat fee established by the bureau less the amount which any third party coverage would pay. The bureau promulgated an Emergency Rule to provide a supplemental payment for services provided by physicians or other eligible professional service practitioners in qualifying essential state-owned or operated physician practice plans organized by or under the control of a state academic health system or other state entity *(Louisiana Register,* Volume 31, Number 4). The supplemental payment will bring the Medicaid rate for services provided by these physicians/practitioners up to the rate paid by commercial insurers for the same service. To qualify for this supplemental payment, the practice plans must have entered into an agreement to provide the community rate data necessary for satisfactorily calculating the supplemental payments to Medicaid on an annual basis. This Emergency Rule is being promulgated to continue provisions contained in the April 1, 2005 Rule. This action is being taken to enhance federal revenue.

Emergency Rule

Effective for dates of service on or after November 28, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing will provide supplemental Medicaid payments for qualifying essential state-owned or operated physician practice plans organized by or under the control of a state academic health system or other state entity.

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

1. licensed by the state of Louisiana;
2. enrolled as a Louisiana Medicaid provider; and
3. employed by a state-owned or operated entity, such as state-operated hospital or other state entity, including a state academic health system, which:

a. has been designated by the bureau as an essential provider; and

b. has furnished satisfactory data to DHH regarding the commercial insurance payments made to its employed physicians and other professional service practitioners.

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

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

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

2. dividing that amount by the respective charges for these payers.

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

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

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

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

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

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

0511#061

DECLARATION OF EMERGENCY

Department of Insurance
Office of the Commissioner

Rule 15—Suspension of Certain Statutes and Regulations Regarding Cancellations, Non-Renewals, Reinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Katrina
(LAC XI.2737-2745)

Emergency Rule 15 was issued on September 20, 2005 and is retroactive to 12:01 a.m. on August 26, 2005. As justification for the action taken pursuant to this amendment, J. Robert Wooley, Commissioner of Insurance ("Commissioner"), hereby reiterates, reaffirms and readopts all of the sections and provisions set forth in original Emergency Rule 15 by reference as if set forth herein *in extenso.*

The commissioner has determined that Emergency Rule 15 has had the desired effect of providing sufficient time for insureds in Louisiana to protect their insurance needs, make claims for a covered loss under the insurance policy and/or take sufficient action to begin the process to return to normalcy in the post-Katrina era. Additionally, the commissioner has determined that the viability of the insurance industry and the ability of Louisiana insureds to continue to obtain affordable insurance for all the various types of insurance necessary to maintain a healthy economy may be negatively impacted if Emergency Rule 15 is not terminated at some reasonable dates in the near future.

Accordingly, the commissioner has determined, pursuant to the grants of authority set forth in the original Emergency Rule 15, that it is appropriate to set dates for the systematic and methodical termination of Emergency Rule 15. Additionally, the commissioner has determined that it is proper to distinguish between the types of insurance that may still need to be extended to insureds as well as to distinguish between those insureds located in the primary parishes that may still need some additional time to handle their insurance needs. Finally, the commissioner has determined that it is appropriate to delineate between the types of insurance for which no further extension of time is needed by insureds as well as to delineate between the category of insureds located in those primary parishes that have had sufficient time to determine their insurance needs, handle any claims for covered losses and/or make premium payments with regard their insurance matters.

In light of this, Emergency Rule 15 is hereby amended to provide various termination dates for various types of insurance and to provide for termination dates with regard to those insureds located in both the primary and secondary parishes as defined in Emergency Rule 15. To facilitate cross referencing, this amendment will set forth both the Section of Emergency Rule 15 as issued by the commissioner and the Section of the Emergency Rule 15 as published by the Office of the State Register. This Declaration of Emergency was adopted on November 1, 2005.

Title 37
INSURANCE
Part XI. Rules

Chapter 27. Rule 15—Suspension of Certain Statutes and Regulations Regarding Cancellations, Non-Renewals, Reinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused By Hurricane Katrina

§2737. Affirmation of Emergency Rule 15 and Amendment

A. Emergency Rule 15 was previously adopted by the commissioner on September 20, 2005, retroactive to 12:01 a.m. on August 26, 2005. In furtherance of the power vested in the commissioner and the jurisdiction of the commissioner over all matters related to insurance that were affected by Hurricane Katrina and/or its aftermath the commissioner hereby amends Emergency Rule 15 to adopt new sections and provisions and to set forth dates for the termination of Emergency Rule 15.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2739. Termination

A. Emergency Rule 15 shall terminate for the category of insureds and for the types of insurance set forth herein on the dates established below.

1. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 15 shall terminate with regards to any and all types of health insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medical supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance and any and all other health insurance for the following category of insureds:

a. any person who previously met the definition of §2701.A.1 of Emergency Rule 15 who resided in one of the following seven primary parishes: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa and Washington;

b. any person who previously met the definition of §2701.A.2 of Emergency Rule 15;

c. any person who previously met the definition of §2701.A.3 of Emergency Rule 15 and who resided in one of the following seven secondary parishes: Lafourche, Livingston, St. Charles, St. James, St. John the Baptist, St. Mary and Terrebonne;

d. any person who previously was extended protection pursuant to §2701.A.4 of Emergency Rule 15.

2. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 15 shall terminate for all types of insurance enumerated in §2703 of Emergency Rule 15 for the following category of insureds:

a. any person who previously met the definition of §2701.A.1 of Emergency Rule 15 who resided in one of the following three primary parishes: Jefferson, Tangipahoa and Washington;

b. any person who previously met the definition of §2701.A.2 of Emergency Rule 15;

c. any person who previously met the definition of §2701.A.3 of Emergency Rule 15and who resided in one of the following seven secondary parishes: Lafourche, Livingston, St. Charles, St. James, St. John the Baptist, St. Mary and Terrebonne;

d. any person who previously was extended protection pursuant to §2701.A.4 of Emergency Rule 15.

3. Effective at 12:00 a.m. (midnight) on December 31, 2005, if not previously terminated herein pursuant to §2739.A.1 or §2739.A.2, Emergency Rule 15 shall terminate for all remaining types of insurance enumerated in §2703 of Emergency Rule 15 for the following category of insureds:

a. any person who previously met the definition of §2701.A.1 of Emergency Rule 15 who resided in one of the following four primary parishes: Orleans, Plaquemines, St. Bernard and St. Tammany.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2741. Nonrenewal, Nonreinstatement and Premium Increase

A. The commissioner reiterates that, except as provided for in §2715 of Emergency Rule 15, the nonrenewal or nonreinstatement of any and all types of insurance enumerated in §2703 of Emergency Rule 15 and in §3101.B of Emergency Rule 17, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 is hereby suspended and shall be deferred until January 1, 2006 for those insureds who are current with their premium payments.

B. The commissioner reiterates that any rate increase that may be applicable to any and all types of insurance enumerated in §2703 of Emergency Rule 15 and in §3101.B of Emergency Rule 17, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 shall be deferred until January 1, 2006, and said insurance shall continue in full force and effect until January 1, 2006 at the previously established premium for those insureds who are current with their premium payments.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2743. Continuing Jurisdiction

A. The commissioner hereby retains the right of continuing jurisdiction over all sections and provisions set forth Emergency Rule 15, as originally adopted and/or as amended, after the termination of Emergency Rule 15 for purposes of interpretation, enforcement and any and all other regulatory action.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2745. Severability Clause

A. If any section or provision of Emergency Rule 15, as originally adopted and/or as amended, is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of Emergency Rule 15, as originally adopted and/or as amended, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

J. Robert Wooley
Commissioner

0511#049

DECLARATION OF EMERGENCY

Department of Insurance
Office of the Commissioner

Rule 17—Suspension of Certain Statutes and Regulations Regarding Health Insurance and Related Provisions Regarding Any and All Health Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Katrina
(LAC 37:XI.3147-3167)

Emergency Rule 17 was issued on September 20, 2005 and is retroactive to 12:01 a.m. on August 26, 2005. As justification for the action taken pursuant to this amendment, J. Robert Wooley, Commissioner of Insurance ("Commissioner"), hereby terminates certain sections and provisions set forth in original Emergency Rule 17 by reference as if set forth herein *in extenso.*

The commissioner has determined that Emergency Rule 17 has had the desired effect of providing sufficient time for insureds in Louisiana to protect their health insurance needs, obtain the services of a health care provider or health care professional, file for health insurance benefits for covered claims under their health insurance policy and/or take sufficient action to begin the process to return to normalcy in the post-Katrina era. Additionally, the commissioner has determined that the viability of the health insurance industry as well as the viability of the health care providers and health care professionals may be negatively impacted if Emergency Rule 17 is not terminated at some reasonable date in the near future.

Accordingly, the commissioner has determined, pursuant to the grants of authority set forth in the original Emergency Rule 17, that it is appropriate to set dates for the termination of Emergency Rule 17. Additionally, the commissioner has determined that it is proper to distinguish between those health insurance policies where the premium has been paid as compared to those where the premium has not been paid. Also, the commissioner has determined that it is proper to distinguish between those health care providers and/or health care professionals who rendered services within and/or who operate businesses within the seven primary parishes affected by Hurricane Katrina and/or its aftermath. Lastly, recognizing that insureds/persons face numerous obstacles with regard to their health insurance coverage the commissioner has determined it is necessary to take action to minimize the possibility that insureds/persons may lose their health insurance due to their inability to adhere to certain pre-established time frames under the Health Insurance Portability and Accountability Act (hereinafter HIPAA) and/or certain notice time frames under the Consolidated Omnibus Budget Reconciliation Act (hereinafter COBRA).

In light of this, Emergency Rule 17 is hereby amended to provide various termination dates for the various types of health insurance and to provide for termination dates with regard to those insureds/persons located in both the primary and secondary parishes as defined in Emergency Rule 17 and to provide for the payment of claims to health care providers and health care professionals who rendered health care to insureds/persons during the time when Emergency Rule 17 is in effect. To facilitate cross referencing, this amendment will set forth both the Section of Emergency Rule 17 as issued by the commissioner and the Section of the Emergency Rule 17 as published by the Office of the State Register. This Declaration of Emergency was adopted on November 1, 2005.

Title 37
INSURANCE
Part XI. Rules

Chapter 31. Rule 17—Suspension of Certain Statutes and Regulations Regarding Health Insurance and Related Provisions Regarding Any and All Health Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Katrina

§3147. Affirmation of Emergency 17 and Amendment

A. Emergency Rule 17 was previously adopted by the commissioner on September 20, 2005, retroactive to 12:01 a.m. on August 26, 2005. In furtherance of the power vested in the commissioner and the jurisdiction of the commissioner over all matters related to insurance that were affected by Hurricane Katrina and/or its aftermath, the commissioner hereby amends Emergency Rule 17 to adopt new sections and provisions and to set forth dates for the termination of Emergency Rule 17.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3149. Termination

A. Emergency Rule 17 shall terminate for the category of insureds/persons and for the types of insurance set forth herein on the dates established below.

1. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 17 shall terminate with regards to any and all types of health insurance enumerated in Emergency Rule 17, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medical supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, TPAs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance and any and all other health insurance for the following category of insureds:

a. any person who previously met the definition of §3101.A.1 of Emergency Rule 17 who resided in one of the following seven primary parishes: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa and Washington;

b. any person who previously met the definition of §3101.A.2 of Emergency Rule 17;

c. any person who previously met the definition of §3101.A.3 of Emergency Rule 15 and who resided in one of the following seven secondary parishes: Lafourche, Livingston, St. Charles, St. James, St. John the Baptist, St. Mary and Terrebonne;

d. any person who previously was extended protection pursuant to §3101.A.4 of Emergency Rule 17.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3151. Retention of Certain Provisions of Emergency Rule 17

A. The commissioner does not terminate the following sections of Emergency Rule 17 and these sections shall remain in effect until the Emergency Rules expires 120 days from the date of adoption, unless otherwise extended by the commissioner:

1. Section 3121.A, Medicare Supplement Premiums, which states the following:

> "The commissioner hereby suspends the requirements that the payment of Medicare supplement premiums can only be made pursuant to R.S. 22:224.K.
>
> In furtherance of this suspension, any policies that contain restrictive language relative to modes of premium payment shall allow for the acceptance of other payment methods during this State of Emergency or any subsequent State of Emergency including, but not be limited to, credit card, debit card, FEMA voucher, federal assistance, state assistance, or any and all other related or similar payment methods."

2. Section 3125.A, Claim Caused by Hurricane Katrina, which states the following:

> "Emergency Rule 17 shall not relieve an insured who has a claim caused by Hurricane Katrina, or its aftermath, from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim."

3. Section 3137.A, Purpose, which states the following:

> "The provisions of Emergency Rule 17 shall be liberally construed to effectuate the intent and purpose expressed herein and to afford maximum consumer protection for the insureds of Louisiana."

4. Section 3139.A, Enforcement and Penalties, which states the following:

> "The commissioner retains the sole authority to enforce violations of Emergency Rule 17. Accordingly, any insurer, HMOs, PPOs and MCOs, or other entity doing business in Louisiana and/or regulated by the commissioner who violates any provision of Emergency Rule 17 shall be subject to prosecution by the commissioner under any applicable provisions of the Louisiana Insurance Code, including the provisions of the R.S. 22:250.41, et seq., 22:1211, et seq., and specifically including, but not limited to, R.S.22:1214(7), (12) and (14). Additionally, the penalty provisions set forth in LSA R.S. 22:1217 shall be applicable. These provisions include penalties of $1,000.00 for each separate act, or $25,000 for each separate act if the violator knew or reasonably should have known he was in violation of Emergency Rule 17, as well as a cease and desist order and the imposition of other penalties and suspension or revocation of the license.
>
> Additionally, R.S. 22:1220, which, among other things, imposes the obligation of good faith and fairdealing shall also be subject to the sole enforcement authority of the commissioner. That law sets forth penalties and exemplary damages which shall be enforceable by the commissioner for any violation of Emergency Rule 17. Finally, the commissioner reserves the sole right to make the determination regarding whether any violator shall be subject to any and all other applicable civil and criminal sanctions for violations of Emergency Rule 17."

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3153. Health Insurance Portability and Accountability Act ("HIPAA") Provisions and Time Frames

A. The HIPAA portability provisions generally provide that a group health plan or group heath insurance issuer may disregard a period of creditable coverage if there is a subsequent 63-day break in coverage.

B. Also, a newborn, adopted child, or child placed for adoption may not be subject to a preexisting condition exclusion period if covered under creditable coverage within 30 days of birth, adoption, or placement for adoption.

C. The HIPAA special enrollment provisions generally provide that employees must request enrollment within 30 days of a special enrollment trigger (including loss of eligibility of coverage for loss of employer contributions) to be eligible for special enrollment.

D. The HIPAA certification rules prescribe time periods for the provision of certificates of creditable coverage upon loss of coverage. Under the regulations, plans and issuers subject to COBRA continuation coverage provisions are required to provide an automatic certificate no later than the time for providing a COBRA election notice. Plans and issuers not subject to COBRA are required to provide the automatic certificate within a reasonable time after coverage ceases.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3155. Adoption of Extended Time Frames for HIPAA

A. The commissioner hereby incorporates by reference all provisions of 70 Fed. Reg. 55500-55502 and 59620 that relate to time frames under the Health Insurance Portability and Accountability Act ("HIPAA") and 70 Fed. Reg. 55500-55502 and 59620 with regard to times frames under the Consolidated Omnibus Budget Reconciliation Act ("COBRA"), as if set forth herein *in extenso.*

B. With respect to insureds/persons, health insurance issuers, HMOs, PPOs, MCOs, TPAs and any and all other health insurance entities must disregard the period from August 26, 2005 through February 28, 2006 when determining any of the following time periods and dates for group and individual health insurance coverage:

1. the 63-day break in coverage period;
2. the 30-day period to secure creditable coverage without a preexisting condition exclusion for certain children;
3. the 30-day period to request special enrollment.

C. The provisions of LSA - R.S. 22:215.6 (entitled Part VI. Health and Accident Insurance) and any and all provisions in R.S. 22:250.1 et seq. (entitled Part VI-C. Assuring Portability, Availability and Renewability of Health Insurance Coverage) shall be in conformity with any and all extension of timeframes set forth in 29 CFR Part 54 and 29 CFR 2560 and 2590.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3157. Consolidated Omnibus Budget Reconciliation Act ("COBRA") Provisions and Timeframes

A. The COBRA continuation coverage provisions generally provide insureds/persons a period of at least 60 days to elect COBRA continuation coverage under a group health plan. See ERISA section 605 and Code section 4980B(f)(5).

B. Plans are required to allow payers to pay premiums in monthly installments and plans cannot require payment of premiums before 45 days after the day of the initial COBRA election. ERISA section 602(3) and Code section 4980B(f)(2)(C). Under the COBRA rules, a premium is considered paid timely if it is made not later than 30 days after the first day in the period for which payment is being made. See ERISA section 602(2)(C) and Code section 4980B(f)(2)(B)(iii), 26 CFR 54.4980B-8 Q&A-5(a).

C. Notice provisions prescribe time periods for individuals to notify the plan of a qualifying event or determination of disability and for plans to notify insureds/persons of their rights to elect COBRA continuation coverage. See ERISA section 606 and Code section 4980B(f)(6), 29 CFR 2590.606-3.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3159. Adoption of Extended Time Frames for COBRA

A. The commissioner hereby incorporates by reference all provisions of 70 Fed. Reg. 55500-55502 and 59620 with regard to times frames pursuant to COBRA as if set forth herein *in extenso.*

B. With respect to insureds/persons health insurance issuers, HMOs, PPOs, MCOs, TPAs and any and all other health insurance entities must disregard the period from August 26, 2005 through February 28, 2006 when determining any of the following time periods and dates for group health insurance coverage:

1. the 60 day period to elect COBRA continuation coverage under ERISA Section 605 and Code section 4980B(f)(5);
2. the date for making COBRA premium payments pursuant to ERISA Section 602(2)(C)and (3) and Code section 4980B(f)(2)(B)(iii) and (C);
3. the date for individuals to notify the plan of a qualifying event or determination of disability under ERISA section 606(a)(3)and Code section 4980B(f)(6);

C. Section 3129 of Emergency Rule 17 in reference to R.S. 22:215.13 (entitled Part VI. Health and Accident Insurance) is hereby amended to be in conformity with any and all extension of timeframes set forth in 29 CFR Part 54, 29 CFR 2560 and 2590.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3161. Extended Time Frames for State Continuation

A. The commissioner hereby suspends R.S. 22:215.13 for group health insurance election time frames to allow insureds/persons additional time to elect group health insurance continuation. The commissioner hereby extends the time frames to February 28, 2006 in order to ensure consistency with the federal guidelines issued in 29 CFR 2560, 2590 and 26 CFR 54.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3163. Nonrenewal, Nonreinstatement and Premium Increase

A. The commissioner reiterates that, except as provided for in §2715 of Emergency Rule 15, the nonrenewal or nonreinstatement of any and all types of insurance enumerated in §2703 of Emergency Rule 15 and in §3101.B of Emergency Rule 17, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 is hereby suspended and shall be deferred until January 1, 2006 for those insureds who are current with their premium payments.

B. The commissioner reiterates that any rate increase that may be applicable to any and all types of insurance enumerated in §2703 of Emergency Rule 15 and in §3101.B of Emergency Rule 17, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 shall be deferred until January 1, 2006, and said insurance shall continue in full force and effect until January 1, 2006 at the previously established premium for those insureds who are current with their premium payments.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3165. Continuing Jurisdiction

A. The commissioner hereby retains the right of continuing jurisdiction over all sections and provisions set forth Emergency Rule 17, as originally adopted and/or as amended, after the termination of Emergency Rule 17 for purposes of interpretation, enforcement and any and all other regulatory action.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3167. Severability Clause

A. If any section or provision of Emergency Rule 17, as originally adopted and/or as amended, is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of Emergency Rule 17, as originally adopted and/or as amended, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

J. Robert Wooley
Commissioner

0511#050

DECLARATION OF EMERGENCY

Department of Insurance
Office of the Commissioner

Rule 19—Suspension of Certain Statutes and Regulations Regarding Cancellations, Non-Renewals, Reinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Rita
(LAC 37:XI.Chapter 35)

Emergency Rule 19 is issued pursuant to the plenary authority of the Commissioner of Insurance for the state of Louisiana, including, but not limited to, the following: Proclamation No. 53 KBB 2005 issued on September 20, 2005 by Governor Kathleen Babineaux Blanco declaring a State of Emergency; Executive Order No. KBB 2005 - 70 issued October 24, 2005 by Governor Kathleen Babineaux Blanco transferring authority over any and all insurance matters to Commissioner of Insurance J. Robert Wooley (Commissioner); R.S. 29:724; R.S. 29:766; R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

On September 20, 2005, Governor Kathleen Babineaux Blanco declared the existence of a State of Emergency within the state of Louisiana caused by Hurricane Rita. This State of Emergency extended from Tuesday, September 20, 2005 through Thursday, October 20, 2005 and has been further extended from Thursday, October 20, 2005 through Saturday, November 19, 2005.

Thousands of Louisiana citizens have suffered damages due to Hurricane Rita. In some places, it could be months before electricity is restored. The homes of many Louisiana citizens were destroyed precluding habitation and the delivery of mail. This disruption has affected the ability of these citizens to pay their insurance premiums, access their insurance policies, and communicate with insurance agents and their respective insurance companies for insurance related matters. Hurricane Rita has created a mass disruption to the normalcy previously enjoyed by Louisianans and produced an immediate threat to the public health, safety, and welfare of Louisiana citizens.

The commissioner will be hindered in the proper performance of the duties and responsibilities regarding this State of Emergency without the authority to suspend certain statutes in the Louisiana Insurance Code and the rules and regulations that implement the Louisiana Insurance Code including, but not limited to, cancellation, nonrenewal, reinstatement, premium payment and claim filings with regard to any and all types of insurance subject to the Louisiana Insurance Code.

In light of this, Emergency Rule 19 is issued and shall apply to all insurers, HMOs, health and accident insurers, property and casualty insurers, surplus lines insurers and any and all other entities doing business in Louisiana and/or regulated by the Commissioner, including any entity enumerated in Emergency Rule 20, regarding any and all types of insurance, including, but not limited to, flood insurance, homeowners insurance, life insurance, health and accident insurance, limited benefit insurance, vehicle insurance, liability insurance, workers' compensation insurance, burglary and forgery insurance, glass insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, steam boiler and sprinkler leakage insurance, crop and livestock insurance, marine and transportation insurance, credit life, medical supplement insurance, credit property and casualty insurance, annuity insurance, HMOs, professional and medical malpractice liability insurance, property and casualty insurance, all surplus lines insurance, self insurance funds, reciprocal insurance and any and all other insurance related entities licensed by the Commissioner or doing business in Louisiana.

Emergency Rule 19 is applicable to insureds, as defined in §3501.A.1, from the following three primary parishes: Calcasieu, Cameron and Vermilion. Emergency Rule 19 is also applicable to insureds, as defined in §3501.A.3, from the following nine secondary parishes: Acadia, Allen, Beauregard, Iberia, Jefferson Davis, Lafayette, Lafourche, St. Mary and Terrebonne. The zip codes applicable to the three primary parishes include, but may not be limited to, the list identified as "Hurricane Rita Three Primary Parish Zip Code List" found on the official Louisiana Department of Insurance web site at http://www.ldi.state.la.us. The zip codes applicable to the nine secondary parishes include, but may not be limited to, the list identified as "Hurricane Rita Nine Secondary Parish Zip Code List" found on the official Louisiana Department of Insurance web site at http://www.ldi.state.la.us. Insureds shall include, but not be limited to, any and all policyholders, members, subscribers and certificate holders.

In the ordinary course of business, insurers, HMOs, health and accident insurers, property and casualty insurers, surplus lines insurers and any and all other entities doing business in Louisiana and/or regulated by the Commissioner and other entities send notices to insureds, many of which are required by statute, giving the insured certain limited periods of time within which to pay premiums or otherwise respond. Hurricane Rita and its aftermath have produced a disruption in the notification process because of the inability of insureds to receive mail due to mandatory evacuations and/or the destruction of their homes. Thus, many of Hurricane Rita's victims are currently unable to timely act or respond to such notices or to pay insurance premiums and need additional time within which to act or respond. Some insurers, HMOs, health and accident insurers, property and casualty insurers, surplus lines insurers and any and all other entities doing business in Louisiana and/or regulated by the Commissioner and other entities may attempt to cancel, nonrenew or not reinstate such insurance policies. Additionally, some insureds with policies in force as of 12:01 a.m. on September 20, 2005, who wish to make timely payment, are also prevented from making such payment because of the aforementioned circumstances. This could result in an insured being without coverage and/or potentially uninsured. Emergency Rule 19 provides emergency relief to the insureds of Louisiana affected by Hurricane Rita and/or its aftermath so that they will be insured and their coverage will continue under those policies that were in effect as of 12:01 a.m. on September 20, 2005.

Title 37
INSURANCE
PART XI. Rules

Chapter 35. Emergency Rule 19—Suspension of Certain Statutes and Regulations Regarding Cancellations, Non-Renewals, Reinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Rita

§3501. Benefits, Entitlements and Protections

A. The benefits, entitlements and protections of Emergency Rule 19 shall be applicable to insureds who, as of 12:01 a.m. on September 20, 2005 had a policy or contract for any of the types of insurance enumerated in §3503, and meet one of the following criteria:

1. any person who, as of September 20, 2005, resided in one of the following three primary parishes: Calcasieu, Cameron and Vermilion. The zip code for these three primary parishes is on the list identified as "Hurricane Rita Three Primary Parish Zip Code List" found on the official Louisiana Department of Insurance web site at http://www.ldi.state.la.us;

2. any person whose primary place of employment was in, or whose permanent employer had assigned said person to a business located in, one of the three primary parishes enumerated in §3501.A.1 shall be eligible to be defined as an insured if said person verifies such employment status by written documentation to his insurer. No insurer shall unreasonably withhold eligibility to an insured upon receipt of such written documentation;

3. any person who, as of September 20, 2005, resided in one of the following nine secondary parishes: Acadia, Allen, Beauregard, Iberia, Jefferson Davis, Lafayette, Lafourche, St. Mary and Terrebonne. However any such person shall only be eligible to be defined as an insured if said person obtains written documentation from either the Chief Executive Officer of the applicable parish of the person or the United States Postal Service that said person incurred an interruption of mail service after September 20, 2005. The zip code for these nine secondary parishes is on the list identified as "Hurricane Rita Nine Secondary Parish Zip Code List" found on the official Louisiana Department of Insurance internet web site at http://www.ldi.state.la.us;

4. nothing in Emergency Rule 19 shall preclude an insurer from voluntarily applying the provisions of Emergency Rule 19 relating to cancellation, nonrenewal and nonreinstatement to any other person who is an insured and who resides in any parish other than the parishes set forth in §3501.A.1 or 3.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3503. Application

A. Emergency Rule 19 shall apply to any and all types of insurance, including, but not limited to, flood insurance, homeowners insurance, life insurance, health and accident insurance, limited benefit insurance, vehicle insurance, liability insurance, workers' compensation insurance, burglary and forgery insurance, glass insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, steam boiler and sprinkler leakage insurance, crop and livestock insurance, marine and transportation insurance, credit life, medical supplement insurance, credit property and casualty insurance, annuity insurance, HMOs, professional and medical malpractice liability insurance, property and casualty insurance, all surplus lines insurance, self insurance funds, disability insurance, reciprocal insurance and any and all other insurance related entities licensed by the commissioner or doing business in Louisiana.

B. Any statutory or regulatory provision, or any policy provision contained in any and all policies of insurance set forth in §3503 above, shall be suspended to the extent that said statutory or regulatory provision, or policy provision, imposed upon an insured a time limit to perform any act or transmit information or funds with respect to any insurance enumerated in §3503 above, which act or transmittal was to have been performed on or after 12:01 a.m. on September 20, 2005. The time limit for any such performance, act or transmittal shall be suspended during the term of the present State of Emergency, and any subsequent State of Emergency declared thereafter, with regard to Hurricane Rita or its aftermath.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3505. Cancellation, Nonrenewal and Nonreinstatement

A. Emergency Rule 19 hereby suspends any notice of cancellation, notice of nonrenewal, nonreinstatement or any

other notice related to any of the types of insurance enumerated in §3503 that was in force and effect at 12:01 a.m. on September 20, 2005, and any such action shall be null and void and have no force or effect. Furthermore, any such notice shall be reissued *de novo* to the insured in accordance with existing statutory requirements after the expiration of the present State of Emergency, or any subsequent State of Emergency, related to Hurricane Rita and/or its aftermath has been lifted by Governor Kathleen Babineaux Blanco.

B. Any and all provisions in the Louisiana Insurance Code relative to providing for a premium finance company to act on behalf of and/or as agent for an insurance company are hereby suspended. In furtherance thereof, the right, entitlement, legal provision or any other form of legal authority, including any policy provision, of any and all insurers to send a notice of cancellation is suspended effective 12:01 a.m. on September 20, 2005 and shall remain suspended during the State of Emergency related to Hurricane Rita and/or its aftermath. Emergency Rule 19 hereby suspends the right of any insurer to utilize the services of a premium finance company to issue any such notice to any insured.

C. No policy shall be cancelled or nonrenewed solely because of a claim resulting from Hurricane Rita and/or its aftermath.

D. Except as provided for in §3515, the cancellation of any and all types of insurance enumerated in §3503, including, but not limited to, flood insurance, homeowners insurance, life insurance, health and accident insurance, limited benefit insurance, vehicle insurance, liability insurance, workers' compensation insurance, burglary and forgery insurance, glass insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, steam boiler and sprinkler leakage insurance, crop and livestock insurance, marine andtransportation insurance, credit life, medical supplement insurance, credit property and casualty insurance, annuity insurance, HMOs, professional and medical malpractice liability insurance, property and casualty insurance, all surplus lines insurance, self insurance funds, disability insurance, reciprocal insurance and any and all other insurance related entities licensed by the commissioner or doing business in Louisiana, is hereby suspended and shall not be allowed until the State of Emergency declared by Governor Kathleen Babineaux Blanco with regard to Hurricane Rita and/or its aftermath has been lifted.

E. Except as provided for in §3515 the nonrenewal or nonreinstatement of any and all types of insurance enumerated in §3503 herein and in Emergency Rule 20, including any and all other insurance licensed by the Commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on September 20, 2005 is hereby suspended and shall be deferred until January 1, 2006.

F. Any rate increase that may be applicable to any and all types of insurance enumerated in §3503 herein and in Emergency Rule 20, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on September 20, 2005 shall be deferred until January 1, 2006, and said insurance shall continue in full force and effect until January 1, 2006 at the previously established premium.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3507. Copy of Policy

A. If an insured requests from his insurer a copy of the policy the insurer shall provide a copy of the requested policy to the insured without any charge or fee.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3509. New Policies

A. The provisions of Emergency Rule 19 shall not apply to any new policies of insurance for the types of insurance enumerated in Emergency Rule 19 if said insurance policy was issued on or after 12:01 a.m. September 20, 2005.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3511. New Rate or Premium

A. Emergency Rule 19 shall not affect the right of any insurer to implement a new rate or premium for any policy of insurance enumerated in §3503 if the new rate or premium had been approved for implementation by the commissioner on or before August 31, 2005, or if the insurer had mailed to the insurer the notice of the new rate or premium on or before August 31, 2005.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3513. Premium Offset

A. All insurers regulated by Emergency Rule 19, including, but not limited to, property and casualty insurers, surplus lines insurers and any and all other entities doing business in Louisiana and/or regulated by the commissioner and other similar or related entities receiving a claim from an insured owing a premium may offset the premium that is owed by the insured from any claim payment made to the insured under the policy. §3513 is not applicable to health insurance issuers, HMOs, PPOs, MCOs, TPAs or any other health insurance entities doing business in Louisiana and/or regulated by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3515. Written Request for Cancellation

A. A cancellation shall not occur prior to the expiration of the State of Emergency or any subsequent State of Emergency related to Hurricane Rita and/or its aftermath, unless upon the documented written request or written concurrence of the insured.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3517. Obligation to Pay Premium

A. Unless otherwise cancelled pursuant to the provisions of §3515 herein, nothing in Emergency Rule 19 shall be construed to exempt or excuse an insured from the obligation to pay the premiums otherwise due for actual insurance coverage provided.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3519. Fraud or Material Misrepresentation

A. Emergency Rule 19 shall not prevent an insurer from canceling or terminating a policy of insurance for fraud or material misrepresentation on the part of the insured.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3521. Insured's Obligation

A. Emergency Rule 19 shall not relieve an insured who has a claim caused by Hurricane Rita and/or its aftermath from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to the claim.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3523. Interest, Penalty, Fee or Other Charge

A. The right of an insurer to impose or levy any interest, penalty, fee or other charge is hereby suspended until the present State of Emergency, or any subsequent State of Emergency, related to Hurricane Rita and/or its aftermath has been lifted by Governor Kathleen Babineaux Blanco.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3525. Exemption from Compliance

A. Notwithstanding any other provision contained herein, the Commissioner may exempt any insurer from compliance with Emergency Rule 19 upon the written request by the insurer if the Commissioner determines that compliance with Emergency Rule 19 may be reasonably expected to result in said insurer being subject to undue hardship, impairment, or insolvency.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3527. Purpose

A. The provisions of Emergency Rule 19 shall be liberally construed to effectuate the intent and purposes expressed herein and to afford maximum consumer protection for the insureds of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3529. Penalty for Violation

A. The commissioner retains the sole authority to enforce violations of Emergency Rule 19. Accordingly, any insurer enumerated in Emergency Rule 19 or other entity doing business in Louisiana and/or regulated by the Commissioner who violates any provision of Emergency Rule 19 shall be subject to prosecution by the Commissioner under any applicable provisions of the Louisiana Insurance Code, including the provisions of the R.S. 22:250.41, et seq., 22:1211, et seq., and specifically including, but not limited to, R.S. 22:1214(7), (12) and (14). Additionally, the penalty provisions set forth in R.S. 22:1217 shall be applicable. These provisions include penalties of $1,000 for each separate act, or $25,000 for each separate act if the violator knew or reasonably should have known he was in violation of Emergency Rule 19, as well as a cease and desist order and the imposition of other penalties and suspension or revocation of the license. Additionally, R.S. 22:1220, which, among other things, imposes the obligation of good faith and fair dealing shall also be subject to the sole enforcement authority of the commissioner. This law sets forth penalties and exemplary damages which shall be enforceable by the commissioner for any violation of Emergency Rule 19. Finally, the commissioner reserves the sole right to make the determination regarding whether any violator shall be subject to any and all other applicable civil and criminal sanctions for violations of Emergency Rule 19.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3531. Rule Amendment

A. The commissioner reserves the right to amend, modify, alter or rescind all or any portions of Emergency Rule 19.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3533. Severability Clause

A. If any section or provision of Emergency Rule that is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of Emergency Rule 19, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3535. Effective Date

A. Emergency Rule 19 shall become effective at 12:01 a.m. on September 20, 2005 and shall continue in full force and effect for the duration of the present State of Emergency proclaimed by Governor Kathleen Babineaux Blanco, or any subsequent State of Emergency proclamation made thereafter.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

J. Robert Wooley
Commissioner

0511#032

DECLARATION OF EMERGENCY

Department of Insurance
Office of the Commissioner

Rule 19—Suspension of Certain Statutes and Regulations Regarding Cancellations, Non-Renewals, Reinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Rita
(LAC 37:XI.3537-3545)

Emergency Rule 19 was adopted on October 26, 2005 and is retroactive to 12:01 a.m. on September 20, 2005. As justification for the action taken pursuant to this amendment, J. Robert Wooley, Commissioner of Insurance ("Commissioner"), hereby reiterates, reaffirms and readopts all of the sections and provisions set forth in original Emergency Rule 19 by reference as if set forth herein *in extenso.*

The commissioner has determined that Emergency Rule 19 has had the desired effect of providing sufficient time for insureds in Louisiana to protect their insurance needs, make claims for covered losses under their insurance policy and/or take sufficient action to begin the process to return to normalcy in the post-Rita era. Additionally, the commissioner has determined that the viability of the insurance industry and the ability of Louisiana insureds to continue to obtain affordable insurance for all the various types of insurance necessary to maintain a healthy economy may be negatively impacted if Emergency Rule 19 is not terminated at some reasonable dates in the near future.

Accordingly, the commissioner has determined, pursuant to the grants of authority set forth in the original Emergency Rule 19, that it is appropriate to set dates for the systematic and methodical termination of Emergency Rule 19. Additionally, the commissioner has determined that it is proper to distinguish between the types of insurance that may still need to be extended to insureds as well as to distinguish between those insureds located in the primary parishes that may still need some additional time to handle their insurance needs. Finally, the commissioner has determined that it is appropriate to delineate between the types of insurance for which no further extension of time is needed by insureds as well as to delineate between the category of insureds located in those primary parishes that have had sufficient time to determine their insurance needs, handle any claims for covered losses and/or make premium payments with regard to their insurance matters.

In light of this, Emergency Rule 19 is hereby amended to provide various termination dates for various types of insurance and to provide for termination dates with regard to those insureds located in both the primary and secondary parishes as defined in Emergency Rule 19. This Declaration of Emergency was adopted on November 1, 2005.

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INSURANCE
Part XI. Rules

Chapter 35. Rule 19—Suspension of Certain Statutes and Regulations Regarding Cancellations, Non-Renewals, Reinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Rita

§3537. Affirmation of Emergency Rule 19 and Amendment

A. Emergency Rule 19 was previously adopted by the commissioner on October 26, 2005, retroactive to 12:01 a.m. on September 20, 2005. In furtherance of the power vested in the commissioner and the jurisdiction of the commissioner over all matters related to insurance that were affected by Hurricane Rita and/or its aftermath the commissioner hereby amends Emergency Rule 19 to adopt new sections and provisions and to set forth dates for the termination of Emergency Rule 19.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3539. Termination

A. Emergency Rule 19 shall terminate for the category of insureds and for the types of insurance set forth herein on the dates established below:

1. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 19 shall terminate with regards to any and all types of health insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medical supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance and any and all other health insurance for the following category of insureds:

a. any person who previously met the definition of §3501.A.1 of Emergency Rule 19 who resided in one of the following three primary parishes: Calcasieu, Cameron and Vermilion;

b. any person who previously met the definition of §3501.A.2 of Emergency Rule 19;

c. any person who previously met the definition of §3501.A.3 of Emergency Rule 19 and who resided in one of the following nine secondary parishes: Acacia, Allen, Beauregard, Iberia, Jefferson Davis, Lafayette, Lafourche, St. Mary and Terrebonne;

d. any person who previously was extended protection pursuant to §3501.A.4 of Emergency Rule 19.

2. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 19 shall terminate for all types of insurance enumerated in §3503 of Emergency Rule 19 for the following category of insureds:

a. any person who previously met the definition of §3501.A.1 of Emergency Rule 19 who resided in one of the following three primary parishes: Calcasieu, Cameron and Vermilion;

b. any person who previously met the definition of §3501.A.2 of Emergency Rule 19;

c. any person who previously met the definition of §3501.A.3 of Emergency Rule 19 and who resided in one of the following nine secondary parishes: Acadia, Allen, Beauregard, Iberia, Jefferson Davis, Lafayette, Lafourche, St. Mary and Terrebonne;

d. any person who previously was extended protection pursuant to §3501.A.4 of Emergency Rule 19.

3. Effective at 12:00 a.m. (midnight) on December 31, 2005, if not previously terminated herein pursuant to §3539.A.1 or §3539.A.2, Emergency Rule 19 shall terminate for all insureds defined in Section 3501.A of Emergency Rule 19 and for all of the types of insurance enumerated in §3503 of Emergency Rule 19:

a. any person who previously met the definition of §3501.A.1 of Emergency Rule 19 who resided in one of the following three primary parishes: Calcasieu, Cameron and Vermilion.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3541. Nonrenewal, Nonreinstatement and Premium Increase

A. The commissioner reiterates that, except as provided for in §3515 of Emergency Rule 19, the nonrenewal or nonreinstatement of any and all types of insurance enumerated in §3503 of Emergency Rule 19 and in Section 3701.B of Emergency Rule 20, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on September 20, 2005 is hereby suspended and shall be deferred until January 1, 2006 for those insureds who are current with their premium payments.

B. The commissioner reiterates that any rate increase that may be applicable to any and all types of insurance enumerated in Section 3503 of Emergency Rule 19 and in §3701.B of Emergency Rule 20, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on September 20, 2005 shall be deferred until January 1, 2006, and said insurance shall continue in full force and effect until January 1, 2006 at the previously established premium for those insureds who are current with their premium payments.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3543. Continuing Jurisdiction

A. The commissioner hereby retains the right of continuing jurisdiction over all sections and provisions set forth in Emergency Rule 19, as originally adopted and/or as amended, after the termination of Emergency Rule 19 for purposes of interpretation, enforcement and any and all other regulatory action.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3545. Severability Clause

A. If any section or provision of Emergency Rule 19, as originally adopted and/or as amended, is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of Emergency Rule 19, as originally adopted and/or as amended, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

J. Robert Wooley
Commissioner

0511#051

DECLARATION OF EMERGENCY

Department of Insurance
Office of the Commissioner

Rule 20—Suspension of Certain Statutes and Regulations Regarding Health Insurance and Related Provisions Regarding Any and All Health Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Rita
(LAC 37:XI.Chapter 37)

Emergency Rule 20 is issued pursuant to the plenary authority of the Commissioner of Insurance for the state of Louisiana, including, but not limited to, the following: Proclamation No. 53 KBB 2005 issued on September 20, 2005 by Governor Kathleen Babineaux Blanco declaring a State of Emergency; Executive Order No. KBB 05-70 issued October 24, 2005 by Governor Kathleen Babineaux Blanco transferring authority over any and all insurance matters to Commissioner of Insurance J. Robert Wooley (Commissioner); R.S. 29:724; R.S. 29:766; R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

On September 20, 2005, Governor Kathleen Babineaux Blanco declared a State of Emergency within the state of Louisiana in response to the expected landfall of Hurricane Rita. As a result of the hurricane's landfall, Hurricane Rita caused extensive power outages and massive flooding that destroyed many homes and impacted the livelihood of the citizens of Louisiana.

Thousands of Louisiana citizens have suffered damages due to Hurricane Rita. In some places, it could be months before electricity is restored. The homes of many Louisiana citizens were destroyed precluding habitation and the delivery of mail. This disruption has affected the ability of these citizens to pay their insurance premiums, access their insurance policies, and communicate with insurance agents and their respective insurance companies for insurance-related matters. Hurricane Rita has created a mass disruption to the normalcy previously enjoyed by Louisianians and produced an immediate threat to the public health, safety, and welfare of Louisiana citizens.

The Commissioner will be hindered in the proper performance of his duties and responsibilities regarding this State of Emergency without the authority to suspend certain

statutes in the Louisiana Insurance Code and the rules and regulations that implement the Louisiana Insurance Code including, but not limited to, cancellation, nonrenewal, reinstatement, premium payment and claim filings with regard to any and all types of health insurance subject to the Louisiana Insurance Code.

In light of this, I hereby issue Emergency Rule 20 to any and all health insurance issuers, Health Maintenance Organizations (hereinafter HMOs), Preferred Provider Organizations (hereinafter PPOs), Managed Care Organizations (hereinafter MCOs), Third Party Administrators (TPAs) and any other health insurance entities doing business in Louisiana and/or regulated by the Commissioner pursuant to the Louisiana Insurance Code regarding any and all types of health insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medicare supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance, and any and all other types of health insurance regulated by the Louisiana Insurance Code.

Emergency Rule 20 is applicable to insureds, as defined in §3701.A.1, from the following three primary Hurricane Rita parishes: Calcasieu, Cameron, and Vermilion. Emergency Rule 20 is also applicable to insured, as defined §3701.A.3, from the following nine secondary Hurricane Rita parishes: Acadia, Allen, Beauregard, Iberia, Jefferson Davis, Lafayette, Lafourche, St. Mary and Terrebonne. The zip codes applicable to these three primary parishes include, but may not be limited to, the list identified as "Hurricane Rita Three Primary Parish Zip Code List" found on the official Louisiana Department of Insurance web site at www.ldi.state.us. The zip codes applicable to the nine secondary parishes include, but may not be limited to, the list identified as "Hurricane Rita Nine Secondary Parish Zip Code List" found on the official Louisiana Department of Insurance web site at www.ldi.state.us. Insureds shall include, but not be limited to, any and all policyholders, members, subscribers and certificate holders.

In the ordinary course of business, health insurance issuers, HMOs, PPOs, MCOs, TPAs and any and all other health insurance entities doing business in Louisiana and/or regulated by the Commissioner pursuant to the Louisiana Insurance Code regarding any and all types of health insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medicare supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, excess loss insurance, stop loss insurance, disability insurance, short-term care insurance, long-term care insurance and any and all other health insurance regulated by the Louisiana Insurance Code, are subject to certain requirements with regard to health insurance matters affecting insured citizens in Louisiana. Hurricane Rita has produced a disruption in the health insurance industry. Thus, many of the insureds in the parishes referenced above are currently unable to timely act or respond to their health insurance needs. Additionally, some insureds with policies in force as of 12:01 a.m. on September 20, 2005, who wish to make timely premium payments, are also prevented from making such payment because of the aforementioned circumstances. This could result in an insured being without coverage and/or potentially uninsured. Emergency Rule 20 provides emergency relief to the insureds of Louisiana affected by Hurricane Rita and/or its aftermath so that these insureds will be insured and their coverage will continue under those policies that were in effect as of 12:01 a.m. on September 20, 2005.

Title 37
INSURANCE
Part XI. Rules

Chapter 37. Emergency Rule 20—Suspension of Certain Statutes and Regulations Regarding Health Insurance and Related Provisions Regarding Any and All Health Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Rita

§3701. Benefits, Entitlements and Protections

A. The benefits, entitlements and protections of Emergency Rule 20 shall be applicable to insureds who, as of 12:01 a.m. on September 20, 2005 had a policy or contract for any of the types of insurance enumerated in §3701.B, and meet one of the following criteria:

1. Any person who, as of September 20, 2005, resided in one of the following three primary parishes: Calcasieu, Cameron, and Vermilion. The zip code for these three primary parishes is on the list identified as "Hurricane Rita Three Primary Parish Zip Code List" found on the official Louisiana Department of Insurance web site at www.ldi.state.us.

2. Any person whose primary place of employment was in, or whose permanent employer had assigned said person to a business located in, one of the three primary parishes enumerated in §3701.A.1 shall be eligible to be defined as an insured if said person verifies such employment status by written documentation to his insurer. No insurer shall unreasonably withhold eligibility to an insured upon receipt of such written documentation.

3. Any person who, as of September 20, 2005, resided in one of the following nine secondary parishes: Acadia, Allen, Beauregard, Iberia, Jefferson Davis, Lafayette, Lafourche, St. Mary and Terrebonne. However any such person shall only be eligible to be defined as an insured if said person obtains written documentation from either the Chief Executive Officer of the applicable parish of the person or the United States Postal Service that said person incurred an interruption of mail service after September 20, 2005. The zip code for these nine secondary parishes is on the list identified as "Hurricane Rita Nine Secondary Parish Zip Code List" found on the official Louisiana Department of Insurance internet web site at www.ldi.state.us.

4. Nothing in Emergency Rule 20 shall preclude an insurer from voluntarily applying the provisions of Emergency Rule 20 relating to cancellation, nonrenewal and nonreinstatement to any other person who is an insured and who resides in any parish other than the parishes set forth in §3701.A.1 or 3.

B. Emergency Rule 20 shall apply to any and all types of health insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medicare supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, excess loss insurance, stop loss insurance, disability income insurance, short-term

health insurance, long-term care insurance and any all other health insurance.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3703. Out of Network Access

A. All health insurance issuers, HMOs, PPOs, and MCOs with insureds in the parishes enumerated in §3701.A shall waive any and all restrictions relative to out-of-network access to health care services. This shall include, but not be limited to, HMOs, PPOs and MCOs. To avoid delays in accessing care, all health insurance issuers, HMOs, PPOs and MCOs shall waive requirements for medical certifications or pre-certifications, referrals, medical necessity reviews and notification of hospital admissions. The right of health insurance issuers, HMOs, PPOs and MCOs to conduct retrospective medical necessity reviews and retrospectively deny any and all claims is hereby suspended for non-elective health care services. Additionally, the right of health insurance issuers, HMOs, PPOs and MCOs to recoup or offset with regard to any and all claims for non-elective health care services is hereby suspended. Non-elective health care services are those that are urgent, emergent, or necessary in order to not place the health of the insured at risk. Any and all claims subject to §3703 shall not be applicable to elective health care services, cosmetic health care services or non-covered services.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3705. Paying Claims

A. When the health insurance issuer, HMO, PPO or MCO receives the premium due, the health insurance issuer, HMO, PPO and MCO shall be obligated to pay a claim at either billed charges, or the higher of the non-participating rate/allowance or the contracted reimbursement rate. Once the health insurance issuer or HMO selects one of the options above, the health insurance issuer or HMO shall reimburse said claim at the highest benefit level in the policy or the highest percentage in the policy. The purpose and intent is to minimize the insured's out-of-pocket expense. The insured shall be held harmless and indemnified by the health insurance issuers, HMOs, PPOs and MCOs for any out of pocket expense, except for any applicable co-payments, deductibles or co-insurance. All health care professionals and health care providers rendering services to an insured from the parishes enumerated in §3701.A shall comply with the Health Care Consumer Billing and Protection Act pursuant to R.S. 22:250.41, et seq. Nothing in §3705 shall be construed to require health insurance issuers, HMOs, PPOs or MCOs to pay a claim submitted by a participating health care provider or health care professional at a rate or allowance that is higher than the applicable contracted reimbursement rate or allowance.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 2005 - 70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3707. Statute Compliance

A. All health insurance issuers and HMOs shall maintain compliance with R.S. 22:250.1, *et seq.*, titled Assuring Portability, Availability and Renewability of Health Insurance Coverage, and any applicable federal law.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3709. Cancellation, Nonrenewal and Nonreinstatement

A. All cancellation, termination, nonrenewal and nonreinstatment provisions, including, but not limited to, R.S. 22:250.7, 22:250.13, 22:220.9, 22:636.F and 22:2027 are hereby suspended. Additionally, all provisions of Emergency Rule 20 relating to notice of cancellation, termination, nonrenewal and nonreinstatement are incorporated herein by reference as if set forth herein *in extenso.*

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3711. Renewal

A. Any and all types of health insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medicare supplement insurance, Medicare select insurance, HMOs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance and any and all other health insurance regulated by the Louisiana Insurance Code that are subject to renewal between September 20, 2005 and January 1, 2006 are suspended and shall be renewed effective January 1, 2006, and any rate increases that were to take effect between September 20, 2005 and January 1, 2006 are suspended and shall be deferred until January 1, 2006. All types of health insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medicare supplement insurance, Medicare select insurance, HMOs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance and any and all other health insurance regulated by the Louisiana Insurance Code in effect at 12:01 a.m. on September 20, 2005 shall continue in full force and effect until January 1, 2006 at the previously established premium.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3713. Claims Notification

A. All claims notification procedures, including, but not limited to, R.S. 22:213.A.(3) through (5), Regulation 33, Regulation 74 and Regulation 77, are suspended.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3715. Timely Payment

A. All laws relating to timely payment are suspended and, in furtherance thereof, the following rules shall apply to timely payment:

1. Medical Care or Services—R.S. 22:250.32 through 34 and Regulation 74 (§§6007 through 6011)

a. The commissioner hereby suspends the 45 day time limit for payment of claims for non-electronic claims submission until further notice. (See R.S. 22:250.32 and the penalty provisions of R.S. 22:250.32.C.)

b. The commissioner hereby suspends the 25 day time limit for payment of claims for electronic claims submission until further notice. (See R.S. 22:250.33 and the penalty provisions of R.S. 22:250.33.C.)

c. The commissioner hereby suspends the 30 day time limit for payment of claims for insurers who have elected to utilize a 30 day payment standard for compliance until further notice. (See R.S. 22:250.34 and the penalty provisions of R.S. 22:250.32C and 22:250.33.C.)

d. Once a health insurance issuer receives the premium payment from the insured, all pending claims shall be processed and adjudicated. The health insurance issuer shall notify the health care provider that the claim is no longer pending and is being processed and adjudicated for payment. Furthermore, the suspension of the time limit for the payment of electronic and non-electronic claims will automatically be lifted and reinstated.

i. Accordingly, pursuant to R.S. 22:250.32, the 45 day time limit for payment for non-electronic claims and the penalty provisions of R.S. 22:250.32.C shall be reinstated upon the payment of the premium by the insured.

ii. Accordingly, pursuant to R.S. 22:250.33, the 25 day time limit for payment of claims for electronic claims and the penalty provisions R.S. 22:250.33.C shall be reinstated upon the payment of the premium by the insured.

iii. Accordingly, pursuant to R.S. 22:250.34, the 30 day time limit for payment for non-electronic claims and the penalty provisions of R.S. 22:250.32.C and 22:250.33.C shall be reinstated upon the payment of the premium by the insured.

2. Pharmacy Care or Services—R.S. 22:250:53 through 57.

a. The commissioner hereby suspends the 45 day time limit for payment of pharmaceutical claims for non-electronic claims submission until further notice. See R.S. 22:250.53 and the penalty provisions of R.S. 22:250.53.C.

b. The commissioner hereby suspends the 15 day time limit for payment of pharmaceutical claims for electronic claims submission until further notice. Furthermore, this suspension is applicable to Act 209 of the 2005 Regular Legislative Session. See R.S. 22:250.54 and the penalty provisions of R.S. 22:250.54.C.

c. The commissioner hereby suspends the 30 day time limit for payment of pharmaceutical claims for insurers who have elected to utilize a thirty day payment standard for compliance until further notice. See R.S. 22:250.56 and the penalty provisions of R.S. 22:250.53.C and 22:250.54.C.

d. Once a health insurance issuer receives the premium payment from the insured, all pending pharmacy claims shall be processed and adjudicated. The health insurance issuer shall notify the health care provider that the claim is no longer pending and is being processed and adjudicated for payment. Furthermore, the suspension of the time limit for the payment of electronic and non-electronic claims will automatically be lifted and reinstated.

i. Accordingly, pursuant to R.S. 22:250.53, the 45 day time limit for payment for non-electronic claims and the penalty provisions of R.S. 22:250.53.C shall be reinstated upon the payment of the premium by the insured.

ii. Accordingly, pursuant to R.S. 22:250.54, the 15 day time limit for payment of claims for electronic claims and the penalty provisions R.S. 22:250.54.C shall be reinstated upon the payment of the premium by the insured.

iii. Accordingly, pursuant to R.S. 22:250.56, the 30 day time limit for payment for non-electronic claims and the penalty provisions of R.S. 22:250.53.C and 22:250.54.C shall be reinstated upon the payment of the premium by the insured.

e. The commissioner hereby suspends the right of health insurance issuers and HMOs from denying, pending or rejecting a claim from any pharmacists or pharmacy for a 30 day supply of prescription medications, regardless of the date of the last refill. In furtherance of this suspension, health insurance issuers and HMOs shall pay all such claims for reimbursement submitted by a pharmacist or pharmacy.

f. The commissioner hereby suspends any and all precertification or step-therapy procedures in order to fill a prescription. This authorization shall be for a 30 day supply.

g. The commissioner hereby suspends any provisions in the Louisiana Insurance Code which place restrictions on replacement prescriptions pertaining to mail order prescriptions. Mail order prescriptions should be mailed to an alternate address if requested by the insured.

h. All health insurance issuers, HMOs, PPOs and MCOs shall waive any and all restrictions relative to out-of-network access to pharmacy services or prescriptions.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3717. Paying Claims

A. In the event health insurance issuers, HMOs, PPOs and MCOs pend a claim(s), as allowed pursuant Emergency Rule 20, and is subsequently entitled to cancel or terminate a policy for non-payment of premium, health insurance issuers, HMOs, PPOs and MCOs shall pay those claims to the health care providers or health care professionals at the following rate or allowance.

1. For contracted health care providers or health care professionals, 50 percent of the contracted reimbursement rate.

2. For non-contracted health care providers or health care professionals, 50 percent of the non-participating rate or allowance.

3. With regard to claims submitted pursuant to this Section, when the underlying policy is cancelled or terminated for non-payment of premium, health insurance issuers, HMOs, PPOs and MCOs shall be allowed to conduct medical necessity reviews on claims related to non-elective services. Non-elective services are those services that are emergent, urgent, or necessary in order to not place the health of the insured at risk.

4. With regard to any and all claims paid by health insurance issuers, HMOs, PPOs and MCOs pursuant to the

requirements of this Section, the provisions of R.S. 22:250.38 and 22:250.59 are hereby suspended and recoupment is prohibited.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3719. Physician Credentialing

A. The commissioner hereby suspends physician credentialing pursuant to R.S. 22:11.1 such that there are no credentialing requirements with regard to any and all licensed physicians who provide medical services to insureds from the parishes referenced in §3701.A.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3721. Medicare Supplement Premiums

A. Payment of Medicare Supplement Premiums--R.S. 22:224.K

1. The commissioner hereby suspends the requirements that the payment of Medicare supplement premiums can only be made pursuant to R.S. 22:224.K.

2. In furtherance of this suspension, any policies that contain restrictive language relative to modes of premium payment shall allow for the acceptance of other payment methods during this State of Emergency or any subsequent State of Emergency including, but not be limited to, credit card, debit card, FEMA voucher, federal assistance, state assistance, or any and all other related or similar payment methods.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3723. Suspension of Cancellation

A. The commissioner hereby suspends any and all cancellations occasioned by the inability of an insured, or his representative, from complying with any policy provisions. In furtherance of this suspension, a cancellation or nonrenewal shall not occur prior to the expiration of the State of Emergency or any subsequent State of Emergency related to Hurricane Rita, unless upon the documented written request or written concurrence of the insured.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3725. Claim Caused by Hurricane Rita

A. Emergency Rule 20 shall not relieve an insured who has a claim caused by Hurricane Rita and/or its aftermath from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3727. Imposition of Interest, Penalty or Other Charge

A. The commissioner hereby suspends the imposition of any interest, penalty or other charge and declares that no interest, penalty or other charge shall accrue or be assessed against any insured as the result of the suspensions ordered herein.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3729. Continuation of Coverage

A. The commissioner hereby suspends R.S. 22:220.13. In furtherance thereof, a health insurance issuer who has issued a group health insurance policy shall provide to all members or certificate holders under said group policy the option for the continuation of coverage, which said option shall begin on the day after the Governor lifts the State of Emergency presently in effect, or any renewal thereof. This Section is only applicable in those situations where the employer to whom the group policy had been issued remains in business and continues to offer said group health insurance to active employees at any time between September 20, 2005 and the lifting of the State of Emergency by the Governor.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 2005 - 70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3731. Exemption from Compliance

A. Notwithstanding any other provision contained herein, the commissioner may exempt any insurer from compliance with Emergency Rule 20 upon written request by the health insurance issuer if the commissioner determines that compliance with Emergency Rule 20 may be reasonably expected to result in said insurer being subject to undue hardship, impairment or insolvency.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3733. New Policies

A. The provisions of Emergency Rule 20 shall not apply to any new policies of insurance for the types of health insurance enumerated in Emergency Rule 20 if said new health insurance policy was issued on or after 12:01 a.m. September 20, 2005.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3735. Cancelling or Terminating an Insured

A. The provisions of Emergency Rule 20 shall not prevent health insurance issuers or HMOs from cancelling or terminating an insured based solely on fraud or material misrepresentation on the part of the insured.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 2005 - 70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3737. Purpose

A. The provisions of Emergency Rule 20 shall be liberally construed to

effectuate the intent and purpose expressed herein and to afford maximum consumer protection for the insureds of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 2005 - 70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3739. Enforcement and Penalties

A. The commissioner retains the sole authority to enforce violations of Emergency Rule 20. Accordingly, any insurer, HMOs, PPOs and MCOs, or other entity doing business in Louisiana and/or regulated by the commissioner who violates any provision of Emergency Rule 20 shall be subject to prosecution by the commissioner under any applicable provisions of the Louisiana Insurance Code, including the provisions of the R.S. 22:250.41, et seq., 22:1211, et seq., and specifically including, but not limited to, R.S. 22:1214(7), (12) and (14). Additionally, the penalty provisions set forth in R.S. 22:1220 shall be applicable. These provisions include penalties of $1,000 for each separate act, or $25,000 for each separate act if the violator knew or reasonably should have known he was in violation of Emergency Rule 20, as well as a cease and desist order and the imposition of other penalties and suspension or revocation of the license. Additionally, R.S. 22:1220, which, among other things, imposes the obligation of good faith and fair dealing shall also be subject to the sole enforcement authority of the commissioner. This law sets forth penalties and exemplary damages which shall be enforceable by the commissioner for any violation of Emergency Rule 20. Finally, the commissioner reserves the sole right to make the determination regarding whether any violator shall be subject to any and all other applicable civil and criminal sanctions for violations of Emergency Rule 20.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3741. Rule Amendment

A. The commissioner reserves the right to amend, modify, alter or rescind all or any portion of Emergency Rule 20.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3743. Severability Clause

A. If any section or provision of this Emergency Rule that is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of Emergency Rule 20, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 05-70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

§3745. Effective Date

A. Emergency Rule 20 shall become effective at 12:01 a.m. on September 20, 2005 and shall continue in full force and effect for the duration of the present State of Emergency proclaimed by Governor Kathleen Babineaux Blanco, or any subsequent State of Emergency, with regard to Hurricane Rita and/or its aftermath.

AUTHORITY NOTE: Promulgated in accordance with Executive Order No. KBB 2005 - 70; R.S. 29:724; R.S. 29:766: R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:

J. Robert Wooley
Commissioner

0511#033

DECLARATION OF EMERGENCY

Department of Insurance
Office of the Commissioner

Rule 20—Suspension of Certain Statutes and Regulations Regarding Health Insurance and Related Provisions Regarding Any and All Health Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Rita
(LAC 37:XI.3747-3759)

Emergency Rule 20 was issued on October 26, 2005 and is retroactive to 12:01 a.m. on September 20, 2005. As justification for the action taken pursuant to this amendment, J. Robert Wooley, Commissioner of Insurance ("Commissioner"), hereby terminates certain sections and provisions set forth in original Emergency Rule 20 by reference as if set forth herein *in extenso.*

The commissioner has determined that Emergency Rule 20 has had the desired effect of providing sufficient time for insureds in Louisiana to protect their health insurance needs, obtain the services of a health care provider or health care professional, file for health insurance benefits for covered claims under their health insurance policy and/or take sufficient action to begin the process to return to normalcy in the post-Rita era. Additionally, the commissioner has determined that the viability of the health insurance industry as well as the viability of the health care providers and health care professionals may be negatively impacted if Emergency Rule 20 is not terminated at some reasonable date in the near future.

Accordingly, the commissioner has determined, pursuant to the grants of authority set forth in the original Emergency Rule 20, that it is appropriate to set dates for the termination of Emergency Rule 20. Additionally, the commissioner has determined that it is proper to distinguish between those health insurance policies where the premium has been paid as compared to those where the premium has not been paid. Also, the commissioner has determined that it is proper to distinguish between those health care providers and/or health

care professionals who rendered services within and/or who operate businesses within the three primary parishes affected by Hurricane Rita and/or its aftermath.

In light of this, Emergency Rule 20 is hereby amended to provide various termination dates for the various types of health insurance and to provide for termination dates with regard to those insureds/persons located in both the primary and secondary parishes as defined in Emergency Rule 20 and to provide for the payment of claims to health care providers and health care professionals who rendered health care to insureds/persons during the time when Emergency Rule 20 is in effect. To facilitate cross referencing, this amendment will set forth both the Section of Emergency Rule 20 as issued by the commissioner and the Section of the Emergency Rule 20 as published by the Office of the State Register. This Declaration of Emergency was adopted on November 1, 2005.

Title 37
INSURANCE
Part XI. Rules

Chapter 37. Rule 20—Suspension of Certain Statutes and Regulations Regarding Health Insurance and Related Provisions Regarding Any and All Health Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Rita

§3747. Affirmation of Emergency 20 and Amendment

A. Emergency Rule 20 was previously adopted by the commissioner on October 26, 2005, retroactive to 12:01 a.m. on September 20, 2005. In furtherance of the power vested in the commissioner and the jurisdiction of the commissioner over all matters related to insurance that were affected by Hurricane Rita and/or its aftermath, the commissioner hereby amends Emergency Rule 20 to adopt new sections and provisions and to set forth dates for the termination of Emergency Rule 20.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3749. Termination

A. Emergency Rule 20 shall terminate for the category of insureds/persons and for the types of insurance set forth herein on the dates established below:

1. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 20 shall terminate with regards to any and all types of health insurance enumerated in Emergency Rule 20, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medical supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, TPAs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance and any and all other health insurance for the following category of insureds:

a. any person who previously met the definition of §3701.A.1 of Emergency Rule 20 who resided in one of the following three primary parishes: Calcasieu, Cameron and Vermilion;

b. any person who previously met the definition of §3701.A.2 of Emergency Rule 20;

c. any person who previously met the definition of §3701.A.3 of Emergency Rule 15 and who resided in one of the following nine secondary parishes: Acadia, Allen, Beauregard, Iberia, Jefferson Davis, Lafayette, Lafourche, St. Mary, and Terrebonne;

d. any person who previously was extended protection pursuant to §3701.A.4 of Emergency Rule 20.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3751. Retention of Certain Provisions of Emergency Rule 20

A. The commissioner does not terminate the following sections of Emergency Rule 20 and these sections shall remain in effect until the Emergency Rules expires 120 days from date of adoption, unless otherwise extended by the commissioner.

1. Section 3721.A, Medicare Supplement Premiums, which states the following:

> "The commissioner hereby suspends the requirements that the payment of Medicare supplement premiums can only be made pursuant to R.S. 22:224.K.
>
> In furtherance of this suspension, any policies that contain restrictive language relative to modes of premium payment shall allow for the acceptance of other payment methods during this State of Emergency or any subsequent State of Emergency including, but not be limited to, credit card, debit card, FEMA voucher, federal assistance, state assistance, or any and all other related or similar payment methods."

2. Section 3725.A - Claim Caused by Hurricane Rita, which states the following:

> "Emergency Rule 20 shall not relieve an insured who has a claim caused by Hurricane Rita, or its aftermath, from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim."

3. Section 3737.A, Purpose, which states the following:

> "The provisions of Emergency Rule 20 shall be liberally construed to effectuate the intent and purpose expressed herein and to afford maximum consumer protection for the insureds of Louisiana."

4. Section 3739.A, Enforcement and Penalties, which states the following:

> "The commissioner retains the sole authority to enforce violations of Emergency Rule 20. Accordingly, any insurer, HMOs, PPOs and MCOs, or other entity doing business in Louisiana and/or regulated by the commissioner who violates any provision of Emergency Rule 20 shall be subject to prosecution by the commissioner under any applicable provisions of the Louisiana Insurance Code, including the provisions of the R.S. 22:250.41, et seq., 22:1211, et seq., and specifically including, but not limited to, R.S.22:1214(7), (12) and (14). Additionally,

the penalty provisions set forth in R.S. 22:1217 shall be applicable. These provisions include penalties of $1,000 for each separate act, or $25,000 for each separate act if the violator knew or reasonably should have known he was in violation of Emergency Rule 20, as well as a cease and desist order and the imposition of other penalties and suspension or revocation of the license.

Additionally, R.S. 22:1220, which, among other things, imposes the obligation of good faith and fair dealing shall also be subject to the sole enforcement authority of the commissioner. That law sets forth penalties and exemplary damages which shall be enforceable by the commissioner for any violation of Emergency Rule 20. Finally, the commissioner reserves the sole right to make the determination regarding whether any violator shall be subject to any and all other applicable civil and criminal sanctions for violations of Emergency Rule 20."

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3753. Extended Time Frames for State Continuation

A. The commissioner hereby suspends R.S. 22:215.13 for group health insurance election time frames to allow insureds/persons additional time to elect group health insurance continuation. The commissioner hereby extends the time frames to 120 days from the date of adoption, unless extended by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3755. Nonrenewal, Nonreinstatement and Premium Increase

A. The commissioner reiterates that, except as provided for in §2715 of Emergency Rule 15, the nonrenewal or nonreinstatement of any and all types of insurance enumerated in §2703 of Emergency Rule 15 and in §3701.B of Emergency Rule 20, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 is hereby suspended and shall be deferred until January 1, 2006 for those insureds who are current with their premium payments.

B. The commissioner reiterates that any rate increase that may be applicable to any and all types of insurance enumerated in §2703 of Emergency Rule 15 and in §3701.B of Emergency Rule 20, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 shall be deferred until January 1, 2006, and said insurance shall continue in full force and effect until January 1, 2006 at the previously established premium, for those insureds who are current with their premium payments.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3757. Continuing Jurisdiction

A. The commissioner hereby retains the right of continuing jurisdiction over all sections and provisions set forth Emergency Rule 20, as originally adopted and/or as amended, after the termination of Emergency Rule 20 for purposes of interpretation, enforcement and any and all other regulatory action.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3759. Severability Clause

A. If any section or provision of Emergency Rule 20, as originally adopted and/or as amended, is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of Emergency Rule 20, as originally adopted and/or as amended, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

J. Robert Wooley
Commissioner

0511#052

DECLARATION OF EMERGENCY

Department of Revenue
Office of Charitable Gaming

Electric Bingo Card Dabber Devices
(LAC 42:I.2101-2111)

Under authority of R.S. 4:703 and 739, and 47:1511, and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Charitable Gaming, is issuing an Emergency Rule to adopt LAC 42:I.2101-2111, to provide for the regulation of the use of electronic bingo card dabber devices and systems.

This Emergency Rule is necessary to provide relief to charitable organizations devastated by Hurricanes Katrina and Rita to conduct charitable bingo games using electronic bingo card dabber devices without the need for bingo paper. This Emergency Rule is effective November 1, 2005, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or adoption of the permanent Rule, whichever occurs first.

Title 42
LOUISIANA GAMING
Part I. Charitable Bingo, Keno, Raffle
Subpart 2. Electronic Video Bingo
Chapter 21. Electronic Bingo Card Dabber Devices

§2101. Definitions

A. As used throughout this Chapter, the following definitions apply.

Applicant—any person who has applied for registration as a manufacturer, distributor, or supplier for electronic bingo card dabber devices.

Distributor—a person or business entity that owns and/or leases electronic bingo card dabber devices to a charitable organization.

EBCDD—electronic bingo card dabber device.

Electronic Bingo Card Dabber Device System (EBCDD System)—any electronic or computerized device and related hardware and software that is interfaced with or connected to equipment used in connection with EBCDD to conduct a game of bingo.

a. May include secondary components provided by the manufacturer that are part of or are connected to EBCDD that does not affect the conduct of the game of bingo.

b. EBCDD systems may include, but or not limited to, computer screen backgrounds, battery charge up, software routines, modems, monitors, keyboards, pointer devices, mice, printers, printer software drivers, radio frequency (RF) software and hardware, TV tuners, and charging racks.

Law—the Charitable Raffle, Bingo and Keno Licensing Law, R.S. 4:701 et seq.

Lease Agreement—the lease agreement between the holder of a bingo license and the distributor of electronic bingo dabber devices or the agreement between the distributor of electronic bingo card dabber devices and the manufacturer.

Office—The Office of Charitable Gaming under the Louisiana Department of Revenue.

Person—an individual, partnership, joint venture, or corporation doing business in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:703 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2103. Registration of Manufacturers, Distributors or Owners of Electronic Bingo Card Dabber Devices

A. Any person desiring to own, sell, or distribute electronic bingo card dabber devices in this state must comply with the following:

1. be issued and maintain all required federal, state, parish, and municipal licenses;

2. apply to the office and pay the required licensing fee as prescribed in R.S. 4:705(2);

3. apply to the office 90 days prior to June 30 for a renewal of registration and pay the nonrefundable renewal fee as prescribed in R.S. 4:705(2);

4. furnish to the office quarterly reports identifying the quantities, models, manufacturers, owners, and distributors of machines, and any other information the office determines necessary; and

5. meet the suitability and business relationship criteria of R.S. 4:718.

B. No manufacturer or distributor except one that is a licensed charity may be registered to hold a permit or be directly involved with the operating or the assisting in the operation of any other game of chance permitted under the act. In addition, no manufacturer or distributor may be involved in directly or indirectly in leasing or renting any premises or equipment for such game or in the providing of any other incidental goods or service in connection with such game or games.

C. No manufacturer or distributor may ship electronic video machines into this state until an application for registration is granted by the office.

D. Registration may be suspended or revoked by the office upon determination, after notice and opportunity for hearing, that the registrant has not complied with the conditions of registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:726 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2105. Electronic Bingo Card Dabber Device Approval Process

A. Eligibility. Electronic bingo card dabber devices and systems will only be allowed under the following criteria:

1. a charitable organization doing business in those parishes or incorporated municipalities where an ordinance has been adopted allowing charitable games of chance; or

2. a manufacturer or distributor of electronic bingo card dabber devices that is registered under the law and leases or rents the machines only to charitable organizations in parishes or incorporated municipalities where an ordinance has been adopted allowing charitable games of chance.

B. Application

1. Upon approval of the manufacturer's application by written notice from the office, the manufacture will be allowed to submit electronic bingo card dabber devices (EBCDD) and EBCDD systems for certification to an independent testing laboratory approved by the office.

2. The manufacturer must agree to pay all costs associated with the testing by the independent testing laboratory, which will use established uniform testing criteria.

3. Prior to the shipment of EBCDD devices or EBCDD systems into the state, manufacturers must receive final written approval from the office.

C. EBCDD Specifications. Each EBCDD must include the following specifications:

1. a model number and unique identification number designated by the manufacturer;

2. be programmed to automatically erase all electronic bingo cards and/or bingo card face numbers that were stored in the device upon turning off the device after the last bingo game of each session or by some secondary timing or clearing method;

3. offer for play only the game commonly known as bingo. EBCDD may not allow the play or simulate the play of video poker, keno, blackjack, slots, or similar games.

D. EBCDD System Specifications. Each EBCDD System must include the following specifications:

1. A self-contained receipting function for electronic bingo cards and be able to print out a copy of the receipt for each sale or void of an EBCDD. The receipt must be given to the player and must include the following information:

a. EBCDD model and unique identification number,

b. the date and time of the transaction;

c. the session in which the product was used;

d. the quantity of electronic bingo cards purchased or loaded;

e. the total dollar amount of the transaction; and

f. the sequential and consecutive transaction number;

2. not be able to engage in any type of sale, void, alteration, or reload transactions unless the EBCDD is connected or interfaced with and communicating with the site system;

3. include a point of sale station and an internal accounting system that is capable of recording each sale of EBCDD;

4. be able to provide the winning numbers and game patterns required for the entire bingo session on a hard copy printout. The printout must be available upon demand by the office at the bingo session;

5. electronically verify that the numbers appearing on a potential winning electronic bingo card is a valid bingo and that the bingo card was purchased during the current session;

6. ensure that an EBCDD does not allow for play any bingo card faces other than those verifiably purchased by the player;

7. ensure that system has the capability to produce a summary report, on a hard copy transaction log, after each session that includes the following information:

a. name and state license number of organization;

b. date and time of report;

c. number of EBCDDs loaded;

d. number and description of electronic bingo faces loaded into the EBCDDs;

e. voided transactions; and

f. total sales;

8. must include software that ensures the internal accounting system is capable of recording and retaining for each session the following information:

a. the unique serial number of each bingo card sold for EBCDD use;

b. the sale price of each card or card package for use with an EBCDD;

c. the total amount of EBCDD sales;

d. the total number of card faces sold for use with EBCDDs;

e. the model and unique identification number associated with each EBCDD sold;

f. all the above information must be secured and shall not be accessible for alteration during a session; and

g. must have the capability to print all required information on the system's active or archived databases for a period not less than 12 months;

9. may have dial-up capability, so that the office has the ability to remotely verify operation, compliance, and internal accounting systems;

10. may include a player tracking computer software that is used to identify or track certain characteristics of bingo players, including but not limited to, personal data and purchasing habits of players at a particular location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2107. Equipment Malfunctions and Inspections

A. Any malfunction or problems with an EBCDD or EBCDD system that could affect the security or integrity of the bingo game, the bingo card monitoring devices, or other bingo systems, must be logged and the office must be notified of the malfunction as soon as possible.

B. The office's authorized representatives may examine and inspect any individual EBCDD or EBCDD system. Examination and inspection includes immediate access to the EBCDD and unlimited inspection of all secondary parts of the EBCDD system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2109. Reporting and Record Requirements

A. Reporting Requirements—Manufacturers

1. Each manufacturer selling, leasing, or otherwise furnishing EBCDD or EBCDD systems must maintain a log or other records, such as invoices, which includes the following information:

a. the date of transaction;

b. the model and unique identification number of each EBCDD and EBCDD system;

c. the model and/or version number of all components of the EBCDD system;

d. the name of the distributor to whom the EBCDD or EBCDD system was sold, leased, or otherwise furnished;

e. the time period covered by the invoice;

f. the quantity sold or leased; and

g. the total invoice amount.

2. Each licensed manufacturer shall file with the office a quarterly report signed by an official of the manufacturer as described in §1707 on form prescribed and supplied by the office. The report must be postmarked, or if hand delivered, received in the office, no later than the last business day of the first month following the end of the quarter. Quarters are on a calendar year basis and end on March 31, June 30, September 30, and December 31. The report must include the following information:

a. licensed distributor sold or leased to;

b. number of units sold or leased;

c. item description or model number;

d. cost or lease amount per item; and

e. total sale amount or leased amount.

3. In addition to any other civil or criminal penalties, manufacturers may be assessed a $100 late penalty for each quarterly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations are cause for denial, suspension, or revocation of license.

B. Reporting requirements—Distributors

1. Each Distributor selling, leasing, or otherwise furnishing EBCDD or EBCDD systems must maintain a log or other records, such as invoices, which includes the following information:

a. the date of transaction;

b. the model and unique identification number of each EBCDD and EBCDD system;

c. the model and/or version number of all components of the EBCDD system;

d. the name of the organization to which the EBCDD or EBCDD system was sold, leased, or otherwise furnished;

e. the time period covered by the invoice;

f. the quantity sold or leased; and

g. the total invoice amount.

2. Each licensed distributor shall file with the office a monthly report signed by an official of the distributor as described in §1707 on form prescribed and supplied by the office. The office must receive the report, along with the user fees, no later than the midnight of the 15th of each following month. The report must include the following information:

a. licensed organization sold or leased to;

b. number of units sold or leased;

c. item description or model number;

d. cost or lease amount per item;

f. total number of card faces sold for use by EBCDDs;

g. total sale amount or leased amount; and

h. total amount of use fees collected.

3. In addition to any other civil or criminal penalties, distributors may be assessed a $100 late penalty for each monthly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations are cause for denial, suspension, or revocation of license.

C. Reporting requirements—Organizations

1. Each Organizations leasing or otherwise utilizing EBCDD or EBCDD systems must maintain a log or other records, which includes the following information:

a. the date of transaction;

b. the model and unique identification number of each EBCDD and EBCDD system;

c. the model and/or version number of all components of the EBCDD system;

d. the name of the distributor(s) whom the EBCDD or EBCDD system were leased or otherwise furnished;

f. the time period covered by the invoice;

g. the quantity sold or leased; and

h. the total invoice amount.

2. Each Organization must receive approval from the office for the selling price of paperless sales. Any configuration desiring to be sold by an organization must have prior approval from the office.

3. All paperless sales must be reported on the Organization quarterly report as gross proceeds from bingo.

4. A violation of the aforementioned provisions may result in a civil penalty and possible revocation of license in accordance with these Rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 716 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2111. Enforcement

A. Applicant Suitability and Business Relationships. The office may deny an application or revoke, suspend, restrict, or limit a permit or approval of a electronic bingo card dabber device or system when it is determined that the applicant or a business relationship between an applicant and another person or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the office may consider the following factors relating to the person or business entity:

1. general character, including honesty and integrity;

2. financial security and stability, competency, and business experience in the capacity of the relationship;

3. records, if any, of violations that may affect the legal and proper operation of a machine including a violation affecting another permittee or applicant and any violation of the laws of this state, other states, and countries without limitations as to the nature of the violation;

4. refusal to provide access to records, information, equipment, or premises to the office or its authorized representatives when access is reasonably necessary to ensure or protect public health, safety, or welfare.

B. Approval of Electronic Bingo Card Dabber Devices or Systems

1. The office may conditionally approve and maintain a list of specific models of electronic bingo card dabber devices (EBCDD) or EBCDD systems based on its finding that the machines conform to R.S. 4: 739.

a. Final approval of each EBCDD and EBCDD system is required even if the device or system has been conditionally approved.

b. Conditional or final approval may be withdrawn by the office if it is found that a device or system does not conform to specifications and testing standards, including new or revised requirements.

2. The office may allow shipment of an EBCDD or EBCDD system for the purpose of providing conditional approval of that make or model provided the following conditions are met.

a. The office will not be responsible for any purchase, shipping, or handling charges;

b. All information required by this Section must accompany the EBCDD or EBCDD system; and

c. Prior to shipment, the office has approved shipment of an EBCDD or EBCDD system for scheduled testing and approval.

3. If the specifications are changed such that previously approved machines do not comply, the office will allow a specified time for a permittee to bring an EBCDD or EBCDD system into compliance.

C. Machine Repair. To assure the integrity, security, and monitoring of EBCDD or EBCDD systems in service, a permitted EBCDD or EBCDD system or any portion thereof may not be substituted or replaced until the replacement EBCDD or EBCDD system has been permitted by the office.

D. Inspection and Seizure of EBCDD or EBCDD Systems

1. The office or its authorized representative has the right at all times to make an examination of any EBCDD or EBCDD system being used to play electronic bingo. The right of inspection includes immediate access to all EBCDD or EBCDD systems and unlimited inspection of all parts. The office or its authorized representative may immediately seize and remove any machine or device that violates the law or this Section. Emergency seizure is subject to a hearing as described in R.S. 4:711.

2. Given reasonable cause, the office may remove an EBCDD or EBCDD system or any parts for laboratory testing and analysis. When parts are removed, the office may seal any EBCDD or EBCDD system left on the permittee's premises pending the investigation. Breaking or removal of the seal without approval, may subject the permittee to

seizure of the entire EBCDD or EBCDD system and suspension or revocation of the permit.

E. Investigation of Permittee. The office may, upon its own motion, and will, upon receipt of a written verified complaint of any person, investigate the actions of any permittee and the operations of any EBCDD or EBCDD system. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the law, Rules, or other statutes has occurred.

F. Civil Violations

1. When the office determines a permittee has violated the law or these Rules, the office may issue a civil violation to the permittee in an amount not less then $250 nor more than $1,000. Violations may be issued for each offense not in accord with these regulations. Each day of operation in violation constitutes a separate violation.

2. A violation may be issued for the following acts:

a. the operation or possession of an unapproved EBCDD or EBCDD system;

b. the failure to report and pay timely the fees assessed;

c. the falsification of application or reporting documents; or

d. the refusal to allow inspection of the EBCDD or EBCDD system.

G. Suspension and Revocation

1. The office may suspend any and all permits held by an alleged violator after opportunity for hearing when:

a. the office receives a certified copy or other credible evidence of a judgment or conviction of any permittee or the permittee's agent, servant, or employee for any violation of any criminal law or ordinance of the United States, the State of Louisiana, or any Louisiana parish or town relating to charitable gaming;

b. the office receives a certified copy of the record or other credible evidence of the forfeiture by any permittee or the permittee's agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming; or

c. the office, after investigation, has reasonable cause to believe that any permittee, or the permittee's agent or employee has violated the provisions of the law or these Rules and has been issued a violation or citation.

2. The office may suspend a permit or permits prior to the opportunity for hearing when the office, after investigation, has reasonable cause to believe continued operation of the permitted machine endangers public health, safety, and welfare. During the period of suspension, the permittee may not operate the EBCDD or EBCDD system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:711 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

Michael E. Legendre
Director

0511#014

DECLARATION OF EMERGENCY

Department of Revenue
Policy Services Division

Annual Retirement Income Exemption
for Individuals 65 or Older
(LAC 61:I.1311)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Revenue to use emergency procedures to establish rules, R.S. 47:295 and R.S. 47:1511, which allow the Department to make reasonable rules and regulations, the Secretary of Revenue hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule. This Emergency Rule shall be effective November 20, 2005, and shall remain in effect until the expiration of the maximum period allowed under the Administrative Procedure Act or the adoption of the final rule, whichever comes first.

This Emergency Rule is necessary to allow the Department of Revenue to inform taxpayers that only the individual who actually received the annual retirement income is entitled to the exemption. A delay in promulgating this Rule would have an adverse impact on the taxpayers who are unaware of the limitation of this exemption.

Louisiana Revised Statutes 47:44.1 allows an individual who is 65 years of age or older and who receives annual retirement income to exempt up to $6,000 of this income from state income tax. This proposed regulation will inform individual income taxpayers and their representatives that for all tax years beginning on or after 2005 only the individual who actually received the annual retirement income is entitled to the exemption. It will also provide guidance to taxpayers to assist them in determining who is the recipient of annual retirement income from a pension, annuity or individual retirement account.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 13. Income: Individual
§1311. Annual Retirement Income Exemption for Individuals 65 or Older

A. Louisiana Revised Statutes 47:44.1 provides an exemption of up to $6,000 for annual retirement income received by an individual who is 65 years of age or older. Only the individual who actually received the annual retirement income is entitled to the exemption.

Annual Retirement Income—pension and annuity income which is included in *tax table income*.

Tax Table Income—as defined in La. Rev. Stat. 47:293.

B. For purposes of determining the total annual retirement income exemption that can be claimed on a Louisiana individual income tax return, an individual receives annual retirement income as follows:

1. Receipt of Benefits Paid from a Pension Plan. Except as otherwise provided herein, only the plan participant receives annual retirement income from the pension plan, the non-participant spouse does not receive annual retirement income from the plan.

2. Receipt of Annuity Income. Only the named payee or named annuitant receives annual retirement income from an annuity.

3. Receipt of Income from an Individual Retirement Account. Only the named payee or distribute receives annual retirement income from an individual retirement account.

4. Exceptions

a. If there is a qualified domestic relations order, as defined in Internal Revenue Code Section 414(p), payments received by the alternate payee will be considered annual retirement benefits received by an individual.

b. Survivor benefits paid from a pension plan to the plan participant's surviving spouse will be considered annual retirement benefits received by an individual.

C. Examples

1. Mary and John are a married couple. Mary worked for X Corporation for 35 years from 1964 until she retired in 1999. While working for X Corporation, Mary participated in the corporation's pension plan. In 2005, Mary received a total of $30,000 in distributions from the X Corporation pension plan. John's only source of retirement income is federal social security, which is not included in the couple's tax table income because it is already exempt under R.S. 47:44.2. Mary and John's filing status for federal and state income tax is married filing joint and they are both over 65. Because only Mary receives annual retirement income, Mary and John may only exempt $6,000 of Mary's retirement income from their 2005 income taxes under this exemption. Because John is not the plan participant, he has not received any annual retirement income for purposes of the exemption.

2. Scott and Ellen are a married couple. Their filing status for federal and state income tax is married filing joint and they are both over 65. Because they are both 65 years of age or older, each of them is entitled to exempt up to $6,000 of the annual retirement income each of them receive. Scott worked for ABC Corporation for 35 years from 1964 until he retired in 1999 at the age of 65. While working for ABC Corporation, Scott participated in the corporation's pension plan. In 2005, Scott received a total of $30,000 in distributions from the ABC Corporation pension plan. Ellen has two sources of retirement income; federal social security that is already exempt under R.S. 47:44.2 and an annuity paid to her as the named annuitant in the amount of $4,000 annually. Scott may exempt $6,000 of his ABC Corporation pension income and Ellen may exempt all of her $4,000 annuity income for a combined exemption of $10,000.

3. Alan and Leslie are a married couple who do not live apart. Their filing status for federal and state income tax is married filing separate and they are both over 65. Because they are both 65 years of age or older, each of them is entitled to exempt up to $6,000 of the annual retirement income each of them receive on their married filing separate returns. Alan is the named annuitant of an annuity from which he receives annual retirement income of $10,000. Leslie is not yet retired and receives a salary, but no annual retirement income. Alan's annuity income and Leslie's salary are community property. Because Louisiana is a community property state and the couple has chosen not to file a joint return, Leslie must report one half of Alan's annuity income, or $5,000, on her married filing separate federal and state income tax returns. Because Leslie is not the named annuitant, she has not received annual retirement income for purposes of the exemption and cannot claim any exemption amount on her return. Because Alan is only reporting $5,000 of his annuity income on his federal and state income tax returns, he is only entitled to an exemption of $5,000.

4. Assume the same facts as in Example 3 except that Alan and Leslie have a separation of property agreement. Each spouse will therefore report his or her own items of income and loss on his or her own married filing separate return. Allan will report the entire amount of his annuity income and will be entitled to exempt $6,000 of the $10,000 of annual retirement income he receives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:44.1, R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 32:

Cynthia Bridges
Secretary

0511#045

DECLARATION OF EMERGENCY

Department of Revenue
Policy Services Division

Hurricane Katrina—Hotel Sales Tax Exclusion
Uniform State and Local Sales Tax Definitions
(LAC 61:I.4301)

The Department of Revenue, Policy Services Division, hereby repeals the Emergency Rule that was adopted August 27, 2005, to provide tax relief for citizens whose occupancy of hotel rooms in Louisiana was necessitated when Hurricane Katrina displaced them from their normal places of dwelling.

This Rule is being repealed effective November 1, 2005, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B), because the need for this relief has diminished.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 43. Sales and Use Tax
§4301. Uniform State and Local Sales Tax Definitions

A. …

B. Words, terms and phrases defined in R.S. 47:301(1) through R.S. 47:301(27), inclusive, have the meaning ascribed to them therein and as further provided in §4301.C.

C. …

Hotel—

a. The term *hotel* has been defined under R.S 47:301(6) to be somewhat more restrictive than normally construed, both as to use of the facility and relative size. Only those establishments engaged in the business of furnishing sleeping rooms, cottages or cabins primarily to transient guests consisting of six or more guest or sleeping definition. If an establishment has less than six sleeping

rooms, cottages or cabins at a single business location or if more than one-half of the guests are permanent, regardless of the number of sleeping rooms, cottages or cabins, the establishment is not a *hotel* for purposes of *state* and *local sales or use tax*.

b. In determining whether an establishment furnishes sleeping rooms primarily to transient guests, each guest must be considered individually. A guest who engages his lodging and pays his bill on a monthly basis and who remains as a guest for two consecutive months is considered to be a permanent guest and not transient. Guests who remain for any lesser period are considered transient.

* * *

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2554, 2556 (December 2002), LR 29:186 (February 2003), LR 30:1306 (June 2004), LR 30:2870 (December 2004), LR 32:

Raymond E. Tangney
Senior Policy Consultant

0511#027

DECLARATION OF EMERGENCY

Department of Revenue
Policy Services Division

Interest Waiver and Filing Extensions Following Disasters
(LAC 61:III.2111)

Under authority of R.S. 47:1601(A)(2)(e) and 1511 and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, is issuing an emergency rule to adopt LAC 61:III.2111 to provide automatic extensions and interest waivers for tax returns filed by taxpayers located in disaster areas.

This Emergency Rule is necessary to provide relief to the affected taxpayers and to allow additional time to file returns without having to request extensions. This Emergency Rule is effective October 20, 2005, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or adoption of the permanent rule, whichever occurs first.

Title 61
REVENUE AND TAXATION
Part III. Department of Revenue—Administrative Provisions and Miscellaneous
Chapter 21. Interest and Penalties
§2111. Interest Waiver and Filing Extensions Following Disasters

A. The following provisions apply to all returns due following a disaster.

1. Automatic Extensions. Taxpayers located within the disaster areas will automatically be granted the applicable statutory extensions for filing returns without having to file an application for extension.

2. Interest Waiver. Interest on these returns due as a result of a disaster may be waived in accordance with the following guidelines.

a. If the return is filed within the applicable statutorily provided extension period, interest will be automatically waived.

b. If the return is filed after the applicable statutorily provided extension period, the taxpayer must file a written request to have the interest waived.

3. Tax Preparers. If a taxpayer's tax preparer is located within the disaster area, and as a result the taxpayer's returns are not timely filed, the taxpayer must make a written request for interest due as a result of the disaster to be waived.

4. Consolidated Returns. Taxpayers filing consolidated returns for locations within and without the disaster areas should file returns using the information available at the time the return is due. When the amended return is filed to accurately reflect the taxpayer's information, the taxpayer should attach a written request to waive any interest due as a result of the disaster.

B. Definitions

Disaster Area—a parish or location that has been declared a disaster area by the President.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1601(A)(2)(e) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:

Cynthia Bridges
Secretary

0511#007

DECLARATION OF EMERGENCY

Department of Social Services
Office of Community Services

Billing Policies and Fee Review Procedures
(LAC 67:V.Chapter 53)

The Department of Social Services, Office of Community Services, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to promulgate LAC 67:V, Subpart 7, Chapter 53, Billing Policies and Fee Review Procedures, effective October 28, 2005. This Emergency Rule shall remain in effect for a period of 120 days or until publication of the final Rule. This action is necessary to extend the original Emergency Rule of July 1, 2005, which will expire before the final Rule takes effect. (Final Rule will be published in January 2006).

Title 67
SOCIAL SERVICES
Part V. Community Services
Subpart 7. Payment of Legal Fees in Child Protection Cases
Chapter 53. Billing Policies and Fee Review Procedures
§5301. Purpose

A. This chapter provides billing policies and fee review procedures applicable to requests for payment of legal fees and expenses of attorneys representing children or indigent

parents in child in need of care and judicial certification for adoption proceedings pursuant to R.S. 46:460.21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:460.21.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 32:

§5303. Billing Policies

A. All prerequisites for payment specified in R.S. 46:460.21 shall be met. Attorneys shall comply with all minimum qualification standards specified by Louisiana Supreme Court in order to be eligible for compensation.

B. Rates of payment shall be in accordance with Louisiana Supreme Court General Administrative Rule Part G, Section 9.

C. Upon completion of a discrete stage in child in need of care (CINC) proceedings and final judgment in judicial certification for adoption proceedings, attorneys must submit requests for payment the earlier of 90 days of completion or final judgment or 30 days from the end of the state fiscal year (state fiscal year runs July 1-June 30). Discrete stages in child in need of care proceedings include CINC proceedings through disposition, six-month reviews, and for attorneys representing children, one-year reviews post termination or surrender of parental rights when the child(ren) has not yet been permanently placed. Discrete stages may also include continued custody hearings when the attorney is appointed for that hearing only, CINC proceedings where a petition is not filed or is withdrawn prior to adjudication, CINC proceedings leading up to an Informal Adjustment Agreement, adjudication where the petition is denied, and CINC proceedings prior to disposition where an attorney appointed to act as counsel is permitted by the court to withdraw upon a finding of extenuating circumstances.

D. The detailed itemization of services must conform to the following invoicing standards.

1. Time and expenses billed shall be reasonable and necessary and based on contemporaneous record keeping. Minimum billable time increments shall be no greater than 1/10 of an hour. Each service activity shall be listed individually with its corresponding time increment. Paragraph or block billing whereby multiple discrete activities are billed within a single time increment will not be accepted for payment. Billing for bill preparation will not be accepted for payment. Travel time to and from the court that relates to mileage of less than 20 miles per trip will not be accepted for payment. The department shall make a sample invoice available to any requesting attorney.

2. Each service entry shall include a brief, but specific description of the service rendered, the date, the persons involved (e.g., client, other parties and their attorneys, OCS worker, foster parents, CASA volunteer, judge, etc.) and the purpose of the service or event.

3. For child in need of care cases, service entries shall be organized in accordance with discrete stages of the proceedings.

4. Expenses billed must relate to a specific legal service performed and include the date and amount of the expense. A receipt or other appropriate documentation of the expense must be attached. Mileage in excess of 20 miles per trip shall be reimbursable in accordance with state travel regulations established by the state Division of Administration. Beginning and ending odometer readings or alternatively Mapquest documentation of mileage must be included in the itemization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:460.21.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 32:

§5305. Fee Review Procedures

A. In Accordance with R.S. 46:460.21

1. An attorney requesting fees certifies:

a. he complies with all minimum qualifications for providing representation in child protection cases required by the state of Louisiana;

b. the statements contained in the fee request documents are true and correct;

c. the services and expenses billed are reasonable and necessary and consistent with effective and efficient practice in child protection cases;

d. for representation of counsel on behalf of a parent, the parent is indigent in accordance with law;

e. the attorney has received no compensation for the services or expenses described nor will he be receiving or eligible to receive such compensation from any other source.

2. The judge exercising juvenile jurisdiction determines based upon the attorney's certification, information contained within the form and supporting documentation, and his or her knowledge of the proceedings that the number of hours billed and expenses charged appear reasonable and necessary.

3. The department reviews and pays fee requests meeting statutory prerequisites, including submission of necessary forms and documentation.

B. When questions or concerns regarding requests for payment are noted, the judge and/or the department have the authority to request additional information and to seek to resolve any discrepancies with an attorney before concurring in or authorizing fees for payment.

C. Questions or concerns relative to the accuracy, validity, or compliance of an attorney's requests with R.S. 46:460.21 and the standards promulgated herein, applicable Louisiana Supreme Court General Administrative Rules, and professional practice may be referred by the judge or department to the fee review panel constituted herein. The purpose of the panel shall be to provide independence, neutrality, clarity, and administrative efficiency in the resolution of questions or concerns and to promote programmatic and fiscal accountability in the administration of the system.

D. The fee review panel shall be composed of up to 11 experienced attorneys in child welfare proceedings who commit to impartial review of referred questions or concerns in accordance with the applicable standards and overall professional practice. Panel members shall serve without compensation. For any given referral, at least three attorneys from the panel who do not practice in the court from which the referral emanates and who have no conflict of interest relative to the case or attorney that would impair their impartiality shall review and make recommendations relative to the referral. Panel members shall elect a chair and vice-chair to be responsible for receiving referrals and facilitating timely review and response. Panel members shall agree upon the method of assigning cases for review. The department shall support the fee review panel by maintaining a log of referrals and recommendations.

E. Attorneys shall be nominated to serve on the panel by the Louisiana Council of Juvenile and Family Court Judges, the Louisiana Supreme Court, the Louisiana State Bar Association, the Louisiana District Attorneys Association, the Louisiana Indigent Defender Assistance Board, the Department of Social Services, the Mental Health Advocacy Service, and each of the four law schools of the state.

F. Members of the fee panel shall review whether a referred request for payment conforms to the applicable standards and is otherwise accurate and proper in accordance with professional practice. The review may include review of other requests for payment submitted by other attorneys in the same, or similar cases, a review of court files, review of agency records, and interviews of relevant parties, including the attorney submitting the request. When the reasonableness of hours is called into question, the panel shall refer to the Resource Guidelines for Improving Court Practice in Child Abuse and Neglect Cases published by the National Council of Juvenile and Family Court Judges for guidance.

G. Panel members shall agree to maintain the confidentiality of their review and deliberations. Panel members shall be bound by the same standards of confidentiality relative to individual case record information as the court and agency.

H. Upon determining that a request for payment is not in conformity with the applicable standards or is otherwise not accurate or proper in accordance with professional practice, the review panel shall advise the attorney submitting the request of the same in writing and specify the reasons for the determination. The attorney may provide a written response within 10 days of receipt of the determination. After reviewing the attorney's response, the fee panel shall make a recommendation to the appropriate court and the department regarding the referral and any adjustments to the fee requests it deems appropriate. There shall be no right of review or appeal to the recommendation by the panel members. A recommendation by the fee panel that a request for fees be reduced does not constitute a finding of wrongdoing.

I. The fee panel is authorized to recommend to the Supreme Court an attorney's suspension from appointment to child protection cases for a specified period of time and/or removal from the list of attorneys deemed eligible for appointment in such cases. The fee panel may also make referrals to the Attorney Disciplinary Board as appropriate.

J. Summary information regarding the operation of the fee panel, including referrals to and recommendations of the fee panel, shall be included in the annual report to the legislature pursuant to R.S. 46:460.21.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:460.21.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 32:

Ann S. Williamson
Secretary

0511#025

DECLARATION OF EMERGENCY

Department of Social Services
Office of Family Support

Support Enforcement Services Program
Electronic Disbursement of Child Support
(LAC 67:III.2518)

The Department of Social Services, Office of Family Support, Support Enforcement Services (SES) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:III, Subpart 4, effective November 1, 2005. This Rule shall remain in effect for a period of 120 days.

Pursuant to Section 454A(g) of the Social Security Act, the agency is amending Chapter 25, Subchapter D, by adopting Section 2518, Electronic Disbursement of Child Support Payments, which allows for the electronic disbursement of child support payments. This Act allows the state to use its automated system for the effective and efficient collection and disbursement of support payments.

Emergency action in this matter is necessary to ensure that payments are received timely by eliminating postal delays caused by recent hurricanes. These changes are being made to avoid federal penalties and sanctions that could be imposed by the Administration for Children and Families, Office of Child Support Enforcement, the governing authority of the Support Enforcement Services Program in Louisiana.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 4. Support Enforcement Services
Chapter 25. Support Enforcement
Subchapter D. Collection and Distribution of Support Payments
§2518. Electronic Disbursement of Child Support Payments

A. Effective November 1, 2005, the agency will offer electronic disbursement of child support payments. Electronic disbursement of child support includes direct deposits to the custodial parent's bank account (checking or savings) or payments to a stored value card account.

B. A stored value card is a card-accessed account system where payments are electronically deposited into an account accessible for cash withdrawal or for credit purchases.

C. The fees associated with the use of the stored value card are subject to the conditions of that financial institution.

AUTHORITY NOTE: Promulgated in accordance with section 454A(g) of the Social Security Act and PIQ-04-02.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:

Ann Silverberg Williamson
Secretary

0511#038

DECLARATION OF EMERGENCY

Department of Social Services
Office of Family Support

Food Stamp Program, FITAP—Lump Sum Payments Resource Exclusion (LAC 67:III.1235 and 1949)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:III, Subpart 2 and Subpart 3 effective November 01, 2005. This rule shall remain in effect for a period of 120 days.

Pursuant to P.L. 107-171, the Food Stamp Reauthorization Act of 2002 (also known as the Farm Bill), the agency will amend §1949 in the Food Stamp Program and §1235 in the Family Independence Temporary Assistance Program (FITAP) to exclude from countable resources, lump sum payments received by the household from the conversion of an allowable resource, or as compensation for the loss of an allowable resource, or which is earmarked for a specific purpose. Section 4107 of the Farm Bill gives the state the option to exclude certain types of resources that the State agency does not include for TANF purposes.

Emergency action in this matter is necessary, as thousands of Louisiana citizens have suffered extensive damage to their home and/or business property due to Hurricanes Katrina and Rita and have incurred enormous expense. Many will receive insurance settlements that may preclude the household's eligibility for Food Stamp benefits thereby creating imminent peril to public health and welfare. Therefore, it is the agency's intention to remove this barrier to Food Stamp eligibility and exclude these payments as a countable resource.

This resource exclusion currently applies to the Family Independence Temporary Assistance Program, although the Administrative Code does not specify this exclusion. That oversight is being corrected by means of this declaration.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 2. Family Independence Temporary Assistance Program
Chapter 12. Application, Eligibility, and Furnishing Assistance
Subchapter B. Conditions of Eligibility
§1235. Resources

A. Assets are possessions which a household can convert to cash to meet needs. The maximum resource allowable for an assistance unit is $2,000. All resources are considered except:

1. - 22. ...

23. lump sum payments received by the household from the conversion of an allowable resource, or as compensation for the loss of an allowable resource, or which is earmarked for a specific purpose. This exclusion shall apply for six months following receipt of the payment.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S.36:474, R.S. 46:231.1.B., R.S. 46:231.2, P.L. 106-387, Act 13, 2002 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2451 (December 1999), amended LR 27:736 (May 2001), LR 27:866 (June 2001), LR 28:1031 (May 2002), LR 29:45(January 2003), LR 32:

Subpart 3. Food Stamps
Subchapter H. Resource Eligibility Standards
§1949. Exclusions from Resources

A. The following are excluded as a countable resource:

1. - 5. ...

6. lump sum payments received by the household from the conversion of an allowable resource, or as compensation for the loss of an allowable resource, or which is earmarked for a specific purpose. This exclusion shall apply for six months following receipt of the payment.

B. ...

AUTHORITY NOTE: Promulgated in accordance with F.R. 52:26937 et seq., 7 CFR 273.8 and 273.9C(v), P.L. 103-66, P.L. 106-387, 45 CFR 263.20, and P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:657 (November 1987), amended by the Department of Social Services, Office of Family Support, LR 18:1267 (November 1992), LR 21:187 (February 1995), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 28:1031 (May 2002), LR 29:606 (April 2003), LR 32:

Ann Silverberg Williamson
Secretary

0511#043

DECLARATION OF EMERGENCY

Department of Social Services
Office of Family Support

Temporary Emergency Disaster Assistance Program (LAC 67.III.5583)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953(B), the Administrative Procedure Act, to adopt §5583, Temporary Emergency Disaster Assistance Program. This Emergency Rule effective October 26, 2005, will remain in effect for a period of 120 days.

As a result of Hurricanes Katrina and Rita, there are an estimated 350,000 displaced individuals within the State of Louisiana who have urgent, unmet needs for basic human services as well as for intermediate and long-term assistance in restoring their lives and communities.

Pursuant to the authority granted to the Department by the Administration for Children and Families, the agency has adopted the Temporary Emergency Disaster Assistance Program as a new TANF Initiative. The program provides disaster emergency services to families with dependent children or pregnant women who are displaced because of disasters.

The authorization for emergency action in this matter is contained in Act 16 of the 2005 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives
Chapter 55. TANF Initiatives
§5583. Temporary Emergency Disaster Assistance Program

A. Effective October 26, 2005, the agency will enter into contracts to provide disaster emergency services to needy families with dependent children or pregnant women who are displaced because of disasters. The program will provide nonrecurring, short-term benefits or services, not to exceed four months, for subsistence needs.

B. These services meet the TANF goals to end dependence of needy families by promoting job preparation, work, and marriage, and to encourage the formation and maintenance of two-parent families.

C. Eligibility for services is limited to needy families with minor dependent children, or minor dependent children living with caretaker relatives within the fifth degree or pregnant women:

1. who are displaced citizens of parishes for which a major disaster has been declared under the Robert T. Stafford Disaster Relief and Assistance Act; and

2. whose income is at or below 200 percent of the federal poverty level or who are categorically eligible because a member of the family receives a Family Independence Temporary Assistance Program (FITAP) grant, Kinship Care Subsidy Program (KCSP) grant, Food Stamps, Child Care Assistance Program (CCAP) benefits, Medicaid, Louisiana Children's Health Insurance Program (LaCHIP), Supplemental Security Income (SSI), or Free or Reduced School Lunch.

D. The secretary may establish criteria whereby needy families are deemed to meet the financial eligibility requirements.

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

F. The program shall be effective for the parishes and time frames as designated by the secretary.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:

Ann Silverberg Williamson
Secretary

0511#026

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2005/2006 Oyster Season Closure
Sister Lake Public Oyster Seed Reservation

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and R.S. 49:967(D), and under the authority of R.S. 56:433(B)1 which provides that the Wildlife and Fisheries Commission may designate what parts or portions of the natural reefs may be fished for oysters and it may suspend the fishing of oysters altogether from natural reefs not leased by it when such reefs are threatened with depletion as determined by the Department, and a Resolution adopted by the Wildlife and Fisheries Commission on August 4, 2005 which authorized the Secretary of the Department of Wildlife and Fisheries to take emergency action if necessary to close areas where significant spat catch has occurred with good probability of survival or if oyster resources and/or reefs are being adversely impacted, the Secretary hereby declares:

The 2005/2006 oyster season in the Sister (Caillou) Lake Public Oyster Seed Reservation, as described in Louisiana Revised Statutes (R.S.) 56:434.E, will close on Thursday, November 3, 2005 at one-half hour after sunset. Heavy harvest pressure has occurred during the first ten days of the 2005/2006 Sister Lake season and may threaten the long-term sustainability of the oyster reefs if allowed to continue. In addition, recent biological sampling has shown the occurrence of a successful spat set. These young oysters represent future oyster stocks and protecting spat is in the best interest of the oyster reefs.

Dwight Landreneau
Secretary

0511#037

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Oyster Season—East of Mississippi River

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and R.S. 49:967(D), and under the authority of R.S. 56:433(B)1 which provides that the Wildlife and Fisheries Commission may designate what parts or portions of the natural reefs may be fished for oysters and it may suspend the fishing of oysters altogether from natural reefs not leased by it when such reefs are threatened with depletion as determined by the Department, and a Resolution adopted by the Wildlife and Fisheries Commission on August 4, 2005 which authorized the Secretary of the Department of Wildlife and Fisheries to take emergency action if necessary to close areas based on oyster mortality and adverse impacts to oyster reefs and to delay the season in areas where significant spat catch has occurred with good probability of survival, the Secretary hereby declares:

The 2005/2006 oyster season in the public oyster seed grounds located east of the Mississippi River, including the Bay Gardene Public Oyster Seed Reservation as described in Louisiana Revised Statutes (R.S.) 56:434.E and the Lake Borgne Public Oyster Seed Grounds as described in Louisiana Administrative Code (LAC) 76:VII.513, which was scheduled to open at one-half hour before sunrise on Monday, October 17, 2005 will be delayed until further notice. Hurricane-related oyster mortalities of approximately 60 percent in this area have significantly reduced oyster

abundance and the oyster reefs are threatened with depletion. In addition, biological sampling following Hurricanes Katrina and Rita have shown the occurrence of a successful spat set. Protection of these developing oysters will provide opportunity to rebuild oyster stocks and delaying the season is in the best interest of the oyster resource.

Dwight Landreneau
Secretary

0511#005

Rules

RULE

Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences
Structural Pest Control Commission

Structural Pest Control (LAC 7:XXV.107 and 117)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission, amends regulations regarding insurance requirements for structural pest control operators and requiring structural pest control operators to use a specific form to provide insurance and bond information. The proposed Rule also sets December 31 as the date of certification renewal instead of the date of initial testing or last recertification.

The Department of Agriculture and Forestry deems the implementation of these rules and regulations necessary because the current insurance and bond rules are outdated and refer to insurance codes that are obsolete. Pest control operator recertification is required once each three years. Industry requested the change for ease of remembering the recertification date. This Rule allows the department to better regulate the pest control industry by insuring that they have the required insurance, bond and certification.

This Rule complies with and is enabled by R.S. 3:3203.

Title 7
AGRICULTURE AND ANIMALS
Part XXV. Structural Pest Control
Chapter 1. Structural Pest Control Commission

§107. License to Engage in Structural Pest Control Work Required; Qualifications of Applicant; Requirements for Licensure; Phases of Structural Pest Control License; Conditions of the License

A. - E. …

F. In addition to the qualifications required by §107.B-C, each applicant for licensure must:

1. submit a complete application for examination as required by §109 hereof;

2. be approved by the commission to take the examination for licensure;

3. have successfully completed a written examination for licensure no more than two years prior to the date of issuance of the license;

4. secure a permit for operation of the business location where he will be domiciled, as required by §105 above, provided that an applicant for license who is connected with a business location for which the commission has already issued a permit for operation need only to advise the commission of the business name and location of the permitted establishment where he will be domiciled;

5. provide a certificate of insurance on a document provided by the Louisiana Department of Agriculture and Forestry including but not limited to the following information:

a. not less than $250,000, general liability coverage, per occurrence for the following:

i. all work performed under specific structural pest control license phases;

b. not less than $100,000 coverage for property damage;

c. or combined single limits of $350,000;

d. definitions for purposes of this Section:

i. *Public Liability*—general liability;

ii. *Accident*—occurrence;

e. provide at least 10 days prior written notice to the commission before cancellation and 10 days written notice to the commission when paid claims reach or exceed the aggregate limit.

6. Provide evidence of a surety or fidelity bond on a form provided by the department covering the business with which the applicant is connected, issued by a bonding, surety or insurance company authorized to do business in Louisiana, in the amount of $2,000, of tenor and solvency satisfactory to a majority of the commission. An applicant who is not connected with a business covered by the required surety or fidelity bond must secure the appropriate coverage prior to issuance of the license.

G. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3308 and R.S. 3:3306 (redesignated R.S. 3:3366 and 3:3368).

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 19:1009 (August 1993), LR 23:855 (July 1997), LR 23:1493 (November 1997), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 31:2761 (November 2005).

§117. Obligations of the Licensee

A. The licensee must keep the bond and general liability insurance required under §107.F in full force and effect at all times.

B. The licensee must renew the permit for operation for each business location annually prior to June 30.

C. The licensee must apply for a registration certificate for each employee under his supervision within 30 days after the employee is hired and must comply with all other requirements pertaining to registration of employees set forth in §113.

D. The licensee must follow label and labeling requirements in all applications of pesticides not specifically covered in §141.

E. The licensee shall be responsible for training the employee in the kind of work which he will perform.

F.1. The licensee must maintain his commercial applicator certification in current status by:

a. attending a continuing educational program for recertification approved by the Louisiana Department of Agriculture and Forestry;

b. recertification at least once every three years; such recertification shall be completed by December 31 of the year preceding the third anniversary of either the original certification or the most recent recertification;

c. a minimum of six hours of technical training which shall include but not limited to the categories of general pest control, termite control, wood destroying insect report (WDIR) and commercial vertebrate control;

d. a minimum of six hours of technical training for the category of fumigation.

2. A licensee attending an approved recertification seminar must attend the entire approved program; otherwise the licensee shall not be recertified at this approved seminar.

3. Time and location for each licensee certification can be obtained by calling or writing to the Louisiana Department of Agriculture and Forestry.

4. A minimum of six hours of technical training for the category of fumigation.

5. A licensee attending an approved recertification seminar must attend the entire approved program, otherwise the licensee shall not be recertified at this approved seminar.

6. Time and location for each licensee certification can be obtained by writing to the Louisiana Department of Agriculture and Forestry.

G. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 31:2761 (November 2005).

Bob Odom
Commissioner

0511#071

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System
(LAC 28:LXXXIII.305, 509, 703, and 3901-3905)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 111—The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components.

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

Title 28
EDUCATION
Part LXXXIII. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 3. School Performance Score Component

§305. Calculating the CRT Index

A. - B.table. ...

C. A student taking the LEAP Alternate Assessment Level 1 (LAA 1) or Level 2 (LAA 2) shall be included in the CRT index as delineated in §3905 of this policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2738 (December 2003), amended LR 31:2762 (November 2005).

Chapter 5. Calculating the NRT Index

§509. Inclusion of Alternate Assessment Results in the NRT

A. A student taking the LEAP Alternate Assessment Level 1 (LAA 1) or Level 2 (LAA 2) shall be included in the NRT index as delineated in §3905 of this policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003), amended LR 31:2762 (November 2005).

Chapter 7. Subgroup Component

§703. Inclusion of Students in the Subgroup Component

A. - B. …

C. Each subgroup (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students) within each school shall be evaluated separately on ELA and mathematics.

1. In calculating the subgroup component for a school:

a. the alternate academic achievement standards for students participating in LAA 1 will be used, provided that the percentage of proficient LAA 1 students at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent proficient cap, the district shall request a waiver. The students exceeding the cap shall be assigned a zero on the assessment and be considered non-proficient if:

i. the district fails to request the waiver; or

ii. if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA 1;

b. the modified academic achievement standards for students participating in LAA 2 will be used, provided that the percentage of proficient LAA 2 students at the district level does not exceed 2.0 percent of all students in the grades assessed. If the district exceeds the 2.0 percent proficient cap, the district shall request a waiver. The students exceeding the cap shall be assigned a zero on the assessment and be considered non-proficient if:

i. the district fails to request the waiver; or

ii. if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA 2.

2. Students participating in LAA 1 or LAA 2 shall be included in the special education subgroup.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2256 (October 2004), LR 30:2445 (November 2004), LR 31:912 (April 2005), LR 31:2762 (November 2005).

Chapter 39. Inclusion of Students with Disabilities

§3901. Assessment of Students with Disabilities

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the CRT, NRT, LAA 1, or LAA 2 shall be included in the calculation of the SPS. Most students with disabilities shall take the CRT and the NRT with accommodations, if required by their Individualized Education Program (IEP).

1. Only students with significant cognitive disabilities are eligible to participate in LEAP Alternate Assessment Level 1 (LAA 1) as defined by the LEAP Alternate Assessment Level 1 Participation Criteria.

2. Beginning in the spring of 2006, students with disabilities in grades 4, 8, 10, and 11 who are functioning significantly below enrolled grade level are eligible to participate in LEAP Alternate Assessment Level 2 (LAA 2) as defined by the LEAP Alternate Assessment Level 2 Participation Criteria.

3. Beginning in the spring of 2007, students with disabilities in grades 4 through 11, who are functioning significantly below enrolled grade level are eligible to participate in LEAP Alternate Assessment Level 2 (LAA 2) as defined by the LEAP Alternate Assessment Level 2 Participation Criteria.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005).

§3903. LEAP Alternate Assessment Participation Criteria

A. A student participating in LEAP Alternate Assessment Level 1 or Level 2 shall progress toward a certificate of achievement.

B. Students with disabilities participating in either LEAP Alternate Assessment Level 1 (LAA 1) or Level 2 (LAA 2) must meet specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities* (Chapter 9).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005).

§3905. Inclusion of Alternate Assessment Results

A. Beginning with the 2002-2003 Baseline SPS, LAA test scores shall be included in all SPS and Subgroup AYP calculations. Beginning with 2005-2006 Growth SPS, Baseline SPS, and Subgroup AYP calculations, LEAP Alternate Assessment Level 1 and Level 2 shall be included.

B. LAA 1 scores shall be converted according to the following scale.

LAA Score	Level	CRT/NRT Points
0.00-0.49	Unsatisfactory	0
0.50-2.49	Approaching Basic	50
2.50-3.49	Basic	100
3.50-4.49	Mastery	150
4.50-5.00	Advanced	200

1. Students taking LAA 1 shall be included in accountability calculations at the grade level in which they are enrolled in the Student Information System (SIS).

C. LAA 2 shall first be administered in Spring 2006 to students in grades 4, 8, 10, and 11. In Spring 2007, LAA 2 shall be given in grades 4-11. The LDE will provide conversion scales for use with the LAA 2 scores after a thorough statistical analysis of the results.

D. Students participating in either LEAP Alternate Assessment Level 1 (LAA 1) or Level 2 (LAA 2) will be assigned scores of zero in SPS component calculations and scores of non-proficient in subgroup component calculations if they do not meet the specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 30:767 (April 2004), LR 31:2763 (November 2005).

Weegie Peabody
Executive Director

0511#015

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System
(LAC 28:LXXXIII.517, 1101, 1501, 1705, 2301, 3301, and 3303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 111—The Louisiana School, District, and State Accountability System* (LAC 28:LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components.

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

The proposed changes define growth label changes for three-star schools, the movement of three-star schools into Academic Assistance if performance significantly declines, and the requirement of districts to address the learning needs of mobile students, the writing and implementation of

reconstitution plans, and the accountability status of reconfigured schools.

Title 28
EDUCATION
Part LXXXIII. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 5. Calculating the NRT Index

§517. Inclusion of Students

A. ...

B. A school that has at least 10 percent of its testing population transferring from other schools within the LEA after October 1 but before the conclusion of spring testing may request the LEA file an appeal (as described in §3109) and provide the Louisiana Department of Education with sufficient evidence that excluding these students from school performance score calculations would change its academic assistance or school improvement level; or its growth or rewards label.

1. An LEA must develop, submit for approval to the LDE, and implement in the LEA, a plan addressing the academic needs of highly mobile student populations if within a span of 3 years, it is granted appeals based on 10 percent intra-district transfers for:

a. a specific school twice; or

b. two or more schools of the same grade configuration within the LEA;

c. ten percent or more of its total number of schools.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005), LR 31:2422 (October 2005), LR 31:2764 (November 2005).

Chapter 11. Performance Labels

§1101. Performance Labels

A. ...

B. When a school's performance label is greater than or equal to four stars (SPS ≥ 120.0), it shall not be identified for academic assistance (formerly school improvement level 1) based on its SPS and shall not receive a "negative" growth label (minimal academic growth, no growth, school in decline).

C. When a school's performance label is three-stars (100 ≤ SPS < 120) and it declines more than 2.5 SPS points in an academic year from the prior year's baseline score, it shall enter academic assistance and meet the requirements listed in Chapter 14.

1. In 2005, 3-star schools will not receive negative growth labels.

2. In 2006 and 2007, 3-star schools with SPSs greater than or equal to 105.0 will not receive negative growth labels.

3. In 2008 and 2009, 3-star schools with SPSs greater than or equal to 110.0 will not receive negative growth labels.

4. In 2010 and 2011, 3-star schools with SPSs greater than or equal to 115.0 will not receive negative growth labels.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), amended LR 31:2764 (November 2005).

Chapter 15. School Improvement

§1501. Levels of School Improvement

A. For schools in school improvement prior to having an approved reconstitution plan, an LEA shall consult with the LDE prior to requesting a change in a school's site code, changing its configuration, or closing a school site. Based on the information provided by the LEA, the LDE shall determine the school improvement (SI) status and the accompanying supports and sanctions of the schools impacted by such changes. The process must also assure the academic needs of the students from the school in school improvement are met if the students are placed in another school.

B. Reconstitution plans submitted for BESE approval must include any proposed school closures, requests for site code changes, grade reconfigurations, and attendance zone changes that will impact the school in SI4 as described in §2301.

C. There shall be five levels of school improvement. A school that enters school improvement shall receive additional support and assistance with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. A school in school improvement shall begin the remedies required at the level that the school is in upon initial identification of the school for that level of school improvement, either summer preliminary or fall final accountability release. The remedies required in each level of school improvement shall be additive in nature as schools move to higher levels of school improvement (e.g., schools in SI 3 are required to meet the remedies of SI 2 and SI 3).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2744 (December 2004), LR 31:1513 (July 2005), LR 31:2764 (November 2005).

Chapter 17. Requirements for Schools in School Improvement (SI)

§1705. School Improvement 4 Requirements

A. All schools in SI 4 must adhere to the requirements of schools in SI 3.

B. A school enters SI 4 if:

1. it was first in SI 3; and

2. it is an AUS and did not make its GT; or

3. it fails the subgroup component in the same subject that caused it to enter SI 3 for the current year.

C. A school remains in SI 4 if:

1. it is an AUS and it made its GT; or

2. it passes the subgroup component in the same subject that caused it to enter SI 4 for the current year, but not two consecutive years.

D. All schools in SI 4, with the local school board's approval, shall select from the following corrective actions list:

1. replace school staff;

2. implement new curriculum;

3. decrease management authority;

4. contract an outside expert;
5. extend the school year or school day;
6. restructure.

E. For AUS schools, the DE may continue to serve the school in an advisory capacity.

F. A district must develop a reconstitution plan for all AUS schools at the beginning of the first school year in this level and submit the plan to the SBESE for approval by December of that school year.

1. Reconstitution plans submitted to BESE must include justification for any planned school closures, requests for site code changes, grade reconfigurations, and attendance zone changes that will impact the school in school improvement 4, and BESE must approve the reconstitution plan before any such changes are implemented.

G. The LDE will review the changes to school sites due to reconstitution and will consult with the LEA on the effects that the reconstitution will have on rewards and/or school improvement status.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 30:2446 (November 2004), LR 31:1515 (July 2005), LR 31:2764 (November 2005).

Chapter 23. Reconstitution/Alternate Governance Plans

§2301. Schools Requiring Reconstitution/Alternate Governance Plans

A. Districts shall develop and submit a reconstitution/alternate governance plans to the SBESE for approval by December 31st for the following types of schools.

1. Reconstitution Plan: AUS schools in SI 4.

a. The reconstitution plan indicates how the district shall remedy the school's inadequate growth in student performance. The plan shall specify how and what reorganization shall occur, how these plans are supported by research, and how/why these proposed changes shall lead to improved student performance.

b. Reconstitution plans submitted to BESE must include justification for any planned school closures, requests for site code changes, grade reconfigurations, and attendance zone changes that will impact the school in School Improvement 4, and BESE must approve the reconstitution plan before any such changes are implemented.

c. Once a Reconstitution Plan has been approved by BESE, any changes to the plan must be submitted to the LDE and approved by BESE prior to implementation.

2. "Reconstitution Light" Plan: non-Title I schools in SI 5 for failing the subgroup component and schools in academic assistance level 5 for failing to make their required growth.

3. Alternate Governance Plan: Title I schools in SI 5 for failing the subgroup component and/or academically unacceptable schools in SI 6.

a. The alternate governance plan indicates how the district shall make significant changes in the school's staffing and governance to improve student academic achievement in the school to be able to make adequate yearly progress.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2749 (December 2003), amended LR 31:1516 (July 2005), LR 31:2765 (November 2005).

Chapter 33. New Schools and/or Significantly Reconfigured Schools

§3301. Inclusion of New Schools

A. For a newly formed school, the school district shall register the new school with the Louisiana Department of Education to have a site code assigned to that school. A new school shall not be created nor shall a new site code be issued in order to allow a school to avoid an accountability decision or prevent a school from entering the accountability system. Before a new school is created, the local education agency must work with the Louisiana Department of Education to explore ways the new school can be included in the accountability system.

B. When two or more schools are created from an existing school (e.g., grades 4-6 "split" from an existing K-6 structure, creating a K-3 school and a 4-6 school), the LEA must consult with the LDE prior to implementing such changes to determine how the impacted schools will retain reward and/or school improvement status and any sanctions, remedies, and funds (e.g., a 3-8 school in SI3 should retain the school improvement status in both schools if it is reconfigured into a 3-5 and a 6-8 school and if all grade levels contributed to its poor performance). After this consultation, the LDE shall make all decisions regarding the effects of these changes on rewards, school improvement status, and sanctions for all schools effected by the changes and will notify the LEA of its decision.

C. New schools with one year of test data shall be included in accountability. For attendance and dropout data, LEA's will have the option of using:

1. the district average for schools in the same category as the new school; or

2. data from the prior year, if whole grade levels from an existing school or schools moved to the new school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended LR 31:2765 (November 2005).

§3303. Reconfigured Schools

A. Prior to any reconfiguration, the LDE will review the changes to school sites in the reconfiguration and will consult with the LEA on the effects that the reconfiguration will have on rewards and/or school improvement status. After this consultation, the LDE shall make all decisions regarding the effects of these changes on rewards, school improvement status, and sanctions for all schools effected by the changes and will notify the LEA of its decision.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended LR 30:2446 (November 2004), LR 31:2765 (November 2005).

Weegie Peabody
Executive Director

0511#017

RULE

Board of Elementary and Secondary Education

Bulletin 1943—Policies and Procedures for Louisiana Teacher Assistance and Assessment
(LAC 28:XXXVII.507)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 1943—Policies and Procedures for Louisiana Teacher Assistance and Assessment* (LAC 28.XXXVII). These changes to current Bulletin 1943 policy provide for the exclusion from LaTAAP for those teachers from other states who provide NBPTS or appropriate evaluation results from their immediate previous teaching assignment. Appropriate evaluation results shall be defined as satisfactory annual evaluation results defined by and certified by the immediate previous out-of-state school district. This amended language streamlines current policy and aligns Bulletin 1943 policy with the Louisiana Standards for State Certification of School Personnel Louisiana Administrative Code Part LXXXVII Bulletin 746.

Title 28
EDUCATION
Part XXXVII. Bulletin 1943—Policies and Procedures for Louisiana Teacher Assistance and Assessment
Chapter 5. Assessment
§507. Procedures to Request Exclusion

A. To request exclusion from the Teacher Assistance and Assessment Program, the teacher must have submitted to the Louisiana Department of Education (LDE), Office of Quality Educators, Division of Professional Development, Professional Accountability Section the following materials:

1. a completed exclusion request form forwarded by the employing Louisiana school system. Each teacher applying for exclusion shall sign a release to solicit needed personnel evaluation information from the previous school system. The request form and release must be sent to the LDE within six weeks of the date of employment to be considered for exclusion.

B. The request for exclusion will be reviewed by an appropriate LDE staff member, and notification indicating approval or denial of the request will be returned to the employing LEA submitting the request.

C. Experienced teachers from out-of-state holding a National Board for Professional Teaching Standards (NBPTS) Certificate will be approved for exclusion from the Louisiana Teacher Assistance and Assessment Program upon submission of the completed exclusion form and a copy of their valid NBPTS Certificate. Note: The National Board Certified Teacher (NBCT) applicant from out-of-state must follow all procedures and must attach a copy of their valid NBPTS Certificate for review.

NOTE: Approval of requests for exclusion will be granted if the completed exclusion request form contains the signature(s) of the administrative authority(ies) responsible for authorizing the results of the evaluation(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:278 (February 2002), amended LR 31:2766 (November 2005).

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RULE

Board of Elementary and Secondary Education

Bulletin 1962—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Science
(LAC 28:CXXIII.Chapters 1-21)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 1962—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Science*. Bulletin 1962 will be printed in codified format as Part CXXIII of the Louisiana Administrative Code. This revision of the Louisiana science content standards includes Grade Level Expectations for all grades pre-kindergarten through 12th. Grade Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The federal No Child Left Behind legislation requires every state to have grade specific standards. Since the Louisiana content standards are by grade band, it was necessary to develop the Grade Level Expectations.

Title 28
EDUCATION
Part CXXIII. Bulletin 1962—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Science
Chapter 1. Introduction
§101. Philosophy of Science Education

A. Science education in Louisiana must prepare students to become informed citizens who have acquired the necessary scientific and technological knowledge and skills to function responsibly in the global community of the 21st century. It is essential that everyone involved in science education provide an opportunity for all students to become scientifically literate and reflective of the inherent nature of scientific knowledge, methods, and processes.

B. Scientific knowledge should be constructed through a hands-on/minds-on approach with overarching concepts that connect the sciences and other disciplines. Methodology and teaching strategies should be inquiry-based and include hands-on/minds-on activities. Assessment should reflect this inquiry-based curriculum and instruction and be used to improve teaching and learning. It is the responsibility of the entire community to be involved in science education reform efforts. This widespread involvement should encourage students of this state to become life-long learners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2766 (November 2005).

§103. Need and Context for Reform

A. Over the past decade, due in part to *Science for All Americans*, published by the American Association for the Advancement of Science, educators across the country have reexamined the purposes of and approaches to science education. A major impetus for this critical look is our ever-changing society. Science and mathematics are increasingly important, as they provide a basis for citizens to make informed decisions and to earn a living in a scientific and technological world.

B. The movement to reform science education focuses on science literacy for all students. Project 2061 Update 1994 defines scientifically literate persons as those "equipped with the knowledge and skills they need to make sense of how the world works, to think critically and independently, and to lead responsible and productive lives in a culture increasingly shaped by science and technology" (American Association for the Advancement of Science [AAAS], 1994, p. 6). This intent of science literacy for everyone is reflected in the following national education goals originally put forward by the National Governor's Association.

1. American students will leave grades four, eight, and twelve having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

2. U.S. students will be first in the world in mathematics and science achievement.

3. Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and to exercise the rights and responsibilities of citizenship.

C. A number of national initiatives have helped to establish new perspectives and resources for reforming science education. The National Science Foundation's (NSF) Statewide Systemic Initiatives program funded selected states' efforts to make extensive changes in mathematics and science education. The American Association for the Advancement of Science established Project 2061, a long-range reform project that identifies key concepts in science, mathematics, and technology. The National Research Council, a division of the National Academy of Science, published the National Science Education Standards for Grades K-12 in 1996; and the National Science Teachers Association developed the Scope, Sequence, and Coordination project to implement reform approaches in secondary science classrooms.

D. It has become clear that the current approaches to science education must be reformed to meet the need for a scientifically literate citizenry and workforce. This reform effort in Louisiana began with a successful application to establish an NSF-funded statewide systemic initiative. A broad-based coalition of Louisianians secured a five-year, $10 million grant for the Louisiana Systemic Initiatives Program (LaSIP). Louisiana provided matching funds from the Louisiana Board of Elementary and Secondary Education (LBESE) and the Louisiana Board of Regents (LBoR) for colleges and universities to support the work of reforming mathematics and science education.

E. The Louisiana Department of Education (LDE) was awarded a Dwight D. Eisenhower National Program for Mathematics and Science Education grant from the United States Department of Education. This grant enabled the LDE, in collaboration with LaSIP, to develop the Louisiana Mathematics and Science Curriculum and Assessment Frameworks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2767 (November 2005).

§105. Purpose of the Framework

A. This Framework document articulates, organizes, and integrates the content and processes of science education. It serves as a bridge between classroom practices and the national standards established by the science education community, as the standards define what a scientifically literate person should know, understand, and be able to do. It reflects research in science education as it outlines instructional content, teaching methodologies, and assessment strategies.

B. The Louisiana Science Framework is designed to guide the process of reforming science education in this state. It provides the following:

1. a master plan for developing the scientific literacy of Louisiana's students as they progress from kindergarten through Grade 12;

2. a design for science education that meets Louisiana's specific needs;

3. a catalyst for insightful discussion of the fundamental nature of science;

4. a guide for evaluating progress in achieving scientific literacy among the students of Louisiana; and

5. a vision of science education for the state and a tool to enable local districts, schools, and educators to grasp the nature, purpose, and role of science education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2767 (November 2005).

§107. Intended Audiences

A. This Framework, including the Introduction, Teaching and Learning of Science, Assessment, and Content Standards, is intended to be used mainly by teachers and curriculum developers to plan curriculum, instruction, and assessment for teachers and students.

B. The Introduction and Teaching and Learning of Science sections of the Framework can be used by a broad audience as a reference point to achieve a common vision of what and how science should be taught in Louisiana schools. The Framework does not address issues such as Standards for the Professional Development for Teachers of Science, Science Education Program Standards, and Science Education System Standards. The National Science Education Standards (NSES) includes standards and information on the above topics, as well as Science and Technology, Science in Personal and Social Perspective, and History and Nature of Science. Anyone interested in professional development, program, or system standards should obtain a copy of the NSES. Anyone looking at the NSES for the first time should be sure to look at the

Changing Emphases pages at the end of each section, which give an overview of the kinds of changes needed in standards-based science education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2767 (November 2005).

§109. Intended Use

A. This Framework serves as a guide for curriculum and instruction and as a general reference to the basic principles of science education.

B. Intended uses for this Framework include the following:

1. for teachers and curriculum developers, a guide for planning curriculum, instruction, and assessment;

2. for parents, a means for assessing the effectiveness of their children's science education;

3. for administrators and school board members, a vision for science education and a basis for planning resource allocations, material purchases, local curriculum development, and teachers' professional development;

4. for policy makers and state education staffs, a basis for developing laws, policies, and funding priorities to support local reforms;

5. for staff developers, a basis for creating professional development materials and strategies designed to increase teachers' knowledge of science content, teaching methodologies, and assessment strategies;

6. for assessment specialists and test developers, a guide for the development of an assessment framework to assess students' scientific understanding and ability more effectively;

7. for colleges and universities, a guide for content and design of teacher preparation programs; and

8. for business and industry leaders and governmental agencies, a basis for developing effective partnerships and local reforms for funding instructional materials and professional development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2768 (November 2005).

§111. Louisiana Content Standards Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving. The identification of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential in all learning processes. These resource tools include pen, pencil, and paper; audio/video material, word processors, computers, interactive devices, telecommunication, and other emerging technologies.

4. Linking and Generating Knowledge. The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continued improvement, students must be able to transfer and elaborate on these processes. "Transfer" refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. "Elaboration" refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship. The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2768 (November 2005).

§113. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing. The first task is to recognize that an information need exists. Students make preliminary

decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources. After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording. Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. Processing Information. After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information. Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings. Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. Evaluating Efforts. Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2768 (November 2005).

Chapter 3. The Teaching and Learning of Science

§301. Nature of Science

A. Science is a way of thinking and a system of knowledge that uses reason, observation, experimentation, and imagination. The goal of science is to describe, explain, and predict natural phenomena and processes. Science shares some characteristics with other forms of scholarly inquiry, but it is unique in several important ways. Science attempts to meet the criteria of testability, objectivity, and consistency. Scientific information is continuously open to review and modification; science is not a static body of knowledge. One of the functions of science education is to teach students to understand scientific information and the processes by which it was derived.

B. Science is a complex social activity. Scientific knowledge is generated not only by individuals but also by scientists who work cooperatively in laboratories and in the field. For scientific ideas to become widely accepted, peers must review, analyze, and critique results through journal articles, replication of experiments, and presentations at professional meetings. This process has implications for the way science is taught. It suggests the importance of working in cooperative groups, recording and presenting laboratory and field results, debating issues, and posing new questions based on current findings.

C. Scientists generally work with theories, which are explanations or predictions drawn from analyses of past scientific results. Investigations of the validity of a theory may take many different forms, including observing, collecting specimens and data for analysis, and conducting experiments.

D. Few scientists actually follow the orderly steps of what is known as the "scientific method." Instead, they may omit, move, or augment one or more of these steps. Scientists' explanations about what happens in the world come partly from what they observe and partly from what they infer; sometimes scientists have different explanations for the same set of observations. Scientists also use their imaginations to consider possible causes or outcomes: A number of scientific discoveries have been based on a scientist's idea, which was then tested for validity. It is always important for scientists to consider their own biases or preconceptions and to seek to eliminate these from their work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2769 (November 2005).

§303. Unifying Concepts and Processes

A. Science, mathematics, and technology are crosscut by big ideas that transcend disciplinary boundaries. They are useful in teaching as a means of organizing science content in ways that are meaningful for students and that promote interdisciplinary instruction. Current approaches to science teaching emphasize the need to convey "big ideas" rather than isolated facts that may not fit into any meaningful pattern for the student. When instruction is organized around large concepts, it is easier for students to find meaning in specific facts and to relate them to the larger concepts presented.

B. Unifying concepts and processes provide students with powerful ideas to help them understand the natural world. These include, but are not limited to, the following:

1. systems, order, and organization;
2. evidence, models, and explanation;
3. change, constancy, and measurement; and
4. form and function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2769 (November 2005).

§305. Instructional Issues

A. The purpose of science education is not for students to memorize the "right" answer, but for them to move along a learning continuum toward a deeper understanding of science concepts and processes. Current research indicates that it is best for understanding to be constructed actively by the learner. This learning style offers a new role for the science teacher as a facilitator of learning versus an imparter of knowledge. Instruction should minimize rote learning and focus on in-depth understanding of major concepts and topics, with students actively exploring those ideas through activities they can relate to their own lives. Students often work cooperatively in small groups to exchange and critique

their own ideas, with the teacher facilitating discussion rather than providing answers. Science is presented as a human enterprise and a continuing process for extending understanding, instead of the ultimate, unalterable truth. Learning activities are often interdisciplinary, stressing the connections between the sciences and other subjects. Science teachers must have a solid understanding of the basic concepts and processes of science in order to construct meaningful science activities that address all students' diverse experiences and learning styles.

B. During the last decade, a major change has occurred in science educators' views about how science learning takes place. The science education research community now views effective science teaching as helping the learner build upon prior knowledge to construct a scientific understanding of the phenomena being studied, making learning a lifelong construction project.

C. Research studies have shown that students begin school not as "blank slates," but with a substantial set of ideas about how the world functions. These ideas usually have developed without any exposure to formal science instruction, but rather through observation, guesswork, and bits of information filtered down from adults and other children. Students often form misconceptions about such basic processes as why the seasons change, how gravity works, and what electricity is. The most important finding from these research studies is not that students have preconceptions about science, but that their misconceptions are deeply rooted and tenacious.

D. To address this instructional dilemma, teachers need to elicit students' ideas and then allow the students to test their ideas against scientific knowledge and thereby construct their own understanding. It is important to underscore that the learners must do the constructing, not the teacher. The teacher should choose excellent teaching activities and materials, but it is the learner who must actively connect the new knowledge to what he or she already knows.

E. Activities or processes that facilitate this construction of knowledge are listed below in three broad categories.

1. Using Knowledge:
   a. describing;
   b. explaining;
   c. predicting;
   d. designing;
   e. analyzing;
2. Constructing New Knowledge:
   a. asking questions;
   b. solving problems;
   c. interpreting text;
   d. reconstructing knowledge;
3. Reflecting on Knowledge:
   a. justifying;
   b. criticizing;
   c. describing limits;
   d. making connections;
   e. taking perspectives;
   f. describing interactions (Michigan State Board of Education, 1991).

NOTE: These activities will offer students the opportunity to dispel their misconceptions as they continually construct new scientific knowledge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2769 (November 2005).

§307. Technology

A. Just as science is both a process and content, so is technology. As a process, technology is the using of scientific knowledge and other resources to develop new products and processes. "...[T]he relationship between science and technology is so close that any presentation of science without developing understanding of technology would portray an inaccurate picture of science" [*National Science Education Standards Draft* (Standards), 1994, pp. v-153].

B. While the emphasis in science is on gaining knowledge of the natural world, the emphasis in technology is on finding practical ways to apply that knowledge to solve problems. "Science helps drive technology, as it provides knowledge for better understanding, instruments, and techniques. Technology is essential to science because it enables observations of phenomena that are far beyond the capabilities of scientists due to factors such as distance, location, size, and speed and provides tools for investigations, inquiry, and analysis" (*NSE Standards*, pp. v-95).

C. The emphasis of technology in the classroom should be on knowledge construction to solve problems. The posing and solving of problems that are increasingly complex will enable students to develop skills that are vital to living in a technical world.

D. Students should develop an awareness and appreciation for the continuing progress in technology as it affects the quality of individual lives as well as society, in order to become better informed citizens and consumers and become computer literate and proficient, as it applies to the computer's capability to acquire data (with sensors), interpret data (by graphing), and as a research tool (library and Internet).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2770 (November 2005).

§309. Materials and Equipment

A. Instructional materials and equipment can increase students' interest and improve achievement; they deserve a prominent place in science programs. Students should have access to materials and equipment and be offered opportunities to learn to use them effectively. It is essential that classroom teachers have the necessary nonconsumable and consumable materials and equipment provided and that they be maintained and/or replenished.

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§311. Science and Equity

A. The reform emphasis on science literacy has no boundaries. It excludes no one regardless of gender, race, ethnicity, and socioeconomic status. Unfortunately, because this has not always been the case in science education, it is not reflected in the enrollment in high school science classes

and in the adult workforce of scientists. "To neglect the science education of any (as has happened too often to girls and minority students) is to deprive them of a basic education . . . and deprive the nation of talented workers and informed citizens, a loss the nation can ill afford" (*Science for All Americans*, 1989, pp. 156-157).

B. It is imperative that reform science education in Louisiana include hands-on, inquiry-based science teaching that will develop thinking skills in all students for a lifetime of use. Pre-conceived notions that science has a very narrow scope and that it is limited to a select few can be dispelled by developing critical thinking skills in all students and by developing the practice of using these thinking skills in every area of life involving cognitive processes. Development of these skills begins with kindergarten science explorations. Memorizing science facts will not suffice. It is critical that appropriate instructional tools be provided for all students so that this type of inquiry-based instruction can be implemented.

C. However, this philosophy is not enough to address the equity issue. Science education must also include keeping students in contact with culturally appropriate role models and career information. Reform efforts must dispel preconceived notions about who can be a scientist. All students must become aware of their own abilities to achieve in science. The content and methods of the Louisiana Science Framework reflect careful consideration of equity to assure that all students are provided the opportunity to succeed in learning science.

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Chapter 5. Assessment

§501. Purpose of Assessment

A. "Assessment is a systemic, multi-step process involving the collection and interpretation of educational data" (*NSE Standards*, p. 76). The purpose of assessment is to provide information to all the stakeholders in order to improve teaching and learning. Teachers, students, and parents need feedback on student progress. School administrators, educational planners, and the community need information to determine the overall effectiveness of the science program. As science instruction moves from a focus on facts to a focus on in-depth understanding of major concepts and processes, the assessment of science learning also must change.

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§503. Classroom Assessment

A. Assessment serves many important purposes in the science classroom: diagnostic (to plan instruction to fit the student's prior knowledge), formative (to improve performance and adapt instruction), and summative (to report on final performance). The purpose of the assessment determines the assessment technique.

1. Assessment should parallel instruction. As science education develops toward a hands-on, inquiry-based approach to learning, assessments will need to become more activity-based.

2. Assessment should be fair and equitable. Throughout the learning process, expectations should be clearly articulated to students. Assessment activities that measure skills beyond recall of facts should be challenging and thoughtful; however, all students should be given learning opportunities that enable them to apply concepts and skills successfully. In order to determine what students know and are able to do as a result of science instruction, teachers must develop assessments that are free of gender, racial, and language barriers.

3. Assessment should include data from multiple sources. Varied assessment strategies provide opportunities for teachers to observe students as they conduct a variety of tasks in different settings. Student-generated products from group work, entries from individual science journals, student-designed investigations and exhibitions, and student-constructed written responses are rich sources of data that enable teachers to determine students' understanding of science concepts and processes.

B. Assessment should encourage the development of higher order thinking skills; therefore, assessment must be designed to require students not just to recall random facts, but to demonstrate scientific problem-solving and conceptual knowledge. New designs for assessment must encourage forms of active assessment that are imbedded in instruction.

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§505. Large-Scale Assessment

A. Large-scale assessment refers to assessment at the district, state, and national level. These external assessments are conducted for the purpose of providing the following:

1. information for policy makers;
2. data for program evaluation;
3. a measure of pupil progression;
4. data for district, state, and national comparisons; and
5. a criterion for graduation.

B. Assessment can have a powerful influence on curriculum and instruction; therefore, the utilization of assessment techniques that closely parallel effective instructional activities and outcomes are beneficial in the science classroom.

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Chapter 7. Content Strands

§701. Science Strands

A. The Science Framework is divided into five strands: Science as Inquiry, Physical Science, Life Science, Earth and Space Science, and Science and the Environment. Each of the strands is organized into grade clusters and introduced with a focus statement that describes important aspects inherent to that section, followed by a standard (overarching goal) and benchmarks. Benchmarks, for the purpose of this document, are defined as broad statements of process and/or

content that are to be used as a reference to develop curriculum and assess student progress. They are based on the National Science Education Standards and reflect the goal of increased science literacy for all students. The benchmarks were designed to provide breadth and continuity of content throughout the K-12 curriculum, while allowing for the flexibility of instruction in the individual classroom.

B. The first strand, Science as Inquiry, centers on the scientific process of inquiry, which citizens continually practice as they seek to understand issues, solve problems, and make decisions in everyday life. It is included in the benchmarks, along with the subject matter in Physical Science, Life Science, Earth and Space Science, and Science and the Environment, to emphasize the importance of the processes of science. It is envisioned that integration of the strands will occur and that there will be integration across the sciences and other disciplines.

C. To assist the teacher, handbooks that consist of the Framework, a sample module, and selected activities are under development for Grades K-8. The learning modules are designed as models and are provided for the grade clusters of K-2, 3-4, and 5-8. They consist of readings for teachers and students, a vignette, teaching materials, and learning activities that integrate assessment into the instruction. These modules are designed to aid in the transfer of the broad benchmarks into classroom instruction. The handbook is intended to assist in the development of curriculum and teaching methods that promote science literacy for all students.

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Chapter 9. Strand One: Science As Inquiry

§901. Science As Inquiry

A. Focus. The process of scientific inquiry involves "asking a question, planning and conducting an investigation, using appropriate tools, mathematics, and techniques, thinking critically and logically about the relationships between evidence and explanations, constructing and analyzing alternative explanations, and communicating scientific arguments" (*NSE Standards*, pp. v-4). Students develop these skills as they are encouraged to think scientifically rather than simply memorize and/or study science facts.

B. Standard. The students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

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§903. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. the abilities necessary to do scientific inquiry:

a. SI-E-A1: asking appropriate questions about organisms and events in the environment (1, 3);

b. SI-E-A2: planning and/or designing and conducting a scientific investigation (2, 3);

c. SI-E-A3: communicating that observations are made with one's senses (1, 3);

d. SI-E-A4: employing equipment and tools to gather data and extend the sensory observations (3);

e. SI-E-A5: using data, including numbers and graphs, to explain observations and experiments (1, 2, 3);

f. SI-E-A6: communicating observations and experiments in oral and written formats (1, 3);

g. SI-E-A7: utilizing safety procedures during experiments (3, 5);

2. understanding scientific inquiry:

a. SI-E-B1: categorizing questions into what is known, what is not known, and what questions need to be explained (2, 4);

b. SI-E-B2: using appropriate experiments depending on the questions to be explored (2, 4);

c. SI-E-B3: choosing appropriate equipment and tools to conduct an experiment (2, 3, 5);

d. SI-E-B4: developing explanations by using observations and experiments (1, 2, 3, 4);

e. SI-E-B5: presenting the results of experiments (1, 3);

f. SI-E-B6: reviewing and asking questions about the results of investigations(1, 3, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§905. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. the abilities necessary to do scientific inquiry:

a. SI-M-A1: identifying questions that can be used to design a scientific investigation (1, 2, 3);

b. SI-M-A2: designing and conducting a scientific investigation (1, 2, 3, 4, 5);

c. SI-M-A3: using mathematics and appropriate tools and techniques to gather, analyze, and interpret data (1, 2, 3, 4, 5);

d. SI-M-A4: developing descriptions, explanations, and graphs using data (1, 2, 3, 4);

e. SI-M-A5: developing models and predictions using the relationships between data and explanations (1, 2, 3, 4);

f. SI-M-A6: comparing alternative explanations and predictions (1, 3, 4);

g. SI-M-A7: communicating scientific procedures, information, and explanations (1, 3);

h. SI-M-A8: utilizing safety procedures during scientific investigations (3, 5);

2. understanding scientific inquiry:

a. SI-M-B1: recognizing that different kinds of questions guide different kinds of scientific investigations (2, 4);

b. SI-M-B2: communicating that current scientific knowledge guides scientific investigations (1, 3, 4);

c. SI-M-B3: understanding that mathematics, technology, and scientific techniques used in an experiment

can limit or enhance the accuracy of scientific knowledge (3, 4);

d. SI-M-B4: using data and logical arguments to propose, modify, or elaborate on principles and models (1, 2, 3, 4);

e. SI-M-B5: understanding that scientific knowledge is enhanced through peer review, alternative explanations, and constructive criticism (1, 4, 5);

f. SI-M-B6: communicating that scientific investigations can result in new ideas, new methods or procedures, and new technologies (1, 3, 4);

g. SI-M-B7: understanding that scientific development/technology is driven by societal needs and funding (4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§907. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge, what they know and are able to do includes:

1. the abilities necessary to do scientific inquiry:

a. SI-H-A1: identifying questions and concepts that guide scientific investigations (2, 4);

b. SI-H-A2: designing and conducting scientific investigations (1, 2, 3, 4, 5);

c. SI-H-A3: using technology and mathematics to improve investigations and communications (1, 2, 3);

d. SI-H-A4: formulating and revising scientific explanations and models using logic and evidence (1, 2, 3, 4);

e. SI-H-A5: recognizing and analyzing alternative explanations and models (4);

f. SI-H-A6: communicating and defending a scientific argument (1, 3, 4);

g. S1-H-A7: utilizing science safety procedures during scientific investigations (3, 5);

2. understanding scientific inquiry:

a. SI-H-B1: communicating that scientists usually base their investigations on existing models, explanations, and theories (1, 3, 4);

b. SI-H-B2: communicating that scientists conduct investigations for a variety of reasons, such as exploration of new areas, discovery of new aspects of the natural world, confirmation of prior investigations, evaluation of current theories, and comparison of models and theories (1, 3, 4);

c. SI-H-B3: communicating that scientists rely on technology to enhance the gathering and manipulation of data (1, 3);

d. SI-H-B4: analyzing a proposed explanation of scientific evidence according to the following criteria: follow a logical structure, follow rules of evidence, allow for questions and modifications, and is based on historical and current scientific knowledge (2, 4, 5);

e. SI-H-B5: communicating that the results of scientific inquiry, new knowledge, and methods emerge from different types of investigations and public communication among scientists (1, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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Chapter 11. Strand Two: Physical Science

§1101. Physical Science

A. Focus. Exploring the characteristics, forces, and changes in objects and materials encourages students to develop an understanding of the world in which they live to establish a basis for a lifelong study of their world. As students increase their understanding and abilities, they will be able to use more sophisticated qualitative and quantitative methods to construct and analyze information. This study will enable them to make informed decisions based on a better understanding of how things work in the physical world.

B. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

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§1103. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. properties of objects and materials:

a. PS-E-A1: observing, describing, and classifying objects by properties (size, weight, shape, color, texture, and temperature) (4);

b. PS-E-A2: measuring properties of objects using appropriate materials, tools, and technology (3, 4, 5);

c. PS-E-A3: observing and describing the objects by the properties of the materials from which they are made (paper, wood, metal) (2, 4);

d. PS-E-A4: describing the properties of the different states of matter and identifying the conditions that cause matter to change states (2, 3);

e. PS-E-A5: creating mixtures and separating them based on differences in properties (salt, sand) (2, 3);

2. position and motion of objects:

a. PS-E-B1: observing and describing the position of an object relative to another object or the background (1, 2);

b. PS-E-B2: exploring and recognizing that the position and motion of objects can be changed by pushing or pulling (force) over time (1, 2, 3);

c. PS-E-B3: describing an object's motion by tracing and measuring its position over time (1, 2, 3, 4);

d. PS-E-B4: investigating and describing how the motion of an object is related to the strength of the force (pushing or pulling) and the mass of the object (1, 2, 3, 4);

3. forms of energy:

a. PS-E-C1: experimenting and communicating how vibrations of objects produce sound and how changing the rate of vibration varies the pitch (2);

b. PS-E-C2: investigating and describing how light travels and what happens when light strikes an object (reflection, refraction, and absorption) (2);

c. PS-E-C3: investigating and describing different ways heat can be produced and moved from one object to another by conduction (2);

d. PS-E-C4: investigating and describing how electricity travels in a circuit (2);

e. PS-E-C5: investigating and communicating that magnetism and gravity can exert forces on objects without touching the objects (2);

f. PS-E-C6: exploring and describing simple energy transformations (2);

g. PS-E-C7: exploring and describing the uses of energy at school, home, and play (1, 2, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1105. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. properties and changes of properties in matter:

a. PS-M-A1: investigating, measuring, and communicating the properties of different substances which are independent of the amount of the substance (1, 2, 3, 4);

b. PS-M-A2: understanding that all matter is made up of particles called atoms and that atoms of different elements are different (2, 4);

c. PS-M-A3: grouping substances according to similar properties and/or behaviors (4);

d. PS-M-A4: understanding that atoms and molecules are perpetually in motion (4);

e. PS-M-A5: investigating the relationships among temperature, molecular motion, phase changes, and physical properties of matter (2, 3);

f. PS-M-A6: investigating chemical reactions between different substances to discover that new substances formed may have new physical properties and do have new chemical properties (2, 3, 4, 5);

g. PS-M-A7: understanding that during a chemical reaction in a closed system, the mass of the products is equal to that of the reactants (2, 3, 4);

h. PS-M-A8: discovering and recording how factors such as temperature influence chemical reactions (2);

i. PS-M-A9: identifying elements and compounds found in common foods, clothing, household materials, and automobiles (1, 2, 3, 4, 5);

2. motions and forces:

a. PS-M-B1: describing and graphing the motions of objects (1, 2, 3);

b. PS-M-B2: recognizing different forces and describing their effects (gravity, electrical, magnetic) (1, 2);

c. PS-M-B3: understanding that, when an object is not being subjected to a force, it will continue to move at a constant speed and in a straight line (2, 3, 4);

d. PS-M-B4: describing how forces acting on an object will reinforce or cancel one another, depending upon their direction and magnitude (1, 2);

e. PS-M-B5: understanding that unbalanced forces will cause changes in the speed or direction of an object's motion (2, 4);

3. transformations of energy:

a. PS-M-C1: identifying and comparing the characteristics of different types of energy (2, 3, 4);

b. PS-M-C2: understanding the different kinds of energy transformations and the fact that energy can be neither destroyed nor created (2, 3, 4);

c. PS-M-C3: understanding that the sun is a major source of energy and that energy arrives at the earth's surface as light with a range of wavelengths (2, 3, 4);

d. PS-M-C4: observing and describing the interactions of light and matter (reflection, refraction, absorption, transmission, scattering) (1, 2, 3, 4);

e. PS-M-C5: investigating and describing the movement of heat and the effects of heat in objects and systems (2, 3, 4);

f. PS-M-C6: describing the types of energy that can be involved, converted, or released in electrical circuits (2, 3, 4);

g. PS-M-C7: understanding that energy is involved in chemical reactions (2, 4);

h. PS-M-C8: comparing the uses of different energy resources and their effects upon the environment (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1107. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge and abilities, what they know and are able to do includes:

1. measurement and symbolic representation:

a. PS-H-A1: manipulating and analyzing quantitative data using the SI system (2, 3, 4);

b. PS-H-A2: understanding the language of chemistry (formulas, equations, symbols) and its relationship to molecules, atoms, ions, and subatomic particles (1, 2, 3, 4);

2. atomic structure:

a. PS-H-B1: describing the structure of the atom and identifying and characterizing the particles that compose it (including the structure and properties of isotopes) (1, 2, 4);

b. PS-H-B2: describing the nature and importance of radioactive isotopes and nuclear reactions (fission, fusion, radioactive decay) (1, 2, 3, 4, 5);

c. PS-H-B3: understanding that an atom's electron configuration, particularly that of the outermost electrons, determines the chemical properties of that atom (2, 3, 4);

3. the structure and properties of matter:

a. PS-H-C1: distinguishing among elements, compounds, and/or mixtures (1, 2, 4);

b. PS-H-C2 discovering the patterns of physical and chemical properties found on the periodic table of the elements (2, 4);

c. PS-H-C3: understanding that physical properties of substances reflect the nature of interactions among its particles (2, 4);

d. PS-H-C4: separating mixtures based upon the physical properties of their components (2);

e. PS-H-C5: understanding that chemical bonds are formed between atoms when the outermost electrons are transferred or shared to produce ionic and covalent compounds (1, 2, 4);

f. PS-H-C6: recognizing that carbon atoms can bond to one another in chains, rings, and branching networks to form a variety of structures (1, 2, 3, 4);

g. PS-H-C7: using the kinetic theory to describe the behavior of atoms and molecules during phase changes and to describe the behavior of matter in its different phases (1, 2, 4);

4. chemical reactions:

a. PS-H-D1: observing and describing changes in matter and citing evidence of chemical change (1, 2, 4);

b. PS-H-D2: comparing, contrasting, and measuring the pH of acids and bases using a variety of indicators (1, 2, 3, 4);

c. PS-H-D3: writing balanced equations to represent a variety of chemical reactions (acid/base, oxidation/reduction, etc.) (2);

d. PS-H-D4: analyzing the factors that affect the rate and equilibrium of a chemical reaction (1, 2, 4);

e. PS-H-D5: applying the law of conservation of matter to chemical reactions (1, 2, 4);

f. PS-H-D6: comparing and contrasting the energy changes that accompany changes in matter (1, 2, 4);

g. PS-H-D7: identifying important chemical reactions that occur in living systems, the home, industry, and the environment (1, 2, 3, 4, 5);

5. forces and motion:

a. PS-H-E1: recognizing the characteristics and relative strengths of the forces of nature (gravitational, electrical, magnetic, nuclear) (4, 5);

b. PS-H-E2: understanding the relationship of displacement, time, rate of motion, and rate of change of motion; representing rate and changes of motion mathematically and graphically (1, 2, 3, 4);

c. PS-H-E3: understanding effects of forces on changes in motion as explained by Newtonian mechanics (1, 4);

d. PS-H-E4: illustrating how frame of reference affects our ability to judge motion (1, 2, 4);

6. energy:

a. PS-H-F1: describing and representing relationships among energy, work, power, and efficiency (2, 3, 4);

b. PS-H-F2: applying the universal law of conservation of matter, energy, and momentum, and recognizing their implications (2, 3, 4, 5);

7. interactions of energy and matter:

a. PS-H-G1: giving examples of the transport of energy through wave action (1, 4);

b. PS-H-G2: analyzing the relationship and interaction of magnetic and electrical fields and the forces they produce (1, 2, 3, 4);

c. PS-H-G3: characterizing and differentiating electromagnetic and mechanical waves and their effects on objects as well as humans (1, 2, 4);

d. PS-H-G4: explaining the possible hazards of exposure to various forms and amounts of energy (1, 4, 5)

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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Chapter 13. Strand Three: Life Science

§1301. Life Science

A. Focus. As investigations of the living environment are conducted, the rationales are set to establish further observations, measurements, and classifications of the various life forms. Patterns of similarities and differences within the diversity of life establish the basis for understanding the special relationships among living things in ecosystems.

B. Standard. The students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

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§1303. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. characteristics of organisms, which includes:

a. LS-E-A1: identifying the needs of plants and animals, based on age-appropriate recorded observations (1, 2, 3, 4);

b. LS-E-A2: distinguishing between living and nonliving things (1, 2, 3, 4);

c. LS-E-A3: locating and comparing major plant and animal structures and their functions (1, 3);

d. LS-E-A4: recognizing that there is great diversity among organisms (1);

e. LS-E-A5: locating major human body organs and describing their functions (1, 4);

f. LS-E-A6: recognizing the food groups necessary to maintain a healthy body (1, 2, 4, 5);

2. life cycles of organisms, which include:

a. LS-E-B1: observing and describing the life cycles of some plants and animals (1, 3);

b. LS-E-B2: observing, comparing, and grouping plants and animals according to likenesses and/or differences (1, 2, 4);

c. LS-E-B3: observing and recording how the offspring of plants and animals are similar to their parents (1, 2, 3, 4);

d. LS-E-B4: observing, recording, and graphing student growth over time using a variety of quantitative measures (height, weight, linear measure of feet and hands, etc.) (1, 3);

3. Organisms and their environments, which include:

a. LS-E-C1: examining the habitats of plants and animals and determining how basic needs are met within each habitat (1, 2, 3, 4, 5);

b. LS-E-C2: describing how the features of some plants and animals enable them to live in specific habitats (1, 2, 3, 4, 5);

c. LS-E-C3: observing animals and plants and describing interaction or interdependence (1, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1305. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. structure and function in living systems, which includes:

a. LS-M-A1: describing the observable components and functions of a cell, such as the cell membrane, nucleus, and movement of molecules into and out of cells (1);

b. LS-M-A2: comparing and contrasting the basic structures and functions of different plant and animal cells (1, 2, 3, 4);

c. LS-M-A3: observing and analyzing the growth and development of selected organisms, including a seed plant, an insect with complete metamorphosis, and an amphibian (1, 2, 3, 4);

d. LS-M-A4: describing the basic processes of photosynthesis and respiration and their importance to life (1, 4, 5);

e. LS-M-A5: investigating human body systems and their functions (including circulatory, digestive, skeletal, respiratory) (1, 3, 4);

f. LS-M-A6: describing how the human body changes with age and listing factors that affect the length and quality of life (1, 2, 3, 4, 5);

g. LS-M-A7: describing communicable and noncommunicable diseases (1, 2, 3, 4, 5);

2. reproduction and heredity, which includes:

a. LS-M-B1: describing the importance of body cell division (mitosis) and sex cell production (meiosis) (1, 4);

b. LS-M-B2: describing the role of chromosomes and genes in heredity (1, 4);

c. LS-M-B3: describing how heredity allows parents to pass certain traits to offspring (1, 4);

3. populations and ecosystems, which include:

a. LS-M-C1: constructing and using classification systems based on the structure of organisms (1, 2, 3, 4);

b. LS-M-C2: modeling and interpreting food chains and food webs (1, 2, 3, 4);

c. LS-M-C3: investigating major ecosystems and recognizing physical properties and organisms within each (1, 2, 3, 4, 5);

d. LS-M-C4: explaining the interaction and interdependence of nonliving and living components within ecosystems (1, 2, 3, 4, 5);

4. adaptations of organisms:

a. LS-M-D1: describing the importance of plant and animal adaptation, including local examples (1, 3, 4, 5);

b. LS-M-D2: explaining how some members of a species survive under changed environmental conditions (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2776 (November 2005).

§1307. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge, what they know and are able to do includes:

1. the cell, which includes:

a. LS-H-A1: observing cells, identifying organelles, relating structure to function, and differentiating among cell types (1, 2, 3, 4);

b. LS-H-A2: demonstrating a knowledge of cellular transport (1, 3, 4);

c. LS-H-A3: investigating cell differentiation and describing stages of embryological development in representative organisms (1, 2, 3, 4);

2. the molecular basis of heredity:

a. LS-H-B1: explaining the relationship among chromosomes, DNA, genes, RNA, and proteins (1, 3, 4);

b. LS-H-B2: comparing and contrasting mitosis and meiosis (1, 3, 4);

c. LS-H-B3: describing the transmission of traits from parent to offspring and the influence of environmental factors on gene expression (1, 2, 3, 4, 5);

d. LS-H-B4: exploring advances in biotechnology and identifying possible positive and negative effects (1, 2, 3, 4, 5);

3. biological evolution, which includes:

a. LS-H-C1: exploring experimental evidence that supports the theory of the origin of life (1, 3);

b. LS-H-C2: recognizing the evidence for evolution (1, 3, 4);

c. LS-H-C3: discussing the patterns, mechanisms, and rate of evolution (1, 3, 4);

d. LS-H-C4: classifying organisms (1, 2, 3, 4);

e. LS-H-C5: distinguishing among the kingdoms (1, 3, 4);

f. LS-H-C6: comparing and contrasting life cycles of organisms (1, 2, 3, 4);

g. LS-H-C7: comparing viruses to cells (1, 2, 3, 4);

4. interdependence of organisms, which includes:

a. LS-H-D1: illustrating the biogeochemical cycles and explaining their importance (1, 2, 3, 4, 5);

b. LS-H-D2: describing trophic levels and energy flows (1, 3, 4, 5);

c. LS-H-D3: investigating population dynamics (2, 3, 4, 5);

d. LS-H-D4: exploring how humans have impacted ecosystems and the need for societies to plan for the future (1, 2, 4, 5);

5. matter, energy, and organization of living systems:

a. LS-H-E1: comparing and contrasting photosynthesis and cellular respiration; emphasizing their relationships (1, 2, 3, 4);

b. LS-H-E2: recognizing the importance of the ATP cycle in energy usage within the cell (1, 2, 3, 4);

c. LS-H-E3: differentiating among levels of biological organization (1, 4);

6. systems and the behavior of organisms:

a. LS-H-F1: identifying the structure and functions of organ systems (1, 3, 4);

b. LS-H-F2: identifying mechanisms involved in homeostasis (1, 3, 4);

c. LS-H-F3: recognizing that behavior is the response of an organism to internal changes and/or external stimuli (1, 3, 4);

d. LS-H-F4: recognizing that behavior patterns have adaptive value (3, 4);

7. personal and community health:

a. LS-H-G1: relating fitness and health to longevity (1, 3, 4, 5);

b. LS-H-G2: contrasting how organisms cause disease (1, 3, 4, 5);

c. LS-H-G3: explaining the role of the immune system in fighting disease (1, 3, 4, 5);

d. LS-H-G4: exploring current research on the major diseases with regard to cause, symptoms, treatment, prevention, and cure (1, 3, 4, 5);

e. LS-H-G5: researching technology used in prevention, diagnosis, and treatment of diseases/disorders (1, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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Chapter 15. Strand Four: Earth and Space Science

§1501. Earth and Space Science

A. Focus. In order to develop a basic understanding of our world, it is essential for students to reflect upon the structure, order, and origin of the universe. This understanding occurs gradually over time as students observe, investigate, model, describe, and find patterns in a changing world. As humans modify their surroundings, they must reflect upon the consequences that these changes will bring. Scientific knowledge about environmental forces and resources will provide a rich topic for critical thinking by students to analyze the effects of their choices on the world.

B. Standard. The students will develop an understanding of the properties of earth materials, the structure of the earth system, the earth's history, and the earth's place in the universe.

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§1503. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. properties of earth materials, which include:

a. ESS-E-A1: understanding that earth materials are rocks, minerals, and soils (1);

b. ESS-E-A2: understanding that approximately three-fourths of the earth's surface is covered with water and how this condition affects weather patterns and climates (1);

c. ESS-E-A3: investigating, observing, and describing how water changes from one form to another and interacts with the atmosphere (2, 4);

d. ESS-E-A4: investigating, observing, measuring, and describing changes in daily weather patterns and phenomena (2, 4);

e. ESS-E-A5: observing and communicating that rocks are composed of various substances (1);

f. ESS-E-A6: observing and describing variations in soil (1);

g. ESS-E-A7: investigating fossils and describing how they provide evidence about plants and animals that lived long ago and the environment in which they lived (1, 2, 4);

2. objects in the sky, which include:

a. ESS-E-B1: observing and describing the characteristics of objects in the sky (1);

b. ESS-E-B2: demonstrating how the relationship of the earth, moon, and sun causes eclipses and moon phases (2, 3, 4);

c. ESS-E-B3: observing and recording the changing appearances and positions of the moon in the sky at night and determining the monthly pattern of lunar change (1, 2, 3, 4);

d. ESS-E-B4: modeling changes that occur because of the rotation of the earth (alternation of night and day) and the revolution of the earth around the sun (1, 2, 3, 4);

e. ESS-E-B5: understanding that the sun, a star, is a source of heat and light energy and identifying its effects upon the earth (1, 2, 3, 4);

f. ESS-E-B6: understanding that knowledge of the earth as well as of the universe is gained through space exploration (1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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§1505. Benchmarks 5-8 (Warning: Benchmarks 9-12 need to be addressed if Earth Science is not offered at the high school level.)

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. structure of the earth:

a. ESS-M-A1: understanding that the earth is layered by density with an inner and outer core, a mantle, and a thin outer crust (1);

b. ESS-M-A2: understanding that the earth's crust and solid upper mantle are dividing plates that move in response to convection currents (energy transfers) in the mantle (1);

c. ESS-M-A3: investigating the characteristics of earthquakes and volcanoes and identifying zones where they may occur (2, 3, 4);

d. ESS-M-A4: investigating how soils are formed from weathered rock and decomposed organic material (2, 3, 4);

e. ESS-M-A5: identifying the characteristics and uses of minerals and rocks and recognizing that rocks are mixtures of minerals (2, 3, 4);

f. ESS-M-A6: explaining the processes involved in the rock cycle (1, 4);

g. ESS-M-A7: modeling how landforms result from the interaction of constructive and destructive forces (1, 2, 3, 4);

h. ESS-M-A8: identifying the man-made and natural causes of coastal erosion and the steps taken to combat it (1, 2, 3, 4, 5);

i. ESS-M-A9: compare and contrast topographic features of the ocean floor to those formed above sea level (2, 3, 4);

j. ESS-M-A10: explaining (illustrating) how water circulates, on and through the crust, in the oceans, and in the atmosphere, in the water cycle (1, 4);

k. ESS-M-A11: understanding that the atmosphere interacts with the hydrosphere to affect weather and climate conditions (1, 4);

l. ESS-M-A12: predicting weather patterns through use of a weather map (1, 2, 3, 4, 5);

2. earth story:

a. ESS-M-B1: investigating how fossils show the development of life over time (2, 3, 4);

b. ESS-M-B2: devising a model that demonstrates supporting evidence that the earth has existed for a vast period of time (1, 2, 3, 4);

c. ESS-M-B3: understanding that earth processes such as erosion and weathering affect the earth today and are similar to those which occurred in the past (1, 2, 3, 4);

3. earth in the solar system:

a. ESS-M-C1: identifying the characteristics of the sun and other stars (1, 2, 3, 4);

b. ESS-M-C2: comparing and contrasting the celestial bodies in our solar system (2, 4);

c. ESS-M-C3: investigating the force of gravity and the ways gravity governs motion in the solar system and objects on earth (2, 3, 4);

d. ESS-M-C4: modeling the motions of the earth-moon-sun system to explain day and night, a year, eclipses, moon phases, and tides (1, 2, 3, 4);

e. ESS-M-C5: modeling the position of the earth in relationship to other objects in the solar system (1, 2, 3, 4);

f. ESS-M-C6: modeling and describing how radiant energy from the sun affects phenomena on the earth's surface, such as winds, ocean currents, and the water cycle (1, 2, 3, 4);

g. ESS-M-C7: modeling and explaining how seasons result from variations in amount of the sun's energy hitting the surface due to the tilt of earth's rotation on its axis and the length of the day (1, 2, 3, 4);

h. ESS-M-C8: understanding that space exploration is an active area of scientific and technological research and development (1, 5).

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§1507. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge, what they know and are able to do includes:

1. energy in the earth system:

a. ESS-H-A1: investigating the methods of energy transfer and identifying the sun as the major source of energy for most of the earth's systems (1, 3, 4);

b. ESS-H-A2: modeling the seasonal changes in the relative position and appearance of the sun and inferring the consequences with respect to the earth's temperature (1, 2, 3, 4);

c. ESS-H-A3: explaining fission and fusion in relation to the earth's internal and external heat sources (1, 3, 4);

d. ESS-H-A4: explaining how decay of radioactive isotopes and the gravitational energy from the earth's original formation generates the earth's internal heat (1, 3, 4);

e. ESS-H-A5: demonstrating how the sun's radiant energy causes convection currents within the atmosphere and the oceans (1, 2, 3, 4);

f. ESS-H-A6: describing the energy transfer from the sun to the earth and its atmosphere as it relates to the development of weather and climate patterns (1, 2, 3, 4);

g. ESS-H-A7: modeling the transfer of the earth's internal heat by way of convection currents in the mantle which powers the movement of the lithospheric plates (1, 2, 3, 4);

2. geochemical cycles:

a. ESS-H-B1: illustrating how stable chemical atoms or elements are recycled through the solid earth, oceans, atmosphere, and organisms (1, 2, 3, 4);

b. ESS-H-B2: demonstrating earth's internal and external energy sources as forces in moving chemical atoms or elements (1, 2, 3, 4);

3. the origin and evolution of the earth system:

a. ESS-H-C1: explaining the formation of the solar system from a nebular cloud of dust and gas (1, 2, 3, 4);

b. ESS-H-C2: estimating the age of the earth by using dating techniques (1, 2, 3, 4);

c. ESS-H-C3: communicating the geologic development of Louisiana (1, 2, 3, 4);

d. ESS-H-C4: examining fossil evidence as it relates to the evolution of life and the resulting changes in the amount of oxygen in the atmosphere (1, 2, 3, 4);

e. ESS-H-C5: explaining that natural processes and changes in the earth system may take place in a matter of seconds or develop over billions of years (1, 2, 3, 4);

4. the original and evolution of the universe:

a. ESS-H-D1: identifying scientific evidence that supports the latest theory of the age and origin of the universe (1, 2, 3, 4);

b. ESS-H-D2: describing the organization of the known universe (1, 3, 4);

c. ESS-H-D3: comparing and contrasting the sun with other stars (1, 4);

d. ESS-H-D4: identifying the elements found in the sun and other stars by investigating the spectra (1, 2, 3, 4);

e. ESS-H-D5: describing the role of hydrogen in the formation of all the natural elements (1, 4);

f. ESS-H-D6: demonstrating the laws of motion for orbiting bodies (1, 3, 4);

g. ESS-H-D7: describe the impact of technology on the study of the earth, the solar system, and the universe (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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Chapter 17. Strand Five: Science and the Environment

§1701. Science and the Environment

A. Focus. Environmental education is a process aimed at the development of a literate citizenry which is aware of and

shows concern for the total environment and its associated problems. This goal will be met by developing the knowledge, attitudes, motivation, commitment, and skills to work individually and collectively toward the solutions of current problems and the prevention of new ones.

B. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

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§1703. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. SE-E-A1: understanding that an "ecosystem" is made of living and non-living components (1, 3, 4);

2. SE-E-A2: understanding the components of a food chain (1, 3, 4);

3. SE-E-A3: identifying ways in which humans have altered their environment, both in positive and negative ways, either for themselves or for other living things (1, 2, 3, 4, 5);

4. SE-E-A4: understanding that the original sources of all material goods are natural resources and that the conserving and recycling of natural resources is a form of stewardship (1, 2, 3, 4, 5);

5. SE-E-A5: understanding that most plant and animal species are threatened or endangered today due to habitat loss or change (1, 2, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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§1705. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. SE-M-A1: demonstrating knowledge that an ecosystem includes living and nonliving factors and that humans are an integral part of ecosystems (1, 3, 4, 5);

2. SE-M-A2: demonstrating an understanding of how carrying capacity and limiting factors affect plant and animal populations (1, 2, 3, 4, 5);

3. SE-M-A3: defining the concept of pollutant and describing the effects of various pollutants on ecosystems (1, 2, 3, 4, 5);

4. SE-M-A4: understanding that human actions can create risks and consequences in the environment (1, 2, 3, 4, 5);

5. SE-M-A5: tracing the flow of energy through an ecosystem and demonstrating a knowledge of the roles of producers, consumers, and decomposers in the ecosystem (1, 2, 3, 4, 5);

6. SE-E-A6: distinguishing between renewable and nonrenewable resources and understanding that nonrenewable natural resources are not replenished through the natural cycles and thus are strictly limited in quantity (1, 2, 3, 4, 5);

7. SE-M-A7: demonstrating knowledge of the natural cycles, such as the carbon cycle, nitrogen cycle, water cycle, and oxygen cycle (1, 2, 4);

8. SE-M-A8: investigating and analyzing how technology affects the physical, chemical, and biological factors in an ecosystem (1, 2, 3, 4, 5);

9. SE-M-A9: demonstrating relationships of characteristics of soil types to agricultural practices and productivity (1, 2, 3, 4, 5);

10. SE-M-A10: identifying types of soil erosion and preventive measures (1, 2, 3, 4, 5).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2779 (November 2005).

§1707. Benchmarks 9-12

A. As students in Grades 9-12 extend their knowledge, what they know and are able to do includes:

1. ecological systems and interactions, which include:

a. SE-H-A1: demonstrating an understanding of the functions of earth's major ecological systems (1, 2, 3, 4);

b. SE-H-A2: investigating the flow of energy in ecological systems (1, 2, 3, 4);

c. SE-H-A3: describing how habitat, carrying capacity, and limiting factors influence plant and animal populations (including humans) (1, 3, 4, 5);

d. SE-H-A4: understanding that change is a fundamental characteristic of every ecosystem and that ecosystems have varying capacities for change and recovery (1, 2, 3, 4, 5);

e. SE-H-A5: describing the dynamic interactions between divisions of the biosphere (1, 3, 4);

f. SE-H-A6: describing and explaining the earth's biochemical and geochemical cycles and their relationship to ecosystem stability (1, 2, 4);

g. SE-H-A7: comparing and contrasting the dynamic interaction within the biosphere (1, 2, 4);

h. SE-H-A8: analyzing evidence that plant and animal species have evolved physical, biochemical, and/or behavioral adaptations to their environments (1, 2, 3, 4, 5);

i. SE-H-A9: demonstrating an understanding of influencing factors of biodiversity (1, 3, 4, 5);

j. SE-H-A10: explaining that all species represent a vital link in a complex web of interaction (1, 3, 4, 5);

k. SE-H-A11: understanding how pollutants can affect living systems (1, 2, 3, 4, 5);

2. resources and resource management, which include:

a. SE-H-B1: explaining the relationships between renewable and nonrenewable resources (1, 3, 4);

b. SE-H-B2: comparing and contrasting conserving and preserving resources (1, 3, 4);

c. SE-H-B3: recognizing that population size and geographic and economic factors result in the inequitable distribution of the earth's resources (1, 2, 3, 4, 5);

d. SE-H-B4: comparing and contrasting long and short-term consequences of resource management (1, 2, 3, 4, 5);

e. SE-H-B5: analyzing resource management (1, 2, 3, 4, 5);

f. SE-H-B6: recognizing that sustainable development is a process of change in which resource use, investment direction, technological development, and institutional change meet society's present as well as future needs (1, 2, 3, 4, 5);

3. environmental awareness and protection:

a. SE-H-C1: evaluating the dynamic interaction of land, water, and air and its relationship to living things in maintaining a healthy environment (1, 2, 3, 4, 5);

b. SE-H-C2: evaluating the relationships between quality of life and environmental quality (1, 2, 3, 4, 5);

c. SE-H-C3: investigating and communicating how environmental policy is formed by the interaction of social, economic, technological, and political considerations (1, 2, 3, 4, 5);

d. SE-H-C4: demonstrating that environmental decisions include analyses that incorporate ecological, health, social, and economic factors (1, 2, 3, 4, 5);

e. SE-H-C5: analyzing how public support affects the creation and enforcement of environmental laws and regulations (1, 2, 3, 4, 5);

4. personal choices and responsible actions:

a. SE-H-D1: demonstrating the effects of personal choices and actions on the natural environment (1, 2, 3, 4, 5);

b. SE-H-D2: analyzing how individuals are capable of reducing and reversing their impact on the environment through thinking, planning, education, collaboration, and action (1, 2, 3, 4, 5);

c. SE-H-D3: demonstrating that the most important factor in prevention and control of pollution is education (1, 2, 3, 4, 5);

d. SE-H-D4: demonstrating a knowledge that environmental issues should be a local and global concern (1, 2, 3, 4, 5);

e. SE-H-D5: recognizing that the development of accountability toward the environment is essential for sustainability (1, 2, 3, 4, 5);

f. SE-H-D6: developing an awareness of personal responsibility as stewards of the local and global environment (1, 2, 3, 4, 5).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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Chapter 19. Grade Level Expectations

§1901. Prekindergarten

A. Science as Inquiry: Strand One

1. The Abilities Necessary to Do Scientific Inquiry

a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (PK-CS-I1) (SI-E-A1).

b. GLE 2: Pose questions that can be answered by using students' own observations and scientific knowledge (PK-CS-I1) (SI-E-A1).

c. GLE 3: Use the five senses to describe observations (PK-CS-P3) (SI-E-A3).

d. GLE 4: Select and use developmentally appropriate equipment and tools and units of measurement to observe and collect data (PK-CS-I4) (SI-E-A4).

e. GLE 5: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (PK-CS-I5) (SI-E-A5) (SI-E-B4).

f. GLE 6: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (PK-CS-I5) (SI-E-A6).

g. GLE 7: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (PK-CS-I4) (SI-E-A7).

2. Understanding Scientific Inquiry

a. GLE 8: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (PK-CS-I4) (SI-E-B3).

B. Physical Science: Strand Two

1. Properties of Objects and Materials

a. GLE 9: Sort objects using one characteristic (PK-CS-P2) (PS-E-A1).

b. GLE 10: Determine whether objects float or sink through investigations (PK-CS-P1) (PS-E-A1).

c. GLE 11: Describe properties of materials by using observations made with the aid of equipment such as magnets, magnifying glasses, pan balances, and mirrors (PK-CS-P4) (PS-E-A2).

d. GLE 12: Determine whether one object weighs more or less than another by using a pan balance (PK-CS-I4) (PS-E-A2).

e. GLE 13: Compare the properties of different solids and liquids through observation (PK-CS-P1) (PS-E-A4).

f. GLE 14: Identify components of simple mixtures (e.g., salt/water, rice/beans, iron filings/sand) (PK-CS-P1) (PS-E-A5).

2. Position and Motion of Objects

a. GLE 15: Demonstrate motion by using students' own bodies (PK-CS-P3) (PS-E-B3).

b. GLE 16: Explore the motion of objects by using balls, toy cars, or spinning tops (PK-CS-I2) (PS-E-B3).

3. Forms of Energy

a. GLE 17: Identify different sounds as *soft* or *loud* (PK-CS-P3) (PS-E-C1).

b. GLE 18: Identify selected substances as *hot* or *cold* (PK-CS-P2) (PS-E-C3).

C. Life Science: Strand Three

1. Characteristics of Organisms

a. GLE 19: Identify parts of the body and how they move (PK-CS-L1) (LS-E-A3).

b. GLE 20: Give examples of different kinds of plants and different kinds of animals (PK-CS-L1) (LS-E-A4).

c. GLE 21: Distinguish food items from nonfood items (PK-CS-L1) (LS-E-A6).

2. Life Cycles of Organisms

a. GLE 22: Learn about animals and plants through nonfiction literature (PK-CS-L1) (LS-E-B1).

b. GLE 23: Observe and care for pets and plants (PK-CS-L1) (LS-E-B1).

3. Organisms and Their Environments

a. GLE 24: Describe plants and animals in the schoolyard or home environments (PK-CS-L1) (LS-E-C1).

D. Earth and Space Science: Strand Four

1. Properties of Earth Materials

a. GLE 25: Explore and describe various properties of rocks, minerals, and soils (PK-CS-L2) (ESS-E-A1).

b. GLE 26: Describe the weather and its daily changes (PK-CS-ES2) (ESS-E-A4).

c. GLE 27: Describe different types of weather students have experienced and give examples of how daily activities and appropriate attire are affected by weather conditions (PK-CS-ES2) (ESS-E-A4).

2. Objects in the Sky

a. GLE 28: Learn about objects in the sky through nonfiction literature (PK-CS-ES3) (ESS-E-B1).

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§1903. Kindergarten

A. Science as Inquiry: Strand One

1. The Abilities to Do Scientific Inquiry

a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).

b. GLE 2: Pose questions that can be answered by using students' own observations and scientific knowledge (SI-E-A1).

c. GLE 3: Predict and anticipate possible outcomes (SI-E-A2).

d. GLE 4: Use the five senses to describe observations (SI-E-A3).

e. GLE 5: Measure and record length and temperature in both metric system and U.S. system units (SI-E-A4).

f. GLE 6: Select and use developmentally appropriate equipment and tools and units of measurement to observe and collect data (SI-E-A4).

g. GLE 7: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).

h. GLE 8: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).

i. GLE 9: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).

2. Understanding Scientific Inquiry

a. GLE 10: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).

B. Physical Science: Strand Two

1. Properties of Objects and Materials

a. GLE 11: Identify objects by using the senses (PS-E-A1).

b. GLE 12: Construct patterns by using color, size, and shape of objects (PS-E-A1).

c. GLE 13: Sort objects based on their properties (e.g., size, weight, texture) (PS-E-A1).

d. GLE 14: Determine whether objects are magnetic or nonmagnetic (PS-E-A1).

e. GLE 15: Create and separate mixtures (e.g., oil/water, rice/beans) (PS-E-A5).

2. Position and Motion of Objects

a. GLE 16: Follow directions using vocabulary such as *front/back*, *above/below*, *right/left*, and *next to* (PS-E-B1).

b. GLE 17: Trace the motion of an object, such as a ball or toy car, as it rolls (PS-E-B3).

c. GLE 18: Sequence the relative order of the speed of various objects (e.g., snails, turtles, tricycles, bicycles, cars, airplanes) (PS-E-B3).

3. Forms of Energy

a. GLE 19: Demonstrate and identify sounds as *soft* or *loud* (PS-E-C1).

b. GLE 20: Identify objects that give off heat, such as people, animals, and the sun (PS-E-C3).

C. Life Science: Strand Three

1. Characteristics of Organisms

a. GLE 21: Record observations on the growth of plant seeds (LS-E-A1).

b. GLE 22: Classify objects in a variety of settings as *living (biotic)* or *nonliving (abiotic)* (LS-E-A2).

c. GLE 23: Compare the human body at various stages of development (LS-E-A3).

d. GLE 24: Compare the human body with plants and animals (LS-E-A3).

e. GLE 25: Identify easily observable variations within types of plants and animals (e.g., features of classmates, varieties of trees, breeds of dogs) (LS-E-A4).

f. GLE 26: Classify various foods into the major groups (e.g., bread, meat, vegetable, fruit) (LS-E-A6).

g. GLE 27: Determine which foods are superior for developing a healthy body (LS-E-A6).

2. Life Cycles of Organisms

a. GLE 28: Observe life cycles and describe changes (e.g., humans, dogs, insects) (LS-E-B1).

b. GLE 29: Match models of baby animals with their parents (LS-E-B3).

D. Earth and Space Science: Strand Four

1. Properties of Earth Materials

a. GLE 30: Distinguish between areas of earth covered by land and water (ESS-E-A2).

b. GLE 31: Identify the patterns in information recorded on a weather calendar (ESS-E-A4).

2. Objects in the Sky

a. GLE 32: Discuss and differentiate objects seen in the day and/or night sky (e.g., clouds, sun, stars, moon) (ESS-E-B1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2781 (November 2005).

§1905. First Grade

A. Science as Inquiry: Strand One

1. The Abilities to Do Scientific Inquiry

a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).

b. GLE 2: Pose questions that can be answered by using students' own observations and scientific knowledge (SI-E-A1).

c. GLE 3: Predict and anticipate possible outcomes (SI-E-A2).

d. GLE 4: Use a variety of methods and materials and multiple trials to investigate ideas (observe, measure, accurately record data) (SI-E-A2).

e. GLE 5: Use the five senses to describe observations (SI-E-A3).

f. GLE 6: Measure and record length and temperature in both metric system and U.S. system units (SI-E-A4).

g. GLE 7: Select and use developmentally appropriate equipment and tools and units of measurement to observe and collect data (SI-E-A4).

h. GLE 8: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).

i. GLE 9: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).

j. GLE 10: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).

2. Understanding Scientific Inquiry

a. GLE 11: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).

b. GLE 12: Explain and give examples of how scientific discoveries have affected society (SI-E-B6).

B. Physical Science: Strand Two

1. Properties of Objects and Materials

a. GLE 13: Sort a group of objects by using multiple characteristics (PS-E-A1).

b. GLE 14: Order objects by weight/mass (PS-E-A1).

c. GLE 15: Measure length and width of a variety of objects and materials by using nonstandard tools, such as a paper clip, cube, shoe, and hands (PS-E-A2).

d. GLE 16: Observe and describe common properties of solids, liquids, and gases (PS-E-A4).

e. GLE 17: Sort and classify objects by their state of matter (PS-E-A4).

2. Forms of Energy

a. GLE 18: Demonstrate how sound is made in a variety of ways (e.g., singing, whispering, striking an object) (PS-E-C1).

b. GLE 19: Describe and demonstrate the volume of sound (e.g., soft, loud) (PS-E-C1).

c. GLE 20: Use a flashlight and various objects and materials to determine if light is transmitted or reflected (PS-E-C2).

d. GLE 21: Demonstrate that light can be reflected onto another object by using a mirror (PS-E-C2).

e. GLE 22: Identify some examples where heat is released (e.g., burning candles, rubbing hands, running) (PS-E-C3).

f. GLE 23: Identify materials attracted by magnets (PS-E-C5).

g. GLE 24: Determine, through experimentation, which poles of magnets are attracted to each other and which poles repel each other (PS-E-C5).

h. GLE 25: Discuss what type of energy makes objects work (e.g., car/gasoline, waterwheel/water, lamp/electricity) (PS-E-C6) (PS-E-C7).

C. Life Science: Strand Three

1. Characteristics of Organisms

a. GLE 26: Describe the differences between plants and animals (LS-E-A1).

b. GLE 27: Identify what animals and plants need to grow and develop (LS-E-A1).

c. GLE 28: Describe the characteristics of *living (biotic)* and *nonliving (abiotic)* things (LS-E-A2).

d. GLE 29: Describe basic functions of parts of the body (e.g., lungs, heart, bones, muscles) (LS-E-A3).

2. Life Cycles of Organisms

a. GLE 30: Record and share observations of changes in developing plants (LS-E-B1).

b. GLE 31: Describe how animals and their offspring are similar and how they are different (LS-E-B3).

3. Organisms and Their Environments

a. GLE 32: Describe features of some animals that benefit them in their environments (LS-E-C1).

b. GLE 33: Explain how pets' needs are met in their habitats (LS-E-C1).

c. GLE 34: Record evidence of plants and animals in the schoolyard or other environments (LS-E-C2).

D. Earth and Space Science: Strand Four

1. Properties of Earth Materials

a. GLE 35: Examine soils to determine that they are often found in layers (ESS-E-A1).

b. GLE 36: Locate and compare the relative proportions of land and water found on earth (ESS-E-A2).

c. GLE 37: Illustrate how water changes from one form to another (e.g., freezing, melting, evaporating) (ESS-E-A3).

d. GLE 38: Compare weather patterns as they relate to seasonal changes in students' immediate environment (ESS-E-A4).

e. GLE 39: Identify the characteristics of soil, according to color, texture, and components, including *living (biotic)* and *nonliving (abiotic)* substances (ESS-E-A6).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2781 (November 2005).

§1907. Second Grade

A. Science as Inquiry: Strand One

1. The Abilities to Do Scientific Inquiry

a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).

b. GLE 2: Pose questions that can be answered by using students' own observations, scientific knowledge, and testable scientific investigations (SI-E-A1).

c. GLE 3: Use observations to design and conduct simple investigations or experiments to answer testable questions (SI-E-A2).

d. GLE 4: Predict and anticipate possible outcomes (SI-E-A2).

e. GLE 5: Use a variety of methods and materials and multiple trials to investigate ideas (observe, measure, accurately record data) (SI-E-A2).

f. GLE 6: Use the five senses to describe observations (SI-E-A3).

g. GLE 7: Measure and record length and temperature in both metric system and U.S. system units (SI-E-A4).

h. GLE 8: Select and use developmentally appropriate equipment and tools (e.g., magnifying lenses, graduated cylinders) and units of measurement to observe and collect data (SI-E-A4).

i. GLE 9: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).

j. GLE 10: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).

k. GLE 11: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).

2. Understanding Scientific Inquiry

a. GLE 12: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).

b. GLE 13: Explain and give examples of how scientific discoveries have affected society (SI-E-B6).

B. Physical Science: Strand Two

1. Properties of Objects and Materials

a. GLE 14: Classify objects as *bendable* or *rigid* (PS-E-A1).

b. GLE 15: Record the temperature of objects (Celsius and Fahrenheit) (PS-E-A1).

c. GLE 16: Measure weight/mass and volume of a variety of objects and materials by using a pan balance and various containers (PS-E-A2).

d. GLE 17: Use standard tools to measure objects or materials (e.g., ruler, meter stick, measuring tape, pan balance, thermometer, graduated cylinder) (PS-E-A2).

e. GLE 18: Observe, describe, and record the characteristics of materials that make up different objects (e.g., metal, nonmetal, plastic, rock, wood, paper) (PS-E-A3).

f. GLE 19: Describe and illustrate what remains after water evaporates from a salt or sugar solution (PS-E-A5).

2. Position and Motion of Objects

a. GLE 20: Observe and describe differences in motion between objects (e.g., toward/away, cardinal directions) (PS-E-B3).

3. Forms of Energy

a. GLE 21: Use students' own voices to demonstrate pitch (e.g., low, high) (PS-E-C1).

b. GLE 22: Give examples of objects that vibrate to produce sound (e.g., drum, stringed instrument, end of a ruler, cymbal) (PS-E-C1).

c. GLE 23: Change the direction of light by using a mirror and/or lens (PS-E-C2).

d. GLE 24: Describe how light behaves when it strikes objects and materials (e.g., transparent, translucent, opaque) (PS-E-C2).

e. GLE 25: Investigate ways of producing static electricity and describe its effects (PS-E-C4).

f. GLE 26: Identify and describe sources of energy used at school, home, and play (PS-E-C7).

C. Life Science: Strand Three

1. Characteristics of Organisms

a. GLE 27: Match the appropriate food source and habitat for a variety of animals (e.g., cows/grass/field, fish/tadpoles/water) (LS-E-A1).

b. GLE 28: Describe structures of plants (e.g., roots, leaves, stems, flowers, seeds) (LS-E-A3).

c. GLE 29: Compare differences and similarities among a variety of seed plants (LS-E-A3).

d. GLE 30: Identify physical characteristics of organisms (e.g., worms, amphibians, plants) (LS-E-A4).

e. GLE 31: Identify and discuss the arrangement of the food pyramid (LS-E-A6).

f. GLE 32: Analyze selected menus to determine whether they include representatives of all the required food groups (LS-E-A6).

2. Life Cycles of Organisms

a. GLE 33: Compare the life cycles of selected organisms (e.g., mealworm, caterpillar, tadpole) (LS-E-B1).

b. GLE 34: Describe inherited characteristics of living things (LS-E-B3).

3. Organisms and Their Environments

a. GLE 35: Identify the components of a variety of habitats and describe how organisms in those habitats depend on each other (LS-E-C1).

D. Earth and Space Science: Strand Four

1. Properties of Earth Materials

a. GLE 36: Observe and record the properties of rocks, minerals, and soils gathered from their surroundings (e.g., color, texture, odor) (ESS-E-A1).

b. GLE 37: Compare bodies of water found on earth (e.g., oceans, seas, lakes, rivers, glaciers) (ESS-E-A2).

c. GLE 38: Explain why most of the water on earth cannot be used as drinking (potable) water (ESS-E-A2).

d. GLE 39: Design an experiment involving evaporation (ESS-E-A3).

e. GLE 40: Gather, record, and graph weather data (e.g., precipitation, wind speed, wind direction, temperature) using appropriate instruments (ESS-E-A4).

f. GLE 41: Analyze recorded daily temperatures and weather conditions from newspapers, television, the Internet, and home/outdoor thermometers (ESS-E-A4).

g. GLE 42: Identify and use appropriate tools to gather and study rocks, minerals, and fossils (ESS-E-A5).

2. Objects in the Sky

a. GLE 43: Describe characteristics of the sun, stars, and earth's moon (e.g., relative size, shape, color, production of light/heat) (ESS-E-B1).

b. GLE 44: Give examples of how the sun affects earth's processes (e.g., weather, water cycle) (ESS-E-B5).

E. Science and the Environment: Strand Five

1. GLE 45: Locate and identify plants and animals within an ecosystem (SE-E-A2).

2. GLE 46: Illustrate and describe a simple food chain located within an ecosystem (SE-E-A2).

3. GLE 47: Identify the sun as the primary energy source in a food chain (SE-E-A2).

4. GLE 48: Describe a variety of activities related to preserving the environment (SE-E-A3).

5. GLE 49: Describe how consumption of resources can be reduced by recycling, reusing, and conserving (SE-E-A4).

6. GLE 50: Describe ways in which habitat loss or change can occur as a result of natural events or human impact (SE-E-A5).

7. GLE 51: Describe and give examples of threatened or endangered species (SE-E-A5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2782 (November 2005).

§1909. Third Grade

A. Science as Inquiry: Strand One

1. The Abilities to Do Scientific Inquiry

a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).

b. GLE 2: Pose questions that can be answered by using students' own observations, scientific knowledge, and testable scientific investigations (SI-E-A1).

c. GLE 3: Use observations to design and conduct simple investigations or experiments to answer testable questions (SI-E-A2).

d. GLE 4: Predict and anticipate possible outcomes (SI-E-A2).

e. GLE 5: Use a variety of methods and materials and multiple trials to investigate ideas (observe, measure, accurately record data) (SI-E-A2).

f. GLE 6: Use the five senses to describe observations (SI-E-A3).

g. GLE 7: Measure and record length, temperature, mass, volume, and area in both metric system and U.S. system units (SI-E-A4).

h. GLE 8: Select and use developmentally appropriate equipment and tools (e.g., magnifying lenses, microscopes, graduated cylinders) and units of measurement to observe and collect data (SI-E-A4).

i. GLE 9: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).

j. GLE 10: Combine information, data, and knowledge from one or more of the science content areas to reach a conclusion or make a prediction (SI-E-A5).

k. GLE 11: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).

l. GLE 12: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).

2. Understanding Scientific Inquiry

a. GLE 13: Identify questions that need to be explained through further inquiry (SI-E-B1).

b. GLE 14: Distinguish between what is known and what is unknown in scientific investigations (SI-E-B1).

c. GLE 15: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).

d. GLE 16: Describe procedures and communicate data in a manner that allows others to understand and repeat an investigation or experiment (SI-E-B5).

e. GLE 17: Explain and give examples of how scientific discoveries have affected society (SI-E-B6).

B. Physical Science: Strand Two

1. Properties of Objects and Materials

a. GLE 18: Compare and classify objects on properties determined through experimentation (e.g., ability to conduct electricity, tendency to float or sink in water) (PS-E-A1).

b. GLE 19: Select the appropriate metric system and U.S. system tools for measuring length, width, temperature, volume, and mass (PS-E-A2).

c. GLE 20: Measure temperature by using Fahrenheit and Celsius thermometers and compare results (PS-E-A2).

d. GLE 21: Compare common objects and identify the original material from which they are made (e.g., paper, pencil, comb) (PS-E-A3).

e. GLE 22: Investigate and explain conditions under which matter changes physical states: heating, freezing, evaporating, condensing, boiling (PS-E-A4).

2. Position and Motion of Objects

a. GLE 23: Demonstrate how force is a *push* or a *pull* by using students' bodies, toy cars, or balls (PS-E-B2).

b. GLE 24: Explain how the amount and direction of force exerted on an object (e.g., push, pull, friction, gravity) determine how much the object will move (PS-E-B2).

c. GLE 25: Observe and analyze motion and position of objects over time (e.g., shadows, apparent path of the sun across the sky) (PS-E-B3).

d. GLE 26: Explain the effect of varying amounts of force on the motion of an object (PS-E-B4).

3. Forms of Energy

a. GLE 27: Use the words *high/low* to compare the pitch of sound and the words *loud/soft* to compare the volume (amplitude) of sound (PS-E-C1).

b. GLE 28: Describe the reflection/absorption properties of various colored objects (PS-E-C2).

c. GLE 29: Determine which materials insulate best by using experimental data (PS-E-C3).

d. GLE 30: Demonstrate and explain the movement of electricity in closed and open circuits (PS-E-C4)

e. GLE 31: Compare and describe the common forms of energy and explain how they are used in everyday life (e.g., light, electricity, heat, mechanical) (PS-E-C6).

f. GLE 32: Give examples of how energy can be used to move or lift objects (PS-E-C6).

g. GLE 33: Identify simple machines and the tasks they make possible (PS-E-C6).

C. Life Science: Strand Three

1. Characteristics of Organisms

a. GLE 34: Describe what the human body needs to grow and be healthy (LS-E-A1).

b. GLE 35: Compare structures (parts of the body) in a variety of animals (e.g., fish, mammals, reptiles, amphibians, birds, insects) (LS-E-A3).

c. GLE 36: Compare structures (e.g., roots, leaves, stems, flowers, seeds) and their functions in a variety of plants (LS-E-A3).

d. GLE 37: Describe how plant structures enable the plant to meet its basic needs (LS-E-A3).

e. GLE 38: Classify groups of organisms based on common characteristics (LS-E-A4).

f. GLE 39: Compare organisms from different groups (e.g., birds with mammals, terrestrial plants with aquatic plants) (LS-E-A4).

g. GLE 40: Explain how the organs of the digestive system function (LS-E-A5).

h. GLE 41: Describe how the components of the skeletal system function (LS-E-A5).

i. GLE 42: Describe the relationship between eating habits and maintaining a healthy body (LS-E-A6).

j. GLE 43: Identify a meal that includes representatives from each group of the food pyramid (LS-E-A6).

2. Life Cycles of Organisms

a. GLE 44: Graph, analyze, and interpret personal and class data (LS-E-B4).

D. Earth and Space Science: Strand Four

1. Properties of Earth Materials

a. GLE 45: Recognize and describe that rock is composed of different combinations of minerals (ESS-E-A1) (ESS-E-A5).

b. GLE 46: Describe earth processes that have affected selected physical features in students' neighborhoods (e.g., rusting, weathering, erosion) (ESS-E-A1).

c. GLE 47: Describe the difference between weather and climate (ESS-E-A2).

d. GLE 48: Identify examples of the processes of a water cycle (e.g., evaporation, condensation, precipitation, collection of runoff) (ESS-E-A3).

e. GLE 49: Describe climate patterns from recorded weather conditions over a period of time (ESS-E-A4).

f. GLE 50: Compare and group common rocks according to their characteristics (i.e., igneous, metamorphic, sedimentary) (ESS-E-A5).

g. GLE 51: Identify and compare the components found in soil (ESS-E-A6) (ESS-E-A1).

h. GLE 52: Identify characteristics of selected fossils and explain how fossil records are used to learn about the past (ESS-E-A7).

2. Objects in the Sky

a. GLE 53: Identify, in order, the planets of the solar system (ESS-E-B1).

b. GLE 54: Describe the patterns of apparent change in the position of the sun (ESS-E-B2).

c. GLE 55: Explain the results of the rotation and revolution of earth (e.g., day and night, year) (ESS-E-B4).

d. GLE 56: Compare shadow direction and length at different times of day and year (ESS-E-B4).

E. Science and the Environment: Strand Five

1. GLE 57: Describe the interrelationships of *living (biotic)* and *nonliving (abiotic)* components within various ecosystems (e.g., terrarium, swamp, backyard) (SE-E-A1).

2. GLE 58: Describe how humans have had negative and positive effects on organisms and their environments (SE-E-A3) (SE-E-A5).

3. GLE 59: Classify manufactured products according to the natural resources from which they are made (e.g., copper wire from copper ore, plastic from petroleum) (SE-E-A4).

4. GLE 60: Explain how renewable and nonrenewable resources can be replenished or depleted (SE-E-A4).

5. GLE 61: Explain how selected animals once classified as endangered have recovered (SE-E-A5).

6. GLE 62: Identify animals in Louisiana that have recovered and that are no longer considered endangered (SE-E-A5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2784 (November 2005).

§1911. Fourth Grade

A. Science as Inquiry: Strand One

1. The Abilities to Do Scientific Inquiry

a. GLE 1: Ask questions about objects and events in the environment (e.g., plants, rocks, storms) (SI-E-A1).

b. GLE 2: Pose questions that can be answered by using students' own observations, scientific knowledge, and testable scientific investigations (SI-E-A1).

c. GLE 3: Use observations to design and conduct simple investigations or experiments to answer testable questions (SI-E-A2).

d. GLE 4: Predict and anticipate possible outcomes (SI-E-A2).

e. GLE 5: Identify variables to ensure that only one experimental variable is tested at a time (SI-E-A2).

f. GLE 6: Use a variety of methods and materials and multiple trials to investigate ideas (observe, measure, accurately record data) (SI-E-A2).

g. GLE 7: Use the five senses to describe observations (SI-E-A3).

h. GLE 8: Measure and record length, temperature, mass, volume, and area in both metric system and U.S. system units (SI-E-A4).

i. GLE 9: Select and use developmentally appropriate equipment and tools (e.g., magnifying lenses, microscopes, graduated cylinders) and units of measurement to observe and collect data (SI-E-A4).

j. GLE 10: Express data in a variety of ways by constructing illustrations, graphs, charts, tables, concept maps, and oral and written explanations as appropriate (SI-E-A5) (SI-E-B4).

k. GLE 11: Combine information, data, and knowledge from one or more of the science content areas to reach a conclusion or make a prediction (SI-E-A5).

l. GLE 12: Use a variety of appropriate formats to describe procedures and to express ideas about demonstrations or experiments (e.g., drawings, journals, reports, presentations, exhibitions, portfolios) (SI-E-A6).

m. GLE 13: Identify and use appropriate safety procedures and equipment when conducting investigations (e.g., gloves, goggles, hair ties) (SI-E-A7).

2. Understanding Scientific Inquiry

a. GLE 14: Identify questions that need to be explained through further inquiry (SI-E-B1).

b. GLE 15: Distinguish between what is known and what is unknown in scientific investigations (SI-E-B1).

c. GLE 16: Select the best experimental design to answer a given testable question (SI-E-B2).

d. GLE 17: Recognize that a variety of tools can be used to examine objects at different degrees of magnification (e.g., hand lens, microscope) (SI-E-B3).

e. GLE 18: Base explanations and logical inferences on scientific knowledge, observations, and scientific evidence (SI-E-B4).

f. GLE 19: Describe procedures and communicate data in a manner that allows others to understand and repeat an investigation or experiment (SI-E-B5).

g. GLE 20: Determine whether further investigations are needed to draw valid conclusions (SI-E-B6).

h. GLE 21: Use evidence from previous investigations to ask additional questions and to initiate further explorations (SI-E-B6).

i. GLE 22: Explain and give examples of how scientific discoveries have affected society (SI-E-B6).

B. Physical Science: Strand Two

1. Properties of Objects and Materials

a. GLE 23: Determine linear, volume, and weight/mass measurements by using both metric system and U.S. system units to compare the results (PS-E-A2).

b. GLE 24: Illustrate how heating/cooling affects the motion of small particles in different phases of matter (PS-E-A4).

c. GLE 25: Describe various methods to separate mixtures (e.g., evaporation, condensation, filtration, magnetism) (PS-E-A5).

2. Position and Motion of Objects

a. GLE 26: Measure, record, and graph changes in position over time (e.g., speed of cars, ball rolling down inclined plane) (PS-E-B3).

b. GLE 27: Describe how the amount of force needed to cause an object to change its motion depends on the mass of the object (PS-E-B4).

3. Forms of Energy

a. GLE 28: Explain the relationship between volume (amplitude) of sound and energy required to produce the sound (PS-E-C1).

b. GLE 29: Compare the rates at which sound travels through solids, liquids, and gases (PS-E-C1).

c. GLE 30: Explain the relationship between frequency (rate of vibration) and pitch (PS-E-C1).

d. GLE 31: Diagram what happens to white light as it passes through a prism (PS-E-C2).

e. GLE 32: Describe how light bends or refracts when traveling through various materials (e.g., pencil in a glass of water) (PS-E-C2).

f. GLE 33: Describe how heat energy moves through a material by conduction (PS-E-C3).

g. GLE 34: Give examples of ways heat can be generated through friction (e.g., rubbing hands) (PS-E-C3).

h. GLE 35: Give examples of ways heat can be produced by conversion from other sources of energy (PS-E-C3).

i. GLE 36: Test and classify materials as *conductors* and *insulators* of electricity (PS-E-C4).

j. GLE 37: Demonstrate how a complete circuit is needed for conducting electricity (PS-E-C4).

k. GLE 38: Explain the effects of earth's gravity on all objects at or near the surface of earth (PS-E-C5).

l. GLE 39: Describe energy transformations (e.g., electricity to light, friction to heat) (PS-E-C6).

C. Life Science: Strand Three

1. Characteristics of Organisms

a. GLE 40: Explain the functions of plant structures in relation to their ability to make food through photosynthesis (e.g., roots, leaves, stems, flowers, seeds) (LS-E-A3).

b. GLE 41: Describe how parts of animals' bodies are related to their functions and survival (e.g., wings/flying, webbed feet/swimming) (LS-E-A3).

c. GLE 42: Describe how the organs of the circulatory and respiratory systems function (LS-E-A5).

d. GLE 43: Explain the primary role of carbohydrates, fats, and proteins in the body (LS-E-A6).

e. GLE 44: Analyze food labels to compare nutritional content of foods (e.g., amounts of carbohydrates, fats, proteins) (LS-E-A6).

2. Life Cycles of Organisms

a. GLE 45: Identify reproductive structures in plants and describe the functions of each (LS-E-B1).

b. GLE 46: Describe how some plants can be grown from a plant part instead of a seed (LS-E-B1).

c. GLE 47: Sequence stages in the life cycles of various organisms, including seed plants (LS-E-B1).

d. GLE 48: Classify examples of plants and animals based on a variety of criteria (LS-E-B2).

e. GLE 49: Compare similarities and differences between parents and offspring in plants and animals (LS-E-B3).

3. Organisms and Their Environments

a. GLE 50: Explain how some organisms in a given habitat compete for the same resources (LS-E-C1).

b. GLE 51: Describe how organisms can modify their environment to meet their needs (e.g., beavers making dams) (LS-E-C1).

c. GLE 52: Describe how some plants and animals have adapted to their habitats (LS-E-C2).

d. GLE 53: Identify the habitat in which selected organisms would most likely live and explain how specific structures help organisms to survive (LS-E-C2).

e. GLE 54: Describe the effect of sudden increases or decreases of one group of organisms upon other organisms in the environment (LS-E-C3).

D. Earth and Space Science: Strand Four

1. Properties of Earth Materials

a. GLE 55: Recognize that sedimentary rocks are composed of particles that result from weathering and erosion (e.g., sandstones, conglomerates) (ESS-E-A1).

b. GLE 56: Investigate the properties of soil (e.g., color, texture, capacity to retain water, ability to support plant growth) (ESS-E-A1).

c. GLE 57: Explain how unequal heating of earth's land and water affects climate and weather by using a model (ESS-E-A2).

d. GLE 58: Draw, label, and explain the components of a water cycle (ESS-E-A3).

e. GLE 59: Measure, chart, and predict the weather using various instruments (e.g., thermometer, barometer, anemometer) (ESS-E-A4).

f. GLE 60: Identify various types of weather-related natural hazards and effects (e.g., lightning, storms) (ESS-E-A4).

g. GLE 61: Identify safety measures applicable to natural hazards (ESS-E-A4).

h. GLE 62: Classify rocks and minerals according to texture, color, luster, hardness, and effervescence (ESS-E-A5).

i. GLE 63: Demonstrate and explain how earth's surface is changed as a result of slow and rapid processes (e.g., sand dunes, canyons, volcanoes, earthquakes) (ESS-E-A5) (ESS-E-A1).

2. Objects in the Sky

a. GLE 64: Describe and sequence the phases of the moon and eclipses (ESS-E-B2).

b. GLE 65: Compare a solar and a lunar eclipse (ESS-E-B2).

c. GLE 66: Diagram the movement of the moon around earth and the movement of earth around the sun (ESS-E-B2).

d. GLE 67: Explain the changing appearance of the moon and its location in the sky over the course of a month (ESS-E-B3).

e. GLE 68: Identify the relationship between earth's tilt and revolution and the seasons (ESS-E-B4).

f. GLE 69: Explain how technology has improved our knowledge of the universe (e.g., Hubble telescope, space stations, lunar exploration) (ESS-E-B6).

E. Science and the Environment: Strand Five

1. GLE 70: Design an ecosystem that includes *living (biotic)* and *nonliving (abiotic)* components and illustrates interdependence (SE-E-A1).

2. GLE 71: Describe and explain food chains/webs and the directional flow of energy in various ecosystems (e.g., construct a model, drawing, diagram, graphic organizer) (SE-E-A2).

3. GLE 72: Predict and describe consequences of the removal of one component in a balanced ecosystem (e.g., consumer, herbivores, nonliving component) (SE-E-A2).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2785 (November 2005).

§1913. Fifth Grade

A. Science as Inquiry: Strand One

1. The Abilities to Do Scientific Inquiry

a. GLE 1: Generate testable questions about objects, organisms, and events that can be answered through scientific investigation (SI-M-A1).

b. GLE 2: Identify problems, factors, and questions that must be considered in a scientific investigation (SI-M-A1).

c. GLE 3: Use a variety of sources to answer questions (SI-M-A1).

d. GLE 4: Design, predict outcomes, and conduct experiments to answer guiding questions (SI-M-A2).

e. GLE 5: Identify independent variables, dependent variables, and variables that should be controlled in designing an experiment (SI-M-A2).

f. GLE 6: Select and use appropriate equipment, technology, tools, and metric system units of measurement to make observations (SI-M-A3).

g. GLE 7: Record observations using methods that complement investigations (e.g., journals, tables, charts) (SI-M-A3).

h. GLE 8: Use consistency and precision in data collection, analysis, and reporting (SI-M-A3).

i. GLE 9: Use computers and/or calculators to analyze and interpret quantitative data (SI-M-A3).

j. GLE 10: Identify the difference between description and explanation (SI-M-A4).

k. GLE 11: Construct, use, and interpret appropriate graphical representations to collect, record, and report data (e.g., tables, charts, circle graphs, bar and line graphs, diagrams, scatter plots, symbols) (SI-M-A4).

l. GLE 12: Use data and information gathered to develop an explanation of experimental results (SI-M-A4).

m. GLE 13: Identify patterns in data to explain natural events (SI-M-A4).

n. GLE 14: Develop models to illustrate or explain conclusions reached through investigation (SI-M-A5).

o. GLE 15: Identify and explain the limitations of models used to represent the natural world (SI-M-A5).

p. GLE 16: Use evidence to make inferences and predict trends (SI-M-A5).

q. GLE 17: Recognize that there may be more than one way to interpret a given set of data, which can result in alternative scientific explanations and predictions (SI-M-A6).

r. GLE 18: Identify faulty reasoning and statements that misinterpret or are not supported by the evidence (SI-M-A6).

s. GLE 19: Communicate ideas in a variety of ways (e.g., symbols, illustrations, graphs, charts, spreadsheets, concept maps, oral and written reports, equations) (SI-M-A7).

t. GLE 20: Write clear, step-by-step instructions that others can follow to carry out procedures or conduct investigations (SI-M-A7).

u. GLE 21: Distinguish between *observations* and *inferences* (SI-M-A7).

v. GLE 22: Use evidence and observations to explain and communicate the results of investigations (SI-M-A7).

w. GLE 23: Use relevant safety procedures and equipment to conduct scientific investigations (SI-M-A8).

x. GLE 24: Provide appropriate care and utilize safe practices and ethical treatment when animals are involved in scientific field and laboratory research (SI-M-A8).

2. Understanding Scientific Inquiry

a. GLE 25: Compare and critique scientific investigations (SI-M-B1).

b. GLE 26: Use and describe alternate methods for investigating different types of testable questions (SI-M-B1).

c. GLE 27: Recognize that science uses processes that involve a logical and empirical, but flexible, approach to problem solving (SI-M-B1).

d. GLE 28: Recognize that investigations generally begin with a review of the work of others (SI-M-B2).

e. GLE 29: Explain how technology can expand the senses and contribute to the increase and/or modification of scientific knowledge (SI-M-B3).

f. GLE 30: Describe why all questions cannot be answered with present technologies (SI-M-B3).

g. GLE 31: Recognize that there is an acceptable range of variation in collected data (SI-M-B3).

h. GLE 32: Explain the use of statistical methods to confirm the significance of data (e.g., mean, median, mode, range) (SI-M-B3).

i. GLE 33: Evaluate models, identify problems in design, and make recommendations for improvement (SI-M-B4).

j. GLE 34: Recognize the importance of communication among scientists about investigations in progress and the work of others (SI-M-B5).

k. GLE 35: Explain how skepticism about accepted scientific explanations (i.e., hypotheses and theories) leads to new understanding (SI-M-B5).

l. GLE 36: Explain why an experiment must be verified through multiple investigations and yield consistent results before the findings are accepted (SI-M-B5).

m. GLE 37: Critique and analyze their own inquiries and the inquiries of others (SI-M-B5).

n. GLE 38: Explain that, through the use of scientific processes and knowledge, people can solve problems, make decisions, and form new ideas (SI-M-B6).

o. GLE 39: Identify areas in which technology has changed human lives (e.g., transportation, communication, geographic information systems, DNA fingerprinting) (SI-M-B7).

p. GLE 40: Evaluate the impact of research on scientific thought, society, and the environment (SI-M-B7).

B. Physical Science: Strand Two

1. Properties and Changes of Properties in Matter

a. GLE 1: Measure a variety of objects in metric system units (PS-M-A1).

b. GLE 2: Compare the physical properties of large and small quantities of the same type of matter (PS-M-A1).

c. GLE 3: Describe the structure of atoms and the electrical charge of protons, neutrons, and electrons (PS-M-A2).

d. GLE 4: Identify the physical and chemical properties of various substances and group substances according to their observable and measurable properties (e.g., conduction, magnetism, light transmission) (PS-M-A3).

e. GLE 5: Describe the properties and behavior of water in its solid, liquid, and gaseous phases (states) (PS-M-A5).

f. GLE 6: Describe new substances formed from common chemical reactions (e.g., burning paper produces ash) (PS-M-A6).

2. Motions and Forces

a. GLE 7: Compare, calculate, and graph the average speeds of objects in motion using both metric system and U.S. system units (PS-M-B1).

b. GLE 8: Explain that gravity accelerates all falling objects at the same rate in the absence of air resistance (PS-M-B3).

c. GLE 9: Demonstrate a change in speed or direction of an object's motion with the use of unbalanced forces (PS-M-B5).

3. Transformations of Energy

a. GLE 10: Compare potential and kinetic energy and give examples of each (PS-M-C1).

b. GLE 11: Classify energy resources as *renewable*, *non-renewable*, or *inexhaustible* (PS-M-C1).

c. GLE 12: Identify the sun as earth's primary energy source and give examples (e.g., photosynthesis, water cycle) to support that conclusion (PS-M-C3).

d. GLE 13: Investigate how changes in the position of a light source and an object alter the size and shape of the shadow (PS-M-C4).

e. GLE 14: Identify other types of energy produced through the use of electricity (e.g., heat, light, mechanical) (PS-M-C6).

C. Life Science: Strand Three

1. Structure and Function in Living Systems

a. GLE 15: Identify the cell as the basic unit of living things (LS-M-A1).

b. GLE 16: Observe, identify, and describe the basic components of cells and their functions (e.g., cell wall, cell membrane, cytoplasm, nucleus) (LS-M-A1).

c. GLE 17: Compare plant and animal cells and label cell components (LS-M-A2).

d. GLE 18: Describe the metamorphosis of an amphibian (e.g., frog) (LS-M-A3).

e. GLE 19: Describe the processes of photosynthesis and respiration in green plants (LS-M-A4).

f. GLE 20: Describe the levels of structural organization in living things (e.g., cells, tissues, organs, organ systems) (LS-M-A5).

g. GLE 21: Identify diseases caused by germs and how they can be transmitted from person to person (LS-M-A7).

2. Populations and Ecosystems

a. GLE 22: Develop and use a simple dichotomous key to classify common plants and animals (LS-M-C1).

b. GLE 23: Construct food chains that could be found in ponds, marshes, oceans, forests, or meadows (LS-M-C2).

c. GLE 24: Describe the roles of producers, consumers, and decomposers in a food chain (LS-M-C2).

d. GLE 25: Compare food chains and food webs (LS-M-C2).

e. GLE 26: Identify and describe ecosystems of local importance (LS-M-C3).

f. GLE 27: Compare common traits of organisms within major ecosystems (LS-M-C3).

g. GLE 28: Explain and give examples of predator/prey relationships (LS-M-C4).

3. Adaptations of Organisms

a. GLE 29: Describe adaptations of plants and animals that enable them to thrive in local and other natural environments (LS-M-D1).

D. Earth and Space Science: Strand Four

1. Structure of the Earth

a. GLE 30: Identify organic and inorganic matter in soil samples with the aid of a hand lens or microscope (ESS-M-A4).

b. GLE 31: Identify common rocks and minerals and explain their uses and economic significance (ESS-M-A5).

c. GLE 32: Demonstrate the results of constructive and destructive forces using models or illustrations (ESS-M-A7).

d. GLE 33: Identify the processes that prevent or cause erosion (ESS-M-A7).

e. GLE 34: Identify the components of the hydrosphere (ESS-M-A11).

f. GLE 35: Identify the atmosphere as a mixture of gases, water vapor, and particulate matter (ESS-M-A11).

g. GLE 36: Identify, describe, and compare climate zones (e.g., polar, temperate, tropical) (ESS-M-A11).

h. GLE 37: Identify typical weather map symbols and the type of weather they represent (ESS-M-A12).

2. Earth History

a. GLE 38: Estimate the range of time over which natural events occur (e.g., lightning in seconds, mountain formation over millions of years) (ESS-M-B3).

3. Earth in the Solar System

a. GLE 39: Identify the physical characteristics of the sun (ESS-M-C1).

b. GLE 40: Describe the significance of Polaris as the North Star (ESS-M-C1).

c. GLE 41: Explain why the moon, sun, and stars appear to move from east to west across the sky (ESS-M-C1).

d. GLE 42: Differentiate among moons, asteroids, comets, meteoroids, meteors, and meteorites (ESS-M-C2).

e. GLE 43: Describe the characteristics of the inner and outer planets (ESS-M-C2).

f. GLE 44: Explain rotation and revolution by using models or illustrations (ESS-M-C4).

g. GLE 45: Identify earth's position in the solar system (ESS-M-C5).

h. GLE 46: Identify and explain the interaction of the processes of the water cycle (ESS-M-C6) (ESS-M-A10).

i. GLE 47: Identify and explain advances in technology that have enabled the exploration of space (ESS-M-C8).

E. Science and the Environment: Strand Five

1. GLE 48: Determine the ability of an ecosystem to support a population (carrying capacity) by identifying the resources needed by that population (SE-M-A2).

2. GLE 49: Identify and give examples of pollutants found in water, air, and soil (SE-M-A3).

3. GLE 50: Describe the consequences of several types of human activities on local ecosystems (e.g., polluting streams, regulating hunting, introducing nonnative species) (SE-M-A4).

4. GLE 51: Describe naturally occurring cycles and identify where they are found (e.g., carbon, nitrogen, water, oxygen) (SE-M-A7).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2787 (November 2005).

§1915. Middle School: Grades 5-8

A. Science as Inquiry: Strand One

1. The Abilities Necessary to Do Scientific Inquiry

a. GLE 1: Generate testable questions about objects, organisms, and events that can be answered through scientific investigation (SI-M-A1).

b. GLE 2: Identify problems, factors, and questions that must be considered in a scientific investigation (SI-M-A1).

c. GLE 3: Use a variety of sources to answer questions (SI-M-A1).

d. GLE 4: Design, predict outcomes, and conduct experiments to answer guiding questions (SI-M-A2).

e. GLE 5: Identify independent variables, dependent variables, and variables that should be controlled in designing an experiment (SI-M-A2).

f. GLE 6: Select and use appropriate equipment, technology, tools, and metric system units of measurement to make observations (SI-M-A3).

g. GLE 7: Record observations using methods that complement investigations (e.g., journals, tables, charts) (SI-M-A3).

h. GLE 8: Use consistency and precision in data collection, analysis, and reporting (SI-M-A3).

i. GLE 9: Use computers and/or calculators to analyze and interpret quantitative data (SI-M-A3).

j. GLE 10: Identify the difference between description and explanation (SI-M-A4).

k. GLE 11: Construct, use, and interpret appropriate graphical representations to collect, record, and report data (e.g., tables, charts, circle graphs, bar and line graphs, diagrams, scatter plots, symbols) (SI-M-A4).

l. GLE 12: Use data and information gathered to develop an explanation of experimental results (SI-M-A4).

m. GLE 13: Identify patterns in data to explain natural events (SI-M-A4).

n. GLE 14: Develop models to illustrate or explain conclusions reached through investigation (SI-M-A5).

o. GLE 15: Identify and explain the limitations of models used to represent the natural world (SI-M-A5).

p. GLE 16: Use evidence to make inferences and predict trends (SI-M-A5).

q. GLE 17: Recognize that there may be more than one way to interpret a given set of data, which can result in alternative scientific explanations and predictions (SI-M-A6).

r. GLE 18: Identify faulty reasoning and statements that misinterpret or are not supported by the evidence (SI-M-A6).

s. GLE 19: Communicate ideas in a variety of ways (e.g., symbols, illustrations, graphs, charts, spreadsheets, concept maps, oral and written reports, equations) (SI-M-A7).

t. GLE 20: Write clear, step-by-step instructions that others can follow to carry out procedures or conduct investigations (SI-M-A7).

u. GLE 21: Distinguish between *observations* and *inferences* (SI-M-A7).

v. GLE 22: Use evidence and observations to explain and communicate the results of investigations (SI-M-A7).

w. GLE 23: Use relevant safety procedures and equipment to conduct scientific investigations (SI-M-A8).

x. GLE 24: Provide appropriate care and utilize safe practices and ethical treatment when animals are involved in scientific field and laboratory research (SI-M-A8).

2. Understanding Scientific Inquiry

a. GLE 25: Compare and critique scientific investigations (SI-M-B1).

b. GLE 26: Use and describe alternate methods for investigating different types of testable questions (SI-M-B1).

c. GLE 27: Recognize that science uses processes that involve a logical and empirical, but flexible, approach to problem solving (SI-M-B1).

d. GLE 28: Recognize that investigations generally begin with a review of the work of others (SI-M-B2).

e. GLE 29: Explain how technology can expand the senses and contribute to the increase and/or modification of scientific knowledge (SI-M-B3).

f. GLE 30: Describe why all questions cannot be answered with present technologies (SI-M-B3).

g. GLE 31: Recognize that there is an acceptable range of variation in collected data (SI-M-B3).

h. GLE 32: Explain the use of statistical methods to confirm the significance of data (e.g., mean, median, mode, range) (SI-M-B3).

i. GLE 33: Evaluate models, identify problems in design, and make recommendations for improvement (SI-M-B4).

j. GLE 34: Recognize the importance of communication among scientists about investigations in progress and the work of others (SI-M-B5).

k. GLE 35: Explain how skepticism about accepted scientific explanations (i.e., hypotheses and theories) leads to new understanding (SI-M-B5).

l. GLE 36: Explain why an experiment must be verified through multiple investigations and yield consistent results before the findings are accepted (SI-M-B5).

m. GLE 37: Critique and analyze their own inquiries and the inquiries of others (SI-M-B5).

n. GLE 38: Explain that, through the use of scientific processes and knowledge, people can solve problems, make decisions, and form new ideas (SI-M-B6).

o. GLE 39: Identify areas in which technology has changed human lives (e.g., transportation, communication, geographic information systems, DNA fingerprinting) (SI-M-B7).

p. GLE 40: Evaluate the impact of research on scientific thought, society, and the environment (SI-M-B7).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2789 (November 2005).

§1917. Grade 5

A. Physical Science: Strand Two

1. Properties and Changes of Properties in Matter

a. GLE 1: Measure a variety of objects in metric system units (PS-M-A1).

b. GLE 2: Compare the physical properties of large and small quantities of the same type of matter (PS-M-A1).

c. GLE 3: Describe the structure of atoms and the electrical charge of protons, neutrons, and electrons (PS-M-A2).

d GLE 4: Identify the physical and chemical properties of various substances and group substances according to their observable and measurable properties (e.g., conduction, magnetism, light transmission) (PS-M-A3).

e. GLE 5: Describe the properties and behavior of water in its solid, liquid, and gaseous phases (states) (PS-M-A5).

f. GLE 6: Describe new substances formed from common chemical reactions (e.g., burning paper produces ash) (PS-M-A6).

2. Motions and Forces

a. GLE 7: Compare, calculate, and graph the average speeds of objects in motion using both metric system and U.S. system units (PS-M-B1).

b. GLE 8: Explain that gravity accelerates all falling objects at the same rate in the absence of air resistance (PS-M-B3).

c. GLE 9: Demonstrate a change in speed or direction of an object's motion with the use of unbalanced forces (PS-M-B5).

3. Transformations of Energy

a. GLE 10: Compare potential and kinetic energy and give examples of each (PS-M-C1).

b. GLE 11: Classify energy resources as *renewable*, *non-renewable*, or *inexhaustible* (PS-M-C1).

c. GLE 12: Identify the sun as earth's primary energy source and give examples (e.g., photosynthesis, water cycle) to support that conclusion (PS-M-C3).

d. GLE 13: Investigate how changes in the position of a light source and an object alter the size and shape of the shadow (PS-M-C4).

e. GLE 14: Identify other types of energy produced through the use of electricity (e.g., heat, light, mechanical) (PS-M-C6).

B. Life Science: Strand Three

1. Structure and Function in Living Systems

a. GLE 15: Identify the cell as the basic unit of living things (LS-M-A1).

b. GLE 16: Observe, identify, and describe the basic components of cells and their functions (e.g., cell wall, cell membrane, cytoplasm, nucleus) (LS-M-A1).

c. GLE 17: Compare plant and animal cells and label cell components (LS-M-A2).

d. GLE 18: Describe the metamorphosis of an amphibian (e.g., frog) (LS-M-A3).

e. GLE 19: Describe the processes of photosynthesis and respiration in green plants (LS-M-A4).

f. GLE 20: Describe the levels of structural organization in living things (e.g., cells, tissues, organs, organ systems) (LS-M-A5).

g. GLE 21: Identify diseases caused by germs and how they can be transmitted from person to person (LS-M-A7).

2. Populations and Ecosystems

a. GLE 22: Develop and use a simple dichotomous key to classify common plants and animals (LS-M-C1).

b. GLE 23: Construct food chains that could be found in ponds, marshes, oceans, forests, or meadows (LS-M-C2).

c. GLE 24: Describe the roles of producers, consumers, and decomposers in a food chain (LS-M-C2).

d. GLE 25: Compare food chains and food webs (LS-M-C2).

e. GLE 26: Identify and describe ecosystems of local importance (LS-M-C3).

f. GLE 27: Compare common traits of organisms within major ecosystems (LS-M-C3).

g. GLE 28: Explain and give examples of predator/prey relationships (LS-M-C4).

3. Adaptations of Organisms

a. GLE 29: Describe adaptations of plants and animals that enable them to thrive in local and other natural environments (LS-M-D1).

C. Earth and Space Science: Strand Four

1. Structure of Earth

a. GLE 30: Identify organic and inorganic matter in soil samples with the aid of a hand lens or microscope (ESS-M-A4).

b. GLE 31: Identify common rocks and minerals and explain their uses and economic significance (ESS-M-A5).

c. GLE 32: Demonstrate the results of constructive and destructive forces using models or illustrations (ESS-M-A7).

d. GLE 33: Identify the processes that prevent or cause erosion (ESS-M-A7).

e. GLE 34: Identify the components of the hydrosphere (ESS-M-A11).

f. GLE 35: Identify the atmosphere as a mixture of gases, water vapor, and particulate matter (ESS-M-A11).

g. GLE 36: Identify, describe, and compare climate zones (e.g., polar, temperate, tropical) (ESS-M-A11).

h. GLE 37: Identify typical weather map symbols and the type of weather they represent (ESS-M-A12).

2. Earth History

a. GLE 38: Estimate the range of time over which natural events occur (e.g., lightning in seconds, mountain formation over millions of years) (ESS-M-B3).

3. Earth in the Solar System

a. GLE 39: Identify the physical characteristics of the sun (ESS-M-C1).

b. GLE 40: Describe the significance of Polaris as the North Star (ESS-M-C1).

c. GLE 41: Explain why the moon, sun, and stars appear to move from east to west across the sky (ESS-M-C1).

d. GLE 42: Differentiate among moons, asteroids, comets, meteoroids, meteors, and meteorites (ESS-M-C2).

e. GLE 43: Describe the characteristics of the inner and outer planets (ESS-M-C2).

f. GLE 44: Explain rotation and revolution by using models or illustrations (ESS-M-C4).

g. GLE 45: Identify earth's position in the solar system (ESS-M-C5).

h. GLE 46: Identify and explain the interaction of the processes of the water cycle (ESS-M-C6) (ESS-M-A10).

i. GLE 47: Identify and explain advances in technology that have enabled the exploration of space (ESS-M-C8).

D. Science and the Environment: Strand Five

1. GLE 48: Determine the ability of an ecosystem to support a population (carrying capacity) by identifying the resources needed by that population (SE-M-A2).

2. LE 49: Identify and give examples of pollutants found in water, air, and soil (SE-M-A3).

3. GLE 50: Describe the consequences of several types of human activities on local ecosystems (e.g., polluting streams, regulating hunting, introducing nonnative species) (SE-M-A4).

4. GLE 51: Describe naturally occurring cycles and identify where they are found (e.g., carbon, nitrogen, water, oxygen) (SE-M-A7).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1919. Grade 6

A. Physical Science: Strand Two

1. Properties and Changes of Properties in Matter

a. GLE 1: Measure and record the volume and mass of substances in metric system units (PS-M-A1).

b. GLE 2: Calculate the density of large and small quantities of a variety of substances (e.g., aluminum foil, water, copper, clay, rock) (PS-M-A1).

c. GLE 3: Construct models that replicate atomic structure for selected common elements from the periodic table (PS-M-A2).

d. GLE 4: Differentiate between the physical and chemical properties of selected substances (PS-M-A3).

e. GLE 5: Compare physical and chemical changes (PS-M-A3).

f. GLE 6: Draw or model the movement of atoms in solid, liquid, and gaseous states (PS-M-A4).

g. GLE 7: Simulate how atoms and molecules have kinetic energy exhibited by constant motion (PS-M-A4).

h. GLE 8: Determine the temperatures at which water changes physical phases (e.g., freezing point, melting point, boiling point) (PS-M-A5).

i. GLE 9: Describe the properties of reactants and products of chemical reactions observed in the lab (PS-M-A6).

j. GLE 10: Identify the average atomic masses of given elements using the periodic table (PS-M-A7).

k. GLE 11: Compare the masses of reactants and products of a chemical reaction (PS-M-A7).

l. GLE 12: Determine the effect of particle size of the same reactants on the rate of chemical reactions during a lab activity (e.g., powdered vs. solid forms) (PS-M-A8).

m. GLE 13: Use a variety of resources to identify elements and compounds in common substances (PS-M-A9).

2. Motions and Forces

a. GLE 14: Construct and analyze graphs that represent one-dimensional motion (i.e., motion in a straight line) and predict the future positions and speed of a moving object (PS-M-B1).

b. GLE 15: Explain why velocity is expressed in both speed and direction (PS-M-B1).

c. GLE 16: Compare line graphs of acceleration, constant speed, and deceleration (PS-M-B1).

d. GLE 17: Describe and demonstrate that friction is a force that acts whenever two surfaces or objects move past one another (PS-M-B2).

e. GLE 18: Explain how the resistance of materials affects the rate of electrical flow (PS-M-B2).

f. GLE 19: Identify forces acting on all objects (PS-M-B3).

g. GLE 20: Draw and label a diagram to represent forces acting on an object (PS-M-B4).

h. GLE 21: Determine the magnitude and direction of unbalanced (i.e., net) forces acting on an object (PS-M-B4).

i. GLE 22: Demonstrate that an object will remain at rest or move at a constant speed and in a straight line if it is not subjected to an unbalanced force (PS-M-B5) (PS-M-B3).

j. GLE 23: Predict the direction of a force applied to an object and how it will change the speed and direction of the object (PS-M-B5).

3. Transformations of Energy

a. GLE 24: Describe and give examples of how all forms of energy may be classified as potential or kinetic energy (PS-M-C1).

b. GLE 25: Compare forms of energy (e.g., light, heat, sound, electrical, nuclear, mechanical) (PS-M-C1).

c. GLE 26: Describe and summarize observations of the transmission, reflection, and absorption of sound, light, and heat energy (PS-M-C1).

d. GLE 27: Explain the relationship between work input and work output by using simple machines (PS-M-C2).

e. GLE 28: Explain the law of conservation of energy (PS-M-C2).

f. GLE 29: Compare and/or investigate the relationships among work, power, and efficiency (PS-M-C2).

g. GLE 30: Trace energy transformations in a simple system (e.g., flashlight) (PS-M-C2).

h. GLE 31: Compare types of electromagnetic waves (PS-M-C3).

i. GLE 32: Identify and illustrate key characteristics of waves (e.g., wavelength, frequency, amplitude) (PS-M-C4).

j. GLE 33: Predict the direction in which light will refract when it passes from one transparent material to another (e.g., from air to water, from prism to air) (PS-M-C4).

k. GLE 34: Apply the law of reflection and law of refraction to demonstrate everyday phenomena (e.g., how light is reflected from tinted windows, how light is refracted by cameras, telescopes, eyeglasses) (PS-M-C4).

l. GLE 35: Determine through experimentation whether light is reflected, transmitted, and/or absorbed by a given object or material (PS-M-C4).

m. GLE 36: Explain the relationship between an object's color and the wavelength of light reflected or transmitted to the viewer's eyes (PS-M-C4).

n. GLE 37: Compare how heat is transferred by conduction, convection, and radiation (PS-M-C5).

o. GLE 38: Identify conditions under which thermal energy tends to flow from a system of higher energy to a system of lower energy (PS-M-C5).

p. GLE 39: Describe how electricity can be produced from other types of energy (e.g., magnetism, solar, mechanical) (PS-M-C6).

q. GLE 40: Identify heat energy gains and losses during exothermic and endothermic chemical reactions (PS-M-C7).

r. GLE 41: Identify risks associated with the production and use of coal, petroleum, hydroelectricity, nuclear energy, and other energy forms (PS-M-C8).

B. Science and the Environment: Strand Five

1. GLE 42: Identify energy types from their source to their use and determine if the energy types are renewable, nonrenewable, or inexhaustible (SE-M-A6).

2. GLE 43: Explain how the use of different energy resources affects the environment and the economy (SE-M-A6).

3. GLE 44: Explain how an inexhaustible resource can be harnessed for energy production (SE-M-A6).

4. GLE 45: Describe methods for sustaining renewable resources (SE-M-A6).

5. GLE 46: Identify ways people can reuse, recycle, and reduce the use of resources to improve and protect the quality of life (SE-M-A6).

6. GLE 47: Illustrate how various technologies influence resource use in an ecosystem (e.g., forestry management, soil conservation, fishery improvement) (SE-M-A8).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1921. Grade 7

A. Physical Science: Strand Two

1. Properties and Changes of Properties in Matter

a. GLE 1: Identify the elements most often found in living organisms (e.g., C, N, H, O, P, S, Ca, Fe) (PS-M-A9).

B. Life Science: Strand Three

1. Structure and Function in Living Systems

a. GLE 2: Compare the basic structures and functions of different types of cells (LS-M-A1).

b. GLE 3: Illustrate and demonstrate osmosis and diffusion in cells (LS-M-A1).

c. GLE 4: Compare functions of plant and animal cell structures (i.e., organelles) (LS-M-A2).

d. GLE 5: Compare complete and incomplete metamorphosis in insects (e.g., butterflies, mealworms, grasshoppers) (LS-M-A3).

e. GLE 6: Compare the life cycles of a variety of organisms, including non-flowering and flowering plants, reptiles, birds, amphibians, and mammals (LS-M-A3).

f. GLE 7: Construct a word equation that illustrates the processes of photosynthesis and respiration (LS-M-A4).

g. GLE 8: Distinguish between *aerobic* respiration and *anaerobic* respiration (LS-M-A4).

h. GLE 9: Relate structural features of organs to their functions in major systems (LS-M-A5).

i. GLE 10: Describe the way major organ systems in the human body interact to sustain life (LS-M-A5).

j. GLE 11: Describe the growth and development of humans from infancy to old age (LS-M-A6).

k. GLE 12: Explain how external factors and genetics can influence the quality and length of human life (e.g., nutrition, smoking, drug use, exercise) (LS-M-A6).

l. GLE 13: Identify and describe common communicable and noncommunicable diseases and the methods by which they are transmitted, treated, and prevented (LS-M-A7).

2. Reproduction and Heredity

a. GLE 14: Differentiate between sexual and asexual reproduction (LS-M-B1).

b. GLE 15: Contrast the processes of mitosis and meiosis in relation to growth, repair, reproduction, and heredity (LS-M-B1).

c. GLE 16: Explain why chromosomes in body cells exist in pairs (LS-M-B2).

d. GLE 17: Explain the relationship of genes to chromosomes and genotypes to phenotypes (LS-M-B2).

e. GLE 18: Recognize genetic errors caused by changes in chromosomes (LS-M-B2).

f. GLE 19: Apply the basic laws of Mendelian genetics to solve simple monohybrid crosses, using a Punnett square (LS-M-B3).

g. GLE 20: Explain the differences among the inheritance of dominant, recessive, and incomplete dominant traits (LS-M-B3).

h. GLE 21: Use a Punnett square to demonstrate how sex-linked traits are inherited (LS-M-B3).

i. GLE 22: Give examples of the importance of selective breeding (e.g., domestic animals, livestock, horticulture) (LS-M-B3).

3. Populations and Ecosystems

a. GLE 23: Classify organisms based on structural characteristics, using a dichotomous key (LS-M-C1).

b. GLE 24: Analyze food webs to determine energy transfer among organisms (LS-M-C2).

c. GLE 25: Locate and describe the major biomes of the world (LS-M-C3).

d. GLE 26: Describe and compare the levels of organization of living things within an ecosystem (LS-M-C3).

e. GLE 27: Identify the various relationships among plants and animals (e.g., mutualistic, parasitic, producer/consumer) (LS-M-C4).

f. GLE 28: Differentiate between ecosystem components of habitat and niche (LS-M-C4).

g. GLE 29: Predict the impact changes in a species' population have on an ecosystem (LS-M-C4).

4. Adaptations of Organisms

a. GLE 30: Differentiate between structural and behavioral adaptations in a variety of organisms (LS-M-D1).

b. GLE 31: Describe and evaluate the impact of introducing nonnative species into an ecosystem (LS-M-D1).

c. GLE 32: Describe changes that can occur in various ecosystems and relate the changes to the ability of an organism to survive (LS-M-D2).

d. GLE 33: Illustrate how variations in individual organisms within a population determine the success of the population (LS-M-D2).

e. GLE 34: Explain how environmental factors impact survival of a population (LS-M-D2).

C. Science and the Environment: Strand Five

1. GLE 35: Identify resources humans derive from ecosystems (SE-M-A1).

2. GLE 36: Distinguish the essential roles played by biotic and abiotic components in various ecosystems (SE-M-A1).

3. GLE 37: Identify and describe the effects of limiting factors on a given population (SE-M-A2).

4. GLE 38: Evaluate the carrying capacity of an ecosystem (SE-M-A2).

5. GLE 39: Analyze the consequences of human activities on ecosystems (SE-M-A4).

6. GLE 40: Construct or draw food webs for various ecosystems (SE-M-A5).

7. GLE 41: Describe the nitrogen cycle and explain why it is important for the survival of organisms (SE-M-A7).

8. GLE 42: Describe how photosynthesis and respiration relate to the carbon cycle (SE-M-A7).

9. GLE 43: Identify and analyze the environmental impact of humans' use of technology (e.g., energy production, agriculture, transportation, human habitation) (SE-M-A8).

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§1923. Grade 8

A. Physical Science: Strand Two

1. Properties and Changes of Properties in Matter

a. GLE 1: Determine that all atoms of the same element are similar to but different from atoms of other elements (PS-M-A2).

b. GLE 2: Recognize that elements with the same number of protons may or may not have the same charge (PS-M-A2).

c. GLE 3: Define ions and describe them in terms of the number of protons, electrons, and their charges (PS-M-A2).

2. Motions and Forces

a. GLE 4: Demonstrate that earth has a magnetic field by using magnets and compasses (PS-M-B2).

b. GLE 5: Define gravity and describe the relationship among the force of gravity, the mass of objects, and the distance between objects (PS-M-B2).

c. GLE 6: Predict how the gravitational attraction between two masses will increase or decrease when changes are made in the masses or in the distance between the objects (PS-M-B2).

d. GLE 7: Explain the relationships among force, mass, and acceleration (PS-M-B5).

B. Earth and Space Science: Strand Four

1. Structure of Earth

a. GLE 8: Identify and describe the four density layers of earth (ESS-M-A1).

b. GLE 9: Explain the historical development of the theories of plate tectonics, including continental drift and sea-floor spreading (ESS-M-A2).

c. GLE 10: Illustrate the movement of convection currents (ESS-M-A2).

d. GLE 11: Illustrate the movements of lithospheric plates as stated in the plate tectonics theory (ESS-M-A2).

e. GLE 12: Identify the edges of plate boundaries as likely areas of earthquakes and volcanic action (ESS-M-A3).

f. GLE 13: Describe the processes responsible for earthquakes and volcanoes and identify the effects of these processes (e.g., faulting, folding) (ESS-M-A3).

g. GLE 14: Distinguish between chemical and mechanical (physical) weathering and identify the role of weathering agents (e.g., wind, water, ice, gravity) (ESS-M-A4).

h. GLE 15: Illustrate the role of organic processes in soil formation (ESS-M-A4).

i. GLE 16: Compare the physical characteristics of rock and mineral specimens to observe that a rock is a mixture of minerals (ESS-M-A5).

j. GLE 17: Describe the properties of minerals (e.g., color, luster, hardness, streak) (ESS-M-A5).

k. GLE 18: Describe how sedimentary, igneous, and metamorphic rocks form and change in the rock cycle (ESS-M-A6).

l. GLE 19: Determine the results of constructive and destructive forces upon landform development with the aid of geologic maps of Louisiana (ESS-M-A7).

m. GLE 20: Describe how humans' actions and natural processes have modified coastal regions in Louisiana and other locations (ESS-M-A8).

n. GLE 21: Read and interpret topographic maps (ESS-M-A9).

o. GLE 22: Compare ocean floor topography to continental topography by using topographic maps (ESS-M-A9).

p. GLE 23: Explain the processes of evaporation, condensation, precipitation, infiltration, transpiration, and sublimation as they relate to the water cycle (ESS-M-A10).

q. GLE 24. Investigate and explain how given factors affect the rate of water movement in the water cycle (e.g., climate, type of rock, ground cover) (ESS-M-A10).

r. GLE 25. Explain and give examples of how climatic conditions on earth are affected by the proximity of water (ESS-M-A11).

s. GLE 26: Describe and illustrate the layers of earth's atmosphere (ESS-M-A11).

t. GLE 27: Identify different air masses, jet streams, global wind patterns, and other atmospheric phenomena and describe how they relate to weather events, such as El Niño and La Niña (ESS-M-A12).

u. GLE 28: Use historical data to plot the movement of hurricanes and explain events or conditions that affected their paths (ESS-M-A12).

v. GLE 29: Make predictions about future weather conditions based on collected weather data (ESS-M-A12).

2. Earth History

a. GLE 30: Interpret a geologic timeline (ESS-M-B1).

b. GLE 31: Compare fossils from different geologic eras and areas of earth to show that life changes over time (ESS-M-B1).

c. GLE 32: Interpret a timeline starting with the birth of the solar system to the present day (ESS-M-B2).

d. GLE 33: Use historical data to draw conclusions about the age of earth (e.g., half-life, rock strata) (ESS-M-B2).

e. GLE 34: Apply geological principles to determine the relative ages of rock layers (e.g., original horizontality, superposition, cross-cutting relationships) (ESS-M-B3).

f. GLE 35: Describe how processes seen today are similar to those in the past (e.g., weathering, erosion, lithospheric plate movement) (ESS-M-B3).

3. Earth in the Solar System

a. GLE 36: Describe the life cycle of a star and predict the next likely stage of the sun (ESS-M-C1).

b. GLE 37: Use a Hertzsprung-Russell diagram and other data to compare the approximate mass, size, luminosity, temperature, structure, and composition of the sun to other stars (ESS-M-C1).

c. GLE 38: Use data to compare the planets in terms of orbit, size, composition, density, rotation, revolution, and atmosphere (ESS-M-C2).

d. GLE 39: Relate Newton's laws of gravity to the motions of celestial bodies and objects on earth (ESS-M-C3).

e. GLE 40: Identify and illustrate the relative positions of earth, the moon, and the sun during eclipses and phases of the moon (ESS-M-C4).

f. GLE 41: Describe the effects of the moon on tides (ESS-M-C4).

g. GLE 42: Interpret a scale model of the solar system (ESS-M-C5).

h. GLE 43: Identify the processes involved in the creation of land and sea breezes (ESS-M-C6).

i. GLE 44: Describe how unequal heating of earth's surface affects movement of air masses and water in the atmosphere and hydrosphere (ESS-M-C6).

j. GLE 45: Explain how seasonal changes are caused by the tilt of earth as it rotates on its axis and revolves around the sun (ESS-M-C7).

k. GLE 46: Illustrate and explain how the angle at which sunlight strikes earth produces changes in the seasons and length of daylight (ESS-M-C7).

l. GLE 47: Compare the relative distances from earth to the sun on the first day of summer and the first day of winter (ESS-M-C7).

m. GLE 48: Communicate ways that information from space exploration and technological research have advanced understanding about earth, the solar system, and the universe (ESS-M-C8).

n. GLE 49: Identify practical applications of technological advances resulting from space exploration and scientific and technological research (ESS-M-C8).

C. Science and the Environment: Strand Five

1. GLE 50: Illustrate possible point and non-point source contributions to pollution and natural or human-induced pathways of a pollutant in an ecosystem (SE-M-A3).

2. GLE 51: Analyze the consequences of human activities on global earth systems (SE-M-A4).

3. GLE 52: Describe the relationship between plant type and soil compatibility (SE-M-A9).

4. GLE 53: Distinguish among several examples of erosion (e.g., stream bank, topsoil, coastal) and describe common preventive measures (SE-M-A10).

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§1925. High School: Grades 9-12

A. Science as Inquiry: Strand One

1. The Abilities Necessary to Do Scientific Inquiry

a GLE 1: Write a testable question or hypothesis when given a topic (SI-H-A1).

b. GLE 2: Describe how investigations can be observation, description, literature survey, classification, or experimentation (SI-H-A2).

c. GLE 3: Plan and record step-by-step procedures for a valid investigation, select equipment and materials, and identify variables and controls (SI-H-A2).

d. GLE 4: Conduct an investigation that includes multiple trials and record, organize, and display data appropriately (SI-H-A2).

e. GLE 5: Utilize mathematics, organizational tools, and graphing skills to solve problems (SI-H-A3).

f. GLE 6: Use technology when appropriate to enhance laboratory investigations and presentations of findings (SI-H-A3).

g. GLE 7: Choose appropriate models to explain scientific knowledge or experimental results (e.g., objects, mathematical relationships, plans, schemes, examples, role-playing, computer simulations) (SI-H-A4).

h. GLE 8: Give an example of how new scientific data can cause an existing scientific explanation to be supported, revised, or rejected (SI-H-A5).

i. GLE 9: Write and defend a conclusion based on logical analysis of experimental data (SI-H-A6) (SI-H-A2).

j. GLE 10: Given a description of an experiment, identify appropriate safety measures (SI-H-A7).

2. Understanding Scientific Inquiry

a. GLE 11: Evaluate selected theories based on supporting scientific evidence (SI-H-B1).

b. GLE 12: Cite evidence that scientific investigations are conducted for many different reasons (SI-H-B2).

c. GLE 13: Identify scientific evidence that has caused modifications in previously accepted theories (SI-H-B2).

d. GLE 14: Cite examples of scientific advances and emerging technologies and how they affect society (e.g., MRI, DNA in forensics) (SI-H-B3).

e. GLE 15: Analyze the conclusion from an investigation by using data to determine its validity (SI-H-B4).

f. GLE 16: Use the following rules of evidence to examine experimental results.

i. Can an expert's technique or theory be tested, has it been tested, or is it simply a subjective, conclusive approach that cannot be reasonably assessed for reliability?

ii. Has the technique or theory been subjected to peer review and publication?

iii. What is the known or potential rate of error of the technique or theory when applied?

iv. Were standards and controls applied and maintained?

v. Has the technique or theory been generally accepted in the scientific community? (SI-H-B5) (SI-H-B1) (SI-H-B4).

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§1927. Physical Science (Recommended for Grade 9)

A. Physical Science: Strand Two

1. Measurement and Symbolic Representation

a. GLE 1: Measure the physical properties of different forms of matter in metric system units (e.g., length, mass, volume, temperature) (PS-H-A1).

b. GLE 2: Gather and organize data in charts, tables, and graphs (PS-H-A1).

c. GLE 3: Distinguish among symbols for atoms, ions, molecules, and equations for chemical reactions (PS-H-A2).

d. GLE 4: Name and write chemical formulas using symbols and subscripts (PS-H-A2).

2. Atomic Structure

a. GLE 5: Identify the three subatomic particles of an atom by location, charge, and relative mass (PS-H-B1).

b. GLE 6: Determine the number of protons, neutrons, and electrons of elements by using the atomic number and atomic mass from the periodic table (PS-H-B1).

c. GLE 7: Describe the results of loss/gain of electrons on charges of atoms (PS-H-B1) (PS-H-C5).

d. GLE 8: Evaluate the uses and effects of radioactivity in people's daily lives (PS-H-B2).

e. GLE 9: Compare nuclear fission to nuclear fusion (PS-H-B2).

f. GLE 10: Identify the number of valence electrons of the first 20 elements based on their positions in the periodic table (PS-H-B3).

3. The Structure and Properties of Matter

a. GLE 11: Investigate and classify common materials as *elements*, *compounds*, or *mixtures* (heterogeneous or homogeneous) based on their physical and chemical properties (PS-H-C1).

b. GLE 12: Classify elements as *metals* or *nonmetals* based on their positions in the periodic table (PS-H-C2).

c. GLE 13: Predict how factors such as particle size and temperature influence the rate of dissolving (PS-H-C3).

d. GLE 14: Investigate and compare methods for separating mixtures by using the physical properties of the components (PS-H-C4) (PS-H-C1).

e. GLE 15: Using selected elements from atomic numbers 1 to 20, draw Bohr models (PS-H-C5) (PS-H-B3).

f. GLE 16: Name and write the formulas for simple ionic and covalent compounds (PS-H-C5).

g. GLE 17: Name and predict the bond type formed between selected elements based on their locations in the periodic table (PS-H-C5).

h. GLE 18: Diagram or construct models of simple hydrocarbons (four or fewer carbons) with single, double, or triple bonds (PS-H-C6).

i. GLE 19: Analyze and interpret a graph that relates temperature and heat energy absorbed during phase changes of water (PS-H-C7).

j. GLE 20: Predict the particle motion as a substance changes phases (PS-H-C7) (PS-H-C3).

4. Chemical Reactions

a. GLE 21: Classify changes in matter as *physical* or *chemical* (PS-H-D1).

b. GLE 22: Identify evidence of chemical changes (PS-H-D1).

c. GLE 23: Classify unknowns as *acidic*, *basic*, or *neutral* using indicators (PS-H-D2).

d. GLE 24: Identify balanced equations as neutralization, combination, and decomposition reactions (PS-H-D3).

e. GLE 25: Determine the effect of various factors on reaction rate (e.g., temperature, surface area, concentration, agitation) (PS-H-D4).

f. GLE 26: Illustrate the laws of conservation of matter and energy through balancing simple chemical reactions (PS-H-D5) (PS-H-D3) (PS-H-D7).

g. GLE 27: Distinguish between endothermic and exothermic reactions (PS-H-D6).

h. GLE 28: Identify chemical reactions that commonly occur in the home and nature (PS-H-D7).

5. Forces and Motion

a. GLE 29: Differentiate between *mass* and *weight* (PS-H-E1).

b. GLE 30: Compare the characteristics and strengths of forces in nature (e.g., gravitational, electrical, magnetic, nuclear) (PS-H-E1).

c. GLE 31: Differentiate between speed and velocity (PS-H-E2).

d. GLE 32: Plot and compare line graphs of acceleration and velocity (PS-H-E2).

e. GLE 33: Calculate velocity and acceleration using equations (PS-H-E2).

f. GLE 34: Demonstrate Newton's three laws of motion (e.g., inertia, net force using F = ma, equal and opposite forces) (PS-H-E3).

g. GLE 35: Describe and demonstrate the motion of common objects in terms of the position of the observer (PS-H-E4).

6. Energy

a. GLE 36: Measure and calculate the relationships among energy, work, and power (PS-H-F1).

b. GLE 37: Model and explain how momentum is conserved during collisions (PS-H-F2).

c. GLE 38: Analyze diagrams to identify changes in kinetic and potential energy (PS-H-F2).

d. GLE 39: Distinguish among thermal, chemical, electromagnetic, mechanical, and nuclear energy (PS-H-F2).

e. GLE 40: Demonstrate energy transformation and conservation in everyday actions (PS-H-F2).

7. Interactions of Energy and Matter

a. GLE 41: Identify the parts and investigate the properties of transverse and compression waves (PS-H-G1).

b. GLE 42: Describe the relationship between wavelength and frequency (PS-H-G1).

c. GLE 43: Investigate and construct diagrams to illustrate the laws of reflection and refraction (PS-H-G1).

d. GLE 44: Illustrate the production of static electricity (PS-H-G2).

e. GLE 45: Evaluate diagrams of series and parallel circuits to determine the flow of electricity (PS-H-G2).

f. GLE 46: Diagram a magnetic field (PS-H-G2).

g. GLE 47: Explain how electricity and magnetism are related (PS-H-G2).

h. GLE 48: Compare properties of waves in the electromagnetic spectrum (PS-H-G3).

i. GLE 49: Describe the Doppler effect on sound (PS-H-G3).

j. GLE 50: Identify positive and negative effects of electromagnetic/mechanical waves on humans and human activities (e.g., sound, ultraviolet rays, X-rays, MRIs, fiber optics) (PS-H-G4) (PS-H-G3).

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§1929. Biology (Recommended for Grade 10)

A. Life Science: Strand One

1. The Cell

a. GLE 1: Compare prokaryotic and eukaryotic cells (LS-H-A1).

b. GLE 2: Identify and describe structural and functional differences among organelles (LS-H-A1).

c. GLE 3: Investigate and describe the role of enzymes in the function of a cell (LS-H-A1).

d. GLE 4: Compare active and passive cellular transport (LS-H-A2).

e. GLE 5: Analyze the movement of water across a cell membrane in hypotonic, isotonic, and hypertonic solutions (LS-H-A2).

f. GLE 6: Analyze a diagram of a developing zygote to determine when cell differentiation occurs (LS-H-A3).

2. The Molecular Basis of Heredity

a. GLE 7: Identify the basic structure and function of nucleic acids (e.g., DNA, RNA) (LS-H-B1).

b. GLE 8: Describe the relationships among DNA, genes, chromosomes, and proteins (LS-H-B1).

c. GLE 9: Compare mitosis and meiosis (LS-H-B2).

d. GLE 10: Analyze pedigrees to identify patterns of inheritance for common genetic disorders (LS-H-B3).

e. GLE 11: Calculate the probability of genotypes and phenotypes of offspring given the parental genotypes (LS-H-B3).

f. GLE 12: Describe the processes used in modern biotechnology related to genetic engineering (LS-H-B4) (LS-H-B1).

g. GLE 13: Identify possible positive and negative effects of advances in biotechnology (LS-H-B4) (LS-H-B1).

3. Biological Evolution

a. GLE 14: Analyze evidence on biological evolution, utilizing descriptions of existing investigations, computer models, and fossil records (LS-H-C1).

b. GLE 15: Compare the embryological development of animals in different phyla (LS-H-C1) (LS-H-A3).

c. GLE 16: Explain how DNA evidence and fossil records support Darwin's theory of evolution (LS-H-C2).

d. GLE 17: Explain how factors affect gene frequency in a population over time (LS-H-C3).

e. GLE 18: Classify organisms from different kingdoms at several taxonomic levels, using a dichotomous key (LS-H-C4).

f. GLE 19: Compare characteristics of the major kingdoms (LS-H-C5).

g. GLE 20: Analyze differences in life cycles of selected organisms in each of the kingdoms (LS-H-C6).

h. GLE 21: Compare the structures, functions, and cycles of viruses to those of cells (LS-H-C7).

i. GLE 22: Describe the role of viruses in causing diseases and conditions (e.g., AIDS, common colds, smallpox, influenza, warts) (LS-H-C7) (LS-H-G2).

4. Interdependence of Organisms

a. GLE 23: Illustrate the flow of carbon, nitrogen, and water through an ecosystem (LS-H-D1) (SE-H-A6).

b. GLE 24: Analyze food webs by predicting the impact of the loss or gain of an organism (LS-H-D2).

c. GLE 25: Evaluate the efficiency of the flow of energy and matter through a food chain/pyramid (LS-H-D2).

d. GLE 26: Analyze the dynamics of a population with and without limiting factors (LS-H-D3).

e. GLE 27: Analyze positive and negative effects of human actions on ecosystems (LS-H-D4) (SE-H-A7).

5. Matter, Energy, and Organization of Living Systems

a. GLE 28: Explain why ecosystems require a continuous input of energy from the sun (LS-H-E1).

b. GLE 29: Use balanced equations to analyze the relationship between photosynthesis and cellular respiration (LS-H-E1).

c. GLE 30: Explain the role of adenosine triphosphate (ATP) in a cell (LS-H-E2).

d. GLE 31: Compare the levels of organization in the biosphere (LS-H-E3).

6. Systems and the Behavior of Organisms

a. GLE 32: Analyze the interrelationships of organs in major systems (LS-H-F1) (LS-H-E3).

b. GLE 33: Compare structure to function of organs in a variety of organisms (LS-H-F1).

c. GLE 34: Explain how body systems maintain homeostasis (LS-H-F2).

d. GLE 35: Explain how selected organisms respond to a variety of stimuli (LS-H-F3).

e. GLE 36: Explain how behavior affects the survival of species (LS-H-F4).

7. Personal and Community Health

a. GLE 37: Explain how fitness and health maintenance can result in a longer human life span (LS-H-G1).

b. GLE 38: Discuss mechanisms of disease transmission and processes of infection (LS-H-G2) (LS-H-G4).

c. GLE 39: Compare the functions of the basic components of the human immune system (LS-H-G3).

d. GLE 40: Determine the relationship between vaccination and immunity (LS-H-G3).

e. GLE 41: Describe causes, symptoms, treatments, and preventions of major communicable and noncommunicable diseases (LS-H-G4).

f. GLE 42: Summarize the uses of selected technological developments related to the prevention, diagnosis, and treatment of diseases or disorders (LS-H-G5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2796 (November 2005).

§1931. Earth Science (Recommended for Grades 11/12)

A. Earth and Space Science: Strand Four

1. Energy in Earth's System

a. GLE 1: Describe what happens to the solar energy received by earth every day (ESS-H-A1).

b. GLE 2: Trace the flow of heat energy through the processes in the water cycle (ESS-H-A1).

c. GLE 3: Describe the effect of natural insulation on energy transfer in a closed system (ESS-H-A1).

d. GLE 4: Describe the relationship between seasonal changes in the angle of incoming solar radiation and its consequences to earth's temperature (e.g., direct vs. slanted rays) (ESS-H-A2).

e. GLE 5: Explain how the process of fusion inside the sun provides the external heat source for earth (ESS-H-A3).

f. GLE 6: Discuss how heat energy is generated at the inner core-outer core boundary (ESS-H-A4).

g. GLE 7: Analyze how radiant heat from the sun is absorbed and transmitted by several different earth materials (ESS-H-A5).

h. GLE 8: Explain why weather only occurs in the tropospheric layer of earth's atmosphere (ESS-H-A5).

i. GLE 9: Compare the structure, composition, and function of the layers of earth's atmosphere (ESS-H-A6).

j. GLE 10: Analyze the mechanisms that drive weather and climate patterns and relate them to the three methods of heat transfer (ESS-H-A6).

k. GLE 11: Describe the processes that drive lithospheric plate movements (i.e., radioactive decay, friction, convection) (ESS-H-A7) (ESS-H-A3) (ESS-H-A4).

l. GLE 12: Relate lithospheric plate movements to the occurrences of earthquakes, volcanoes, mid-ocean ridge systems, and off-shore trenches found on earth (ESS-H-A7).

2. Geochemical Cycles

a. GLE 13: Explain how stable elements and atoms are recycled during natural geologic processes (ESS-H-B1).

b. GLE 14: Compare the conditions of mineral formation with weathering resistance at earth's surface (ESS-H-B1).

c. GLE 15: Identify the sun-driven processes that move substances at or near earth's surface (ESS-H-B2).

3. The Origin and Evolution of the Earth System

a. GLE 16: Use the nebular hypothesis to explain the formation of a solar system (ESS-H-C1).

b. GLE 17: Determine the relative ages of rock layers in a geologic profile or cross section (ESS-H-C2).

c. GLE 18: Use data from radioactive dating techniques to estimate the age of earth materials (ESS-H-C2).

d. GLE 19: Interpret geological maps of Louisiana to describe the state's geologic history (ESS-H-C3).

e. GLE 20: Determine the chronological order of the five most recent major lobes of the Mississippi River delta in Louisiana (ESS-H-C3).

f. GLE 21: Use fossil records to explain changes in the concentration of atmospheric oxygen over time (ESS-H-C4).

g. GLE 22: Analyze data related to a variety of natural processes to determine the time frame of the changes involved (e.g., formation of sedimentary rock layers, deposition of ash layers, fossilization of plant or animal species) (ESS-H-C5).

4. The Origin and Evolution of the Universe

a. GLE 23: Identify the evidence that supports the big bang theory (ESS-H-D1).

b. GLE 24: Describe the organization of the known universe (ESS-H-D2).

c. GLE 25: Using the surface temperature and absolute magnitude data of a selected star, locate its placement on the Hertzsprung-Russell diagram and infer its color, size, and life stage (ESS-H-D3).

d. GLE 26: Identify the elements present in selected stars, given spectrograms of known elements and those of the selected stars (ESS-H-D4).

e. GLE 27: Trace the movement and behavior of hydrogen atoms during the process of fusion as it occurs in stars like the sun (ESS-H-D5).

f. GLE 28: Identify the relationship between orbital velocity and orbital diameter (ESS-H-D6) (PS-H-E2).

g. GLE 29: Demonstrate the elliptical shape of earth's orbit and describe how the point of orbital focus changes during the year (ESS-H-D6).

h. GLE 30: Summarize how current technology has directly affected our knowledge of the universe (ESS-H-D7).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1933. Environmental Science (Recommended for Grades 11/12)

A. Science and the Environment: Strand Five

1. Ecological Systems and Interactions

a. GLE 1: Describe the abiotic and biotic factors that distinguish earth's major ecological systems (SE-H-A1).

b. GLE 2: Describe the characteristics of major biomes on earth (SE-H-A1).

c. GLE 3: Use the 10 percent rule and data analysis to measure the flow of energy as represented by biomass in a system (SE-H-A2).

d. GLE 4: Determine the effects of limiting factors on a population and describe the concept of carrying capacity (SE-H-A3).

e. GLE 5: Examine and discuss the major stages of succession, describing the generalized sequential order of the types of plant species (SE-H-A4).

f. GLE 6: Analyze the consequences of changes in selected divisions of the biosphere (e.g., ozone depletion, global warming, acid rain) (SE-H-A5) (SE-H-A7).

g. GLE 7: Illustrate the flow of carbon, water, oxygen, nitrogen, and phosphorus through an ecosystem (SE-H-A6) (LS-H-D1).

h. GLE 8: Explain how species in an ecosystem interact and link in a complex web (SE-H-A7) (SE-H-A10).

i. GLE 9: Cite and explain examples of organisms' adaptations to environmental pressures over time (SE-H-A8).

j. GLE 10: Analyze the effect of an invasive species on the biodiversity within ecosystems (SE-H-A9).

k. GLE 11: Explain why biodiversity is essential to the survival of organisms (SE-H-A9).

l. GLE 12: Give examples and describe the effect of pollutants on selected populations (SE-H-A11).

2. Resources and Resource Management

a. GLE 13: Evaluate whether a resource is renewable by analyzing its relative regeneration time (SE-H-B1).

b. GLE 14: Analyze data to determine the effect of preservation practices compared to conservation practices for a sample species (SE-H-B2).

c. GLE 15: Identify the factors that cause the inequitable distribution of earth's resources (e.g., politics, economics, climate) (SE-H-B3).

d. GLE 16: Evaluate the effectiveness of natural resource management in Louisiana (SE-H-B4) (SE-H-B5).

e. GLE 17: Analyze data to determine when reuse, recycling, and recovery are applicable (SE-H-B5).

f. GLE 18: Identify the factors that affect sustainable development (SE-H-B6).

3. Environmental Awareness and Protection

a. GLE 19: Determine the interrelationships of clean water, land, and air to the success of organisms in a given population (SE-H-C1).

b. GLE 20: Relate environmental quality to quality of life (SE-H-C2).

c. GLE 21: Analyze the effect of common social, economic, technological, and political considerations on environmental policy (SE-H-C3).

d. GLE 22: Analyze the risk-benefit ratio for selected environmental situations (SE-H-C4).

e. GLE 23: Describe the relationship between public support and the enforcement of environmental policies (SE-H-C5).

4. Personal Choices and Responsible Actions

a. GLE 24: Identify the advantages and disadvantages of using disposable items versus reusable items (SE-H-D1).

b. GLE 25: Discuss how education and collaboration can affect the prevention and control of a selected pollutant (SE-H-D2) (SE-H-D3).

c. GLE 26: Determine local actions that can affect the global environment (SE-H-D4).

d. GLE 27: Describe how accountability toward the environment affects sustainability (SE-H-D5).

e. GLE 28: Discuss the reduction of combustible engines needed to significantly decrease CO_2 in the troposphere (SE-H-D6).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2798 (November 2005).

§1935. Chemistry (Recommended for Grades 11/12)

A. Physical Science: Strand Two

1. Measurement and Symbolic Representation

a. GLE 1: Convert metric system units involving length, mass, volume, and time using dimensional analysis (i.e., factor-label method) (PS-H-A1).

b. GLE 2: Differentiate between accuracy and precision and evaluate percent error (PS-H-A1).

c. GLE 3: Determine the significant figures based on precision of measurement for stated quantities (PS-H-A1).

d. GLE 4: Use scientific notation to express large and small numbers (PS-H-A1).

e. GLE 5: Write and name formulas for ionic and covalent compounds (PS-H-A2).

f. GLE 6: Write and name the chemical formula for the products that form from the reaction of selected reactants (PS-H-A2).

g. GLE 7: Write a balanced symbolic equation from a word equation (PS-H-A2).

2. Atomic Structure

a. GLE 8: Analyze the development of the modern atomic theory from a historical perspective (PS-H-B1).

b. GLE 9: Draw accurate valence electron configurations and Lewis dot structures for selected molecules, ionic and covalent compounds, and chemical equations (PS-H-B1).

c. GLE 10: Differentiate among *alpha, beta*, and *gamma* emissions (PS-H-B2).

d. GLE 11: Calculate the amount of radioactive substance remaining after a given number of half-lives has passed (PS-H-B2).

e. GLE 12: Describe the uses of radioactive isotopes and radiation in such areas as plant and animal research, health care, and food preservation (PS-H-B2).

f. GLE 13: Identify the number of bonds an atom can form given the number of valence electrons (PS-H-B3).

3. The Structure and Properties of Matter

a. GLE 14: Identify unknowns as elements, compounds, or mixtures based on physical properties (e.g., density, melting point, boiling point, solubility) (PS-H-C1).

b. GLE 15: Predict the physical and chemical properties of an element based only on its location in the periodic table (PS-H-C2).

c. GLE 16: Predict the stable ion(s) an element is likely to form when it reacts with other specified elements (PS-H-C2).

d. GLE 17: Use the periodic table to compare electronegativities and ionization energies of elements to explain periodic properties, such as atomic size (PS-H-C2).

e. GLE 18: Given the concentration of a solution, calculate the predicted change in its boiling and freezing points (PS-H-C3).

f. GLE 19: Predict the conductivity of a solution (PS-H-C3).

g. GLE 20: Express concentration in terms of molarity, molality, and normality (PS-H-C3).

h. GLE 21: Design and conduct a laboratory investigation in which physical properties are used to separate the substances in a mixture (PS-H-C4).

i. GLE 22: Predict the kind of bond that will form between two elements based on electronic structure and electronegativity of the elements (e.g., ionic, polar, nonpolar) (PS-H-C5).

j. GLE 23: Model chemical bond formation by using Lewis dot diagrams for ionic, polar, and nonpolar compounds (PS-H-C5).

k. GLE 24: Describe the influence of intermolecular forces on the physical and chemical properties of covalent compounds (PS-H-C5).

l. GLE 25: Name selected structural formulas of organic compounds (PS-H-C6).

m. GLE 26: Differentiate common biological molecules, such as carbohydrates, lipids, proteins, and nucleic acids by using structural formulas (PS-H-C6).

n. GLE 27: Investigate and model hybridization in carbon compounds (PS-H-C6).

o. GLE 28: Name, classify, and diagram *alkanes*, *alkenes*, and *alkynes* (PS-H-C6).

p. GLE 29: Predict the properties of a gas based on gas laws (e.g., temperature, pressure, volume) (PS-H-C7).

q. GLE 30: Solve problems involving heat flow and temperature changes by using known values of specific heat and latent heat of phase change (PS-H-C7).

4. Chemical Reactions

a. GLE 31: Describe chemical changes and reactions using diagrams and descriptions of the reactants, products, and energy changes (PS-H-D1).

b. GLE 32: Determine the concentration of an unknown acid or base by using data from a titration with a standard solution and an indicator (PS-H-D2).

c. GLE 33: Calculate pH of acids, bases, and salt solutions based on the concentration of hydronium and hydroxide ions (PS-H-D2).

d. GLE 34: Describe chemical changes by developing word equations, balanced formula equations, and net ionic equations (PS-H-D3).

e. GLE 35: Predict products (with phase notations) of simple reactions, including acid/base, oxidation/reduction, and formation of precipitates (PS-H-D3).

f. GLE 36: Identify the substances gaining and losing electrons in simple oxidation-reduction reactions (PS-H-D3).

g. GLE 37: Predict the direction of a shift in equilibrium in a system as a result of stress by using LeChatalier's principle (PS-H-D4).

h. GLE 38: Relate the law of conservation of matter to the rearrangement of atoms in a balanced chemical equation (PS-H-D5).

i. GLE 39: Conduct an investigation in which the masses of the reactants and products from a chemical reaction are calculated (PS-H-D5).

j. GLE 40: Compute percent composition, empirical formulas, and molecular formulas of selected compounds in chemical reactions (PS-H-D5).

k. GLE 41: Apply knowledge of stoichiometry to solve mass/mass, mass/volume, volume/volume, and mole/mole problems (PS-H-D5).

l. GLE 42: Differentiate between activation energy in endothermic reactions and exothermic reactions (PS-H-D6).

m. GLE 43: Graph and compute the energy changes that occur when a substance, such as water, goes from a solid to a liquid state, and then to a gaseous state (PS-H-D6).

n. GLE 44: Measure and graph energy changes during chemical reactions observed in the laboratory (PS-H-D6).

o. GLE 45: Give examples of common chemical reactions, including those found in biological systems (PS-H-D7).

5. Forces and Motion

a. GLE 46: Identify and compare intermolecular forces and their effects on physical and chemical properties (PS-H-E1).

6. Interactions of Energy and Matter

a. GLE 47: Assess environmental issues related to the storage, containment, and disposal of wastes associated with energy production and use (PS-H-G4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1937. Physics (Recommended for Grades 11/12)

A. Physical Science: Strand Two

1. Measurement and Symbolic Representation

a. GLE 1: Measure and determine the physical quantities of an object or unknown sample using correct prefixes and metric system units (e.g., mass, charge, pressure, volume, temperature, density) (PS-H-A1).

b. GLE 2: Determine and record measurements correctly using significant digits and scientific notation (PS-H-A1).

c. GLE 3: Determine accuracy and precision of measured data (PS-H-A1).

d. GLE 4: Perform dimensional analysis to verify problem set-up (PS-H-A1).

e. GLE 5: Use trigonometric functions to make indirect measurements (PS-H-A1).

2. Forces and Motion

a. GLE 6: Explain the role of strong nuclear forces and why they are the strongest of all forces (PS-H-E1).

b. GLE 7: Relate gravitational force to mass and distance (PS-H-E1).

c. GLE 8: Compare and calculate electrostatic forces acting within and between atoms to the gravitational forces acting between atoms (PS-H-E1).

d. GLE 9: Describe and measure motion in terms of position, displacement time, and the derived quantities of velocity and acceleration (PS-H-E2).

e. GLE 10: Determine constant velocity and uniform acceleration mathematically and graphically (PS-H-E2).

f. GLE 11: Plot and interpret displacement-time and velocity-time graphs and explain how these two types of graphs are interrelated (PS-H-E2).

g. GLE 12: Model scalar and vector quantities (PS-H-E2).

h. GLE 13: Solve for missing variables in kinematic equations relating to actual situations (PS-H-E2).

i. GLE 14: Add and resolve vectors graphically and mathematically to determine resultant/equilibrant of concurrent force vectors (PS-H-E3).

j. GLE 15: Calculate centripetal force and acceleration in circular motion (PS-H-E3).

k. GLE 16: Analyze circular motion to solve problems relating to angular velocity, acceleration, momentum, and torque (PS-H-E3).

l. GLE 17: Analyze simple harmonic motion (PS-H-E3).

m. GLE 18: Demonstrate the independence of perpendicular components in projectile motion and predict the optimum angles and velocities of projectiles (PS-H-E3).

3. Energy

a. GLE 19: Explain quantitatively the conversion between kinetic and potential energy for objects in motion (e.g., roller coaster, pendulum) (PS-H-F1).

b. GLE 20: Calculate the mechanical advantage and efficiency of simple machines and explain the loss of efficiency using the dynamics of the machines (PS-H-F1).

c. GLE 21: Explain and calculate the conversion of one form of energy to another (e.g., chemical to thermal, thermal to mechanical, magnetic to electrical) (PS-H-F1).

d. GLE 22: Analyze energy transformations using the law of conservation of energy (PS-H-F2).

e. GLE 23: Apply the law of conservation of momentum to collisions in one and two dimensions, including angular momentum (PS-H-F2).

f. GLE 24: Apply the concept of momentum to actual situations with different masses and velocities (PS-H-F2).

4. Interactions of Energy and Matter

a. GLE 25: Determine the relationships among amplitude, wavelength, frequency, period, and velocity in different media (PS-H-G1).

b. GLE 26: Evaluate how different media affect the properties of reflection, refraction, diffraction, polarization, and interference (PS-H-G1).

c. GLE 27: Investigate and construct diagrams to illustrate the laws of reflection and refraction (PS-H-G1).

d. GLE 28: Draw constructive and destructive interference patterns and explain how the principle of superposition applies to wave propagation (PS-H-G1).

e. GLE 29: Describe observed electrostatic phenomena, calculate Coulomb's law, and test charge pole, electric field, and magnetic field (PS-H-G2).

f. GLE 30: Construct basic electric circuits and solve problems involving voltage, current, resistance, power, and energy (PS-H-G2).

g. GLE 31: Describe the relationship of electricity, magnetism, and inductance as aspects of a single electromagnetic force (PS-H-G2).

h. GLE 32: Compare properties of electromagnetic and mechanical waves (PS-H-G3).

i. GLE 33: Solve problems related to sound and light in different media (PS-H-G3).

j. GLE 34: Compare the properties of the electromagnetic spectrum as a wave and as a particle (PS-H-G3).

k. GLE 35: Analyze the Doppler effect of a moving wave source (PS-H-G3).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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Chapter 21. Glossary and References

§2101. Definitions

Ability—power to perform, whether physical, moral, intellectual, or legal; skill or competence.

Analyzing—to separate mentally all parts (of a whole) as to reveal their relation to it and to one another.

Assessment—the systematic, multistep process involving the collection and interpretation of educational data.

Benchmark—specify what students should know and be able to do.

Conserving—the use of natural resources in a way that assures their continuing availability to future generations; the intelligent use of natural resources for long-term benefits.

Consumer—any organism that feeds from another.

Content Standards—broad statement of process and/or content that are used as a reference to develop curriculum and assess student progress.

Curriculum—a document (usually developed at the local level) which aides teachers in planning instruction. The way content is delivered. It includes the structure, organization, balance, and presentation of the content in the classroom. Note:This definition includes instructional materials, and the teacher's strategies, behaviors, and assessment.

Demonstrate—to prove by reasoning, as by deduction; to establish as true.

Describing—to represent by words; to give an account of.

Energy—the capacity to perform work, or the potential for power and activity.

Energy Resources—origins of natural energy (coal, oil, gas, etc.).

Experimentation—practice by experiment; a trial made to confirm or disprove something doubtful; an operation made to discover some unknown principle or effect.

Framework—a document (usually developed at the state level) which provides a vision of how the national standards can best be implemented, given the characteristics of that particular state.

Inquiry—a seeking for information by asking questions; interrogation; a question or questioning.

Instructional—the physical components of the curriculum, including textbooks, materials software, kits, and teachers' guides.

Knowing—informed; intelligent; having or displaying discernment.

Preserving—protection which emphasizes nonconsumptive values and uses, including no direct use by humans, contrasted with conservation which emphasizes both consumptive and nonconsumptive values and uses.

Producer—any organism that is capable of making its own food.

Recognize—to avow knowledge of; to admit with formal acknowledgment.

Scientific Investigation—to follow up or make research by patient inquiry and observation and examination of the facts.

Skill—a particular art or science; now a developed or acquired ability; the ability to use one's knowledge effectively; technically proficient.

Understanding—power to understand; capability of comprehending and judging; the rational powers taken collectively.

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Board of Elementary and Secondary Education

Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies
(LAC 28:CXXI.Chapters 1-13)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies.* Bulletin 1964 will be printed in codified format as Part CXXI of Title 28 of the Louisiana Administrative Code. This revision of the Louisiana social studies content standards includes Grade Level Expectations for all grades pre-kindergarten through 12th. Grade Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The federal No Child Left Behind legislation requires every state to have grade specific standards. Since the Louisiana content standards are by grade band, it was necessary to develop the Grade Level Expectations.

Title 28
EDUCATION
Part CXXI. Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies

Chapter 1. General

§101. Introduction

A. Preparation for the office of citizen is the crucial purpose of American education, according to Thomas Jefferson. The vitality of American constitutional democracy depends on competent citizens. Full literacy for the 21st century demands a challenging education with adequate attention to all academic disciplines. Effective social studies education reinforces the democratic principles and ideals of citizenship. A solid base of social studies knowledge and skills develops civic competence by focusing on rights, responsibilities, and respect.

B. The Louisiana framework for social studies rests on the foundation of four core disciplines, or strands, from the social sciences: geography, civics, economics, and history.

Each of these disciplines offers a distinct perspective for examining the world. Other social sciences, such as anthropology and sociology, are incorporated within these strands.

C. In this document, each of the strand titles names a traditional field of scholarly study, with a phrase explaining the underlying themes. For each strand, a focus paragraph explains the discipline's importance to the overall education of the students. A standard statement then gives a general description of what students should know and be able to do as a result of the study of that strand. Following each standard, specific benchmarks are listed for Grades K-4, 5-8, and 9-12. For organizational purposes, these benchmarks are categorized according to appropriate content standards.

D. This document is intended to be used as a blueprint for local curricular decisions. The rigorous framework promotes local flexibility in curricular design, course sequence, assessment methods, and instructional strategies. The social studies curriculum should expand students' thinking across the boundaries of separate academic subjects. A reasonable balance between breadth of content and depth of inquiry must be achieved.

E. Through mastery of the key concepts and process skills outlined in this document, students will become accomplished problem solvers and informed decision makers. They will be able to assume their places in the economic work force as effective producers and consumers. Civic competence for Louisiana's citizens will be achieved with the implementation of these rigorous and challenging content standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2801 (November 2005).

§103. Louisiana Content Standards Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundational skills which should apply to all students in all disciplines:

1. Communication—a process by which information is exchanged and a concept of "meaning" is being created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing;

2. Problem Solving—the identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent;

3. Resource Access and Utilization—the process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video material, word processors, computers, interactive devices, telecommunication, and other emerging technologies;

4. Linking and Generating Knowledge—the effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. Transfer refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. Elaboration refers to monitoring, adjusting, and expanding strategies into other contexts; and

5. Citizenship—the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2802 (November 2005).

§105. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st Century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resource of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing. The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources. After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording. Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. Processing Information. After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information: Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings. Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. Evaluating Efforts. Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

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§107. Louisiana Social Studies Content Strands

A. Geography: Physical and Cultural Systems
  1. The world in spatial terms
  2. Places and regions
  3. Physical and human systems
  4. Environment and society

B. Civics: Citizenship and Government
  1. Structure and purposes of government
  2. Foundations of the American political system
  3. International relationships
  4. Roles of the citizen

C. Economics: Interdependence and Decision Making
  1. Fundamental economic concepts
  2. Individuals, households, businesses, and governments
  3. The economy as a whole

D. History: Time, Continuity, and Change
  1. Grades K-4
    a. Historical thinking skills
    b. Families and communities
    c. Louisiana and United States history
    d. World history
  2. Grades 5-8
    a. Historical thinking skills
    b. United States history
    c. World history
    d. Louisiana history
  3. Grades 9-12
    a. Historical thinking skills
    b. United States history
    c. World history

NOTE: Grade clusters are listed under the History strand to identify the specific categories emphasized at each level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2803 (November 2005).

§109. Louisiana Social Studies Strands

A. Geography: Physical and Cultural Systems: Strand One

1. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

B. Civics: Citizenship and Government: Strand Two

1. Students develop and understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world, while learning about the rights and responsibilities of citizenship.

C. Economics: Interdependence and Decision Making: Strand Three

1. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

D. History: Time, Continuity, and Change: Strand Four

1. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2803 (November 2005).

Chapter 3. Geography: Strand One

§301. Physical and Cultural Systems

A. Focus. Geography, the study of the spatial aspects of human existence, enables students to find answers to questions about the world around them. A geographically informed person sees, understands, and appreciates the connections among people, places, and environments. Understanding these connections requires an acute awareness of space, which can be identified in terms of location, distance, direction, pattern, shape, and arrangement. With a strong grasp of geography, students will be prepared to understand issues and solve problems in the contemporary world. The standards and benchmarks contained in this strand should be applied throughout the social studies curriculum.

B. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

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§303. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. The World in Spatial Terms

a. G-1A-E1: Identifying and describing the characteristics and uses of geographic representations, such as various types of maps, globes, graphs, diagrams, photographs, and satellite-produced images (1, 3, 4);

b. G-1A-E2: Locating and interpreting geographic features and places on maps and globes (1, 2, 3, 4);

c. G-1A-E3: Constructing maps, graphs, charts, and diagrams to describe geographical information and to solve problems (1, 3, 4);

2. Places and Regions

a. G-1B-E1: Describing and comparing the physical characteristics of places, including land forms, bodies of water, soils, vegetation, and climate (1, 3, 4);

b. G-1B-E2: Identifying and describing the human characteristics of places, including population distributions and culture (1, 3, 4);

c. G-1B-E3: Describing how the physical and human characteristics of places change over time (1, 3, 4);

d. G-1B-E4: Defining and differentiating regions by using physical characteristics, such as climate and land forms, and by using human characteristics, such as economic activity and language (1, 3, 4);

3. Physical and Human Systems

a. G-1C-E1: Describing how physical processes help to shape features and patterns on Earth's surface (1, 3, 4);

b. G-1C-E2: Describing and comparing the types of settlement and patterns of land use in local communities, the United States, and world regions (1, 2, 3, 4);

c. G-1C-E3: Describing and explaining the characteristics, distribution, and migration of human populations (1, 3, 4);

d. G-1C-E4: Identifying and comparing the cultural characteristics of different regions and people (1, 2, 3, 4);

e. G-1C-E5: Locating and explaining the spatial distribution of economic activities (1, 3, 4);

f. G-1C-E6: Identifying and describing types of territorial units, such as parishes or counties, states, and countries (1, 3, 4, 5);

4. Environment and Safety

a. G-1D-E1: Identifying and explaining ways in which people depend upon and modify the physical environment (1, 2, 3, 4);

b. G-1D-E2: Describing how humans adapt to variations in the physical environment (1, 2, 3, 4);

c. G-1D-E3: Describing the locations, causes and effects of natural disasters on the environment and society (1, 2, 3, 4);

d. G-1D-E4: Describing the use, distribution, and importance of natural resources (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2803 (November 2005).

§305. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. The World in Spatial Terms

a. G-1A-M1: Identifying and describing the characteristics, functions, and applications of various types of maps and other geographic representations, tools, and technologies (1, 2, 3, 4);

b. G-1A-M2: Interpreting and developing maps, globes, graphs, charts, models, and databases to analyze spatial distributions and patterns (1, 2, 3, 4);

c. G-1A-M3: Organizing and displaying information about the location of geographic features and places by using mental mapping skills (1, 2, 3, 4);

2. Places and Regions

a. G-1B-M1: Explaining and analyzing both the physical and human phenomena associated with specific places, including precipitation and settlement patterns (1, 2, 3, 4);

b. G-1B-M2: Identifying and describing significant physical features that have influenced historical events (1, 2, 3, 4);

c. G-1B-M3: Identifying criteria used to define regions and explaining how and why regions change (1, 2, 3, 4);

d. G-1B-M4: Describing and explaining how personal interests, culture, and technology affect people's perceptions and uses of places and regions (1, 2, 3, 4);

3. Physical and Human Systems

a. G-1C-M1: Prediction and explaining how physical features help to shape patterns and arrangements in the physical environment (1, 2, 3, 4);

b. G-1C-M2: Identifying key demographic concepts and using these concepts to analyze the population characteristics of a country or region (1, 2, 3, 4);

c. G-1C-M3: Describing the characteristics and patterns of human settlement in different regions of the world and analyzing the impact of urbanization (1, 2, 3, 4);

d. G-1C-M4: Analyzing types, patterns, and effects of human migration over time (1, 2, 3, 4);

e. G-1C-M5: Tracing local and worldwide patterns of cultural diffusion and analyzing their causes and effects (1, 3, 4);

f. G-1C-M6: Comparing historical and contemporary patterns of economic interdependence (1, 2, 3, 4);

g. G-1C-M7: Explaining how cooperation and conflict among people contribute to the political divisions on Earth's surface (1, 2, 4);

4. Environment and Society

a. G-1D-M1: Analyzing and evaluating the effects of human actions upon the physical environment (1, 2, 3, 4, 5);

b. G-1D-M2: Explaining and giving examples of how characteristics of different physical environments affect human activities (1, 2, 3, 4, 5);

c. G-1D-M3: Analyzing the worldwide distribution and utilization of natural resources (1, 2, 3, 4, 5);

d. G-1D-M4: Identifying problems that relate to contemporary geographic issues and researching possible solutions (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§307. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes:

1. The World in Spatial Terms

a. G-1A-H1: Using geographical representations, tools, and technologies to explain, analyze, and solve geographic problems (1, 2, 3, 4);

b. G-1A-H2: Organizing geographic information and answering complex questions by formulating mental maps of places and regions (1, 2, 3, 4);

2. Places and Regions

a. G-1B-H1: Determining how location and social, cultural, and economics processes affect the features and significance of places (1, 2, 3, 4);

b. G-1B-H2: Analyzing the ways in which physical and human characteristics of places and regions have affected historic events (1, 2, 3, 4);

c. G-1B-H3: Analyzing the various ways in which physical and human regions are structured and interconnected (1, 2, 3, 4);

d. G-1B-H4: Explaining and evaluating the importance of places and regions to cultural identity (1, 2, 3, 4, 5);

3. Physical and Human Systems

a. G-1C-H1: Analyzing the ways in which Earth's dynamic and interactive physical processes affect different regions of the world (1, 2, 3, 4);

b. G-1C-H2: Determining the economics, political, and social factors that contribute to human migration and settlement patterns and evaluating their impact on physical and human systems (1, 2, 3, 4);

c. G-1C-H3: Analyzing trends in world population numbers and patterns and predicting their consequences (1, 2, 3, 4);

d. G-1C-H4: Analyzing the characteristics, distribution, and interrelationships of the world's cultures (1, 2, 3, 4, 5);

e. G-1C-H5: Describing and evaluating spatial distributions of economics systems and how economic systems affect regions (1, 3);

f. G-1C-H6: Analyzing how cooperation, conflict, and self-interests impact social, political, and economic entities on Earth (1, 2, 3, 4, 5);

4. Environment and Society

a. G-1D-H1: Describing and evaluating the ways in which technology has expanded the human capability to modify the physical environment (1, 2, 3, 4, 5);

b. G-1D-H2: Examining the challenges placed on human systems by the physical environment and formulating strategies to deal with these challenges (1, 2, 3, 4, 5);

c. G-1D-H3: Analyzing the relationship between natural resources and the exploration, colonization, settlement, and uses of land in different regions of the world (1, 2, 3, 4, 5);

d. G-1D-H4: Evaluating policies and programs related to the use of natural resources (1, 2, 3, 4, 5);

e. G-1D-H5: Developing plans to solve local and regional geographic problems related to contemporary issues (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2805 (November 2005).

Chapter 5. Civics: Strand Two

§501. Citizenship and Government

A. Focus. In order for citizens to exercise their rights and fulfill their responsibilities as members of a self-governing society, they must acquire the knowledge and skills necessary for informed, responsible participation in political life. A commitment to the fundamental principles of American constitutional democracy is essential to its preservation and progression. Because a democratic society must rely on the knowledge, skills, and virtues of its citizens, the study of civics is central to the purpose of American education. The standards and benchmarks contained in this strand should be applied throughout the social studies curriculum.

B. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world, while learning about the rights and responsibilities of citizenship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2805 (November 2005).

§503. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. Structure and Purposes of Government

a. C-1A-E1: Describing government in terms of the people and groups who make, apply, and enforce rules and laws in the home, school, community, and nation (1, 3, 4, 5);

b. C-1A-E2: Explaining the necessity and basic purposes of government (1, 5);

c. C-1A-E3: Comparing limited governments to unlimited governments (1, 3);

d. C-1A-E4: Identifying and describing some of the major responsibilities of local, state, and national governments (1, 3, 5);

e. C-1A-E5: Identifying key members of government at the local, state, and national levels and describing their powers and the limits on their powers (1, 3, 5);

f. C-1A-E6: Explaining how officials in government acquire the authority to exercise political power (1, 5);

g. C-1A-E7: Explaining the purposes and importance of rules and laws (1, 2, 3, 5);

2. Foundations of the American Political System

a. C-1B-E1: Identifying basic principles of American constitutional democracy and explaining how the constitutions of the United States and Louisiana reflect these principles (1, 3, 4, 5);

b. C-1B-E2: Discussing the importance of citizens' sharing and supporting the principles of American constitutional democracy (1, 3, 4, 5);

3. International Relationships

a. C-1C-E1: Explaining that the world is divided into different nations and describing the major ways that these nations interact (1, 3, 4, 5);

4. Roles of the Citizen

a. C-1D-E1: Explaining the meaning of citizenship and the means by which individuals become citizens of the United States (1, 3, 5);

b. C-1D-E2: Describing the rights and responsibilities of citizenship in a democratic society (1, 5);

c. C-1D-E3: Identifying and discussing civic traits that are important to the preservation and improvement of American constitutional democracy (1, 4, 5);

d. C-1D-E4: Describing the many ways that citizens can participate in and contribute to their communities and to American society (1, 2, 4, 5);

e. C-1D-E5: Discussing issues related to citizenship and public service (1, 3, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2805 (November 2005).

§505. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. Structure and Purposes of Government

a. C-1A-M1: Explaining major ideas about why governments are necessary and evaluating competing positions on the purposes government should serve (1, 2, 4, 5);

b. C-1A-M2: Describing the essential characteristics of various systems of government (1, 3, 4, 5);

c. C-1A-M3: Explaining how the powers of the government are distributed, shared, and limited by the United States and Louisiana constitutions (1, 3, 5);

d. C-1A-M4: Explaining the purposes of state constitutions and describing the relationship of state constitutions to the federal constitution (1, 3, 5);

e. C-1A-M5: Describing the organization and major responsibilities of local, state, and national governments (1, 3, 5);

f. C-1A-M6: Identifying government leaders and representatives at the local, state, and national levels and explaining their powers and the limits on their powers (1, 3, 5);

g. C-1A-M7: Explaining the importance of law in the American constitutional system and applying criteria to evaluate rules and laws (, 2, 3, 4, 5);

h. C-1A-M8: Explaining how public policy is formed, debated, and carried out at local, state, and national levels (1, 3, 4, 5);

i. C-1A-M9: Explaining the necessity of taxes and describing the purposes for which tax revenues are used (1, 3, 4, 5);

j. C-1A-M10: Identifying and evaluating different types of taxes;

2. Foundations of the American Political System

a. C-1B-M1: Explaining the essential ideas and historical origins of American constitutional government (1, 4, 5);

b. C-1B-M2: Identifying and describing the historical experiences and the geographic, social, and economic factors that have helped to shape American political culture (1, 3, 4, 5);

c. C-1B-M3: Explaining the meaning and importance of basic principles of American constitutional democracy as reflected in core documents (1, 3, 4, 5);

d. C-1B-M4: Analyzing the ways in which political and social conflict can be peacefully resolved (1, 2, 4, 5);

e. C-1B-M5: Analyzing democratic processes used to institute change (1, 2, 5);

f. C-1B-M6: Analyzing the importance of political parties, campaigns, and elections in the American political system (1, 2, 3, 4, 5);

3. International Relationships

a. C-1C-M1: Describing how the world is organized politically and explaining the means by which nation-states interact (1, 3, 4);

b. C-1C-M2: Explaining the formation, implementation, and impact of United States foreign policy (1, 3, 5);

c. C-1C-M3: Identifying types of foreign policy issues, using current and historical examples (1, 2, 3, 4, 5);

4. Roles of the Citizen

a. C-1D-M1: Explaining the meaning of citizenship and the requirements for citizenship and naturalization in the United States (1, 5);

b. C-1D-M2: Identifying the rights and responsibilities of citizens and explaining their importance to the individual and to society (1, 4, 5);

c. C-1D-M3: Discussing issues involving the rights and responsibilities of individuals in American society (1, 2, 4, 5);

d. C-1D-M4: Describing the many ways by which citizens can organize, monitor, and help to shape politics and government at local, state, and national levels (1, 2, 3, 4, 5);

e. C-1D-M5: Communicating the importance of knowledge to competent and responsible political participation and leadership (1, 4, 5);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2806 (November 2005).

§507. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes:

1. Structure and Purposes of Government

a. C-1A-H1: Analyzing the necessity and purposes of politics and government and identifying examples of programs that fit within those purposes (1, 2, 4, 5);

b. C-1A-H2: Comparing and evaluating the essential characteristics of various systems of government and identifying historical and contemporary examples of each (1, 2, 3, 4, 5);

c. C-1A-H3: Explaining and evaluating issues related to the distribution of powers and responsibilities within the federal system (1, 2, 4, 5);

d. C-1A-H4: Explaining the organization and functions of local, state, and national governments and evaluating their relationships (1, 2, 3, 4, 5);

e. C-1A-H5: Evaluating the role and importance of law in the American political system and applying criteria to evaluate laws (1, 2, 3, 4, 5);

f. C-1A-H6: Examining the major responsibilities of the national government for domestic and foreign policy (1, 3, 4, 5);

g. C-1A-H7: Explaining how government is financed through taxation (1, 3, 4, 5);

2. Foundations of the American Political System

a. C-1B-H1: Analyzing the central ideas and historical origins of American constitutional government and evaluating how this form of government has helped to shaped American society (1, 2, 3, 4, 5);

b. C-1B-H2: Explaining basic democratic beliefs and principles of constitutional democracy in American society and applying them to the analysis of issues of conflicting beliefs and principles (1, 2, 3, 4, 5);

c. C-1B-H3: Analyzing the nature of American political and social conflict (1, 2, 3, 4, 5);

d. C-1B-H4: Evaluating issues related to the differences between American ideals and the realities of American social and political life (1, 2, 4, 5);

e. C-1B-H5: Evaluating the roles of political parties, campaigns, and elections in American politics (1, 2, 3, 4, 5);

f. C-1B-H6: Analyzing the historical and contemporary roles of associations and groups in local, state, and national politics (1, 2, 3, 4, 5);

3. International Relationships

a. C-1C-H1: Analyzing how the world is organized politically and evaluating how the interaction of political entities, such as nation-states and international organizations, affects the United States (1, 2, 3, 4, 5);

b. C-1C-H2: Analyzing the major foreign policy positions of the United States and evaluating their consequences (1, 2, 3, 4, 5);

c. C-1C-H3: Evaluating the impact of American ideas and actions on the world and analyzing the effects of significant international developments on the United States (1, 2, 3, 4, 5);

4. Roles of the Citizen

a. C-1D-H1: Evaluating and defending positions on issues regarding the personal, political, and economics rights of citizens (1, 2, 3, 4, 5);

b. C-1D-H2: Evaluating and defending positions regarding the personal and civic responsibilities and citizens in American constitutional democracy (1, 2, 3, 4, 5);

c. C-1D-H3: Explaining and evaluating the various forms of political participation that citizens can use to monitor and shape the formation and implementation of public policy (1, 2, 4, 5);

d. C-1D-H4: Analyzing and evaluating the importance of political leadership, public service, and a knowledgeable citizenry to American constitutional democracy (1, 2, 4, 5);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2806 (November 2005).

Chapter 7. Economics: Strand Three

§701. Interdependence and Decision Making

A. Focus. Effective economic education in our schools is the key to preparing young people for economic decisions in their personal lives and as citizens in a democratic society. An economically literate work force is critical to the well-being of our state and nation. Students need to understand and apply basic economic concepts in order to make reasoned judgments in a complex and changing world. With economic knowledge and decision-making skills, students will be ready to live and work productively in the 21st century. The standards and benchmarks contained in this strand should be applied throughout the social studies curriculum.

B. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2807 (November 2005).

§703. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. Fundamental Economic Concepts

a. E-1A-E1: Recognizing that limited resources require people to make decisions (1, 2, 4);

b. E-1A-E2: Identifying what is gained and lost when individuals or groups make decisions (1, 3, 4, 5);

c. E-1A-E3: Demonstrating how economic wants affect decisions about using goods and services (1, 2, 4);

d. E-1A-E4: Discussing and determining the process for making economic decisions (1, 2, 3, 4, 5);

e. E-1A-E5: Explaining the relationships among producers and consumers (1, 4);

f. E-1A-E6: Describing how natural resources, human resources, and capital (human-made) resources have been used and are combined in the production of goods and services (1, 3, 4);

g. E-1A-E7: Describing how specialization affects productivity and contributes to the need for interdependence among producers and consumers (1, 4);

h. E-1A-E8: Determining how the development of skills and knowledge relates to career opportunity and economic well-being (1, 4, 5);

i. E-1A-E9: Identifying different methods for the distribution of goods and services, including the concept of markets (1, 4, 5);

j. E-1A-E10: Identifying some of the economic institutions, such as households and banks, that make up the economy (1, 4);

k. E-1A-E11: Explaining and demonstrating why people participate in voluntary exchanges and how money helps in the process (1, 2, 4, 5);

2. Individuals, Households, Businesses, and Governments

a. E-1B-E1: Describing how prices are determined by the interactions of buyers and sellers (1, 3, 4);

b. E-1B-E2: Explaining how the changes in prices affect incentives to produce, consume, and save (1, 3, 4);

c. E-1B-E3: Identifying and explaining economic concepts, such as profit as an incentive for people to take economic risk (1, 2, 4);

d. E-1B-E4: Explaining why some goods and services are provided by the government through taxing, charging user fees, and borrowing (1, 3, 4, 5);

e. E-1B-E5: Identifying the major goods and services produces in the local community and state (1, 3, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2807 (November 2005).

§705. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. Fundamental Economic Concepts

a. E-1A-M1: Describing how the scarcity of resources necessitates decision making at both person and societal levels (1, 2, 4, 5);

b. E-1A-M2: Analyzing consequences of economic decisions in terms of additional benefits and additional costs (1, 2, 4);

c. E-1A-M3: Analyzing the consequences and opportunity cost of economic decisions (1, 2, 3, 4);

d. E-1A-M4: Analyzing the role of specialization in the economic process (1, 2, 4);

e. E-1A-M5: Giving examples of how skills and knowledge increase productivity and career opportunities (1, 3, 4, 5);

f. E-1A-M6: Describing the essential differences in the production and allocation of goods and services in traditional, command, and market systems;

g. E-1A-M7: Describing the various institutions, such as business firms and government agencies, that make up economic systems (1, 4);

h. E-1A-M8: Differentiating among various forms of exchange and money (1, 3, 4);

i. E-1A-M9: Using economic concepts to help explain historic and contemporary events and developments (1, 2, 3, 4);

2. Individuals, Households, Businesses, and Governments

a. E-1B-M1: Explaining the role of supply and demand in a competitive market system (1, 3, 4);

b. E-1B-M2: Explaining the factors that affect the production and distribution of goods and services (1, 4);

c. E-1B-M3: Explaining the difference between private and public goods and services (1, 4, 5);

d. E-1B-M4: Identifying the costs and benefits of government policies on competitive markets (1, 3, 4, 5);

e. E-1B-M5: Identifying different types of taxes and user fees and predicting their consequences (1, 3, 4, 5);

f. E-1B-M6: Determining the reasons for trade between nations, identifying costs and benefits, and recognizing the worldwide interdependence that results (1, 4);

g. E-1B-M7: Describing historical and economic factors that have contributed to the development and growth of the national, state, and local economies (1, 3, 4, 5);

3. The Economy as a Whole

a. E-1C-M1: Explaining the meaning of economic indicators that help to describe economies (1, 3);

b. E-1C-M2: Describing the influences of inflation, unemployment, and underemployment on different groups of people (1, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

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§707. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes:

1. Fundamental Economic Concepts

a. E-1A-H1: Analyzing the impact of the scarcity of productive resources and examining the choices and opportunity cost that result (1, 2, 3, 4, 5);

b. E-1A-H2: Analyzing the roles that production, distribution, and consumption play in economic decisions (1, 2, 3, 4);

c. E-1A-H3: Applying the skills and knowledge necessary in making decisions about career options (2, 3, 4, 5);

d. E-1A-H4: Comparing and evaluating economic systems (1, 2, 3, 4);

e. E-1A-H5: Explaining the basic features of market structures and exchanges (1, 3, 4);

f. E-1A-H6: Analyzing the roles of economic institutions, such as corporations and labor unions, that compose economic systems (1, 2, 4);

g. E-1A-H7: Analyzing the roles of money and banking in an economic system (1, 2, 3, 4);

h. E-1A-H8: Applying economic concepts to understand and evaluate historical and contemporary issues (1, 2, 3, 4);

2. Individuals, Households, Businesses, and Governments

a. E-1B-H1: Identifying factors that cause changes in supply and demand (1, 2, 3, 4);

b. E-1B-H2: Analyzing how changes in supply and demand, price, incentives, and profit influence production and distribution in a competitive market system (1, 2, 4);

c. E-1B-H3: Analyzing the impact of governmental taxation, spending, and regulation on different groups in a market economy (1, 2, 3, 4, 5);

d. E-1B-H4: Analyzing the causes and consequences of worldwide economic interdependence (1, 2, 3, 4);

e. E-1B-H5: Evaluating the effects of domestic policies on international trade (1, 2, 3, 4);

f. E-1B-H6: Analyzing Louisiana's role in the national and world economies (1, 2, 3, 4, 5);

3. The Economy as a Whole

a. E-1C-H1: Explaining the meanings of such economic indicators as GDP, per capita GDP, real GDP, CPI, and unemployment rate (1, 3, 4);

b. E-1C-H2: Explaining how interest rates, investments, and inflation/deflation impact the economy (1, 3, 4);

c. E-1C-H3: Analyzing the causes and consequences of unemployment, underemployment, and income distribution in a market economy (1, 2, 3, 4);

d. E-1C-H4: Explaining the basic concepts of United States fiscal policy, monetary policy, and regulations and describing their effects on the economy (1, 3, 4);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

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Chapter 9. History: Strand Four

§901. Time, Continuity, and Change

A. Focus. History, the written record of the past, examines the forces of change and continuity that have influenced the human experience over time. In our participatory democracy, that knowledge must be shared by all. Americans need to understand the relationship between past and present, the major trends in the historic and contemporary worlds, and key historical turning points. The study of the great sweep of history explains the past so that citizens can understand the present and look toward the future. The standards and benchmarks contained in this strand should be applied throughout the social studies curriculum.

B. Standard. Students develop a sense of historical perspective as they study the history of their community, state, nation, and world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154..

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§903. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes:

1. Historical Thinking Skills

a. H-1A-E1: Demonstrating an understanding of the concepts of time and chronology (1, 3, 4);

b. H-1A-E2: Recognizing that people in different times and places view the world differently (1, 3, 4);

c. H-1A-E3: Identifying and using primary and secondary historical sources to learn about the past (1, 3, 4);

2. Families and Communities

a. H-1B-E1: Describing and comparing family life in the present and the past (1, 2, 3, 4);

b. H-1B-E2: Relating the history of the local community and comparing it to other communities of long ago (1, 2, 3, 4);

3. Louisiana and United States History

a. H-1C-E1: Describing the people, events, and ideas that were significant to the growth and development of our state and nation (1, 3, 4);

b. H-1C-E2: Identifying the development of democratic principles and discussing how these principles have been exemplified by historic figures, events, and symbols (1, 3, 4, 5);

c. H-1C-E3: Describing the causes and nature of various movements of large groups of people into and within Louisiana and the United States throughout history (1, 3, 4);

d. H-1C-E4: Recognizing how folklore and other cultural elements have contributed to our local, state, and national heritage (1, 3, 4);

4. World History

a. H-1D-E1: Identifying the characteristics and historical development of selected societies throughout the world (1, 3, 4);

b. H-1D-E2: Describing the social and economic impact of major scientific and technological advancements (1, 3, 4);

c. H-1D-E3: Discussing the impact of significant contributions made by historic figures from different regions of the world (1, 3, 4);

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§905. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes:

1. Historical Thinking Skills

a. H-1A-M1: Describing chronological relationships and patterns (1, 3, 4);

b. H-1A-M2: Demonstrating historical perspective through the political, social and economic context in which an event or idea occurred (1, 2, 3, 4);

c. H-1A-M3: Analyzing the impact that specific individuals, ideas, events, and decisions had on the course of history (1, 2, 3, 4);

d. H-1A-M4: Analyzing historical data using primary and secondary sources (1, 2, 3, 4);

e. H-1A-M5: Identifying issues and problems from the past and evaluating alternative courses of action (1, 2, 3, 4);

f. H-1A-M6: Conducting research in efforts to answer historical questions (1, 2, 3, 4);

2. United States History

a. Era 1: Three Worlds Meet (Beginnings to 1620)

i. H-1B-M1: Identifying and describing characteristics of societies in the Americas, Western Europe, and Western Africa that increasingly interacted after 1450 (1, 3, 4);

ii. H-1B-M2: Explaining the cultural, ecological, and economic results of early European exploration and colonization (1, 3, 4);

b. Era 2: Colonization and Settlement (1565-1763)

i. H-1B-M3: Describing the interactions among Native Americans, early Europeans, and Africans in the Americas (1, 3, 4);

ii. H-1B-M4: Tracing the emergence of religious freedom and changing political institutions in the English colonies (1, 3, 4);

iii. H-1B-M5: Analyzing the impact of European cultural, political, and economic ideas and institutions on life in the Americas (1, 2, 3, 4);

c. Era 3: Revolution and the New Nation (1754-1820s)

i. H-1B-M6: Explaining the causes and course of the American Revolution and the reasons for the American victory (1, 3, 4);

ii. H-1B-M7: Explaining the impact of the American Revolution on the politics, society, and economy of the new nation (1, 3, 4);

iii. H-1B-M8: Relating the institutions and practices of government established during and after the American Revolution to the foundation of the American political system (1, 3, 4);

d. Era 4: Expansion and Reform (1801-1861)

i. H-1B-M9: Describing the territorial expansion of the United States and analyzing the effects on relations with Native Americans and external powers (1, 3, 4, 5);

ii. H-1B-M10: Analyzing the changes and regional tensions created by Jacksonian democracy, the industrial revolution, increasing immigration, the rapid expansion of slavery, and the westward movement (1, 2, 3, 4);

iii. H-1B-M11: Explaining and giving examples of the reform movements that occurred during the antebellum period and evaluating their impact on American society (1, 2, 3, 4, 5);

e. Era 5: Civil War and Reconstruction (1850-1877)

i. H-1B-M12: Describing the causes and course of the Civil War and examining the impact of the war on the American people (1, 3, 4);

ii. H-1B-M13: Comparing and evaluating various reconstruction plans of the post-Civil War era (1, 2, 3, 4);

f. Era 6: The Development of the Industrial United States (1870-1900)

i. H-1B-M14: Describing the impact of industrialization in the United States (1, 3, 4);

g. Era 7: The Emergence of Modern America (1890-1930)

i. H-1B-M15: Describing the significant economic, political, social, and cultural changes that have occurred in the United States during the 20th century (1, 3, 4);

ii. H-1B-M16: Identifying the causes and consequences of major world conflicts involving the United States (1, 3, 4);

h. Era 8: The Great Depression and World War II (1929-1945)

i. H-1B-M17: Describing the impact of the Great Depression and World War II on American society (1, 3, 4);

i. Era 9: Contemporary United States (1945 to the Present)

i. H-1B-M18: Discussing significant developments and issues in contemporary United States history (1, 2, 3, 4, 5);

3. World History

a. Era 1: The Beginnings of Society

i. H-1C-M1: Describing the earliest human communities (1, 3, 4);

ii. H-1C-M2: Explaining the emergence of agricultural societies around the world (1, 3, 4);

b. Era 2: The Rise of Early Civilization (4000-1000 B.C.)

i. H-1C-M3: Identifying the major characteristics of early civilizations in Mesopotamia, Egypt, and the Indus valley (1, 3, 4);

ii. H-1C-M4: Tracing the development and expansion of agricultural societies and the emergence of new states (1, 3, 4);

iii. H-1C-M5: Analyzing the political, social, and cultural consequences of population movements and militarization in Europe and Asia (1, 2, 3, 4);

c. Era 3: Classical Traditions, Major Religions, and Giant Empires (1000 B.C.-A.D. 300)

i. H-1C-M6: Discussing and giving examples of technological and cultural innovation and change (1, 3, 4);

ii. H-1C-M7: Describing the classical civilizations and examining their interactions and influences (1, 3, 4);

iii. H-1C-M8: Describing and comparing the emergence of major religions and large-scale empires in the Mediterranean basin, China, and India (1, 3, 4);

d. Era 4: Expanding Zones of Exchange and Encounter (A.D. 300-1000)

i. H-1C-M9: Tracing the expansion of major religions and cultural traditions and examining the impact on civilizations in Europe, Asia, and Africa (1, 3, 4);

ii. H-1C-M10: Analyzing the political, social, and cultural developments and changes that resulted from the rise and fall of empires and kingdoms in Europe, Asia, Africa, and the Americas (1, 2, 3, 4);

e. Era 5: Intensified Hemispheric Interactions (A.D. 1000-1500)

i. H-1C-M11: Analyzing the cultural and economic impact of the interregional system of communication and trade that developed among the peoples of Europe, Asia, and Africa (1, 2, 3, 4);

ii. H-1C-M12: Explaining the developments and events that led to the political, social, cultural, and economic transformation of Europe (1, 3, 4);

iii. H-1C-M13: Describing the development and expansion of complex societies and empires in the Americas (1, 3, 4);

f. Era 6: Emergence of the First Global Age (1450-1770)

i. H-1C-M14: Explaining the political, cultural, and economic developments and trends of major world regions that resulted in the transformation of societies in the 15th through the mid-18th centuries (1, 3, 4);

g. Era 7: An Age of Revolutions (1750-1914)

i. H-1C-M15: Determining and discussing the impact of the political, agricultural, and industrial revolutions on societies around the world (1, 3, 4);

ii. H-1C-M16: Describing the transformation of world societies that occurred during an era of global trade and Western domination (1, 3, 4);

h. Era 8: A Half-Century of Crisis and Achievement (1900-1945)

i. H-1C-M17: Identifying the causes and worldwide consequences of major 20th century conflicts (1, 3, 4);

i. Era 9: The 20th Century Since 1945 (1945 to the Present)

i. H-1C-M18: Identifying and discussing significant political, economic, social, cultural, and technological trends that have had an impact on the modern world (1, 3, 4, 5);

4. Louisiana History

a. H-1D-M1: Describing the contributions of people, events, movements, and ideas that have been significant in the history of Louisiana (1, 3, 4);

b. H-1D-M2: Tracing the development of the various governments that have been established in Louisiana throughout its history (1, 3, 4, 5);

c. H-1D-M3: Identifying and discussing the major conflicts in Louisiana's past (1, 2, 3, 4);

d. H-1D-M4: Locating and describing Louisiana's geographic features and examining their impact on people past and present (1, 3, 4);

e. H-1D-M5: Tracing the development and growth of Louisiana's economy throughout history (1, 3, 4);

f. H-1D-M6: Examining folklore and describing how cultural elements have shaped our state and local heritage (1, 3, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

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§907. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes:

1. Historical Thinking Skills

a. H-1A-H1: Applying key concepts, such as chronology and conflict, to explain and analyze patterns of historical change and continuity (1, 2, 3, 4);

b. H-1A-H2: Explaining and analyzing events, ideas, and issues within a historical context (1, 2, 3, 4);

c. H-1A-H3: Interpreting and evaluating the historical evidence presented in primary and secondary sources (1, 2, 3, 4);

d. H-1A-H4: Utilizing knowledge of facts and concepts drawn from history and methods of historical inquiry to analyze historical and contemporary issues (1, 2, 3, 4, 5);

e. H-1A-H5: Conducting research in efforts to analyze historical questions and issues (1, 2, 3, 4);

f. H-1A-H6: Analyzing cause-effect relationships (1, 2, 3, 4);

2. United States History

a. Era 1: Three Worlds Meet (Beginnings to 1620)

i. H-1B-H1: Analyzing the significant changes that resulted from interactions among the peoples of Europe, Africa, and the Americas (1, 2, 3, 4);

b. Era 2: Colonization and Settlement (1565-1763)

i. H-1B-H2: Summarizing the process by which the United States was colonized and later became an independent nation (1, 4);

c. Era 3: Revolution and the New Nation (1754-1820s)

i. H-1B-H3: Analyzing the development of the American constitutional system (1, 2, 3, 4);

d. Era 4: Expansion and Reform (1801-1861)

i. H-1B-H4: Tracing territorial expansion and reform movements in the United States (1, 3, 4);

e. Era 5: Civil War and Reconstruction (1850-1877)

i. H-1B-H5: Analyzing the origins, major events, and effects of the Civil War and Reconstruction (1, 2, 3, 4);

f. Era 6: The Development of the Industrial United States (1870-1900)

i. H-1B-H6: Analyzing the development of industrialization and examining its impact on American society (1, 2, 3, 4);

ii. H-1B-H7: Describing the immigration and internal migration patterns that have occurred in the history of the United States and examining the cultural and social changes that have resulted (1, 2, 3, 4);

g. Era 7: The Emergence of Modern America (1890-1930)

i. H-1B-H8: Evaluating the significance of the Progressive Movement (1, 2, 3, 4);

ii. H-1B-H9: Analyzing the rise of the labor and agrarian movements (1, 2, 3, 4);

iii. H-1B-H10: Explaining the changing role of the United States in world affairs through World War I (1, 3, 4);

iv. H-1B-H11: Analyzing the significant changes that evolved in the United States between World War I and the Great Depression (1, 2, 3, 4);

h. Era 8: The Great Depression and World War II (1929-1945)

i. H-1B-H12: Analyzing the causes, developments, and effects of the Great Depression and the New Deal (1, 2, 3, 4);

ii. H-1B-H13: Analyzing the origins, course, and results of World War II (1, 2, 3, 4);

i. Era 9: Contemporary United States (1945 to the Present)

i. H-1B-H14: Examining and summarizing key developments and issues in foreign and domestic policies during the Cold War era (1, 2, 3, 4);

ii. H-1B-H15: Analyzing the economic, political, social, and cultural transformation of the United States since World War II (1, 2, 3, 4, 5);

iii. H-1B-H16: Explaining the major changes that have resulted as the United States has moved from an industrial to an information society (1, 3, 4);

iv. H-1B-H17: Analyzing developments and issues in contemporary American society (1, 2, 3, 4, 5);

v. H-1B-H18: Discussing and demonstrating an understanding of recent developments in foreign and domestic policies (1, 2, 3, 4, 5);

3. World History

a. Era 1: The Beginnings of Society

i. H-1C-H1: Analyzing the development of early human communities and civilizations (1, 2, 3, 4);

b. Era 2: The Rise of Early Civilizations (4000-1000 B.C.)

i. H-1C-H2: Making generalizations about the cultural legacies of both the ancient river and the classical civilizations (1, 3, 4);

c. Era 3: Classical Traditions, Major Religions, and Giant Empire (1000 B.C.-A.D. 300)

i. H-1C-H3: Analyzing the origins, central ideas, and worldwide impact of major religious and philosophical traditions (1, 2, 3, 4);

d. Era 4: Expanding Zones of Exchange and Encounter (A.D. 300-1000)

i. H-1C-H4: Summarizing the developments and contributions of civilizations that flourished in Europe, Asia, Africa, and the Americas (1, 3, 4);

e. Era 5: Intensified Hemispheric Interactions (A.D. 1000-1500)

i. H-1C-H5: Analyzing the consequences of the economic and cultural interchange that increasingly developed among the peoples of Europe, Asia, and Africa (1, 2, 3, 4);

f. Era 6: Emergence of the First Global Age (1450-1770)

i. H-1C-H6: Analyzing the impact of transoceanic linking of all major regions of the world (1, 2, 3, 4);

ii. H-1C-H7: Analyzing the political, cultural, and economic developments and trends that resulted in the transformation of major world regions (1, 2, 3, 4);

iii. H-1C-H8: Explaining how the emergence of territorial empires in Europe, Asia, and Africa unified large areas politically, economically, and culturally (1, 3, 4);

iv. H-1C-H9: Tracing the expansion of European power and economic influence in the world and examining the impact of this expansion on societies in Asia and the Americas (1, 3, 4);

g. Era 7: An Age of Revolutions (1750-1914)

i. H-1C-H10: Analyzing the impact that political revolutions and new ideologies had on societies around the world (1, 2, 3, 4);

ii. H-1C-H11: Evaluating the economic, political, and social consequences of the agricultural and industrial revolutions on world societies (1, 2, 3, 4);

iii. H-1C-H12: Analyzing the patterns of worldwide change that emerged during the era of Western military and economic domination (1, 2, 3, 4);

h. Era 8: A Half-Century of Crisis and Achievement (1900-1945)

i. H-1C-H13: Analyzing the causes and international consequences of World War I, the rise and actions of totalitarian systems, World War II, and other early 20th century conflicts (1, 2, 3, 4);

i. Era 9: The 20th Century since 1945 (1945 to the Present)

i. H-1C-H14: Analyzing the international power shifts and the breakup of colonial empires that occurred in the years following World War II (1, 2, 3, 4);

ii. H-1C-H15: Explaining the worldwide significance of major political, economic, social, cultural, and technological developments and trends (1, 2, 3, 4, 5);

B. Notes about the History Benchmarks for Grades 5-12

1. The history benchmarks for Grades 5-12 are arranged chronologically in historical eras for clarity.

2. If a benchmark covers content in more than one historical era, the benchmark will be listed only in the earliest of the chronological eras being covered.

3. Benchmarks for Grades 5-8 detail United States history to 1877 and world history to 1450. Benchmarks for Grades 9-12 provide detailed emphasis on United States history from 1877 and world history from 1450 to the present.

4. The intent is to allow for mastery of needed content without detailed repetition and major omissions. Students should master the benchmarks through emphasis at the indicated levels, with introduction and review of the entire historical survey included.

5. Whenever appropriate, the content of the benchmarks should be made relevant by relating them to state and local history and current events.

6. The traditional terms, B.C. and A.D., are used to help clarify the historical eras in the world history benchmarks. If preferred, the terms BCE (Before the Common Era) and CE (in the Common Era) may be substituted.

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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Chapter 11. Grade Level Expectations

§1101. Prekindergarten

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Identify representations of roads, bodies of water, and buildings in play activities (PK-CSS-G1) (G-1A-E1);

b. GLE 2: Demonstrate an awareness of the world around them (e.g., provide simple information about a trip the student has taken or where the student lives) (PK-CSS-G3) (G-1A-E2).

B. Civics: Strand Two

1. Roles of the Citizen

a. GLE 3: Identify community workers and their jobs (PK-CSS-C1) (C-1D-E3) (C-1D-E4);

b. GLE 4: Discuss ways people can help each other (e.g., sharing, paying attention, and taking turns) (PK-SE-C1) (C-1D-E4);

c. GLE 5: Participate in patriotic activities (PK-CSS-C2) (C-1D-E4).

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 6: Demonstrate an awareness of the uses of money in play activities (PK-CSS-E1) (E-1A-E3).

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 7: Demonstrate an awareness of time by using and responding to such words as *yesterday, today*, and *tomorrow* (PK-CSS-H1) (H-1A-E1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1103. Kindergarten

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Identify a map and a globe as a representation of Earth (G-1A-E1);

b. GLE 2: Recognize the shape of Louisiana and the United States on maps and globes (G-1A-E2);

c. GLE 3: Demonstrate an understanding of directionality, position, and size by correctly using and responding to words such as *left, right, first, last, big, little* (G-1A-E2);

d. GLE 4: Create simple maps to identify the location of places in the home or classroom (G-1A-E3);

2. Places and Regions

a. GLE 5: Identify the difference between land and water and locate both on a map or globe (G-1B-E1);

b. GLE 6: Describe people and places in the school and community (G-1B-E3);

3. Physical and Human Systems

a. GLE 7: Describe the daily weather (e.g., rainy, cold) (G-1C-E1);

4. Environment and Society

a. GLE 8: Describe how seasonal changes affect people (e.g., in different seasons, people wear different kinds of clothing) (G-1D-E2);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 9: Identify home and class rules, and the persons responsible for enforcement (C-1A-E1);

b. GLE 10: Identify governmental employees and their roles (e.g., postal workers, police) (C-1A-E2);

c. GLE 11: Identify reasons for home and classroom rules (C-1A-E7);

2. Foundations of the American Political System

a. GLE 12: Identify responsibilities the student has at home and at school (C-1B-E2);

3. Roles of the Citizen

a. GLE 13: Describe the student's role as a member of the family, class, and school (C-1D-E4);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 14: Identify ways people use money to purchase goods (E-1A-E3);

b. GLE 15: Identify work people do and the name of related jobs at home and school (E-1A-E7);

c. GLE 16: Describe a situation illustrating a voluntary exchange (e.g., trading seats, exchanging books) (E-1A-E11);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 17: Use words to describe the chronology of the school day (e.g., first, next, last) (H-1A-E1);

b. GLE 18: Identify ways in which people are alike and different (H-1A-E2);

c. GLE 19: Describe personal likes and dislikes (e.g., picture journals) (H-1A-E3);

2. Louisiana and United States History

a. GLE 20: Identify customs associated with national holidays (H-1C-E1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2813 (November 2005).

§1105. First Grade

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Identify and use simple map symbols and key/legend (G-1A-E1);

b. GLE 2: Interpret a simple chart (G-1A-E1);

c. GLE 3: Describe a map as a representation of a place (G-1A-E1);

d. GLE 4: Locate places on the school campus and describe their relative location (G-1A-E2);

e. GLE 5: Create simple maps to identify the relative location of places in the school and community (G-1A-E3);

2. Places and Regions

a. GLE 6: Identify Earth's various physical features (e.g., oceans, islands, mountains, rivers) (G-1B-E1);

b. GLE 7: Identify human features in the local region such as farms, cities, buildings, and roads (G-1B-E3);

c. GLE 8: Identify English as the major language of the United States and recognize that there are secondary languages in some areas of the country (G-1B-E4);

3. Physical and Human Systems

a. GLE 9: Describe how seasons affect the local community (G-1C-E1);

b. GLE 10: Identify and compare differences in land use (e.g., rural and city settlements) (G-1C-E2);

c. GLE 11: Identify and compare basic elements of culture (e.g., food, music, celebrations) (G-1C-E4);

d. GLE 12: Identify the types of economic activities in which family members participate (G-1C-E5);

e. GLE 13: Identify by name the town, parish, state, and country in which the student lives (G-1C-E6);

4. Environment and Society

a. GLE 14: Identify the basic human needs of food, clothing, and shelter (G-1D-E1);

b. GLE 15: Identify various types of human shelters and describe building materials used for construction (G-1D-E2);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 16: Identify school rules and the persons responsible for making and enforcing them (C-1A-E1);

b. GLE 17: Explain the necessity of establishing leadership and order at school (C-1A-E2);

c. GLE 18: Identify and recognize the current president of the United States (C-1A-E5);

d. GLE 19: Explain the process of voting using classroom issues (C-1A-E6);

e. GLE 20: Propose rules and consequences for a given situation and explain why the rules would be important (C-1A-E7);

2. Foundations of the American Political System

a. GLE 21: Discuss the importance of sharing responsibilities at home, class, and school (C-1B-E2);

3. Roles of the Citizen

a. GLE 22: Define the meaning of the term *classroom citizen* (C-1D-E1);

b. GLE 23: Identify patriotic songs and American symbols (C-1D-E4);

c. GLE 24: Identify ways to participate in public service within school or community (e.g., volunteer, donations, parent organizations) (C-1D-E5);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 25: Identify the difference between basic human needs and wants (E-1A-E3);

b. GLE 26: Identify a personal example of how the cost of an item affects whether or not it can be purchased (E-1A-E4);

c. GLE 27: Describe how the individual is a consumer (E-1A-E5);

d. GLE 28: Identify simple descriptions of the work people do and the names of related jobs in the community (E-1A-E7);

e. GLE 29: Explain why people in a school and community have different jobs (E-1A-E7);

f. GLE 30: Describe skills the student can do well (e.g., personal, physical, academic) (E-1A-E8);

g. GLE 31: Describe the benefits of a voluntary exchange (E-1A-E11);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 32: Use words to describe time (past, present, future) (H-1A-E1);

b. GLE 33: Identify similarities and differences in families over time (e.g., structure, roles of women, men, and children) (H-1A-E2);

c. GLE 34: Create a primary source of personal information (e.g., autobiography, journal/diary) (H-1A-E3);

2. Families and Communities

a. GLE 35: Identify transportation methods of the local community in the past (H-1B-E2).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2813 (November 2005).

§1107. Second Grade

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Interpret a diagram (G-1A-E1);

b. GLE 2: Describe basic characteristics of maps and globes (G-1A-E1);

c. GLE 3: Use cardinal directions to locate places on maps and places in the classroom, school, and community (G-1A-E2);

d. GLE 4: Identify geographical features in the local region (G-1A-E2);

e. GLE 5: Construct a bar graph to represent given geographical information (G-1A-E3);

f. GLE 6: Sketch a simple map related to the classroom, school, or community (mental map) (G-1A-E3);

2. Places and Regions

a. GLE 7: Describe how location, weather, and physical environment affect where and how people live (G-1B-E1);

b. GLE 8: Identify examples of various landforms (e.g., continents, islands) (G-1B-E1);

c. GLE 9: Identify the human characteristics of the local community (G-1B-E2);

d. GLE 10: Describe changes in the physical and human characteristics in the local community and why people modify the physical environment over time (G-1B-E3);

3. Physical and Human Systems

a. GLE 11: Describe how climate affects the vegetation in the community (G-1C-E1);

b. GLE 12: Identify the types of settlement and patterns of land use in the local community (G-1C-E2);

c. GLE 13: Identify simple demographics of a local region (e.g., mostly factory workers) (G-1C-E3);

d. GLE 14: Identify ways of making a living within the community (G-1C-E5);

4. Environment and Society

a. GLE 15: Explain ways in which people in the local community depend on the physical environment to satisfy basic needs (G-1D-E1);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 16: Identify local community and parish laws, and the persons responsible for making and enforcing them (C-1A-E1);

b. GLE 17: Identify the necessity of local government and how it helps meet the basic needs of society (C-1A-E2);

c. GLE 18: Describe major responsibilities of local government (C-1A-E4);

d. GLE 19: Identify key government positions at the local level, their powers, and limits on their powers (C-1A-E5);

e. GLE 20: Explain how government officials at the local level are elected (C-1A-E6);

f. GLE 21: Explain the need/purpose/importance of having rules in the school, community, and society (C-1A-E7);

2. Foundations of the American Political System

a. GLE 22: Explain how citizens help leaders in a community solve problems (C-1B-E2);

3. Roles of the Citizen

a. GLE 23: Define the meaning of the term *community citizen* (C-1D-E1);

b. GLE 24: Identify examples of responsible citizenship in the school and community settings (C-1D-E2);

c. GLE 25: Discuss the elements of fair play and good sportsmanship, respect for the rights and opinions of others, and respect for rules (C-1D-E3);

d. GLE 26: Describe actions individuals or groups may take to improve their community (C-1D-E4);

e. GLE 27: Explain the significance of national holidays and the achievements of the people associated with them (C-1D-E4);

f. GLE 28: Identify a community issue and describe how good citizenship can help solve the problem (C-1D-E5);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 29: Explain how basic human needs of food, clothing, and shelter can be met (E-1A-E1);

b. GLE 30: Identify examples of scarcity in the local community (E-1A-E1);

c. GLE 31: Identify what is gained and what is lost (given up) in choosing one of several alternatives (e.g., skating with friends versus bowling with parents) (E-1A-E2);

d. GLE 32: Identify examples of choices families make when buying goods and services (E-1A-E4);

e. GLE 33: Identify a consumer and a producer and their roles in the economy (E-1A-E5);

f. GLE 34: Explain how people in the local community depend on each other for goods and services (E-1A-E5);

g. GLE 35: Identify various ways in which resources are used (e.g., use of trees to produce wood for building, wood products, heat) (E-1A-E6);

h. GLE 36: Describe the roles of farmers, processors, and distributors in food production and consumption (E-1A-E6);

i. GLE 37: Describe the role of weather, land, and water resources in food production over time (E-1A-E6);

j. GLE 38: Identify the specialized work that people do to manufacture, transport, and market goods and services (E-1A-E7);

k. GLE 39: Describe the importance of skills and education in choosing a career (E-1A-E8);

l. GLE 40: Identify a local economic institution (e.g., bank) (E-1A-E10);

m. GLE 41: Explain why people exchange goods and services (E-1A-E11);

2. Individuals, Households, Businesses, and Governments

a. GLE 42: Identify individuals or groups in the community who have started new businesses (E-1B-E3);

b. GLE 43: Identify goods and services provided by the local government (E-1B-E4);

c. GLE 44: Explain the difference between goods and services and give examples of each within the local community (E-1B-E5);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 45: Develop a personal timeline (H-1A-E1);

b. GLE 46: Identify similarities and differences in communities over time (H-1A-E2);

c. GLE 47: Identify sources where historical information can be found and how that information can be used (H-1A-E3);

d. GLE 48: Locate general areas on maps and globes referenced in historical stories and legends (H-1A-E3);

2. Families and Communities

a. GLE 49: Compare and contrast the student's daily life to that of parents, grandparents, and/or guardians (H-1B-E1);

3. Louisiana and United States History

a. GLE 50: Identify and describe the significance of various community landmarks and symbols (H-1C-E2);

b. GLE 51: Identify cultural elements (e.g., crafts, customs, music, folklore) of the local community (H-1C-E4);

4. World History

a. GLE 52: Explain the customs related to important holidays and ceremonies in various countries around the world in the past (H-1D-E1).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1109. Third Grade

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Describe characteristics and uses of various maps (e.g., physical, political, topographical, population) (G-1A-E1);

b. GLE 2: Differentiate between a bar, pictograph, and circle graph (G-1A-E1);

c. GLE 3: Interpret a graph, chart, and diagram (G-1A-E2);

d. GLE 4: Use a compass rose and cardinal directions to locate and interpret a map of the community and Louisiana (G-1A-E2);

e. GLE 5: Locate major geographic features of Louisiana on a map (G-1A-E2);

f. GLE 6: Construct a chart, line graph, or diagram to display geographical information (G-1A-E3);

g. GLE 7: Sketch a simple map of Louisiana from memory (mental map) (G-1A-E3);

h. GLE 8: Show the location of a specified place by entering it on a labeled grid (e.g., the library is located at [grid point] E-3) (G-1A-E3);

2. Places and Regions

a. GLE 9: Describe and compare the physical characteristics of various regions of Louisiana (G-1B-E1);

b. GLE 10: Identify and describe the human characteristics of places in Louisiana (G-1B-E2);

c. GLE 11: Describe how people and the physical environment have changed over time in Louisiana based on given information (G-1B-E3);

d. GLE 12: Use maps, charts, and pictures to describe how places in Louisiana are different (e.g., land use, vegetation, architecture) (G-1B-E4);

3. Physical and Human Systems

a. GLE 13: Identify examples of physical processes affecting Louisiana (e.g., coastal erosion, river changes) (G-1C-E1);

b. GLE 14: Locate, describe, and compare urban, suburban, and rural communities in Louisiana (G-1C-E2);

c. GLE 15: Identify and explain patterns of settlement in different time periods in Louisiana (G-1C-E3);

d. GLE 16: Identify and compare customs, celebrations, and traditions of various cultural groups in Louisiana (G-1C-E4);

e. GLE 17: Identify the relationship between geography and economic activities in Louisiana (G-1C-E5);

f. GLE 18: Locate the town, parish, state, and country in which the student lives on a political map (G-1C-E6);

4. Environment and Society

a. GLE 19: Identify and explain ways in which people in Louisiana modify the physical environment to

meet basic needs and achieve certain purposes (e.g., clearing land for urban development) (G-1D-E1);

b. GLE 20: Explain how humans have adapted to the physical environment in Louisiana (G-1D-E2);

c. GLE 21: Identify natural resources in Louisiana and describe their uses and importance (G-1D-E4);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 22: Identify state laws, and the persons responsible for making and enforcing them (C-1A-E1);

b. GLE 23: Identify the necessity of state government and how it helps meet the basic needs of society (C-1A-E2);

c. GLE 24: Describe major responsibilities of state government (C-1A-E4);

d. GLE 25: Identify key government positions at the state level, their powers, and limits on their powers (C-1A-E5);

e. GLE 26: Explain how government officials at the state and national levels are elected (C-1A-E6);

f. GLE 27: Define *laws* and explain the difference between *laws* and *rules* (C-1A-E7);

2. Foundations of the American Political Systems

a. GLE 28: Explain the responsibilities of individuals in making a community and state a better place to live (C-1B-E2);

3. Roles of the Citizens

a. GLE 29: Identify the qualities of people who were leaders and *good citizens* as shown by their honesty, courage, trustworthiness, and patriotism (C-1D-E3);

b. GLE 30: Identify a state issue and describe how good citizenship can help solve the problem (e.g., participation in an anti-litter campaign) (C-1D-E5);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 31: Define scarcity and abundance and give examples of both for individuals and society (E-1A-E1);

b. GLE 32: Compare benefits and costs when making choices (e.g., comparative shopping) (E-1A-E2);

c. GLE 33: Explain reasons why people save money (E-1A-E3);

d. GLE 34: Identify examples of making an economic choice and explain the idea of opportunity cost (i.e., what is given up when making a choice) (E-1A-E4);

e. GLE 35: Describe ways in which people are producers and consumers and why they depend on one another (e.g., in the school and/or in the community) (E-1A-E5);

f. GLE 36: Identify examples of natural, human, and capital resources used to produce goods and services (E-1A-E6);

g. GLE 37: Identify the concepts of specialization (i.e., being an expert in one job, product, or service) and interdependence (i.e., depending on others) in the production of goods and services (E-1A-E7);

h. GLE 38: Describe the requirements of various jobs and the characteristics of a job well-performed (E-1A-E8);

i. GLE 39: Identify goods that are produced within the local community and Louisiana and describe how they are shipped elsewhere for sale (E-1A-E9);

j. GLE 40: Identify various types of economic institutions that make up the economy (e.g., households, businesses, banks, government) (E-1A-E10);

k. GLE 41: Discuss trade in the local community and explain how trade benefits both parties (E-1A-E11);

2. Individuals, Households, Businesses, and Governments

a. GLE 42: Describe the basic principles of supply and demand and how competition can affect prices of goods (E-1B-E1);

b. GLE 43: Explain the effect of increase/decrease in price upon the consumer and producer (E-1B-E2);

c. GLE 44: Identify services provided by the state government (E-1B-E4);

d. GLE 45: Identify major goods and services produced in Louisiana (E-1B-E5);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 46: Complete a timeline based on given information (H-1A-E1);

b. GLE 47: Use information in a map, table, or graph to describe the past (H-1A-E3);

c. GLE 48: Identify primary and secondary sources (H-1A-E3);

d. GLE 49: Identify ways different cultures record their histories (e.g., oral, visual, written) (H-1A-E3);

2. Families and Communities

a. GLE 50: Describe family life at a given time in history and compare it with present-day family life (H-1B-E1);

b. GLE 51: Describe changes in community life, comparing a given time in history to the present (H-1B-E2);

3. Louisiana and United States History

a. GLE 52: Identify and describe early settlers in Louisiana (H-1C-E1);

b. GLE 53: Identify people and their influence in the early development of Louisiana (H-1C-E1);

c. GLE 54: Describe the importance of events and ideas significant to Louisiana's development (H-1C-E1);

d. GLE 55: Identify and describe the significance of various state and national landmarks and symbols (H-1C-E2);

e. GLE 56: Identify the causes and effects of the major historical migrations to Louisiana (H-1C-E3);

f. GLE 57: Identify cultural elements that have contributed to our state heritage (e.g., Mardi Gras, Cajun/Creole cooking) (H-1C-E4);

4. World History

a. GLE 58: Describe aspects of family life, structures, and roles in cultures other than the United States (H-1D-E1);

b. GLE 59: Explain how technology has changed present-day family and community life in Louisiana (H-1D-E2).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1111. Fourth Grade

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Interpret different kinds of maps using a map key/legend, compass rose, cardinal and intermediate directions, and distance scale (G-1A-E1);

b. GLE 2: Use a variety of images or other spatial graphics (e.g., aerial photographs, satellite images) to locate major physical and human characteristics (G-1A-E1);

c. GLE 3: Locate and label places on a map or globe: the seven continents, the United States and its major land forms, major bodies of water and waterways, referring to the poles, the equator, latitude, longitude and meridians (G-1A-E2);

d. GLE 4: Identify all U.S. states by shapes and position on map (G-1A-E2);

e. GLE 5: Draw, complete, and add features to a map (including such map elements as a title, compass rose, legend, and scale), based on given information (G-1A-E3);

2. Places and Regions

a. GLE 6: Describe and compare the distinguishing characteristics of various land forms, bodies of water, climates, and forms of vegetation in the United States (G-1B-E1);

b. GLE 7: Identify the best place for human settlement based on a map showing physical characteristics of an area (G-1B-E1);

c. GLE 8: Explain physical and human developments in a region of the United States since it was first settled based on given information (G-1B-E3);

d. GLE 9: Identify, define, and compare regions of the United States using physical and human characteristics (e.g., land forms and use, cultural diversity) (G-1B-E4);

3. Physical and Human Systems

a. GLE 10: Identify physical processes that change Earth's surface and create physical features suddenly or over time (e.g., what physical processes created the Grand Canyon, the Great Lakes, the Hawaiian Islands) (G-1C-E1);

b. GLE 11: Identify geographical/physical reasons for regional variations that influence patterns of settlement and land use in the United States and the world, past and present (G-1C-E2);

c. GLE 12: Describe characteristics of the human population in a given area (e.g., cultural diversity, population size or growth) (G-1C-E3);

d. GLE 13: Explain and compare the cultural identities of various U.S. regions and how a region is influenced by past events and the heritage of its people (G-1C-E4);

e. GLE 14: Locate economic activities that use natural resources in the local region, state, and nation and describe the importance of the activities to these areas (G-1C-E5);

f. GLE 15: Differentiate between countries, states, parishes, and cities (G-1C-E6);

4. Environment and Society

a. GLE 16: Identify ways in which people in the United States depend upon and modify the physical environment (G-1D-E1);

b. GLE 17: Identify natural disasters, their causes, areas prone to them, and how those disasters affect people and the environment (G-1D-E3);

c. GLE 18: Describe the importance of specific natural resources to human survival and human endeavors (G-1D-E4);

d. GLE 19: Describe the use, distribution, and importance of natural resources in different regions of the United States using geographic tools such as maps (G-1D-E4);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 20: Identify the necessity or basic purposes of government in such terms as establishing order, providing security, managing conflict, and providing services (C-1A-E2);

b. GLE 21: Distinguish between *limited government* and *unlimited government* (C-1A-E3);

c. GLE 22: Explain the role of government and the rights of citizens (C-1A-E3);

d. GLE 23: Identify the three branches of the federal government and describe their major responsibilities (C-1A-E4);

e. GLE 24: Identify key government positions at the national level, their respective powers, and limits on their powers (C-1A-E5);

f. GLE 25: Distinguish between elected and appointed officials and give examples of each at the local, state, and national levels (C-1A-E6);

g. GLE 26: Identify the purpose and importance of a rule or a law (C-1A-E7);

2. Foundations of the American Political System

a. GLE 27: Describe the significance of the Declaration of Independence, the U.S. Constitution and its principles of democracy, and the Bill of Rights (e.g., basic freedoms) (C-1B-E1);

b. GLE 28: Explain the similarities between the Louisiana and U.S. Constitutions (C-1B-E1);

3. International Relationships

a. GLE 29: Explain the concept of *nation* with reference to countries, governments, and peoples (C-1C-E1);

b. GLE 30: Identify ways nations interact and why interactions are important (e.g., treaties, diplomacy) (C-1C-E1);

c. GLE 31: Identify the United Nations and its role in international peace keeping (C-1C-E1);

4. Roles of the Citizen

a. GLE 32: Identify the means by which individuals become U.S. citizens (C-1D-E1);

b. GLE 33: Identify the rights and responsibilities of citizenship in making the nation a better place to live (C-1D-E2);

c. GLE 34: Discuss civic traits of *good citizenship* that are important to the preservation and improvement of American constitutional democracy, using an excerpt from a speech, address, or essay which illustrates those traits (C-1D-E3) (C-1D-E4);

d. GLE 35: Identify a national issue and describe how good citizenship can help solve the problem (C-1D-E5);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 36: Demonstrate that limited resources necessitate choices and decisions (E-1A-E1);

b. GLE 37: Explain the factors, including trade-offs, involved in a choice or decision (e.g., discuss the choices

and decisions involved in developing a personal budget) (E-1A-E4);

c. GLE 38: Identify the four basic questions all producers must answer (i.e., What will be produced? How will it be produced? For whom will it be produced? How much will be produced?) (E-1A-E5);

d. GLE 39: Describe the combination of natural, human, and capital resources needed to produce a given good (e.g., a candy bar) or given service (e.g., recycling paper) (E-1A-E6);

e. GLE 40: Define some effects of division of labor and specialization in a given context, such as a simple assembly line (e.g., greater labor productivity/output per hour) (E-1A-E7);

f. GLE 41: Describe the benefits of increasing one's skill/knowledge and various ways to do so (E-1A-E8);

g. GLE 42: Describe the basic concept of a *market* (e.g., exchange of goods/services between buyers and sellers) and identify ways of transporting goods (E-1A-E9);

h. GLE 43: Identify the roles of banks, governments, businesses, and households in the economy (E-1A-E10);

i. GLE 44: Identify the relationship between money, writing checks, and credit cards (E-1A-E11);

j. GLE 45: Explain why people engage in voluntary exchange/barter/direct trading (E-1A-E11);

2. Individuals, Households, Businesses, and Governments

a. GLE 46: Describe how supply and demand affect the price of a good or service in a given situation (E-1B-E1);

b. GLE 47: Explain how a rise or fall in prices affects personal, family, and government budgets (E-1B-E2);

c. GLE 48: Identify the terms *profit* and *risk* and give examples of risk that businesses take to make a profit (E-1B-E3);

d. GLE 49: Define *tax* and explain how government pays for goods and services through taxes and fees (E-1B-E4);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 50: Interpret data presented in a timeline or construct a historical timeline (e.g., events in history, historical figure's life and accomplishments) (H-1A-E1);

b. GLE 51: Compare how a person today might view an issue or event differently from a person living in an earlier time (H-1A-E2);

c. GLE 52: Describe the point of view of an historical figure or group, drawing on given stimulus material (e.g., views expressed in the "I Have a Dream" speech) (H-1A-E2);

d. GLE 53: Interpret historical information in a map, table, or graph (H-1A-E3);

e. GLE 54: Compare and contrast primary and secondary sources (H-1A-E3);

2. Families and Communities

a. GLE 55: Describe beliefs, customs, and traditions of family life in the past and present (H-1B-E1);

3. Louisiana and United States History

a. GLE 56: Identify and describe major early explorers and explorations in North America (H-1C-E1);

b. GLE 57: Identify leaders and their influence in the early development of America (H-1C-E1);

c. GLE 58: Describe the importance of events and ideas significant to our nation's development (H-1C-E1);

d. GLE 59: Identify a document/speech/address significant to the development of the nation from an excerpt (e.g., Preamble to the U.S. Constitution), and identify the author/speaker of a particular document/speech/address (H-1C-E1);

e. GLE 60: Describe American democratic principles as exemplified by major historic events, groups of people, and leaders (e.g., American Revolution, Civil War, Civil Rights Movement) (H-1C-E2);

f. GLE 61: Identify the causes and effects of the major historical (voluntary and involuntary) migrations to and within America (H-1C-E3) (G-1C-E3);

g. GLE 62: Identify and explain cultural elements that have contributed to our national heritage (H-1C-E4);

4. World History

a. GLE 63: Identify how dance, music, and arts of various cultures around the world reflect the history, daily life, and beliefs of the people (H-1D-E1);

b. GLE 64: Identify significant historical achievements of various cultures of the world (e.g., building of the pyramids, founding of the Olympics) (H-1D-E1);

c. GLE 65: Identify and describe inventions that have affected people's lives or altered their view of the world (H-1D-E2);

d. GLE 66: Identify the chronological order of major scientific or technological advancements (H-1D-E2);

e. GLE 67: Identify important historic figures from around the world and explain the impact of their contributions (e.g., Galileo, Madame Curie, Guttenberg) (H-1D-E3).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2817 (November 2005).

§1113. Fifth Grade

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Describe the characteristics, functions, and applications of various types of maps (G-1A-M1);

b. GLE 2: Compare the uses of different types of maps, including two different types of maps of the same area (G-1A-M1);

c. GLE 3: Interpret a map, using a map key/legend and symbols, distance scale, compass rose, cardinal or intermediate directions, and latitude and longitude (G-1A-M2);

d. GLE 4: Locate major landforms and geographic features, places, and bodies of water/waterways on a map of the United States (G-1A-M2);

e. GLE 5: Translate a mental map into sketch form to illustrate relative location, size, and distances between places (G-1A-M3);

2. Places and Regions

a. GLE 6: Describe types of settlements and patterns of land use in Colonial America and suggest reasons for locations of cities and settlements (G-1B-M1);

b. GLE 7: Identify ways in which location and physical features influence the development or life in a region of the United States (e.g., effects of natural barriers) (G-1B-M2);

c. GLE 8: Identify physical or other criteria used to define regions and apply criteria to distinguish one region from another in the United States (G-1B-M3);

d. GLE 9: Explain ways in which goals, cultures, interests, inventions, and technological advances affected perceptions and uses of places or regions in Colonial America (G-1B-M4);

3. Physical and Human Systems

a. GLE 10: Describe the influence of location and physical setting on the founding of the original thirteen colonies (G-1C-M3);

b. GLE 11: Explain the reasons why Europeans chose to explore and colonize the world (G-1C-M4);

c. GLE 12: Describe the economic interdependence among the thirteen American colonies (G-1C-M6);

d. GLE 13: Explain how geographic differences and similarities among the thirteen American colonies contributed to political cooperation and conflict (G-1C-M7);

4. Environment and Society

a. GLE 14: Describe the impact of human action on the physical environment of early America (G-1D-M1);

b. GLE 15: Explain and give examples of how Native Americans and Europeans adapted to living in a particular North American physical environment (G-1D-M2);

c. GLE 16: Identify the natural resources used by people in the United States (G-1D-M3);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 17: Compare aspects of American colonial government (e.g., local, colonial governors, role of the British parliament and Crown) to present-day U.S. local, state, and national government (C-1A-M5);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 18: Describe economic activities within and among American Indian cultures prior to contact with Europeans (E-1A-M9);

b. GLE 19: Use economic concepts (e.g., supply and demand, scarcity, interdependence) to identify the economic motivations for European exploration and settlement in the Americas (E-1A-M9);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 20: Construct a timeline of key events in American history (beginnings to 1763) (H-1A-M1);

b. GLE 21: Demonstrate an understanding of relative and absolute chronology by interpreting data presented in a timeline (H-1A-M1);

c. GLE 22: Identify different points of view about key events in early American history (H-1A-M2);

d. GLE 23: Identify the causes, effects, or impact of a given event in early American history (H-1A-M3);

e. GLE 24: Use both a primary and secondary source to describe key events or issues in early American history (H-1A-M4);

f. GLE 25: Identify historical issues or problems in early America and explain how they were addressed (H-1A-M5);

g. GLE 26: Conduct historical research using a variety of resources to answer historical questions related to early American history (H-1A-M6);

2. United States History

a. GLE 27: Identify and describe indigenous cultures and groups that existed in the Americas at the beginning of European exploration (H-1B-M1);

b. GLE 28: Describe the trade that connected the Americas, Western Europe, and Western Africa prior to 1620, including the origins of the West Africa-European trade connection (H-1B-M1);

c. GLE 29: Compare and contrast Africans, Europeans, and Native Americans converging in the Western Hemisphere after 1492 (H-1B-M1);

d. GLE 30: Explain that cultures change through cultural diffusion, invention, and innovation (H-1B-M2);

e. GLE 31: Describe major early explorations and explorers and their reasons for exploration (H-1B-M2);

f. GLE 32: Describe the Spanish conquests in the Americas including the impact on the Aztecs, Incas, and other indigenous peoples (H-1B-M2);

g. GLE 33: Explain the course and consequences of the Columbian Exchange, including its cultural, ecological, and economic impact on Europe, the Americas, and West Africa (H-1B-M2);

h. GLE 34: Describe the arrival of Africans in the European colonies in the seventeenth century and the increase in the importation of slaves in the eighteenth century (H-1B-M3);

i. GLE 35: Explain the societal impact of the immersion of Africans in the Americas (H-1B-M3);

j. GLE 36: Identify instances of both cooperation and conflict between Indians and European settlers (H-1B-M3);

k. GLE 37: Describe and compare the various religious groups in colonial America and the role of religion in colonial communities (H-1B-M4);

l. GLE 38: Describe the political, social, and economic organization and structure of the thirteen British colonies that became the United States (H-1B-M5);

m. GLE 39: Describe reflections of European culture, politics, and institutions in American life (H-1B-M5);

n. GLE 40: Explain why some colonists felt loyal to England due to their cultural, political, and economic ties to their homeland (H-1B-M5);

3. World History

a. GLE 41: Describe the origins, characteristics, and expansion of ancient American empires (e.g., Inca, Maya) and complex societies in the Americas (e.g., Aztec) (H-1C-M13).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2818 (November 2005).

§1115. Sixth Grade

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Use latitude and longitude to determine direction or locate or compare points on a map or representation of a globe (G-1A-M2);

2. Places and Regions

a. GLE 2: Identify land and climatic conditions conducive to human settlement in regions of the world and describe the role of these conditions (G-1B-M1);

b. GLE 3: Identify physical features that influenced world historical events and describe their influence (e.g., the Nile and Tigris-Euphrates as "cradles of civilization") (G-1B-M2);

c. GLE 4: Explain ways in which goals, cultures, interests, inventions, and technological advances have affected people's perceptions and uses of places or regions in world history (G-1B-M4);

3. Physical and Human Systems

a. GLE 5: Explain reasons for different patterns of migration among early peoples (G-1C-M4);

b. GLE 6: Explain factors or events that have facilitated cultural diffusion (e.g., the Silk Road, Crusades) (G-1C-M5);

c. GLE 7: Describe the economic interdependence among various ancient civilizations (G-1C-M6);

d. GLE 8: Explain how ancient civilizations established and maintained political boundaries (G-1C-M7);

4. Environment and Society

a. GLE 9: Explain how different physical environments affected human activity in ancient civilizations (G-1D-M2);

b. GLE 10: Analyze world or regional distribution of natural resources in terms of the need to import or the capacity to export (G-1D-M3);

B. Civics: Strand Two

1. Foundations of the American Political System

a. GLE 11: Identify the essential elements of Greek and Roman government that would later influence the U.S. government (C-1B-M1);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 12: Explain the role of expanding specialization in the development of world civilizations (E-1A-M4);

b. GLE 13: Identify the functions and characteristics of money (e.g., money as a store of value) and compare barter exchange to money exchange (E-1A-M8);

c. GLE 14: Use economic concepts (e.g., supply and demand, interdependence) to describe the economic motivations for expanding trade and territorial domination in world history (E-1A-M9);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 15: Construct a timeline of key developments in world history (political, social, technological, religious/cultural) (H-1A-M1);

b. GLE 16: Interpret data presented in a timeline to identify change and continuity in world civilizations (H-1A-M1);

c. GLE 17: Describe the defining characteristics of major world civilizations from political, social, and economic perspectives (H-1A-M2);

d. GLE 18: Describe the causes, effects, or impact of a given historical development or event in world civilizations (H-1A-M3);\

e. GLE 19: Use multiple primary and secondary sources to describe world civilizations (H-1A-M4);

f. GLE 20: Identify historical issues or problems in world civilizations and discuss how they were addressed (H-1A-M5);

g. GLE 21: Conduct historical research using a variety of resources to answer historical questions related to world civilizations (H-1A-M6);

2. World History

a. GLE 22: Describe features of the earliest communities (e.g., shelter, food, clothing) (H-1C-M1);

b. GLE 23: Describe hunter-gatherer societies, including the development of tools and the use of fire (H-1C-M1);

c. GLE 24: Explain how geographical features influenced development of early civilizations (e.g., domestication, cultivation, specialization) (H-1C-M2);

d. GLE 25: Explain why agricultural societies developed from hunters and gatherers (H-1C-M2);

e. GLE 26: Discuss the climatic changes and human modifications of the physical environment that gave rise to the domestication of plants and animals and new sources of clothing (H-1C-M2);

f. GLE 27: Locate and describe the major river systems and discuss the physical settings that supported permanent settlement and early civilizations in Mesopotamia, Egypt, China, and the Indus valley (H-1C-M3);

g. GLE 28: Describe the major characteristics of early river valley civilizations (H-1C-M3);

h. GLE 29: Describe how early river civilizations influenced the development of other cultures through trade and cultural diffusion (H-1C-M4);

i. GLE 30: Describe the development of agricultural societies and individual communities in Southwest Asia, the Mediterranean basin, and temperate Europe, including the role of plow technology (H-1C-M4);

j. GLE 31: Identify the effects of migration and militarization on the politics and social fabric of Europe and Asia (H-1C-M5);

k. GLE 32: Analyze the origins and influence of the Hittite, Minoan, and Mycenaean civilizations (H-1C-M5);

l. GLE 33: Explain the significance of the introduction of iron tools and weapons in Southwest Asia and the Mediterranean region (H-1C-M6);

m. GLE 34: Explain the significance of Phoenician trade in the Mediterranean basin (H-1C-M6);

n. GLE 35: Identify forms of writing developed in early civilizations and discuss how written records changed political, legal, religious, and cultural life (H-1C-M6);

o. GLE 36: Describe the development of the Greek city-states, the cultural achievements of Athens, and the impact of Alexander the Great's conquests (H-1C-M7);

p. GLE 37: Explain the sharing of ideas, goods, and services through trade between the Greek and Roman

civilizations, and the influence of those civilizations on other cultures (H-1C-M7);

q. GLE 38: Describe and compare/contrast the key characteristics of classical civilizations (e.g., Greek, Roman, Persian, Chinese) (H-1C-M7);

r. GLE 39: Identify the major new religions and relate them to the empires that emerged in the Mediterranean Basin, China, and India (i.e., Christianity, Hinduism, Buddhism, Islam) (H-1C-M8);

s. GLE 40: Compare and contrast the major religions in terms of leaders, key beliefs, and location (H-1C-M8);

t. GLE 41: Trace the spread of major religions and cultural traditions (e.g., the migration of Jews, spread of Christianity, expansion of Islamic rule) (H-1C-M9);

u. GLE 42: Identify the effect that the major religions have had on European, Asian, and African civilizations (H-1C-M9);

v. GLE 43: Describe the changes and developments brought about by the emergence and collapse of major empires/kingdoms in Europe, Asia, Africa, and the Americas prior to A.D. 1000 (H-1C-M10);

w. GLE 44: Describe major events, key figures, and social structure of the Early Middle Ages (e.g., the fall of Rome, Charlemagne, feudalism) (H-1C-M10);

x. GLE 45: Identify effects of exploration and trade on the economic and cultural development of Europe, Africa, and Asia prior to 1500 (H-1C-M11);

y. GLE 46: Explain how communication among regions was accomplished between AD 1000 to 1500 (H-1C-M11);

z. GLE 47: Explain how and why Europe changed politically, socially, culturally, or economically during the period of intensified hemispheric interactions (H-1C-M12);

aa. GLE 48: Describe the major contributing factors that led to the Renaissance (H-1C-M12);

bb. GLE 49: Describe the major contributing factors that would lead to the Reformation (H-1C-M12);

cc. GLE 50: Explain the major social, economic, political, and cultural features of European, African, and Asian societies that stimulated exploration and colonization (H-1C-M14);

dd. GLE 51: Identify major technological developments in shipbuilding, navigation, and naval warfare, and trace the cultural origins of various innovations (H-1C-M14);

ee. GLE 52: Describe the major achievements of the early Renaissance in Europe, including the impact of innovations in printing (H-1C-M14).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2820 (November 2005).

§1117. Seventh Grade

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Analyze various types of maps, charts, graphs, and diagrams related to U.S. history (G-1A-M2);

2. Places and Regions

a. GLE 2: Explain how physical features and climate affected migration, settlement patterns, and land use in the United States through 1877 (G-1B-M1);

b. GLE 3: Identify and describe significant physical features that have influenced U.S. historical events (e.g., Ohio River Valley in the American Revolution) (G-1B-M2);

c. GLE 4: Explain ways in which goals, cultures, interests, inventions, and technological advances have affected perceptions and uses of places or regions in the United States (G-1B-M4);

3. Physical and Human Systems

a. GLE 5: Explain patterns of rural/urban migration and the positive and negative consequences of urban development in the United States (G-1C-M3);

b. GLE 6: Identify selected racial, ethnic, and religious groups that settled in the United States and explain the political, cultural, and economic reasons for immigration (G-1C-M4);

c. GLE 7: Compare the interdependence of Great Britain and the American colonies to the global economy today (G-1C-M6);

d. GLE 8: Explain how cooperation and conflict affected the changing political boundaries of the United States to 1877 (e.g., Missouri Compromise) (G-1C-M7);

4. Environment and Society

a. GLE 9: Explain how the different physical environments in the American North and South led to different economic activities (G-1D-M2);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 10: Explain and evaluate the major purposes of government (C-1A-M1);

b. GLE 11: Explain the meaning of the term *federalism* (C-1A-M2);

c. GLE 12: Distinguish between various forms of government (e.g., monarchy, totalitarian) and describe their characteristics and organization (C-1A-M2);

d. GLE 13: Explain how separation of powers limits government and describe the U.S. government system of checks and balances (C-1A-M3);

e. GLE 14: Identify the powers of the U.S. federal government and the powers it shares with state governments according to the U.S. Constitution (C-1A-M3);

f. GLE 15: Identify the structure and powers of the three branches of the federal government, the limits of those powers, and key positions within each branch (C-1A-M5);

g. GLE 16: Identify qualifications and terms of office for elected officials at the national level (C-1A-M6);

h. GLE 17: Identify current government leaders at the national level (C-1A-M6);

i. GLE 18: Describe the powers/responsibilities and limits of power for government officials at the national level (C-1A-M6);

j. GLE 19: Explain how a bill becomes law at the federal level (C-1A-M7);

k. GLE 20: Examine a given law or court ruling and evaluate it based on given criteria (e.g., Dred Scott decision) (C-1A-M7);

l. GLE 21: Evaluate a type of tax in an historical context (e.g., Stamp Act, Tea Tax) (C-1A-M10);

2. Foundations of the American Political System

a. GLE 22: Identify problems the United States faced after the American Revolution that led to the writing of the U.S. Constitution (C-1B-M1);

b. GLE 23: Compare and contrast the Articles of Confederation with the U.S. Constitution (C-1B-M1);

c. GLE 24: Identify the roles of the Continental Congress and the Great Compromise in forming the American constitutional government and the federal union (C-1B-M1);

d. GLE 25: Identify the arguments of the Federalists and Anti-Federalists (C-1B-M1);

e. GLE 26: Explain how historical English documents, such as the Magna Carta and the English Bill of Rights, influenced American democracy (C-1B-M1);

f. GLE 27: Explain how ancient governments influenced American democracy and culture (C-1B-M1);

g. GLE 28: Describe historical experiences and factors that defined, influenced, and helped shape American political culture (C-1B-M2);

h. GLE 29: Define and explain the ideas expressed in the Mayflower Compact and the Declaration of Independence (C-1B-M3);

i. GLE 30: Explain the principles of government embodied in the U.S. Constitution (C-1B-M3);

j. GLE 31: Analyze methods used to institute change or resolve social conflict in U.S. history (e.g., War of 1812, states' rights theory) (C-1B-M4);

k. GLE 32: Explain how changes are made in a democratic society (C-1B-M5);

l. GLE 33: Describe the role of political parties in the American political system (C-1B-M6);

3. International Relationships

a. GLE 34: Describe political divisions of the world (nation-states) (C-1C-M1);

b. GLE 35: Explain various processes/strategies nations use to interact (C-1C-M1);

c. GLE 36: Explain how U.S. foreign policy is formed and carried out (C-1C-M2);

d. GLE 37: Identify types of foreign policy issues with reference to current and historical examples (e.g., Middle East conflicts) (C-1C-M3);

4. Roles of the Citizen

a. GLE 38: Identify the qualifications or requirements for U.S. citizenship, including naturalization (C-1D-M1);

b. GLE 39: Explain the importance of various rights and responsibilities of citizenship to the individual or to society at large (e.g., Bill of Rights) (C-1D-M2);

c. GLE 40: Explain issues involving rights and responsibilities of individuals in American society (e.g., rights of individuals with disabilities, responsibility to pay taxes) (C-1D-M3);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 41: Use economic concepts (e.g., supply and demand, interdependence) to explain Mercantilism and describe its role in British colonization and the conflict between the thirteen American colonies and Great Britain (E-1A-M9);

2. Individuals, Households, Businesses, and Governments

a. GLE 42: Identify U.S. exports and imports that contributed to the U.S economic interdependence with Europe and other parts of the world during the eighteenth and nineteenth centuries (E-1B-M6);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 43: Construct a timeline of key events and key figures in U.S. history from 1763 to 1877 (H-1A-M1);

b. GLE 44: Interpret a timeline to identify cause-and-effect relationships among events in U.S. history (H-1A-M1);

c. GLE 45: Explain the point of view of key historical figures and groups in U.S. history (H-1A-M2);

d. GLE 46: Explain the causes, effects, or impact of a given historical event in U.S. history (H-1A-M3);

e. GLE 47: Explain how a given historical figure influenced or changed the course of U.S. history (H-1A-M3);

f. GLE 48: Compare and contrast two primary sources related to the same event in U.S. history (H-1A-M4);

g. GLE 49: Propose and defend an alternative course of action to a given issue or problem in U.S. history (H-1A-M5);

h. GLE 50: Conduct historical research using a variety of resources, and evaluate those resources for reliability and bias, to answer historical questions related to U.S. history (H-1A-M6);

2. United States History

a. GLE 51: Explain the causes, course, and consequences of the American Revolutionary War (H-1B-M6);

b. GLE 52: Compare and contrast the strategies and motivations of the Patriots, Loyalists, and British during the American Revolution (H-1B-M6);

c. GLE 53: Explain the role of key figures in the American Revolution (H-1B-M6);

d. GLE 54: Explain how the American Revolution affected the politics, society, and economy of the new nation (H-1B-M7);

e. GLE 55: Describe the issues involved in the creation and ratification of the U.S. Constitution (H-1B-M8);

f. GLE 56: Explain the significance of the Bill of Rights and its specific guarantees (H-1B-M8);

g. GLE 57: Describe major events and issues involving early presidencies (H-1B-M8);

h. GLE 58: Explain Napoleon's reasons for selling the Louisiana territory to the United States and the impact of that acquisition (H-1B-M9);

i. GLE 59: Explain President Madison's reason for declaring war in 1812, the sectional divisions over the war, and the consequences of the Native American alliance with the British (H-1B-M9);

j. GLE 60: Describe provisions of the Monroe Doctrine and its influence on U.S. foreign relations (H-1B-M9);

k. GLE 61: Explain westward movement of the United States, the changes it created, and its effects on relations with Native Americans (H-1B-M9);

l. GLE 62: Explain Manifest Destiny and its economic, political, social, and religious roots (H-1B-M9);

m. GLE 63: Describe diplomatic and political developments that led to the resolution of conflicts with Britain, Spain, and Russia from 1815 to 1850 (H-1B-M9);

n. GLE 64: Identify the causes, course, and consequences of the Texas War for Independence and the Mexican-American War (H-1B-M9);

o. GLE 65: Describe Jacksonian Democracy, the influence of Jackson on the U.S. political system, and Jackson's Indian Removal Policy (H-1B-M10);

p. GLE 66: Identify major technological developments related to land, water, and transportation and explain how they transformed the economy, created international markets, and affected the environment (H-1B-M10);

q. GLE 67: Analyze national policies on a protective tariff, a national bank, federally funded improvements (e.g., roads, canals, railroads), and educational and prison reforms (H-1B-M10);

r. GLE 68: Compare ways of life in northern and southern states and identify factors that caused rapid urbanization and the growth of slavery (H-1B-M10);

s. GLE 69: Identify the causes and explain the effects of new waves of immigration prior to the Civil War (H-1B-M10);

t. GLE 70: Explain the importance of the Second Great Awakening, the ideas of its principal leaders, and how it affected public education, temperance, women's suffrage, and abolition (H-1B-M11);

u. GLE 71: Describe fundamental beliefs of abolitionists and compare positions of those who favored gradual versus immediate emancipation (H-1B-M11);

v. GLE 72: Identify the major antebellum reform movements, their leaders, and the movements' effects on the United States (H-1B-M11);

w. GLE 73: Describe the economic, social, and cultural differences between the North and South, including the advantages and disadvantages each had at the outbreak of the Civil War (H-1B-M12);

x. GLE 74: Explain the impact of the compromises on the issue of slavery and the Dred Scott decision on increasing tensions between the North and South (H-1B-M12);

y. GLE 75: Explain the immediate and long-term causes of the secession of the Southern states and the outbreak of the Civil War (H-1B-M12);

z. GLE 76: Describe the course of the Civil War, including major turning points and the war's immediate and long-term impact on the North and the South (H-1B-M12);

aa. GLE 77: Explain the purpose, significance, and results of Lincoln's Emancipation Proclamation (H-1B-M12);

bb. GLE 78: Describe provisions of the Thirteenth Amendment and Lincoln's reasons for advancing it, as well as the purpose and significance of the Fourteenth and Fifteenth Amendments (H-1B-M12);

cc. GLE 79: Describe, compare, and evaluate various reconstruction plans of the post-Civil War South (H-1B-M13);

dd. GLE 80: Explain the growing conflict between Andrew Johnson and Congress, and the reasons for and consequences of his impeachment and trial (H-1B-M13);

ee. GLE 81: Describe the successes and failures of Reconstruction, as well as its impact on the South (H-1B-M13);

ff. GLE 82: Explain how the presidential election of 1876 led to the Compromise of 1877 and brought about an end to Reconstruction in the South (H-1B-M13).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§1119. Eighth Grade

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Use time zones in the United States or the International Date Line to interpret a map or representation of a globe and calculate current times in different places (G-1A-M2);

b. GLE 2: Locate major landforms and geographic features, places, and bodies of water/waterways on a map of Louisiana (G-1A-M2);

c. GLE 3: Construct a map based on given narrative information (G-1A-M2);

d. GLE 4: Construct a chart or diagram to display geographical information in an organized way (G-1A-M2);

2. Places and Regions

a. GLE 5: Describe and analyze the distinguishing physical and/or human characteristics of Louisiana regions (G-1B-M1);

b. GLE 6: Describe ways in which location and physical features have influenced historical events in Louisiana and the development of the state (e.g., Mississippi River/swamp in the Battle of New Orleans) (G-1B-M2);

c. GLE 7: Explain how or why specific regions are changing as a result of physical phenomena (e.g., changes in the coastal wetlands) (G-1B-M3);

d. GLE 8: Identify and describe factors that cause a Louisiana region to change (e.g., natural occurrences, disasters, migration) (G-1B-M3);

e. GLE 9: Explain ways in which goals, cultures, interests, inventions, and technological advances have affected perceptions and uses of places or regions in Louisiana (G-1B-M4);

3. Physical and Human Systems

a. GLE 10: Analyze the population characteristics and other demographic information about the United States and Louisiana, including rates of increase/decrease for demographic variables (G-1C-M2);

b. GLE 11: Explain why humans settled and formed societies in specific regions or why immigrant groups (e.g., Acadians) settled in specific areas of Louisiana (G-1C-M3);

c. GLE 12: Describe the causes and effects of cultural diffusion and the effects of cultural diversity in Louisiana (G-1C-M5);

d. GLE 13: Describe factors that contribute to economic interdependence at the local, national, and global level, as related to Louisiana's past and present (G-1C-M6);

4. Environment and Society

a. GLE 14: Analyze, evaluate, and predict consequences of environmental modifications on Louisiana

landforms, natural resources, and plant or animal life (G-1D-M1);

b. GLE 15: Analyze the benefits and challenges of the Louisiana physical environments on its inhabitants (e.g., flooding, soil, climate conducive to growing certain plants) (G-1D-M2);

c. GLE 16: Analyze the distribution and uses of Louisiana's natural resources (G-1D-M3);

d. GLE 17: Identify a contemporary Louisiana geographic issue, and research possible solutions (G-1D-M4);

B. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 18: Identify the powers of state government as defined in the Louisiana Constitution and compare/contrast those powers to the powers of the federal government (C-1A-M3);

b. GLE 19: Explain the purposes of state constitutions and describe the relationship of the Louisiana Constitution to the U.S. Constitution (C-1A-M4);

c. GLE 20: Identify the structure and powers of the three branches of the state government, the limits of those powers, and key positions within each branch (C-1A-M5);

d. GLE 21: Describe the various forms of local government in Louisiana (C-1A-M5);

e. GLE 22: Describe the powers/responsibilities and limits of power for government officials at the local and state levels in Louisiana (C-1A-M6);

f. GLE 23: Identify qualifications and terms of office for key leaders/representatives at the state and local levels (C-1A-M6);

g. GLE 24: Identify current government leaders at the state, local, and national levels in the United States (C-1A-M6);

h. GLE 25: Explain how a bill becomes law at the state level (C-1A-M7);

i. GLE 26: List and apply criteria for evaluating rules and laws (C-1A-M7);

j. GLE 27: Describe ways by which public policies are formed, including the role of lobbyists, special interest groups, and constituents (C-1A-M8);

k. GLE 28: Explain why taxes are needed and purposes for which tax monies/revenues are used (C-1A-M9);

l. GLE 29: Identify types of taxes collected by the local, state, and federal government (C-1A-M10);

m. GLE 30: Evaluate a type of tax in a historical context (e.g., severance tax) (C-1A-M10);

2. Foundations of the American Political System

a. GLE 31: Explain how the Louisiana Constitution reflects the principles of government set forth in the U.S. Constitution (e.g., checks and balance, separation of powers) (C-1B-M3);

b. GLE 32: Describe various peaceful ways of resolving political or social conflicts, including *majority vote* vs. *consensus* (C-1B-M4);

c. GLE 33: Analyze how the democratic process has been used to institute change in Louisiana (C-1B-M5);

d. GLE 34: Explain how the U.S. census is used in the political process and how it affects Louisiana representation in Congress (C-1B-M6);

e. GLE 35: Describe the role of the Electoral College and how Louisiana participates in that system (C-1B-M6);

f. GLE 36: Explain how political parties, campaigns, and elections provide opportunities for citizens to participate in government (C-1B-M6);

3. International Relationships

a. GLE 37: Explain the role of nation-states in various alliances and international organizations (e.g., NATO, the United Nations, OPEC) and identify effects of their decisions upon Louisiana (C-1C-M1);

b. GLE 38: Explain how U.S. foreign policy has affected Louisiana (e.g., tariffs, NAFTA) (C-1C-M2);

4. Roles of the Citizen

a. GLE 39: Identify individual rights guaranteed in the Louisiana Constitution (C-1D-M2);

b. GLE 40: Describe ways by which citizens can organize, monitor, or influence government and politics at the local, state, and national levels (C-1D-M4);

c. GLE 41: Explain the importance of being an informed citizen on public issues, recognizing propaganda, and knowing the voting issues (C-1D-M5);

C. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 42: Analyze situations involving scarcity (limited resources) at the individual, group, and societal levels to determine the need for choices or what is gained/lost by a decision (E-1A-M1);

b. GLE 43: Explain how effective economic decisions (e.g., determining the best level of consumption) require comparing the additional costs of alternatives with additional benefits (E-1A-M2);

c. GLE 44: Explain choice/trade-offs, cost/benefits, and opportunity costs related to making personal economic decisions (E-1A-M3);

d. GLE 45: Analyze the role of specialization in Louisiana's economy (E-1A-M4);

e. GLE 46: Use a variety of resources to research education and training for jobs and careers (E-1A-M5);

f. GLE 47: Cite examples of how skills/knowledge and technical training increase personal productivity and career opportunities, and which skills/knowledge would enhance particular career prospects (E-1A-M5);

g. GLE 48: Characterize and analyze the use of productive resources in an economic system (E-1A-M6);

h. GLE 49: Describe how the four basic economic questions are answered in *traditional* vs. *command* vs. *market* economies (E-1A-M6);

i. GLE 50: Describe institutions (e.g., banks, government agencies, large companies, small businesses) that make up economic systems (E-1A-M7);

j. GLE 51: Use economic concepts (e.g., scarcity, opportunity cost) to explain historic and contemporary events and developments in Louisiana (E-1A-M9);

2. Individuals, Households, Businesses, and Governments

a. GLE 52: Explain how supply and demand affect prices (E-1B-M1);

b. GLE 53: Explain and analyze factors affecting production and allocation of goods/services in Louisiana and the United States (E-1B-M2);

c. GLE 54: Explain the difference between private goods/services and public goods/services and give examples of each (E-1B-M3);

d. GLE 55: Identify the costs and benefits of a given government policy (e.g., trade agreements, minimum wage) on a competitive market (E-1B-M4);

e. GLE 56: Identify various types of taxes and user fees and predict their consequences (E-1B-M5);

f. GLE 57: Explain reasons for trade between nations and the impact of international trade (E-1B-M6);

g. GLE 58: Describe historical and economic factors influencing the economic growth, interdependence, and development of Louisiana and the nation (e.g., mass production, oil boom and decline) (E-1B-M7);

3. The Economy as a Whole

a. GLE 59: Explain the meaning of various economic indicators that help describe the state of an economy (e.g., GDP, CPI, stock market indices, rate of unemployment or inflation) (E-1C-M1);

b. GLE 60: Define *inflation* and *unemployment* in terms of an economic system as a whole (E-1C-M2);

c. GLE 61: Describe the influence/impact of inflation or unemployment on different groups of people (e.g., consumers, business owners) (E-1C-M2);

D. History: Strand Four

1. Historical Thinking Skills

a. GLE 62: Construct a timeline of key events in Louisiana history (H-1A-M1);

b. GLE 63: Interpret data presented in a timeline correlating Louisiana, U.S., and world history (H-1A-M1);

c. GLE 64: Compare and contrast events and ideas from Louisiana's past and present, explaining political, social, or economic contexts (H-1A-M2);

d. GLE 65: Analyze the causes, effects, or impact of a given historical event in Louisiana (H-1A-M3);

e. GLE 66: Analyze how a given historical figure influenced or changed the course of Louisiana's history (H-1A-M3);

f. GLE 67: Analyze given source material to identify opinion, propaganda, or bias (H-1A-M4);

g. GLE 68: Interpret a political cartoon (H-1A-M4);

h. GLE 69: Propose and defend potential solutions to past and current issues in Louisiana (H-1A-M5);

i. GLE 70: Conduct historical research using a variety of resources, and evaluate those resources, to answer historical questions related to Louisiana history (H-1A-M6);

2. Louisiana History

a. GLE 71: Describe major early explorers and explorations significant to Louisiana or early settlers in Louisiana (H-1D-M1);

b. GLE 72: Describe leaders who were influential in Louisiana's development (H-1D-M1);

c. GLE 73: Describe and explain the importance of major events and ideas in the development of Louisiana (H-1D-M1);

d. GLE 74: Describe the causes and effects of various migrations into Louisiana (H-1D-M1);

e. GLE 75: Describe the contributions of ethnic groups significant in Louisiana history (H-1D-M1);

f. GLE 76: Trace and describe various governments in Louisiana's history (H-1D-M2);

g. GLE 77: Describe major conflicts in context of Louisiana history (e.g., Rebellion of 1768, the French and Indian War) (H-1D-M3);

h. GLE 78: Describe and analyze the impact of Louisiana's geographic features on historic events, settlement patterns, economic development, etc (H-1D-M4);

i. GLE 79: Explain how Louisiana's natural resources have shaped its history (e.g., petroleum) (H-1D-M4);

j. GLE 80: Trace the state's economic development and growth toward economic diversity (e.g., fur trade, tourism, technology) (H-1D-M5);

k. GLE 81: Explain cultural elements that have shaped Louisiana's heritage (e.g., festivals, music, dance, food, languages) (H-1D-M6).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2823 (November 2005).

§1121. Geography (Core Course: World Geography)

A. Geography: Strand One

1. The World in Spatial Terms

a. GLE 1: Identify, explain, and apply the five themes of geography (G-1A-H1);

b. GLE 2: Compare and contrast various types of maps (G-1A-H1);

c. GLE 3: Analyze or interpret a map to locate geographic information, using a variety of map elements (e.g., compass rose, symbols, distance scales, time zones, latitude, longitude) (G-1A-H1);

d. GLE 4: Use a city or road map to plot a route from one place to another or to identify the shortest route (G-1A-H1);

e. GLE 5: Construct a map based on given narrative information (e.g., location of cities, bodies of water, places of historical significance) (G-1A-H1);

f. GLE 6: Construct a chart, diagram, graph, or graphic organizer to display geographic information (G-1A-H1);

g. GLE 7: Analyze, interpret, and use information in charts, diagrams, and graphs to explain geographic issues (G-1A-H1);

h. GLE 8: Use maps drawn from memory to answer geographic questions (G-1A-H2);

2. Places and Regions

a. GLE 9: Identify and analyze the distinguishing physical or human characteristics of a given place (e.g., landforms, precipitation, ecosystems, settlement patterns, economic activities) (G-1B-H1);

b. GLE 10: Evaluate how location, topography, climate, natural resources, and other physical characteristics affect human activities (e.g., cultural diversity, migration, physical features, historical events, plantation, subsistence farming) or the significance of a place (G-1B-H1);

c. GLE 11: Draw conclusions about a place or area from its geographic or physical features (G-1B-H1);

d. GLE 12: Explain how topography, climate, soil, vegetation, and natural resources shape the history of a region (G-1B-H2);

e. GLE 13: Explain how location, physical features, and human characteristics of places influenced historical events (e.g., World War II, Cuban Missile Crisis, Vietnam, Middle East conflicts) (G-1B-H2);

f. GLE 14: Explain ways in which regional systems are interconnected (e.g., interstate transportation and trade, interconnecting rivers and canals) (G-1B-H3);

g. GLE 15: Analyze world regions in terms of given characteristics (e.g., population density, natural resources, economic activities, demography) (G-1B-H3);

h. GLE 16: Explain how physical or geographical characteristics (e.g., mountain ranges, interconnecting waterways) facilitate or hinder regional interactions (G-1B-H3);

i. GLE 17: Explain how technological advances have led to increasing interaction between regions (e.g., use of satellites for monitoring and exploration) (G-1B-H3);

j. GLE 18: Analyze how human activities and physical characteristics of regions have led to regional labels (e.g., Dust Bowl, New South, Sunbelt) (G-1B-H4);

k. GLE 19: Describe how physical, historical, and cultural characteristics give definition to a place or region (e.g., New South, Jerusalem) (G-1B-H4);

3. Physical and Human Systems

a. GLE 20: Categorize elements of the natural environment as belonging to one of four components of Earth's physical systems: atmosphere, lithosphere, biosphere, or hydrosphere (G-1C-H1);

b. GLE 21: Characterize areas or regions in terms of the physical processes that affect them (e.g., Pacific Ocean "Rim of Fire," San Andreas fault) (G-1C-H1);

c. GLE 22: Examine the physical effects of Earth-Sun relationships (G-1C-H1);

d. GLE 23: Explain the movement of wind patterns across the earth, its relationship to ocean currents, and its climatic effects on various regions of the world (G-1C-H1);

e. GLE 24: Examine the effects of a physical process (e.g., erosion and depository processes, global warming, El Niño) on the natural environment and societies of an area and draw conclusions from that information (G-1C-H1);

f. GLE 25: Compare and contrast past and present trends in human migration (G-1C-H2);

g. GLE 26: Assess the role of environmental changes, economic scarcity, conflict, political developments, cultural factors, and prosperity in human migration (e.g., escape from persecution or famine, migration to the suburbs) (G-1C-H2);

h. GLE 27: Analyze patterns of urban development in an area or region (G-1C-H3);

i. GLE 28: Compare, contrast, and analyze the distribution, growth rates, and other demographic characteristics of human populations in various countries or regions (G-1C-H3);

j. GLE 29: Analyze the current and future impact of population growth on the world (e.g., natural resources, food supply, standard of living) (G-1C-H3);

k. GLE 30: Analyze population pyramids and use other data, graphics, and maps to describe population characteristics of different societies and to predict future growth (G-1C-H3);

l. GLE 31: Compare the role that culture plays in incidents of cooperation and conflict in the present-day world (G-1C-H4);

m. GLE 32: Analyze how certain cultural characteristics can link or divide regions (e.g., language, religion, demography) (G-1C-H4);

n. GLE 33: Identify the geographical distribution of the different economic systems (market, command, traditional, mixed) (G-1C-H5);

o. GLE 34: Distinguish between developed and developing countries, including the standard of living in these nations, GDP, and per capita income (G-1C-H5);

p. GLE 35: Analyze ways in which the distribution of economic systems relates to regional tensions or regional cooperation (e.g., North and South Korea) (G-1C-H6);

q. GLE 36: Analyze the role of differing points of view and national self-interest in disputes over territory and resources (e.g., oil, water, boundaries) (G-1C-H6);

r. GLE 37: Analyze regional issues and alliances in terms of common interests related to territory and resources (e.g., oil, water, boundaries) (G-1C-H6);

4. Environment and Society

a. GLE 38: Identify technological advances that expanded human capacity to modify the environment (e.g., steam, coal, electric, nuclear power, levees) (G-1D-H1);

b. GLE 39: Describe challenges to human systems and activities posed by the physical environment or the impact of natural processes and disasters on human systems (e.g., infrastructure) (G-1D-H2);

c. GLE 40: Analyze or evaluate strategies for dealing with environmental challenges (e.g., dams or dikes to control floods, fertilizer to improve crop production) (G-1D-H2);

d. GLE 41: Analyze the relationship between the development of natural resources in a region and human settlement patterns or regional variations in land use (G-1D-H3);

e. GLE 42: Assess the ways in which unequal distribution of natural resources has led to exploration, colonization, and conflict (G-1D-H3);

f. GLE 43: Analyze world or regional distribution of natural resources in terms of import need and export capacity (G-1D-H3);

g. GLE 44: Analyze the relationship between a country's standard of living and its locally accessible natural resources (e.g., the effects of oil or natural gas reserves in a region) (G-1D-H3);

h. GLE 45: Describe the impact of the scarcity of natural resources (e.g., water shortage) or pollution (e.g., air, water) (G-1D-H3);

i. GLE 46: Assess the role of government in preserving natural resources and protecting the physical environment (G-1D-H4);

j. GLE 47: Evaluate the effectiveness of policies and programs related to conservation and use of natural resources (G-1D-H4);

k. GLE 48: Evaluate import and export policies in regard to a country's needs for resources (G-1D-H4);

l. GLE 49: Debate a position on an environmental issue involving conservation or use of natural resources (e.g., private vs. public interest) (G-1D-H5);

m. GLE 50: Evaluate options for solving a local or regional problem involving physical processes or environmental challenges (e.g., government disaster aid, environmental clean-up cost responsibility) (G-1D-H5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2825 (November 2005).

§1123. Civics (Core Course: Civics)

A. Civics: Strand Two

1. Structure and Purposes of Government

a. GLE 1: Explain competing ideas about the purposes of politics and government and identify reasons why government is necessary (C-1A-H1);

b. GLE 2: Identify and describe services provided by government and assess their necessity and effectiveness (e.g., health care, education) (C-1A-H1);

c. GLE 3: Identify programs, institutions, and activities that fulfill a given governmental or political purpose (e.g., the court system, the military, revenue sharing, block grants) (C-1A-H1);

d. GLE 4: Analyze ways in which the purposes of the U.S. government, as defined in the U.S. Constitution, are achieved (e.g., protecting individual rights, providing for the general welfare) (C-1A-H1);

e. GLE 5: Compare and contrast various forms of government among nations that have been significant in U.S. history (e.g., absolute monarchy in England or France, Germany under Hitler, the Soviet Union under Stalin) (C-1A-H2);

f. GLE 6: Explain the distribution of powers, responsibilities, and the limits of the U.S. federal government (C-1A-H3);

g. GLE 7: Categorize governmental powers as delegated, reserved, concurrent, or implied (C-1A-H3);

h. GLE 8: Identify powers denied to federal or state governments by the U.S. Constitution (C-1A-H3);

i. GLE 9: Analyze or assess issues related to the distribution of powers at the federal level (e.g., tensions among the three branches of government, roles and responsibilities of the three branches) (C-1A-H3);

j. GLE 10: Explain the structure and functions of the three branches of the federal government, including regulatory and independent agencies and the court system (C-1A-H4);

k. GLE 11: Cite the roles, duties, qualifications, and terms of office for key elected and appointed officials (C-1A-H4);

l. GLE 12: Explain the structure and functions of state, parish, and local governments (C-1A-H4);

m. GLE 13: Discuss the advantages and disadvantages of various types of local government (C-1A-H4);

n. GLE 14: Examine constitutional provisions concerning the relationship between federal and state governments (C-1A-H4);

o. GLE 15: Explain the processes and strategies of how a bill becomes a law at the federal and state levels (C-1A-H5);

p. GLE 16: Evaluate a specific law or court ruling on given criteria (C-1A-H5);

r. GLE 17: Examine the meaning, implications, or applications of the U.S. Constitution (e.g., the Bill of Rights, Fourteenth Amendment) (C-1A-H5);

s. GLE 18: Define domestic and foreign policies (C-1A-H6);

t. GLE 19: Analyze responsibilities of the federal government for domestic and foreign policy (e.g. monetary policy, national defense) (C-1A-H6);

u. GLE 20: Analyze a past or present domestic or foreign policy issue from a news article or editorial (C-1A-H6);

v. GLE 21: Explain how government is financed (e.g., taxation, fines, user fees, borrowing) (C-1A-H7);

w. GLE 22: Identify the major sources of tax revenues at the federal, state, and local levels (C-1A-H7);

x. GLE 23: Analyze or evaluate various uses of tax dollars (e.g., the public's need for services versus the public's resistance to taxation) (C-1A-H7);

y. GLE 24: Use the rules of taxation (ability, equity, ease of payment, convenient times to pay) to analyze or evaluate a given tax practice (C-1A-H7);

2. Foundations of the American Political System

a. GLE 25: Analyze the significance of the Magna Carta, English common law, and the English Bill of Rights in creating limited government in the United States (C-1B-H1);

b. GLE 26: Explain how European philosophers (e.g., Rousseau, Locke, Montesquieu, Voltaire) helped shape American democratic ideas (C-1B-H1);

c. GLE 27: Analyze central ideas in an American historical document and explain the document's significance in shaping the U.S. Constitution (C-1B-H1);

d. GLE 28: Explain the meaning and importance of principles of U.S. constitutional democracy in American society (C-1B-H1);

e. GLE 29: Assess the importance of the U.S. Constitution as the Supreme Law of the Land, and ways in which U.S. constitutional government has helped shape American society (C-1B-H1);

f. GLE 30: Identify and describe examples of freedoms enjoyed today but denied to earlier Americans (C-1B-H1);

g. GLE 31: Explain issues involved in various compromises or plans leading to the creation of the U.S. Constitution (C-1B-H2);

h. GLE 32: Interpret, analyze, or apply ideas presented in a given excerpt from any political document or material (e.g., speech, essay, editorial, court case) (C-1B-H2);

i. GLE 33: Analyze a given example of American political or social conflict, and state and defend a position on the issue (C-1B-H3);

j. GLE 34: Analyze discrepancies between American ideals and social or political realities of life (e.g., equal protection vs. Jim Crow laws) (C-1B-H4);

k. GLE 35: Explain the two-party system and assess the role of third parties in the election process (C-1B-H5);

l. GLE 36: Assess the significance of campaigns, campaign finance, elections, the Electoral College, and the U.S. census in the U.S. political system (C-1B-H5);

m. GLE 37: Analyze the use and effects of propaganda (C-1B-H5);

n. GLE 38: Identify key platform positions of the major political parties (C-1B-H5);

o. GLE 39: Evaluate the role of the media and public opinion in American politics (C-1B-H6);

p. GLE 40: Explain historical and contemporary roles of special interest groups, lobbyists, and associations in U.S. politics (C-1B-H6);

3. International Relationships

a. GLE 41: Identify the political divisions of the world and the factors that contribute to those divisions (C-1C-H1);

b. GLE 42: Analyze and assess the various ways that nation-states interact (C-1C-H1);

c. GLE 43: Explain the role of the United Nations or other international organizations in political interactions and conflicts (C-1C-H1);

d. GLE 44: Analyze ways in which the interactions of nation-states or international organizations affect the United States (C-1C-H1);

e. GLE 45: Describe the means by which the United States upholds national security, protects its economic welfare and strategic interests, and attains its foreign policy objectives (e.g., aid, sanctions, embargos, treaties) (C-1C-H2);

f. GLE 46: Assess the extent to which a given U.S. foreign policy position has helped or hindered the United States' relations with the rest of the world (C-1C-H2);

g. GLE 47: Explain how U.S. domestic policies, constitutional principles, economic behavior, and culture affect its relations with the rest of the world (C-1C-H3);

h. GLE 48: Describe ways in which ideas, actions, and problems of other nations impact the United States (C-1C-H3);

4. Roles of the Citizen

a. GLE 49: Distinguish between personal, political, and economic rights of citizenship (C-1D-H1);

b. GLE 50: Describe the importance of various rights of citizenship to the individual or to society at large (C-1D-H1);

c. GLE 51: Analyze an amendment or law concerning the rights of citizens in terms of their effect on public policy or American life (e.g., Nineteenth Amendment, Americans with Disabilities Act) (C-1D-H1);

d. GLE 52: Evaluate and defend a position on a given situation or issue in terms of the personal, political, or economic rights of citizens (C-1D-H1);

e. GLE 53: Assess the difference between personal and civic responsibilities (C-1D-H2);

f. GLE 54: Describe various forms of political participation (C-1D-H3);

g. GLE 55: Evaluate current and past political choices that individuals, groups, and nations have made, taking into account historical context (C-1D-H3);

h. GLE 56: Describe the importance of political leadership to American society, and identify ways in which citizens can exercise leadership (C-1D-H4);

i. GLE 57: Identify examples of public service, and describe the importance of public service to American society (C-1D-H4);

j. GLE 58: Evaluate the claim that American constitutional democracy requires the participation of an attentive, knowledgeable, and competent citizenry (C-1D-H4);

k. GLE 59: Compare and evaluate characteristics, style, and effectiveness of state and national leaders, past and present (C-1D-H4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2827 (November 2005).

§1125. Economics (Core Course: Free Enterprise)

A. Economics: Strand Three

1. Fundamental Economic Concepts

a. GLE 1: Apply fundamental economic concepts to decisions about personal finance (E-1A-H1);

b. GLE 2: Define scarcity (E-1A-H1);

c. GLE 3: Identify factors that drive economic decisions (e.g., incentives, benefits, costs, trade-offs, consequences) (E-1A-H1);

d. GLE 4: Analyze an economic choice at the personal, family, or societal level to determine its opportunity cost (E-1A-H1);

e. GLE 5: Explain how the scarcity of natural resources leads to economic interdependence (E-1A-H1);

f. GLE 6: Identify the four basic economic questions (E-1A-H1);

g. GLE 7: Define *productivity* and characterize the relationship between productivity and standard of living (E-1A-H2);

h. GLE 8: Explain the role of marketing and channels of distribution in economic decisions (E-1A-H2);

i. GLE 9: Identify actions or conditions that increase productivity or output of the economy (E-1A-H2);

j. GLE 10: Explain the skills, knowledge, talents, personal characteristics, and efforts likely to enhance prospects of success in finding a job in a particular field (E-1A-H3);

k. GLE 11: Explain the types of jobs important to meeting the needs of Louisiana industries and an information-based society (E-1A-H3);

l. GLE 12: Evaluate various careers in terms of availability, educational and skill requirements, salary and benefits, and intrinsic sources of job satisfaction (E-1A-H3);

m. GLE 13: Compare contemporary and historic economic systems (e.g., ownership and control of production and distribution, determination of wages) (E-1A-H4);

n. GLE 14: Explain the advantages and disadvantages of given market structures (E-1A-H5);

o. GLE 15: Explain factors affecting levels of competition in a market (e.g., number of buyers and sellers, profit motive, collusion among buyers or sellers, presence of cartels) (E-1A-H5);

p. GLE 16: Explain the effects of competition on producers and consumers (E-1A-H5);

q. GLE 17: Analyze the role of various economic institutions in economic systems (E-1A-H6);

r. GLE 18: Explain the role of government as producer, employer, and consumer in economic systems (E-1A-H6);

s. GLE 19: Analyze the importance of labor-management relations and the effects of given labor and management practices on productivity or business profitability (E-1A-H6);

t. GLE 20: Compare and contrast characteristics of various forms of business ownership (E-1A-H6);

u. GLE 21: Explain ways in which businesses have changed to meet rising production costs or to compete more effectively in a global market (E-1A-H6);

v. GLE 22: Analyze the role of banks in economic systems (e.g., increasing the money supply by making loans) (E-1A-H7);

w. GLE 23: Describe the functions and purposes of the financial markets (E-1A-H7);

x. GLE 24: Compare and contrast credit, savings, and investment services available to the consumer from financial institutions (E-1A-H7);

y. GLE 25: Apply an economic concept to analyze or evaluate a given historical economic issue or situation (e.g., causes of the Great Depression, how the New Deal changed the role of the federal government) (E-1A-H8);

z. GLE 26: Interpret information about a current economic system undergoing change from a largely command or traditional system to a more mixed system (e.g., Eastern European countries, China, other developing economies) (E-1A-H8);

2. Individuals, Households, Businesses, and Governments

a. GLE 27: Explain, analyze, and apply principles of supply and demand, including concepts of price, equilibrium point, incentives, and profit (E-1B-H1);

b. GLE 28: Identify factors that cause changes in supply or demand for a product (e.g. complements, substitutes) (E-1B-H1);

c. GLE 29: Explain the role of *factors of production* in the economy (E-1B-H2);

d. GLE 30: Identify factors affecting production/allocation of goods/services and characterize their effects (E-1B-H2);

e. GLE 31: Identify the difference between monetary and non-monetary incentives and how changes in incentives cause changes in behavior (E-1B-H2);

f. GLE 32: Analyze the circular flow of goods and services and money payments from a diagram (E-1B-H2);

g. GLE 33: Identify various forms of taxation (E-1B-H3);

h. GLE 34: Describe the impact of given forms of taxation (E-1B-H3);

i. GLE 35: Describe the effects of governmental action or intervention in a market economy (E-1B-H3);

j. GLE 36: Describe major revenue and expenditure categories and their respective proportions of local, state, and federal budgets (E-1B-H3);

k. GLE 37: Predict how changes in federal spending and taxation would affect budget deficits and surpluses and the national debt (E-1B-H3);

l. GLE 38: Evaluate the impact of policies related to the use of resources (e.g., water use regulations, policies on scarce natural resources) (E-1B-H3);

m. GLE 39: Explain the causes of global economic interdependence (E-1B-H4);

n. GLE 40: Describe the worldwide exchange of goods and services in terms of its effect in increasing global interdependence and global competition (E-1B-H4);

o. GLE 41: Examine fundamental concepts of currency valuation and foreign exchange and their role in a global economy (E-1B-H4);

p. GLE 42: Explain how the economy of one country can affect the economies of other countries or the balance of trade among nations (E-1B-H4);

q. GLE 43: Explain the role of the International Monetary Fund in supporting world economies (E-1B-H4);

r. GLE 44: Identify and evaluate various types of trade barriers among nations (E-1B-H5);

s. GLE 45: Take and defend a position on a trade policy or issue (e.g., NAFTA, G8, European Union) (E-1B-H5);

t. GLE 46: Evaluate the role and importance of Louisiana ports and products in the national and international economy (E-1B-H6);

3. The Economy as a Whole

a. GLE 47: Explain the meaning or use of various economic indicators and their implications as measures of economic well-being (E-1C-H1);

b. GLE 48: Define productivity and characterize the relationship between productivity and standard of living (E-1C-H1);

c. GLE 49: Interpret various economic indicators used in a chart, table, or news article (E-1C-H1);

d. GLE 50: Draw conclusions about two different economies based on given economic indicators (E-1C-H1);

e. GLE 51: Explain how inflation and deflation are reflected in the Consumer Price Index (E-1C-H2);

f. GLE 52: Explain the impact of inflation/deflation on individuals, nations, and the world, including its impact on economic decisions (E-1C-H2);

g. GLE 53: Describe the effects of interest rates on businesses and consumers (E-1C-H2);

h. GLE 54: Predict the consequences of investment decisions made by individuals, businesses, and government (E-1C-H2);

i. GLE 55: Predict how interest rates will act as an incentive for savers and borrowers (E-1C-H2);

j. GLE 56: Explain various causes and consequences of unemployment in a market economy (E-1C-H3);

k. GLE 57: Analyze regional, national, or demographic differences in rates of unemployment (E-1C-H3);

l. GLE 58: Analyze the relationship between the business cycle and employment (E-1C-H3);

m. GLE 59: Explain the meaning of *underemployment* and analyze its causes and consequences (E-1C-H3);

n. GLE 60: Explain factors contributing to unequal distribution of income in a market economy (E-1C-H3);

o. GLE 61: Interpret a chart or graph displaying various income distributions (e.g., in the United States vs. the Third World, various groups within a country) (E-1C-H3);

p. GLE 62: Distinguish monetary policy from fiscal policy (E-1C-H4);

q. GLE 63: Explain the role of the Federal Reserve System as the central banking system of the United States (E-1C-H4);

r. GLE 64: Explain the role of regulatory agencies in the U.S. economy (E-1C-H4);

s. GLE 65: Explain the role of the Federal Deposit Insurance Corporation (FDIC) (E-1C-H4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2828 (November 2005).

§1127. History (Core Course: U.S. History)

A. History: Strand Four

1. Historical Thinking Skills

a. GLE 1: Construct a timeline to explain and analyze historical periods in U.S. history (H-1A-H1);

b. GLE 2: Compare historical periods or historical conflicts in terms of similar issues, actions, or trends in U.S. history (H-1A-H1);

c. GLE 3: Contrast past and present events or ideas in U.S. history, demonstrating awareness of differing political, social, or economic context (H-1A-H1);

d. GLE 4: Analyze change or continuity in the United States over time based on information in stimulus material (H-1A-H1);

e. GLE 5: Describe multiple perspectives on an historical issue or event in U.S. history (H-1A-H2);

f. GLE 6: Analyze the point of view of an historical figure or group in U.S. history (H-1A-H2);

g. GLE 7: Analyze or interpret a given historical event, idea, or issue in U.S. history (H-1A-H2);

h. GLE 8: Debate a historical point of view, with supporting evidence, on an issue or event in U.S. history (H-1A-H2);

i. GLE 9: Evaluate and use multiple primary or secondary materials to interpret historical facts, ideas, or issues (H-1A-H3);

j. GLE 10: Determine when primary and/or secondary sources would be most useful when analyzing historical events (H-1A-H3);

k. GLE 11: Propose and defend alternative courses of action to address an historical or contemporary issue, and evaluate their positive and negative implications (H-1A-H4);

l. GLE 12: Analyze and evaluate the credibility of a given historical document (e.g., in terms of its source, unstated assumptions) (H-1A-H4);

m. GLE 13: Analyze source material to identify opinion or propaganda and persuasive techniques (H-1A-H4);

n. GLE 14: Interpret a political cartoon depicting an historical event, issue, or perspective (H-1A-H4);

o. GLE 15: Interpret or analyze historical data in a map, table, or graph to explain historical factors or trends (H-1A-H4);

p. GLE 16: Construct a narrative summary of an historical speech or address (H-1A-H5);

q. GLE 17: Conduct historical research using a variety of resources to answer historical questions related to U.S. history and present that research in appropriate format(s) (visual, electronic, written) (H-1A-H5);

r. GLE 18: Analyze causes and effects in historical and contemporary U.S. events, using a variety of resources (H-1A-H6);

2. United States History

a. GLE 19: Examine the causes of industrialization and analyze its impact on production, business structures, the work force, and society in the United States (H-1B-H6);

b. GLE 20: Describe the emergence of big business and analyze how it changed American society in the late nineteenth century (H-1B-H6);

c. GLE 21: Analyze the changing relationship between the federal government and private industry (H-1B-H6);

d. GLE 22: Describe the phases, geographic origins, and motivations behind mass migration to and within the United States (H-1B-H7);

e. GLE 23: Explain the causes of the late nineteenth-century urbanization of the United States, including immigration and migration from rural areas, and discuss its impact in such areas as housing, political structures, and public health (H-1B-H7);

f. GLE 24: Explain the impact of legislation, federal Indian and land policies, technological developments, and economic policies on established social and migratory groups in the settlement of the western United States (e.g., Dawes Act, Chinese Exclusion Act) (H-1B-H7);

g. GLE 25: Analyze the role of the media, political leaders, and intellectuals in raising awareness of social problems among Americans in the United States (e.g., Muckrakers, Presidents Roosevelt, Taft, and Wilson, Jane Adams) (H-1B-H8);

h. GLE 26: Evaluate the Progressive movement in terms of its goals and resulting accomplishments (e.g., Sixteenth through Nineteenth Amendments, Pure Food and Drug Act, advances in land conservation) (H-1B-H8);

i. GLE 27: Describe problems facing farmers and laborers, the ways they sought to enact change, and the responses of the government and business community (e.g., populism, share-croppers, rise of labor unions) (H-1B-H9);

j. GLE 28: Locate on a world map the territories acquired by the United States during its emergence as an imperial power in the world and explain how these territories were acquired (H-1B-H10);

k. GLE 29: Explain the U.S. policy of imperialism and how it increased U.S. involvement in world affairs (H-1B-H10);

l. GLE 30: Identify causes of World War I (H-1B-H10);

m. GLE 31: Describe the events that led to U.S. involvement in World War I (H-1B-H10);

n. GLE 32: Identify and describe significant events and issues during World War I (H-1B-H10);

o. GLE 33: Identify and explain the consequences of World War I, in terms of changes in U.S foreign and domestic policies during the 1920s (e.g., Treaty of Versailles, Wilson's Fourteen Points, League of Nations) (H-1B-H11);

p. GLE 34: Identify the characteristics of the 1920s and describe the cultural changes that resulted (e.g., Harlem Renaissance, prohibition, women's suffrage) (H-1B-H11);

q. GLE 35: Analyze the international and domestic events, interests, and philosophies that prompted threats to civil liberties in the aftermath of World War I (H-1B-H11);

r. GLE 36: Identify the causes of the Great Depression (e.g., over speculation, Stock Market Crash of 1929) and analyze its impact on American society (H-1B-H12);

s. GLE 37: Explain the expanding role of government as a result of the Great Depression and the New Deal and analyze the effects of the New Deal legislation (H-1B-H12);

t. GLE 38: Describe the conditions that led to the outbreak of World War II (H-1B-H13);

u. GLE 39: Describe the events that led the United States into World War II (H-1B-H13);

v. GLE 40: Describe the course of World War II, including major turning points and key strategic decisions (H-1B-H13);

w. GLE 41: Describe the effects of World War II on the U.S. home front and Europe, including the Holocaust (H-1B-H13);

x. GLE 42: Explain the consequences and impact of World War II (e.g., Cold War, United Nations, Baby Boom) (H-1B-H13);

y. GLE 43: Analyze the spread of Communism after World War II and its impact on U.S. foreign policy (H-1B-H14);

z. GLE 44: Analyze the conflicts that resulted from Cold War tensions (e.g., Vietnam War, Korean War) (H-1B-H14);

aa. GLE 45: Describe the impact of the Cold War on American society and domestic policy (e.g., McCarthyism, Space Race) (H-1B-H14);

bb. GLE 46: Analyze the reasons for the end of the Cold War and its impact on the world today (H-1B-H14);

cc. GLE 47: Explain the impact of post-World War II domestic policies on life in the United States (e.g., the Great Society) (H-1B-H15);

dd. GLE 48: Identify the primary leaders of the Civil Rights Movement and describe major issues and accomplishments (H-1B-H15);

ee. GLE 49: Describe the effects of Watergate on the United States and its political system (H-1B-H15);

ff. GLE 50: Identify and describe the social and cultural changes from the 1960s to the present (e.g., Women's Movement) (H-1B-H15);

gg. GLE 51: Evaluate various means of achieving equality of political rights (e.g., civil disobedience vs. violent protest) (H-1B-h1);

hh. GLE 52: Evaluate the effects of the mass media on American society (H-1B-H16);

ii. GLE 53: Describe the impact of technology on American society (H-1B-H16);

jj. GLE 54: Analyze contemporary issues in American society and suggest alternative solutions (H-1B-H17);

kk. GLE 55: Identify recent U.S. Supreme Court decisions and describe how they impact political and social institutions (e.g., presidential election of 2000) (H-1B-H17);

ll. GLE 56: Describe the relationship of the United States and nations of the world in the post-Cold War era (e.g., Middle East conflicts, U.S. peace keeping) (H-1B-H18);

mm. GLE 57: Identify recent trends in the U.S. economy and explain shifts in government policy designed to address them (e.g., NAFTA, global economy) (H-1B-H18);

nn. GLE 58: Identify and explain recent domestic issues and reform movements (e.g., terrorism, energy, environment, war on drugs, education) (H-1B-H18).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2830 (November 2005).

§1129. History (Core Course: World History)

A. History: Strand

1. Historical Thinking Skills

a. GLE 1: Construct a timeline to explain and analyze historical periods in world history (H-1A-H1);

b. GLE 2: Compare historical periods or historical conflicts in terms of similar issues, actions, or trends in world history (H-1A-H1);

c. GLE 3: Contrast past and present events or ideas in world history, demonstrating awareness of differing political, social, or economic context (H-1A-H1);

d. GLE 4: Analyze change or continuity in areas of the world over time based on information in stimulus material (H-1A-H1);

e. GLE 5: Describe multiple perspectives on an historical issue or event in world history (H-1A-H2);

f. GLE 6: Analyze the point of view of an historical figure or group in world history (H-1A-H2);

g. GLE 7: Analyze or interpret a given historical event, idea, or issue in world history (H-1A-H2);

h. GLE 8: Debate an historical point of view, with supporting evidence, on an issue or event in world history (H-1A-H2);

i. GLE 9: Evaluate and use multiple primary or secondary materials to interpret historical facts, ideas, or issues (H-1A-H3);

j. GLE 10: Determine when primary and/or secondary sources would be most useful when analyzing historical events (H-1A-H3);

k. GLE 11: Propose and defend alternative courses of action to address an historical or contemporary issue, and evaluate their positive and negative implications (H-1A-H4);

l. GLE 12: Analyze and evaluate the credibility of a given historical document (e.g., in terms of its source, unstated assumptions) (H-1A-H4);

m. GLE 13: Analyze source material to identify opinion or propaganda and persuasive techniques (H-1A-H4);

n. GLE 14: Interpret a political cartoon depicting an historical event, issue, or perspective (H-1A-H4);

o. GLE 15: Interpret or analyze historical data in a map, table, or graph to explain historical factors or trends (H-1A-H4);

p. GLE 16: Construct a narrative summary of an historical speech or address (H-1A-H5);

q. GLE 17: Conduct historical research using a variety of resources to answer historical questions related to world history and present that research in appropriate format(s) (visual, electronic, written) (H-1A-H5);

r. GLE 18: Analyze causes and effects in historical and contemporary world events, using a variety of resources (H-1A-H6);

2. World History

a. GLE 19: Explain the origins, developments, and consequences of the transatlantic slave trade between Africa and the Americas and Europe (H-1C-H6);

b. GLE 20: Identify major technological innovations in shipbuilding, navigation, and naval warfare, and explain how these technological advances were related to European voyages of exploration, conquest, and colonization (H-1C-H6);

c. GLE 21: Identify demographic, economic, and social trends in major world regions (H-1C-H7);

d. GLE 22: Describe key features of the Renaissance, Reformation, Scientific Revolution, and the Age of Enlightenment (H-1C-H7);

e. GLE 23: Describe major changes in world political boundaries between 1450 and 1770 and assess the extent and limitations of European political and military power in Africa, Asia, and the Americas as of the mid-eighteenth century (H-1C-H8);

f. GLE 24: Describe the development of nation-states and major world powers (H-1C-H8);

g. GLE 25: Describe the goals and consequences of European colonization in the Americas (H-1C-H9);

h. GLE 26: Describe the European commercial penetration of Asia and the impact on trade (H-1C-H9);

i. GLE 27: Identify the influence of European economic power within Africa and its impact on other parts of the world (H-1C-H9);

j. GLE 28: Describe the major ideas of philosophers and their effects on the world (H-1C-H10);

k. GLE 29: Identify causes and evaluate effects of major political revolutions since the seventeenth century (H-1C-H10);

l. GLE 30: Describe how the American Revolution differed from the French Revolution and the impact both had on world political developments (H-1C-H10);

m. GLE 31: Describe the characteristics of the agricultural revolution that occurred in England and Western Europe and analyze its effects on population growth, industrialization, and patterns of landholding (H-1C-H11);

n. GLE 32: Describe the expansion of industrial economies and the resulting social transformations throughout the world (e.g., urbanization, change in daily work life) (H-1C-H11);

o. GLE 33: Describe the motives, major events, and effects of Western European and American imperialism in Africa, Asia, and the Americas (H-1C-H12);

p. GLE 34: Using a map, identify the extent of European and American territorial expansion (H-1C-H12);

q. GLE 35: Describe the origins, major events, and peace settlements of World War I from multiple international perspectives (H-1C-H13);

r. GLE 36: Describe the causes and consequences of the Russian Revolution of 1917 (H-1C-H13);

s. GLE 37: Explain how art, literature, and intellectual thought reflect changes brought about by World War I (e.g., Freud, Einstein) (H-1C-H13);

t. GLE 38: Explain the causes and consequences of global depression following World War I (H-1C-H13);

u. GLE 39: Describe the political, social, and economic conditions leading to the rise of totalitarianism in the Soviet Union, Germany, Italy, Japan, and Spain (H-1C-H13);

v. GLE 40: Describe the origins, major events, and peace settlements of World War II including decisions made at wartime conferences (H-1C-H13);

w. GLE 41: Explain the consequences of World War II as a total war (e.g., occupation of defeated powers, Nuremberg trials, Japanese war trials, Cold War, NATO, Warsaw Pact) (H-1C-H13);

x. GLE 42: Explain major differences in the political ideologies and values of the Western democracies versus the Soviet bloc and how they led to development of the Cold War (H-1C-H14);

y. GLE 43: Describe the causes and effects of major Cold War crises and military conflicts on the world (H-1C-H14);

z. GLE 44: Analyze and compare the development of Communism in the Soviet Union and China (H-1C-H14);

aa. GLE 45: Describe the end of colonial rule in Asia, Africa, the Americas, and the Middle East (H-1C-H14);

bb. GLE 46: Describe the role of the United Nations in the contemporary world (H-1C-H14);

cc. GLE 47: Analyze the consequences of the breakup of the Soviet Union on the world (H-1C-H15);

dd. GLE 48: Describe terrorist movements in terms of their proliferation and impact on politics and societies (H-1C-H15);

ee. GLE 49: Describe the progress and status of democratic movements and civil rights around the world (H-1C-H15);

ff. GLE 50: Explain the political, social, and economic significance of the growing interdependence in the global economy (H-1C-H15);

gg. GLE 51: Analyze information about current economic systems undergoing change (e.g., command economy to mixed economy, traditional economy to industrial economy, developing countries to developed countries) (H-1C-H15);

hh. GLE 52: Describe and evaluate the significance and possible consequences of major technological innovations and trends (H-1C-H15).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

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Chapter 13. Glossary and References

§1301. Definitions

Analyzing—weighing or studying various factors in order to arrive at an answer, result or solution.

Applying—using (a tool or a concept) for a practical purpose, for a particular purpose, or in a particular case.

Benchmark—a broad statement of process and/or content that is used as a reference to develop curriculum and to assess student progress.

Comparing—examining the character or qualities of two or more persons, things, or concepts for the purpose of discovering similarities or differences.

Constructing—creating by organizing ideas or concepts logically, coherently, and meaningfully.

Content area—a field of study or a branch of knowledge formally referred to as a subject area or discipline.

Content standard—a description of what a student should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of his or her education.

Culture—customary beliefs, social forms, and material traits of a racial, religious, or social group.

Defining—discovering and setting forth the meaning to significance in context of a word, term, or concept.

Describing—representing orally or in writing the characteristics of a person, object, or concept, derived from personal observation or understanding.

Determining—coming to a decision as the result of investigation or reasoning.

Developing—laying out in a clear, full, and explicit presentation the meaning, significance, or application of a basic thought or concept.

Differentiating—expressing the specific differences between or among two or more ideas, concepts, or objects.

Displaying—setting forth evidence of a concept in order to assist the transfer of knowledge or understanding.

Evaluating—examining an object, idea, or concept for the purpose of determining its worth, applicability, quality, or significance within a specific context.

Explaining—presenting a subject or concept plainly and understandably, clear of unnecessary complexities or obscurities.

Focus—a statement describing the importance of a content strand.

Formulating—placing ideas into a systemized statement or expression.

Foundation skills—processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

Global—of, relating to, or involving the entire world; worldwide.

Hypothesizing—adopting temporarily as true a proposition in order to establish its consequences and to test its agreement with facts which are known or which may be determined.

Identifying—associating a persona, thought, or concept with a specific characteristic or requirement which determines its nature or character.

Interpreting—translating an idea or concept into intelligible or familiar language.

Locating—determining or indicating the place, time, or context in which a person, place, movement, or idea can be found.

Mental map—a map which represents the mental image a person has of an area, including knowledge of features and spatial relationships; also known as a cognitive map.

Opportunity cost—the highest valued alternative that must be forgone because another economic option is chosen.

Predicting—declaring in advance the likelihood that an event will occur, or the consequence(s) of the occurrence of an action or event.

Relating—showing or establishing a logical or causal connection between or among two or more ideas, events, or occurrences.

Spatial—pertaining to space on Earth's surface; includes location, distance, direction, pattern, shape, and arrangement.

Strands—categories within particular content areas, which may vary from discipline to discipline. Because strands are interrelated, they should be integrated, rather than taught in isolation.

Tracing—following or studying in detail the historical development of a concept or movement.

Using/utilizing—putting an object, idea, or concept into service or action in order to accomplish a desired purpose.

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Weegie Peabody
Executive Director

0511#020

RULE

Board of Elementary and Secondary Education

Bulletin 1955—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Mathematics (LAC 28:CXIX.Chapters 1-17)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted *Bulletin 1955—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Mathematics.* Bulletin 1955 will be printed in codified format as Part CXIX of Title 28 of the Louisiana Administrative Code. This revision of the Louisiana mathematics content standards includes Grade Level Expectations for all grades pre-kindergarten through 12th. Grade Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The federal No Child Left Behind legislation requires every state to have grade specific standards. Since the Louisiana content standards are by grade band, it was necessary to develop the Grade Level Expectations.

Title 28
EDUCATION
Part CXIX. Bulletin 1955—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Mathematics
Chapter 1. General
§101. Introduction

A. The Louisiana Content Standards Task Force has developed the following foundational skills which should apply to all students in all disciplines:

1. Communication—a process by which information is exchanged and a concept of "meaning" is being created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing;

2. Problem Solving—the identifying of an obstacle or challenge and the application of knowledge and thinking processes which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent;

3. Resource Access and Utilization—the process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video material, word processors, computers, interactive devices, telecommunication, and other emerging technologies;

4. Linking and Generating Knowledge—the effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. Transfer refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. Elaboration refers to monitoring, adjusting, and expanding strategies into other contexts; and

5. Citizenship—the application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to be productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2834 (November 2005).

§103. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resource of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing. The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources. After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording. Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. Processing Information. After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information. Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings. Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. Evaluating Efforts. Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:24.4; R.S. 17:154.

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§105. Philosophy

A. In mathematics classrooms in Louisiana, each student actively participates in a learning environment guided by a capable teacher and supported by the home and community. The student values mathematics and is confident and competent in his or her ability to use mathematics in an ever-changing world. The student develops mathematical understanding through individual and group instruction that includes investigating, discovering, communicating, and reasoning. Assessment, an integral part of the teaching and learning process, is carefully integrated with instructional practices.

B. Need and Context for Reform

1. Rationale for Change. The rational for change in mathematics education is driven by the implications of the evolving ages of technology and information and their implications for future societal and work force needs. "In tomorrow's word, the best opportunities for jobs and advancements will go to those best prepared to cope confidently and competently with mathematical, scientific, and technological issues" (Everybody Counts, 1989). To adequately prepare students for the future, mathematics education must change to include the following:

a. the student as an active participant in learning rather than a passive recipient of knowledge;

b. equitable access for all students to manipulatives and state-of-the-art technologies, including electronic networking; and

c. the incorporation of a variety of individual and group activities that use real-life experiences to develop critical thinking.

2. Because the demands of the workplace are changing, our efforts to prepare students for the workplace must continually change. Schools must prepare students to adapt productively to change by focusing on the process of lifelong learning. The nation's business leaders agree that to become productive workers and informed citizens in today's society, students must develop the ability to:

a. reason critically and understand concepts;

b. work with others;

c. communicate ideas effectively;

d. understand and interpret statistical information;

e. become lifelong learners; and

f. adapt to a dynamic work environment.

3. Implications for Curricula Change. The processing of vast amounts of numerical information available through modern technology makes more imperative than ever the ability to synthesize mathematical information as a basis for rational decision making. Thus, quantitative thinking is becoming more pervasive in virtually all aspects of the workplace and everyday life experiences. School mathematics must remain attuned to the needs of students, adjusting to include the handling and understanding of data; the appreciation, recognition, and use of numerical and geometrical patterns, and the integration and synthesis of information leading to creative problem solving. The basic facts of addition, subtraction, multiplication, and division are important; however, technology, specifically the development of calculators, allows all students to expand and extend much of traditional school mathematics far beyond the basic math facts and repeated drill and practice. Students should concentrate on understanding ideas, reasoning, solving problems, communicating, and making connections within mathematics and between mathematics and its growing applications in other fields. Numbers and a sense of numbers are of greater value than ever before. Number sense, the intuitive, meaningful use of numbers in mental computation, estimation, problem solving, and applications, is vital. It is essential for students to develop this intuitive sense in order to determine, for example, if a number in a news account, on a printout, or on a display screen is appropriate and acceptable.

4. National Direction. In the 1980s after reports concerning the low performance of American students on international assessments, several publications emerged that directly addressed the urgent national need to revitalize mathematics education. The nation recognized that to be competitive in a global economy, American students had to be prepared to work competently and confidently in the age of technology and information. The most significant publications include the following:

a. Curriculum and Evaluation Standards for School Mathematics 1989). National Council of Teachers of Mathematics;

b. Everybody Counts: A Report to the Nation on the Future of Mathematics Education (1989). National Research Council;

c. Reshaping School Mathematics: A Philosophy and Framework for Curriculum (1990). Mathematics Sciences Education Board;

d. Professional Standards for Teaching Mathematics (1991). National Council of Teachers of Mathematics;

e. Mathematics Assessment (1991). National Council of Teachers of Mathematics;

f. Assessment Standards for School Mathematics (1995). National Council of Teachers of Mathematics.

NOTE: The Louisiana Mathematics Framework is based on the direction reflected in these and other reform-based publications.

5. Collaborative Systemic Reform. In 1990, the National Science Foundation (NSF) solicited for Statewide Systemic Initiatives (SSI) Programs. In its program solicitation, the NSF described the proposals eligible for funding, stating, that the initiatives "…must involve all those who have a responsibility to the system or to particular parts of it whether at the state or local level." It further stated that partners involved in the initiatives must include "state leaders; teachers and other school system leaders; university faculty; leaders in science-rich institutions, including business and industry; and leaders of parent groups and other community based organizations." The change to funding "systemic" efforts to involve all major stakeholders in education was a major shift by NSF to affect reform of mathematics and science education throughout the nation. The reform effort in Louisiana began with a successful application to establish a NSF-funded statewide systemic initiative. A broad-based coalition of Louisianans worked to secure a five-year, $10 million grant for the Louisiana Systemic Initiatives Programs (LaSIP). Louisiana provided matching funds from the Louisiana Board of Elementary and Secondary Education (LBESE) and the Louisiana Board of Regents (LBoR) for colleges and universities to support the reform of mathematics and science education. The Louisiana Department of Education (LDE) was awarded a Dwight D. Eisenhower National Program for Mathematics and Science

Education grant from the United States Department of Education. This grant enabled the LDE, in collaboration with LaSIP, to develop the Louisiana Mathematics and Science Curriculum and Assessment Frameworks.

6. Framework Development Process. Using recommendations from statewide leaders in mathematics, panel members were selected to assist in the development of the Louisiana Mathematics and Science Frameworks. The panel was divided into subpanels for mathematics and science, consisting of approximately 40 members each. Membership consisted of: LDE personnel; LaSIP staff; educators from both public and private schools; educators who had expertise in working with students with disabilities; educators with expertise in working with minorities and underserved populations; and university faculty from mathematics, the sciences, and education. After assessing the current state of affairs in Louisiana in light of national reform, the mathematics subpanel began the development of a strategic plan to reform mathematics curricula in Louisiana. Two 15-member Mathematics Framework Steering Committees, consisting of LDE staff, LaSIP staff, university faculty, supervisors, and classroom teachers, were formed to oversee the writing of the framework and grade-level handbooks. As drafts of the frameworks were completed, extensive reviews were conducted by state educational stakeholders and national leaders in mathematics reform. In collaboration with the steering committee, exemplary classroom teachers helped write grade-level handbooks. Drafts of the handbooks were reviewed by classroom teachers from across the state.

C. Purpose. This framework document was formulated to articulate the shared vision of the mathematical, business, professional, and vocational communities of Louisiana concerning mathematics education. It provides a unifying structure which encompasses instructional methodologies and course content, while maintaining sufficient flexibility to permit adaptability, within local districts. The framework should guide the teacher in designing a comprehensive program that assists in the development of the mathematical power of each student. Using national mathematics standards as a guide, the framework forms the foundation of a comprehensive mathematics educational program upon which state mathematics assessment can be based.

1. Intended Audience. The Louisiana Mathematics Framework is intended for a broad audience: teachers, curriculum supervisors, school and district administrators, school boards, business and industry leaders, parents, college, university, and state education agency staff and policy makers. With the framework as a common reference point, it will be possible for these varied groups to work to achieve a shared vision of what and how mathematics should be taught in Louisiana schools.

2. Intended Use. The Louisiana Mathematics Framework serves as a guide for curriculum and instruction and as a general reference to the basic principles of mathematics education. Intended uses for this framework include the following:

a. for teachers, a guide for planning curriculum, instruction, and assessment;

b. for parents, a means for assessing the effectiveness of their children's mathematics education;

c. for administrators and school board members, a vision for mathematics education and a basis for planning resource allocations, materials purchases, local curriculum development, and teachers' professional development;

d. for policy makers and state education staffs, a basis for developing laws, policies, and funding priorities to support local reforms;

e. for staff developers, a basis for creating professional development materials and strategies designed to increase teachers' knowledge of mathematics content, teaching methodologies and assessment strategies;

f. for assessment specialists and test developers, a guide to establishing tools and strategies that effectively assess students' mathematics understanding and ability;

g. for colleges and universities, a guide for content and design of teacher preparation programs; and

h. for business and industry leaders and governmental agencies, a basis for developing effective partnerships and local reforms for funding instructional materials and professional development.

D. Framework Criteria

1. The following criteria, which provided the foundation for the development of the framework, are critical to strengthen, support, and sustain mathematics education.

a. The Louisiana Mathematics Framework reflects national standards in defining K-12 curricula.

b. A National Validation Team consisting of nationally recognized mathematics educators and mathematicians reviewed the documents during development to ensure content validity.

c. The Louisiana Mathematics Framework is equitable for all students.

2. In addition to involving representatives from under represented groups in the development process, a Louisiana Equity Review Team, consisting of state leaders representing the following groups, reviewed the documents: students with learning disabilities, students with special education needs (including disabled and gifted students), minorities, students who speak English as a second language, and women. Professional development activities for framework implementation will include specific strategies to assist the teacher in addressing the needs of all students.

a. Classroom teachers are significantly involved in the development of the Louisiana Mathematics Framework.

3. Through the organizational structures of the Louisiana Department of Education (LDE) and the Louisiana Systemic Initiatives Program (LaSIP), the drafts of the documents were reviewed by over 2,000 mathematics teachers from throughout the state.

a. The Louisiana Mathematics Framework includes a comprehensive, well-developed structure that demonstrates cohesiveness and continuity from kindergarten through 12th grade.

4. University faculty were an integral part of the framework development process. Classroom teachers from grades K-4, 5-8, and 9-12 were involved in the development of all components of the framework.

a. The Louisiana Mathematics Framework demonstrates the relevance of mathematics to real-life activities.

5. The framework and handbooks have a pervasive theme of interconnectedness to real-life situations. The classroom activities included in the handbooks engage students in mathematical activities that are relevant and genuinely motivating. The documents were reviewed by representatives from Louisiana business and industry to ensure their relevance to activities in which specific mathematical principles are applied.

a. The Louisiana Mathematics Framework reflects national trends in assessment by thoroughly integrating assessment and instruction.

6. The handbooks include grade-level alternative assessment samples for both classroom and large-scale assessment. Several nationally recognized leaders in student assessment reviewed the documents.

a. The Louisiana Mathematics Framework is dynamic and easily adaptable to future changes that better prepare both teachers and students to be lifelong learners.

7. Representatives from the LDE and the Louisiana Association of Teachers of Mathematics (LATM) will convene each year, as needed at the annual LATM meeting to review the framework to ensure that it remains dynamic. Revisions will be transmitted electronically to each district.

E. Pervasive Themes

1. The vision of mathematics education in this framework is expressed through five pervasive and thoroughly interwoven themes, which encompass the strands of school mathematics.

a. Mathematics as Problem Solving

i. Classroom instruction should focus on more diverse and complex problem-solving situations that arise from relevant, real-life circumstances. Students should be able to design problems and generate appropriate solutions. For a given problem, teachers must actively encourage students to find alternative approaches to the problem, as well as using formal procedures.

b. Mathematics as Numerical Intuition

i. Students should develop a common-sense approach to using numbers, an intuitive feel for numbers including various uses and meanings, an appreciation for different levels of accuracy needed, and the ability to determine the reasonableness of answers.

c. Mathematics as Reasoning

i. Students should use critical thinking skills in questioning, elaborating, validating, and justifying.

d. Mathematics as Connections

i. Topics within mathematics should be interconnected rather than taught in isolation. Additionally, problems and procedures should be connected to other subject areas and to real-life, relevant situations that are challenging and motivating to the student.

e. Mathematics as Communication

i. Students should be provided opportunities to express their mathematical ideas through speaking, writing, demonstrating, and modeling.

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§107. Educational Environment

A. Vision of Teaching

1. The teacher must have the content knowledge and skills to be an instructor and facilitator of mathematical learning. The teacher must have the necessary supplies and materials to encourage individual and group explorations by the students. The teacher allows time for students to investigate mathematical ideas or tasks and encourages the use of models, materials, and technology. The teacher ensures an environment that encourages risk-taking, questioning, discovering, and cooperation. The teacher listens and values all students' ideas and encourages students to construct understandings based on their personal learning style and prior experiences.

2. The teacher demonstrates the connectedness of mathematics by utilizing instructional activities that encompass benchmarks from several strands. These activities may require several days or weeks to complete, depending on grade-level appropriateness. While some exercises or independent problems will be used, they are embedded in large problems or issues that are relevant to the student.

B. Vision of Learning

1. The classroom experience envisioned in this document is a dynamic one in which students become autonomous learners, while capable and empowered teachers guide them in taking charge of their own quest for knowledge. Students work independently, in small groups, or in large groups on problem-solving investigations. They have the materials and appropriate manipulatives to explore problems. They become risk takers through exploring ideas, forming questions, making and supporting conjectures, and learning to communicate and reason mathematically.

2. With problem solving at the heart of the curriculum, students develop an understanding of relevant problem-solving strategies including, but not limited to, the following: draw a picture or diagram; develop a chart, list, or table; guess and check; work backwards; simplify problems; use manipulatives, etc. Both student-generated and teacher-generated strategies are explored in developing an understanding of the various approaches to solving a problem.

C. Equity

1. Regardless of ability level, all students in Louisiana must be exposed to a challenging and motivating mathematics curriculum based on relevant problem-solving situations. Traditionally, high-achieving students have participated in activities that required critical thinking and reasoning, whereas students working at or below grade level spent large amounts of time in drill-and-practice activities. One of the myths identified in *Mathematics Assessment*, (NCTM, 1991) that abounds in mathematics education in that "problems and applications come only after mastery of skills." Research supports the position that students learn skills and content in the context of challenging and motivating problems. The Louisiana Framework advocates a common core of significant mathematics that actively and interestingly engages all students.

2. In addition to having access to the common core curriculum, all students should have equal access to

resources, qualified teachers, and quality instructions. The teacher is instrumental in creating an environment that encourages and facilitates each student's mathematical development. Problem-solving situations should reflect and build upon real-life experiences of all students and should reflect diverse cultures.

3. The ability to learn mathematics is not determined by one's socioeconomic level, gender, or ethnic origin. The teacher models the belief that all students can learn and demonstrates an appreciation and understanding of cultural diversity and varied learning styles. By challenging all students, the teacher creates the environment in which all students learn to approach mathematics with enthusiasm and confidence.

D. Technology

1. In the past decades, the classroom environment was a reflection of the workplace. Employees at factories worked independently on routing assembly lines to construct products, while mathematics classrooms consisted of rows of students working independently on routine practice problems. The age of technology has dramatically changed the workplace environment. Employees now work cooperatively and use a variety of techniques to solve real, nonroutine problems. Classrooms must reflect these changes to prepare students for the 21st century.

2. The relevance of technology is expressed in the following underlying beliefs.

a. Calculators and computers are basic tools of today's mathematics just as paper, pencil, and slide rules were basic tools of past years.

b. Calculators and computers have reduced the need to make precise calculations by hand, but in doing so they have increased the importance of acquiring a well-developed number sense (Goldsmith, 1992).

c. Appropriate calculators and computers should be available for all students.

d. Appropriate use of technology should be naturally integrated into the teaching of mathematics to assist the student to investigate and solve problems, not simply to check answers or to practice skills.

e. As resources become available via telecommunications, they should be used in the mathematics classroom to support standards-based instruction.

E. Support Structures

1. The collaborative effort of all stakeholders is imperative if significant change is to occur in Louisiana schools. Support of mathematics reform must be demonstrated by teachers, students, administrators, school boards, parents, business and industry, elected officials, the media, community organizations, etc. The state and local communities must commit to long-range planning to schedule time for appropriate staff development, to ensure funds for necessary resources, and to provide appropriate learning environments and facilities for students. A professional development model, with an accompanying dissemination plan, has been designed by the LDE and LaSIP to support teachers as they implement the framework.

2. Louisiana is developing a state school improvement plan to address content, performance, and opportunity-to-learn standards in all subject disciplines. The Mathematics Framework will be a critical component of the state school improvement plan. As each local district develops its mathematical curriculum, the new curriculum should be aligned with the state Mathematics Framework and should become a part of the local school improvement plan.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2837 (November 2005).

§109. Assessment

A. Purpose

1. Assessment in mathematics is a process through which evidence is gathered about a student's understanding and ability to apply that understanding. The changes in mathematics content and in the way mathematics is taught must be reflected through accompanying changes in assessment. Assessment is an ongoing, dynamic process which is both diagnostic and prescriptive in nature. It communicates, illustrates, and identifies the mathematics that is most important for students to learn and enhances mathematics learning. Assessment and instruction must be intertwined so that each supports the other in promoting the development of mathematical power for all students. Various assessment techniques should be used for:

a. improve teaching and learning;

b. evaluate student progress;

c. assist in making decisions regarding individual student performance;

d. provide information on the effectiveness of educational programs;

e. provide data relative to the progress toward established educational goals;

f. address accountability issues; and

g address the appreciation and understanding of various cultural differences and learning styles.

B. Classroom Assessment

1. Educational purposes for assessment may be as varied as assessment techniques. Assessment is the link between teaching and learning and provides information for making instructional decisions, monitoring student progress, and communicating student progress to appropriate audiences.

2. Assessment is moving away from the use of a single type of instrument to assess students' understanding and toward the use of a wide range of assessment techniques that require students to demonstrate critical thinking skills. Combinations of the following techniques, integrated with instruction, can provide a comprehensive assessment of student understandings: observations, oral questions, journals, portfolios, multiple choice tests, projects, activities, concept maps, presentations, etc.

C. Large-Scale Assessment

1. Large-scale assessment refers to assessment at the district, state, and national level. This type of assessment is used as an external monitoring of student progress on criteria established outside the classroom but with teacher input.

2. When external monitoring is aligned with the curriculum and teaching strategies, it has a positive impact on mathematics education. Appropriate use of external monitoring will enhance learning by providing external support for the teacher's own monitoring of student progress. The monitoring of student progress externally through established performance standards can provide the following:

a. a measurement of student performance on a dynamic, authentic curriculum;

b. information for decision makers;

c. a measure of pupil progression;

d. a criterion for graduation;

e. information for education program evaluation;

f. demographic data;

g. system-wide data; and

h. data for national comparisons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2838 (November 2005).

§111. Content Strands

A. The six content strands translate the vision of the new mathematics curriculum: Number and Number Relations (N); Algebra (A); Measurement (M); Geometry (G); Data Analysis, Probability, and Discrete Math (D); and Patters, Relations, and Functions (P). Each of the strands is introduced with a focus statement followed by the standard and benchmarks for that strand.

B. The strands are intended to be thoroughly interwoven, providing rich connections at all grade levels. There should be deliberate reinforcement of concepts throughout the school year.

C. Although the content is delineated by strands, it is not a recipe to be followed line by line. Instead, the content provides the building blocks upon which a dynamic, cohesive, and comprehensive mathematics program can be built. It supports student explorations and investigations that relate objectives from several strands. The very nature of the content implies that concepts and understandings should not be taught in isolation.

D. To assist teachers, a handbook that contains sample classroom activities has been developed. The handbook will assist the teacher to translate the content into standards-based classroom instruction. Three or four activities are included for each grade level. The framework and sample activities should assist the teacher in developing curriculum and instruction that enhance the mathematical power of all students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2839 (November 2005).

Chapter 3. Strand One: Number and Number Relations

§301. Number and Number Relations

A. Focus. Developing an intuitive, common-sense approach to number relationships and operations is of primary importance and should permeate every area of the mathematics curriculum. Number sense involves the use of "friendly easy numbers' and of actively seeking alternative ways of making computations. Number sense is not a topic to be taught as a unit, but is a prevailing theme throughout all mathematics. All students should develop a conceptual understanding of number magnitude and number operations through participation in hands-on investigative activities. These activities should provide many opportunities for students to discover and develop problem-solving strategies. Student involvement in these activities should assist in the development of estimation skills (particularly when an approximate answer is sufficient) and other mental arithmetic skills (when an exact answer is required). When the numbers are not manageable for mental arithmetic and an exact answer is required, calculators or paper and pencil should be used. Parallel with the need to develop an understanding of the methods and usage of various computational techniques is the students' need for an informal development of mathematical language and symbolism. Inherent in our increasing dependence on technology is the danger of accepting machine answers at face value. A well-developed number sense can combat this danger. Furthermore, number sense leads naturally to the development of symbol sense necessary for use with technology, such as graphing calculators and symbolic manipulators. This developing mathematical power will allow the students to function and communicate more effectively and with greater confidence in real-life experiences.

B. Standard. In problem-solving investigations, students demonstrate an understanding to the real number system and communicate the relationships within the system using a variety of techniques and tools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2839 (November 2005).

§303. Benchmarks K-4

A. Students in Grades K-4 use estimate, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers as they investigate problems involving whole numbers. As a result, what they know and are able to do includes:

1. N-1-E: Constructing number meaning and demonstrating that a number can be expressed in many different forms (e.g., standard notation, number words, number lines, geometrical representations, fractions, and decimals) (1, 2, 4);

2. N-2-E: Demonstrating number sense and estimation skills, giving particular attention to common equivalent reference points (i.e., 1/4= 25% = .25; 1/2 = 50% = .5; $1 = 100%, etc.) (1);

3. N-3-E: Reading, writing, representing, comparing, ordering, and using whole numbers in a variety of forms (e.g., standard notation, number line, and geometrical representations) (1, 4);

4. N-4-E: Demonstrating a conceptual understanding of the meaning of the basic arithmetic operations (add, subtract, multiply, and divide) and their relationships to each other (1);

5. N-5-E: Selecting appropriate operation(s) (add, subtract, multiply, and divide) for a given situation) (2, 3, 4);

6. N-6-E: Applying a knowledge of basic math facts and arithmetic operations to real-life situations (2, 4, 5);

7. N-7-E: Constructing, using, and explaining procedures to compute and estimate with whole numbers (e.g., mental math strategies) (1, 4);

8. N-8-E: Selecting and using appropriate computational methods and tools for given situations involving whole numbers (e.g., estimation, mental arithmetic, calculator, or paper and pencil) (2, 4);

9. N-9-E: Demonstrating the connection of number and number relations to the other strands and to real-life situations (1, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6: R.S. 17:24.4: R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2839 (November 2005).

§305. Benchmarks 5-8

A. Students in Grades 5-8 use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers as they extend their investigations of problems involving rational numbers. As a result, what they know and are able to do includes:

1. N-1-M: Demonstrating that a rational number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, and percents) (1, 2, 4);

2. N-2-M: Demonstrating number sense and estimation skills that describe, order, and compare rational numbers (e.g., magnitude, integers, fractions, decimals, and percents) (2, 4);

3. N-3-M: Reading, writing, representing, and using rational numbers in a variety of forms (e.g., integers, mixed numbers, and improper fractions) (1);

4. N-4-M: Demonstrating a conceptual understanding of the meaning of the basic arithmetic operations (add, subtract, multiply and divide) and their relationships to each other (1, 2);

5. N-5-M: Applying an understanding of rational numbers and arithmetic operations to real-life situations (1, 2, 3, 4);

6. N-6-M: Constructing, using, and explaining procedures to compute and estimate with rational numbers employing mental math strategies (1, 2, 3, 4);

7. N-7-M: Selecting and using appropriate computational methods and tools for given situations involving rational numbers (e.g., estimation, or exact computation using mental arithmetic, calculator, computer, or paper and pencil) (2, 3, 4);

8. N-8-M: Demonstrating a conceptual understanding and applications of proportional reasoning (e.g., determining equivalent ratios, finding a missing term of a given proportion) (2, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6: R.S. 17:24.4: R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2840 (November 2005).

§307. Benchmarks 9-12

A. Students in Grades 9-12 use estimation, mental arithmetic, number lines, graphs, appropriate models, manipulatives, calculators, and computers as they extend their investigations of problems involving real numbers. As a result, what they know and are able to do includes:

1. N-1-H: Demonstrating an understanding of the real number system (1, 2, 4);

2. N-2-H: Demonstrating that a number can be expressed in many forms, and selecting an appropriate form for a given situation (e.g., fractions, decimals, percents, and scientific notation) (1, 4);

3. N-3-H: Using number sense to estimate and determine if solutions are reasonable (2, 4)

4. N-4-H: Determining whether an exact or appropriate answer is necessary (2, 3, 4);

5. N-5-H: Selecting and using appropriate computational methods and tools for given situations (e.g., estimation, or exact computation using mental arithmetic, calculator, symbolic manipulator, or paper and pencil) (3);

6. N-6-H: Applying ratios and proportional thinking in a variety of situations (e.g., finding a missing term of a proportion) (2, 4);

7. N-7-H: Justifying reasonableness of solutions and verifying results (1, 2, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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Chapter 5. Strand Two: Algebra

§501. Algebra

A. Focus. Algebra is much more than the study of generalized forms of arithmetic. It is a powerful language used to interpret real-world experience. This language is a communication tool used to analyze and describe relationships and mathematical structures. Beginning at the elementary level, the school mathematics curriculum should integrate the use of the language of algebra throughout all strands of the curriculum to enable students to shift progressively from informal to formal concepts and from concrete to symbolic representations. The middle school mathematics curriculum should integrate the use of this language throughout all strands of the curriculum to enable students to progressively shift from the concrete to the symbolic. At this level, algebra should be conceptual and intuitive, not formally computational. It should involve actively seeking easy and alternative ways of looking at problems. These transitions should be powered by investigations involving the use of appropriate manipulatives, models, and technology, and should encourage the development of communication, reasoning, and problem-solving skills. Algebra, in the K-8 classrooms, refers to informal explorations and understandings of symbolism. It is beneficial to introduce the algebraic terminology (equation, inequality, variable, etc.) in the early grades. In this way high school students will be able to understand algebra as a natural outgrowth of their study of various number properties. The high school curriculum should continue the development of symbolic representatives. The use of modern technology frees teachers and students from the need to develop complicated pencil and paper manipulative skills in algebra. More classroom time in now allowed to apply algebra in solving challenging real-world problems. This will allow students to recognize the worth, importance, and power of the mathematics of abstraction and symbolism.

B. Standard. In problem-solving investigations students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships

among variable quantities and to apply algebraic methods to real-world situations.

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§503. Benchmarks K-4

A. Students in Grades K-4 use manipulatives, models, graphs, tables, technology, number sense, and estimation as they investigate problems involving the concepts and application of algebra. As a result, what they know and are able to do includes:

1. A-1-E: Demonstrating a conceptual understanding of variables, expressions, equations, and inequalities (e.g., use letters or boxes to represent values; understand =, ≠, <, and symbols) (1, 4);

2. A-2-E: Modeling and developing strategies for solving equations and inequalities (1, 2, 3, 4);

3. A-3-E: Recognizing the connection of algebra to the other strands and to real-life situations (e.g., number sentences or formulas to represent real-world problems) (4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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§505. Benchmarks 5-8

A. Students in Grades 5-8 use manipulatives, models, graphs, tables, technology, number sense, and estimation as they extend their investigations of problems involving the concepts and application of algebra. As a result, what they know and are able to do includes:

1. A-1-M: Demonstrating a conceptual understanding of variables, expressions, equations, and inequalities (e.g., symbolically represent real-world problems as linear terms, equations, or inequalities) (1, 2, 4);

2. A-2-M: Modeling and developing methods for solving equations and inequalities (e.g., using charts, graphs, manipulatives, and/or standard algebraic procedures) (2, 3, 4);

3. A-3-M: Representing situations and number patterns with tables, graphs, and verbal and written statements, while exploring the relationships among these representations (e.g., multiple representations for the same situation) (1, 4);

4. A-4-M: Analyzing tables and graphs to identify relationships exhibited by the data and making generalizations based upon these relationships (2, 3, 4);

5. A-5-M: Demonstrating the connection of algebra to the other strands and to real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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§507. Benchmarks 9-12

A. Students in Grades 9-12 use manipulatives, models, graphs, tables, technology, number sense, and estimation as they extend their investigations of problems involving the concepts and application of algebra. As a result, what they know and are able to do includes:

1. A-1-H: Demonstrating the ability to translate real-world situations (e.g., distance versus time relationships, population growth, growth functions for diseases, growth of minimum wage, auto insurance tables) into algebraic expressions, equations, and inequalities and vice versa (1, 2, 4);

2. A-2-H: Recognizing the relationship between operations involving real numbers and operations involving algebraic equations (2, 4);

3. A-3-H: Using tables and graphs as tools to interpret algebraic expressions, equations, and inequalities (1, 3);

4. A-4-H: Solving algebraic equations and inequalities using a variety of techniques with the appropriate tools (e.g., hand-held manipulatives, graphing calculator, symbolic manipulator, or pencil and paper) (2, 3).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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Chapter 7. Strand Three: Measurement

§701. Measurement

A. Focus. Measurement is the connection between numbers and the real word and as such is a vital component of an attempt to organize the world. It allows one to communicate effectively and make decisions. It relates geometry and algebra, as well as geometry and numbers, in both intuitive and formal ways. It is also a connecting theme between such diverse fields as athletics, music, travel, astronomy, and engineering. The study of measurement should consist of active investigations based on real-world problems in both individual and group format. These explorations should include the appropriate use of manipulatives and technology and should encourage the development of communications, reasoning, and problem-solving skills. Students need to learn the effect of unit choice on mathematical entities, such as the shape of graphs and the magnitude of answers. Secondary students should become so adept with the use of units that they are comfortable with the use of compound units (foot-pounds, miles per second) and specialized units (atmospheres, millennia, gigabytes) as they occur in real-world problems.

B. Standard. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2841 (November 2005).

§703. Benchmarks K-4

A. Students in Grades K-4 use number sense, estimation, appropriate manipulatives, tools, and technology as they investigate problems involving measurement. As a result, what they know and are able to do includes:

1. M-1-E: Applying (measure or solve measurement problem) the concepts of length (inches, feet, yards, miles, millimeters, centimeters, decimeters, meters, kilometers), area, volume, capacity (cups, liquid pints and quarts, gallons,

milliliters, liters), weight (ounces, pounds, tons, grams, kilograms), mass, time (seconds, minutes, hours, days, weeks, months, years), money, and temperature (Celsius and Fahrenheit) to real-world experiences (1, 2, 3, 4, 5);

2. M-2-E: Selecting and using appropriate standard and non-standard units of measure (e.g., paper clips and Cuisenaire rods) and tools for measuring length, area, capacity, weight/mass, and time for a given situation by considering the purpose and precision required for the task (1, 2, 3, 4);

3. M-3-E: Using estimation skills to describe, order, and compare measures of length, capacity, weight/mass, time, and temperature (1, 2, 3, 4);

4. M-4-E: Converting from one unit of measurement to another within the same system (customary and metric); comparisons between systems should be based on intuitive reference points, not formal computations (e.g., a meter is a little longer than a yard) (2, 3, 4);

5. M-5-E: Demonstrating the connection of measurement to the other strands and to real-life situations (2, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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§705. Benchmarks 5-8

A. Students in Grades 5-8 use number sense, estimation, appropriate manipulatives, tools, and technology as they extend their investigations of problems involving measurement. As a result, what they know and are able to do includes:

1. M-1-M: Applying the concepts of length, area, surface area, volume, capacity, weight, mass, money, time, temperature, and rate to real-world experiences (2, 3, 4);

2. M-2-M: Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of measures) (1, 2, 4);

3. M-3-M: Selecting appropriate units and tools for tasks by considering the purpose for the measurement and the precision required for the task (e.g., length of a room in feet rather than in inches) (2, 3, 4);

4. M-4-M: Using intuition and estimation skills to describe, order, and compare formal and informal measures (e.g., ordering cup, pint, quart, gallon; comparing a meter to a yard) (1, 2, 4);

5. M-5-M: Converting from one unit of measurement to another within the same system (Comparisons between systems, customary and metric, should be based on intuitive reference points, not formal computation.) (2, 4);

6. M-6-M: Demonstrating the connection of measurement to the other strands and to real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parenthesis after the benchmark.

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§707. Benchmarks 9-12

A. Students in Grades 9-12 use number sense, estimation, appropriate manipulatives, tools, and technology as they extend their investigations of problems involving measurement. As a result, what they know and are able to do includes:

1. M-1-H: Selecting and using appropriate units, techniques, and tools to measure quantities in order to achieve specified degrees of precision, accuracy, and error (or tolerance) of measurements (3);

2. M-2-H: Demonstrating an intuitive sense of measurement (e.g., estimating and determining reasonableness of results as related to area, volume, mass, rate, and distance) (1, 2, 4);

3. M-3-H: Estimating, computing, and applying physical measurement using suitable units (e.g., calculate perimeter and area of plane figures, surface area and volume of solids presented in real-world situations) (1, 3, 4);

4. M-4-H: Demonstrating the concept of measurement as it applied to real-world experiences (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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Chapter 9. Strand Four: Geometry

§901. Geometry

A. Focus. Geometry is the study of the physical shapes of the word in which we live. It provides a natural environment for the use of inductive and deductive reasoning. It is not only basic to design, construction, and engineering, but also to law, medicine, and other fields that depend on critical deductive thinking skills. It provides models for representing many numerical and algebraic concepts. In Grades K-4, students must have opportunities to examine, manipulate, and construct geometric models using concrete materials. These activities should take place in a setting where students may freely explore and discuss ideas in order to develop and use appropriate vocabulary. After such first-hand experiences, many students should be able to progress to pictorial and abstract representations. The study of geometry should center around cooperative group investigations designed to promote the discovery of geometric concepts and principles and should encourage the development of communication, reasoning, and problem-solving skills. Secondary students should develop coordinate and transformational geometry as well as the usual axiomatic geometry. They should develop deductive reasoning skills by way of written proofs in a variety of formats. In the study of geometry, students should have access to appropriate manipulatives, technology, and construction materials to enhance their investigations.

B. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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§903. Benchmarks K-4

A. Students in Grades K-4 use number sense, estimation, models, drawings, manipulatives, and technology as they investigate problems involving geometric concepts. As a result, what they know and are able to do includes:

1. G-1-E: Determining the relationships among shapes (1, 2, 3, 4);
2. G-2-E: Identifying, describing, comparing, constructing, and classifying two-dimensional and three-dimensional geometric shapes using a variety of materials (1, 2, 3, 4);
3. G-3-E: Making predictions regarding combinations, subdivisions, and transformations (slides, flips, turns) of simple plane geometric shapes (1, 2, 4);
4. G-4-E: Drawing, constructing models, and comparing geometric shapes, with special attention to developing spatial sense (1, 2, 4);
5. G-5-E: Identifying and drawing line and angles and describing their relationships to each other and to the real world (1, 4, 5);
6. G-6-E: Demonstrating the connection of geometry to the other strands and to real-lie situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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§905. Benchmarks 5-8

A. Students in Grades 5-8 use number sense, estimation, models, drawings, manipulatives, and technology as they extend their investigations of problems involving geometric concepts. As a result, what they know and are able to do includes:

1. G-1-M: Using estimation skills to describe, order, and compare geometric measures (1, 2);
2. G-2-M: Identifying, describing, comparing, constructing, and classifying geometric figures and concepts (1, 2, 3);
3. G-3-M: Making predictions regarding transformations of geometric figures (e.g., make prediction regarding translations, reflections, and rotations or common figures) (1, 4);
4. G-4-M: Constructing two- and three-dimensional models (3);
5. G-5-M: Making and testing conjectures about geometric shapes and their properties (1, 2, 3, 4);
6. G-6-M: Demonstrating an understanding of the coordinate system (e.g., locate points, identify coordinates, and graph points in the coordinate plane to represent real-world situations) (1, 3, 4);
7. G-7-M: Demonstrating the connection of geometry to the other strands and to real-life situations (e.g., applications of the Pythagorean Theorem).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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§907. Benchmarks 9-12

A. Students in Grades 9-12 use number sense, estimation, models, drawings, manipulatives, and technology as they extend their investigations of problems involving geometric concepts. As a result, what they know and are able to do includes:

1. G-1-H: Identifying, describing, comparing, constructing, and classifying geometric figures in two and three dimensions using technology where appropriate to explore and make conjectures about geometric concepts and figures (1, 2, 3, 4);
2. G-2-H: Representing and solving problems using geometric models and the properties of those models (e.g., Pythagorean Theorem or formulas involving radium, diameter, and circumference) (1, 2, 3);
3. G-3-H: Solving problems using coordinate methods, as well as synthetic and transformational methods (e.g., transform on a coordinate plane a design found in real-life situations) (2);
4. G-4-H: Using inductive reasoning to predict, discover, and apply geometric properties and relationships (e.g., patty paper constructions, sum of the angles in a polygon) (1, 2, 4);
5. G-5-H: Classifying figures in terms of congruence and similarity and applying these relationships (4);
6. G-6-H: Demonstrating deductive reasoning and mathematical justification (e.g., oral explanation, informal proof, and paragraph proof) (1, 2, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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Chapter 11. Strand Five: Data Analysis, Probability, and Discrete Math

§1101. Data Analysis, Probability, and Discrete Math

A. Focus. Data analysis is the collecting, organizing, presenting, and analyzing of numerical information using appropriate statistical methods. Discrete mathematics is the branch of mathematics that involves finite sets and structured sets, including matrices and graph theory. Probability is that branch of mathematics that deals with uncertainty and the likelihood of events occurring or not occurring. These three subjects are closely interwoven. Concepts from these subjects should develop gradually through many varied experiences based on students' natural interests. These concepts are essential to help students relate mathematical thinking to real-life situations, such as weather, games, sports, newspapers, and business. Classroom explorations involving these concepts should encourage the development of communication, connections, reasoning, and problem-solving skills and should effectively incorporate the use of appropriate models, manipulatives, and technology. Talking and writing should be of particular importance in this strand as students learn to analyze information and express similarities, differences, and patterns based on their investigations. The concepts studies

will enable students to effectively communicate information in an organized and graphic manner that will enhance problem-solving skills.

B. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical thinking skills in order to make informed decisions.

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§1103. Benchmarks K-4

A. Students in Grades K-4 use collection and organizational techniques, number sense, estimation, manipulatives, and technology as they investigate problems involving data. As a result, what they know and are able to do includes:

1. D-1-E: Collecting, organizing, and describing data based on real-life situations (1, 3, 4, 5);
2. D-2-E: Constructing, reading, and interpreting data in charts, graphs, tables, etc. (1, 2, 3, 4);
3. D-3-E: Formulating and solving problems that involve the use of data (2, 3, 4);
4. D-4-E: Exploring, formulating, and solving sequence-of-pattern problems involving selection and arrangement of objects/numerals (2, 3, 4);
5. D-5-E: Predicting outcomes based on probability (e.g., make predictions of same chance, more likely, or less likely; determine fair and unfair games);
6. D-6-E: Demonstrating the connection of data analysis, probability, and discrete math to other strands and real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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§1105. Benchmarks 5-8

A. Students in Grades 5-8 use collection and organizational techniques, number sense, estimation, manipulatives, and technology as they extend their investigations of problems involving data. As a result, what they know and are able to do includes:

1. D-1-M: Systematically collecting, organizing, describing, and displaying data in charts, tables, plots, graphs, and/or spreadsheets (1, 2, 3, 4);
2. D-2-M: Analyzing, interpreting, evaluating, drawing inferences, and making estimations, predictions, decisions, and convincing arguments based on organized data (e.g., analyze data using concepts of mean, median, mode, range, random samples, sample size, bias, and data extremes) (1, 2, 3, 4, 5);
3. D-3-M: Describing informal thinking procedures (e.g., solving elementary logic problems using Venn diagrams, tables, charts, and/or elementary logic operatives to solve logic problems in real-life situations; reach valid conclusions in elementary logic problems involving "and, or, not, if/then") (2, 3);
4. D-4-M: Analyzing various counting and enumeration procedures with and without replacement (e.g., find the total number of possible outcomes or possible choices in a given situation (2, 4);
5. D-5-M: Comparing experimental probability results with theoretical probability (e.g., representing probabilities of concrete situations as common fractions, investigating single-event and multiple-event probability, using sample spaces, geometric figures, tables, and/or graphs) (2, 3, 4);
6. D-6-M: Demonstrating the connection of data analysis, probability, and discrete math to other strands and to real-life situations (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2844 (November 2005).

§1107. Benchmarks 9-12

A. Students in Grades 9-12 use collection and organizational techniques, number sense, estimation, manipulatives, and technology as they extend their investigations of problems involving data. As a result, what they know and are able to do includes:

1. D-1-H: Designing and conducting statistical experiments that involve the collection, representation, and analysis of data in various forms (Analysis should reflect an understanding of factors such as: sampling, bias, accuracy, and reasonableness of data.) (1, 2, 3, 4);
2. D-2-H: Recognizing data that relate two variables as linear, exponential, or otherwise in nature (e.g., match a data set, linear or non-linear, to a graph and vice versa) (1, 2, 3, 4);
3. D-3-H: Using simulations to estimate probabilities (e.g., lists and tree diagrams) (1, 2, 3, 4);
4. D-4-H: Demonstrating an understanding of the calculation of finite probabilities using permutations, combinations, sample spaces, and geometric figures (1, 3);
5. D-5-H: Recognizing events as dependent or independent in nature and demonstrating techniques for computing multiple-event probabilities (1, 2, 4);
6. D-6-H: Recognizing and answering questions about data that are normally or non-normally distributed (1, 2, 4);
7. D-7-H: Making inferences from data that are organized in charts, tables, and graphs (e.g., pictograph; bar, line, or circle graph; stem-and-leaf plot or scatter plot) (1, 3, 4);
8. D-8-H: Using logical thinking procedures, such as flow charts, Venn diagrams, and truth tables (2, 3, 4);
9. D-9-H: Using discrete math to model real-life situations (e.g., fair games or elections, map coloring) (1, 2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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Chapter 13. Strand Six: Patterns, Relations, and Functions

§1301. Patterns, Relations, and Functions

A. Focus. The concepts of patterns, relations, and functions play a central role in modern mathematics. These

concepts arise naturally from observations of the world. Business people, social scientists, and physical scientists use mathematics to make predictions following their study of patterns and relationships found among the quantities measured in their respective fields. In Grades K-8, students should use informal investigations to observe patterns created by nature and man (flowers, leaves, insects, music, predictable literature, wallpaper, fabric). Students should continue to use the study of patterns to explore mathematical relationships as they verbalize, complete, create, and analyze patterns. This gradual transition from the concrete to the symbolic provides a foundation for the study of functions. Not only does the high school curriculum contain in the formal study of functions and inverse relations, it also uses functions and inverse relations as modeling tools for the study of relationships found in our world. This study of functions and how things change leads naturally to powerful analytic techniques, which are collectively called calculus.

B. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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§1303. Benchmarks K-4

A. Students in Grades K-4 use number sense, estimation, manipulatives, drawings, tables, graphs, formulas, and technology as they investigate problems involving patterns, relations, and functions. As a result, what they know and are able to do includes:

1. P-1-E: Recognizing, describing, extending, and creating a wide variety of numerical (e.g., skip counting of whole numbers), geometrical, and statistical patterns (1, 2, 3, 4);

2. P-2-E: Representing and describing mathematical relationships using tables, variables, open sentences, and graphs (1, 2, 4);

3. P-3-E: Recognizing the use of patterns, relations, and functions in other strands and in real-life situations (2, 3, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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§1305. Benchmarks 5-8

A. Students in Grades 5-8 use number sense, estimation, manipulatives, drawings, tables, graphs, formulas, and technology as they extend their investigations of problems involving patterns, relations, and functions. As a result, what they know and are able to do includes:

1. P-1-M: Describing, extending, analyzing, and creating a wide variety of numerical, geometrical, and statistical patterns (e.g., skip counting of rational numbers and simple exponential number patterns) (1, 2, 3, 4);

2. P-2-M: Describing and representing relationships using tables, rules, simple equations, and graphs (1, 3, 4);

3. P-3-M: Analyzing relationships to explain how a change in one quantity results in a change in another (e.g., change in the dimensions of a rectangular solid affects the volume) (1, 2, 4);

4. P-4-M: Demonstrating the pervasive use of patterns, relations, and functions in other strands and in real-life situations (1, 4, 5).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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§1307. Benchmarks 9-12

A. Students in Grades 9-12 use number sense, estimation, manipulatives, drawings, tables, graphs, formulas, and technology as they extend their investigations of problems involving patterns, relations, and functions. As a result, what they know and are able to do includes:

1. P-1-H: Modeling the concepts of variables, functions, and relations as they occur in the real world and using the appropriate notation and terminology (1, 3, 4);

2. P-2-H: Translating between tabular, symbolic, or graphic representations of functions (1, 3, 4);

3. P-3-H: Recognizing behavior of families of elementary functions, such as polynomial, trigonometric, and exponential functions, and, where appropriate, using graphing technologies to represent them (3, 4);

4. P-4-H: Analyzing the effects of changes in parameters (e.g., coefficients and constants) on the graphs of functions, using technology whenever possible (2, 3);

5. P-5-H: Analyzing real-world relationships that can be molded by elementary functions (1, 3, 4).

NOTE: The foundation skills addressed by each benchmark are listed numerically in parentheses after the benchmark.

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Chapter 15. Grade Level Expectations

§1501. Prekindergarten

A. Number and Number Relations: Strand One

1. GLE 1: Count by ones to 10 (PK-CM-N3) (N-1-E) (N-3-E).

2. GLE 2: Count a set of 5 or fewer objects by establishing a 1-to-1 correspondence between number names and objects (PK-CM-N2) (N-1-E).

3. GLE 3: Identify an object's position as first or last (PK-CM-G3) (N-1-E).

4. GLE 4: Identify numerals 1 to 5 (PK-CM-N5) (N-1-E) (N-3-E).

5. GLE 5: Compare sets of objects using the words same/different and more/less/fewer (PK-CM-N1) (N-3-E) (N-7-E).

B. Measurement: Strand Three

1. GLE 6: Use comparative vocabulary in measurement settings (e.g., long/longer, short/shorter, more/less, hotter/colder, heavier/lighter, bigger/smaller) (PK-CM-M3) (M-1-E) (M-2-E) (M-3-E).

2. GLE 7: Use words such as day, week, month, schedule, morning, noon, night (PK-CM-M1) (M-2-E).

C. Geometry: Strand Four

1. GLE 8: Identify rectangles, squares, circles, and triangles using concrete models (G-2-E).

2. GLE 9: Sort concrete objects by an attribute (e.g., shape, size, color) (PK-CM-D1) (G-2-E) (D-1-E).

3. GLE 10: Use words that indicate direction and position of an object (e.g., up, down, over, under, above, below, beside, in, out, behind) (PK-CM-G3) (G-3-E).

4. GLE 11: Recognize and manipulate an object's position in space (e.g., blocks, assembling puzzles) (PK-CM-G3) (G-3-E) (G-4-E).

D. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 12: Arrange objects or pictures of objects to make an object or picture graph (PK-CM-D2) (D-4-E).

E. Patterns, Relations, and Functions: Strand Six

1. GLE 13: Recognize and copy repeated patterns (e.g., concrete objects, songs, rhymes, and body movements) (PK-CM-P1) (PK-CM-P2) (P-1-E) (P-3-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2845 (November 2005).

§1503. Kindergarten

A. Number and Number Relations: Strand One

1. GLE 1: Count by ones to 20 (N-1-E) (N-3-E).

2. GLE 2: Count a set of 20 or fewer objects by establishing a 1-to-1 correspondence between number names and objects (N-1-E) (N-3-E) (A-1-E).

3. GLE 3: Use the ordinal numerals 1st through 10th to discuss positions in ordered lists (N-1-E).

4. GLE 4: Identify the numerals for the numbers 0 through 20 (N-1-E) (N-3-E).

5. GLE 5: Using a number line or chart, identify the numbers coming before/after a given number and between 2 given numbers (N-1-E) (N-3-E) (A-1-E).

6. GLE 6: Identify pennies, nickels, and dimes and their values using the cent sign (¢) (N-1-E) (N-2-E) (N-6-E) (M-1-E).

7. GLE 7: Count forward and backward from a given number between 1 and 10 (N-3-E).

8. GLE 8: Compare sets containing 20 or fewer objects using the words *same/different* and *more/less/greater/fewer* (N-3-E) (N-1-E).

9. GLE 9: Use concrete objects to model simple real-life addition and subtraction problems (N-4-E).

10. GLE 10: Use operational vocabulary (*add, subtract, join, remove, take away, put together*) to explore sets of objects (N-5-E).

B. Algebra: Strand Two

1. GLE 11: Use the words *same*, *different*, *equal*, *not equal, greater than*, and *less than* while using concrete objects for comparative models (A-1-E).

2. GLE 12: Model and act out story problems, physically or with objects, to solve whole number sentences with sums less than or equal to 6 (A-2-E).

C. Measurement: Strand Three

1. GLE 13: Use vocabulary such as: *yesterday, today, tomorrow, hours, weeks,* names of days, names of months; sequence events; and identify calendars and clocks as objects that measure time (M-1-E) (M-2-E) (M-5-E).

2. GLE 14: Measure and estimate length and capacity using non-standard units (e.g., sticks, paper clips, blocks, beans) (M-2-E) (M-3-E).

3. GLE 15: Use comparative and superlative vocabulary in measurement settings (e.g., longest, shortest, most, hottest, heaviest, biggest) (M-3-E) (M-1-E) (M-2-E).

D. Geometry: Strand Four

1. GLE 16: Name and identify basic shapes using concrete models (e.g., circles, squares, triangles, rectangles, rhombuses, balls, boxes, cans, cones) (G-2-E) (G-1-E) (G-4-E) (G-5-E).

2. GLE 17: Compare, contrast, and sort objects or shapes according to two attributes (e.g., shape and size, shape and color, thickness and color) (G-2-E).

3. GLE 18: Use words that indicate direction and position of objects and arrange an object in a specified position and orientation (e.g., between, behind, above) (G-3-E).

4. GLE 19: Investigate the results of combining shapes (using paper shapes, pattern blocks, tangrams, etc.) (G-3-E) (G-1-E).

5. GLE 20: Draw circles, squares, rectangles, and triangles (G-4-E).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 21: Collect and organize concrete data using tally mark charts (D-1-E).

2. GLE 22: Collect and organize data in a simple bar graph using pictures or objects (D-1-E) (D-2-E).

3. GLE 23: Sort, represent, and use information in simple tables and bar/picture graphs (D-2-E) (D-3-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 24: Recognize, copy, name, create, and extend repeating patterns (e.g., ABAB, AABB, ABBA) using concrete objects, shapes, pictures, numbers, and sounds (P-1-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2846 (November 2005).

§1505. First Grade

A. Number and Number Relations: Strand One

1. GLE 1: Count to 100 by 1s, 5s, 10s, and 25s (N-1-E) (N-3-E) (N-4-E).

2. GLE 2: Read and write numerals to 100 (N-1-E).

3. GLE 3: Write number words for 0 to 19 (N-1-E) (N-3-E).

4. GLE 4: Use ordinal numbers through 31st as they relate to the calendar (N-1-E).

5. GLE 5: Model and read place value in word, standard, and expanded form for numbers through 99 (N-1-E).

6. GLE 6: Use region models and sets of objects to demonstrate understanding of the concept of halves (N-1-E).

7. GLE 7: Identify quarters, half-dollars, and their values (N-1-E) (N-2-E) (M-1-E).

8. GLE 8: Find the value of a set of coins up to $1.00, using one denomination of coin (N-2-E) (N-6-E) (M-1-E) (M-5-E).

9. GLE 9: Apply estimation strategies to estimate the size of groups up to 20 (N-2-E) (N-8-E).

10. GLE 10: Using a number line or chart, locate, compare, and order whole numbers less than 100 and identify the numbers coming before/after a given number and between 2 given numbers (N-3-E) (A-1-E).

11. GLE 11: From a given number between 1 and 100, count forward and backward (N-3-E).

12. GLE 12: Know the basic facts for addition and subtraction [0s, 1s, counting on and back 2s, doubles, doubles + 1, then 10s fact, and related turn-around (commutative) pairs] and use them to solve real-life problems (N-4-E) (N-6-E) (N-8-E).

13. GLE 13: Recognize and apply addition and subtraction as inverse operations (N-4-E).

14. GLE 14: Add and subtract 2-digit numbers using manipulatives (N-4-E) (N-7-E).

15. GLE 15: Recognize real-life situations as addition or subtraction problems (N-5-E) (N-4-E).

16. GLE 16: Given a number and number line/hundreds chart, identify the nearest ten (N-7-E).

B. Algebra: Strand Two

1. GLE 17: Use the equal sign (=) to express the relationship of equality (A-1-E).

2. GLE 18: Use objects, pictures, and number sentences to represent real-life problem situations involving addition and subtraction (A-1-E) (A-3-E) (N-7-E).

3. GLE 19: Use objects, pictures, and verbal information to solve for missing numbers (A-2-E) (N-7-E).

C. Measurement: Strand Three

1. GLE 20: Measure length to the nearest inch and centimeter using appropriate tools (M-1-E) (M-2-E).

2. GLE 21: Tell time to the hour and half-hour, and identify date, day, week, month, and year on a calendar (M-1-E) (M-2-E) (M-5-E).

3. GLE 22: Select appropriate non-standard units for linear measurement situations (e.g., sticks, blocks, paper clips) (M-2-E).

4. GLE 23: Compare the measure of objects to benchmarks (e.g., the width of a child's thumb is about a centimeter , the weight of a loaf of bread is about a pound, and the mass of a textbook is about a kilogram) (M-2-E).

5. GLE 24: Measure capacity using cups (M-2-E) (M-3-E) (M-1-E).

6. GLE 25: Identify the thermometer as a tool for measuring temperature (M-2-E).

D. Geometry: Strand Four

1. GLE 26: Compare, contrast, name, and describe attributes (e.g., corner, side, straight, curved, number of sides) of shapes using concrete models [circle, rectangle (including square), rhombus, triangle] (G-1-E) (G-2-E) (G-4-E).

2. GLE 27: Connect the informal language used for 3-dimensional shapes to their proper mathematical name (e.g., a ball is a sphere, a box is a rectangular prism, a can is a cylinder) (G-2-E).

3. GLE 28: Determine if a shape has a line of symmetry for folding (G-2-E).

4. GLE 29: Visualize, predict, and create new shapes by cutting apart and combining existing 2- and 3-dimensional shapes (G-3-E) (G-1-E).

5. GLE 30: Identify congruent shapes (i.e., same size and shape) in a variety of positions and orientations (G-3-E) (G-2-E).

6. GLE 31: Draw line segments (G-5-E).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 32: Given a set of data, construct and read information from bar graphs and charts (D-1-E) (D-2-E).

2. GLE 33: Determine whether an object satisfies a simple logical classification rule (e.g., belongs and does not belong) (D-1-E).

3. GLE 34: Appropriately use basic probability vocabulary (e.g., *more likely to happen/less likely to happen*, *always /never*, *same as*) (D-5-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 35: Identify, describe, and explain the patterns in repeating situations (adding the same number (e.g., 2, 5, 8, 11, or skip-counting) (P-1-E).

2. GLE 36: Explain patterns created with concrete objects, numbers, shapes, and colors (P-2-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2846 (November 2005).

§1507. Second Grade

A. Number and Number Relations: Strand One

1. GLE 1: Model, read, and write place values for numbers through 999 in word, standard, and expanded form (N-1-E).

2. GLE 2: Model the concepts of thirds, fourth, fifths, and sixths using regions, sets, and fraction words (e.g., one-third, three-fourths, five-sixths) (N-1-E).

3. GLE 3: Make reasonable estimates of the number of objects in a collection with fewer than 100 objects (N-2-E).

4. GLE 4: Count and write the value of amounts of money up to $1 using ¢ and $ (N-2-E) (N-6-E) (M-1-E) (M-5-E).

5. GLE 5: Read, write, compare, and order whole numbers through 999 using words, number lines, and models (N-3-E) (N-1-E).

6. GLE 6: From a given number, count forward and backward and count to 100 by 2s (N-3-E) (N-1-E) (N-4-E).

7. GLE 7: Know all basic facts for addition and subtraction and use them to solve real-life problems (N-5-E) (N-6-E) (N-7-E) (N-8-E) (N-9-E).

8. GLE 8: Recognize, select, connect, and use operations, operational words and symbols (+, -) for addition (join, part/part/whole) or subtraction (take away, comparison, missing addend, and set/subset) situations (N-6-E) (N-5-E).

9. GLE 9: Add and subtract 1- and 2-digit numbers (N-6-E) (N-7-E).

10. GLE 10: Round numbers to the nearest 10 or 100 and identify situations in which rounding is appropriate (N-7-E) (N-9-E).

11. GLE 11: Use the concept of one-to-several correspondences to trade single items for a greater quantity of items with unequal value (1 nickel for 5 pennies, 1 dime for 2 nickels) (N-9-E).

B. Algebra: Strand Two

1. GLE 12: Use number sentences to represent real-life problems involving addition and subtraction (A-1-E) (A-2-E).

2. GLE 13: Find the missing number in an equation involving addition or subtraction (e.g., # + 4 = 7, 8 - # = 3) (A-2-E) (N-4-E).

C. Measurement: Strand Three

1. GLE 14: Measure and appropriately label measures of length and perimeter (i.e., inch, centimeter, foot), capacity (i.e., cup, quart, liter), and weight/mass (i.e., pound, kilogram) (M-1-E).

2. GLE 15: Read a thermometer in degrees in Fahrenheit and Celsius and interpret the temperature (M-1-E).

3. GLE 16: Tell time to the nearest 5 minutes, and identify the time one hour before or after a given time (M-1-E) (M-3-E).

4. GLE 17: Select and use appropriate tools and units to measure length, time, capacity, and weight (e.g., scales for pounds and kilograms; rulers for inches and centimeters; measuring containers for cup, quarts, and liters) (M-2-E).

5. GLE 18: Use non-standard units to cover a given region (M-2-E).

6. GLE 19: Estimate length in standard units (inch, foot, and centimeter) (M-3-E).

7. GLE 20: Compare units within the same system (inch is shorter than a foot, minute is shorter than an hour, day is shorter than a month, cup holds less than a quart) (M-3-E).

D. Geometry: Strand Four

1. GLE 21: Compare and contrast 3-dimensional shapes (i.e., sphere, cube, cylinder, cone, prism, pyramid) according to their attributes (e.g., number of faces, shape of faces) (G-2-E).

2. GLE 22: Identify a reduction or enlargement of a given shape (G-2-E).

3. GLE 23: Identify congruent 3-dimensional solids in a variety of positions and orientations (G-3-E) (G-4-E) (G-2-E).

4. GLE 24: Identify and draw horizontal and vertical line segments (G-5-E).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 25: Collect and organize data using observations, surveys, and experiments (D-1-E).

2. GLE 26: Construct and read line plots and tables (D-2-E).

3. GLE 27: Interpret pictographs in which each picture represents more than one object (D-2-E).

4. GLE 28: Generate questions that can be answered by collecting and analyzing data (D-3-E).

5. GLE 29: Solve logic problems involving two sets by using elementary set logic (i.e., and, or, and is/is not statements) (D-3-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 30: Recognize, extend, create, and explain patterns of addition and subtraction as represented in charts and tables and in varied forms of skip-counting (P-1-E) (P-2-E).

2. GLE 31: Recognize, extend, create, and explain patterns that involve simple rotations or size changes with geometric objects (P-1-E) (P-2-E).

3. GLE 32: Recognize and apply patterns in problem-solving in other content areas and real-life situations (P-3-E) (N-9-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2847 (November 2005).

§1509. Third Grade

A. Number and Number Relations: Strand One

1. GLE 1: Model, read, and write place value in word, standard, and expanded form for numbers through 9999 (N-1-E).

2. GLE 2: Read, write, compare, and order whole numbers through 9999 using symbols (i.e., <, =, >) and models (N-1-E) (N-3-E).

3. GLE 3: Use region and set models and symbols to represent, estimate, read, write, and show understanding of fractions through tenths (N-1-E) (N-2-E).

4. GLE 4: Use the concepts of associative and commutative properties of multiplication to simplify computations (N-4-E) (N-7-E).

5. GLE 5: Recognize and model multiplication as a rectangular array or as repeated addition (N-4-E) (N-7-E).

6. GLE 6: Recognize and model division as separating quantities into equal subsets (fair shares) or as repeated subtraction (N-4-E) (N-7-E).

7. GLE 7: Recognize and apply multiplication and division as inverse operations (N-4-E).

8. GLE 8: Recognize, select, connect, and use operations, operational words, and symbols (i.e., +, -, x, ÷) to solve real-life situations (N-5-E) (N-6-E) (N-9-E).

9. GLE 9: Know basic multiplication and division facts [0s, 1s, 2s, 5s, 9s, and turn-arounds (commutative facts), including multiplying by 10s] (N-6-E) (N-4-E).

10. GLE 10: Calculate the value of a combination of bills and coins and make change up to $5.00 (N-6-E) (M-1-E) (M-5-E).

11. GLE 11: Add and subtract numbers of digits or less (N-6-E) (N-7-E).

12. GLE 12: Round to the nearest 1000 and identify situations in which rounding is appropriate (N-7-E) (N-9-E).

13. GLE 13: Determine when and how to estimate, and when and how to use mental math, calculators, or paper/pencil strategies to solve addition and subtraction problems (N-8-E) (N-9-E).

B. Algebra: Strand Two

1. GLE 14: Use the symbols <, >, and ≠ to express inequalities (A-1-E).

2. GLE 15: Use objects, pictures, numbers, symbols, and words to represent multiplication and division problem situations (A-1-E).

3. GLE 16: Use number sentences to represent real-life problems involving multiplication and division (A-1-E) (N-4-E).

4. GLE 17: Analyze and describe situations where proportional trades or correspondences are required (e.g., trade 2 pieces of candy for 3 pieces for gum, make equivalent actions on pans to keep balance scale in equilibrium, plan for the number of pieces of bread needed for x sandwiches) (A-1-E).

5. GLE 18: Use letters as variables in mathematical statements that represent real-life problems (e.g., 2 x n = 8) (A-2-E).

C. Measurement: Strand Three

1. GLE 19: Measure length to the nearest yard, meter, and half-inch (M-1-E).

2. GLE 20: Measure capacity using pints and gallons (M-1-E).

3. GLE 21: Measure weight using grams and ounces (M-1-E).

4. GLE 22: Find the perimeter of a geometric shape given the length of its sides (M-1-E).

5. GLE 23: Find the area in square units of a given rectangle (including squares) drawn on a grid or by covering the region with square tiles (M-1-E).

6. GLE 24: Find elapsed time involving hours and minutes, without regrouping, and tell time to the nearest minute (M-1-E) (M-5-E).

7. GLE 25: Select and use the appropriate standard units of measure, abbreviations, and tools to measure length and perimeter (i.e., in., cm, ft., yd., m), area (square inch, square centimeter), capacity (i.e., cup, pint, quart, gallon, liter), and weight/mass (i.e., oz., lb., g, kg, ton) (M-2-E).

8. GLE 26: Order a set of measures within the same system (M-3-E).

9. GLE 27: Compare U.S. and metric measurement using approximate reference points without using conversions (e.g., a meter is longer than a yard) (M-3-E) (M-4-E).

10. GLE 28: Estimate length, weight/mass, and capacity (M-3-E).

D. Geometry: Strand Four

1. GLE 29: Classify and describe 2- and 3-dimensional objects according to given attributes (triangle vs. quadrilateral, parallelogram vs. prism) (G-2-E) (G-1-E) (G-4-E).

2. GLE 30: Apply concepts of congruence, similarity, and symmetry in real-life situations (G-2-E).

3. GLE 31: Draw or reconstruct figures from visual memory or verbal descriptions (G-3-E).

4. GLE 32: Recognize and executive specified flips, turns, and slides of geometric figures using manipulatives and correct terminology (including *clockwise* and *counterclockwise*) (G-3-E).

5. GLE 33: Construct and draw rectangles (including squares) with given dimensions (e.g., grid paper, square tiles) (G-4-E).

6. GLE 34: Fold a 2-dimensional net into a 3-dimensional object (G-4-E) (G-1-E).

7. GLE 35: Identify, give properties of, and distinguish among points, lines, line segments, planes, rays, and angles (G-5-E).

8. GLE 36: Identify and draw segments, rays, and lines that are perpendicular, parallel, and interesting (G-5-E).

9. GLE 37: Identify, describe, and draw intersecting, horizontal, vertical, parallel, diagonal, and perpendicular lines, rays, and right angles in the real world (G-5-E) (G-6-E).

10. GLE 38: Find the length of a path (that does not include diagonals) between two points on a grid (G-6-E).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 39: Identify categories and sort objects based on qualitative (categorical) and quantitative (numerical) characteristics (D-1-E).

2. GLE 40: Read, describe, and organize a two-circle Venn diagram (D-1-E) (D-2-E).

3. GLE 41: Explain the word *average* and use it appropriately in discussing what is "typical" of a data set (D-1-E).

4. GLE 42: Match a data set to a graph, table, or chart and vice versa (D-2-E).

5. GLE 43: Represent and solve problems using data from a variety of sources (e.g., tables, graphs, maps, advertisements) (D-3-E).

6. GLE 44: Discuss chance situations in terms of *certain/impossible* and *equally likely* (D-5-E).

7. GLE 45: Use manipulatives to discuss the probability of an event (e.g., number cubes, spinners to determine what is most likely or least likely) (D-5-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 46: Identify and model even and odd numbers with objects, pictures, and words (P-1-E).

2. GLE 47: Find patterns to complete tables, state the rule governing the shift between successive terms, and continue the pattern (including growing patterns) (P-1-E) (P-2-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2848 (November 2005).

§1511. Fourth Grade

A. Number and Number Relations: Strand One

1. GLE 1: Read and write place value in word, standard, and expanded form through 1,000,000 (N-1-E).

2. GLE 2: Read, write, compare, and order whole numbers using place value concepts, standard notation, and models through 1,000,000 (N-1-E) (N-3-E) (A-1-E).

3. GLE 3: Illustrate with manipulatives when a number is divisible by 2, 3, 5, or 10 (N-1-E).

4. GLE 4: Know all basic facts for multiplication and division through 12 x 12 and 144 ÷ 12, and recognize factors of composite numbers less than 50 (N-1-E) (N-6-E) (N-7-E).

5. GLE 5: Read, write, and relate decimals through hundredths and connect them with corresponding decimal fractions (N-1-E).

6. GLE 6: Model, read, write, compare, order, and represent fractions with denominators through twelfths using region and set models (N-1-E) (A-1-E).

7. GLE 7: Give decimal equivalents of halves, fourths, and tenths (N-2-E) (N-1-E).

8. GLE 8: Use common equivalent reference points for percents (i.e., 1/4, 1/2, 3/4, and 1 whole) (N-2-E).

9. GLE 9: Estimate fractional amounts through twelfths, using pictures, models, and diagrams (N-2-E).

10. GLE 10: Solve multiplication and division number sentences including interpreting remainders (N-4-E) (A-3-E).

11. GLE 11: Multiply 3-digit by 1-digit numbers, 2-digit by 2-digit numbers, and divide 3-digit numbers by 1-digit numbers, with and without remainders (N-6-E) (N-7-E).

12. GLE 12: Count money, determine change, and solve simple word problems involving money amounts using decimal notation (N-6-E) (N-9-E) (M-1-E) (M-5-E).

13. GLE 13: Determine when and how to estimate, and when and how to use mental math, calculators, or paper/pencil strategies to solve multiplication and division problems (N-8-E).

14. GLE 14: Solve real-life problems, including those in which some information is not given (N-9-E).

B. Algebra: Strand Two

1. GLE 15: Write number sentences or formulas containing a variable to represent real-life problems (A-1-E).

2. GLE 16: Write a related story problem for a given algebraic sentence (A-1-E).

3. GLE 17: Use manipulatives to represent the distributive property of multiplication over addition to explain multiplying numbers (A-1-E) (A-2-E).

4. GLE 18: Identify and create true/false and open/closed number sentences (A-2-E).

5. GLE 19: Solve one-step equations with whole number solutions (A-2-E) (N-4-E).

C. Measurement: Strand Three

1. GLE 20: Measure length to the nearest quarter-inch and mm (M-2-E) (M-1-E).

2. GLE 21: Describe the concept of volume, and measure volume using cubic in. and cubic cm and capacity using fl. oz. and ml (M-2-E) (M-3-E).

3. GLE 22: Select and use the appropriate standard units of measure, abbreviations, and tools to measure length and perimeter (i.e., in., cm, ft., yd., mile, m, km), area (i.e., square inch, square foot, square centimeter), capacity (i.e., fl. oz., cup, pt., qt., gal., l, ml), weight/mass (i.e., oz., lb., g, kg, ton), and volume (i.e., cubic cm, cubic in.) (M-2-E) (M-1-E).

4. GLE 23: Set up, solve, and interpret elapsed time problems (M-2-E) (M-5-E).

5. GLE 24: Recognize the attributes to be measured in a real-life situation (M-2-E) (M-5-E).

6. GLE 25: Use estimates and measurements to calculate perimeter and area of rectangular objects (including squares) in U.S. (including square feet) and metric units (M-3-E).

7. GLE 26: Estimate the area of an irregular shape drawn on a unit grid (M-3-E).

8. GLE 27: Use unit conversions within the same system to solve real-life problems (e.g., 60 sec. = 1 min., 12 objects = 1 dozen, 12 in. = 1 ft., 100 cm =1 m, 1 pt= 2 cups) (M-4-E) (N-2-E) (M-5-E).

D. Geometry: Strand Four

1. GLE 28: Identify the top, bottom, or side view of a given 3-dimensional object (G-1-E) (G-3-E).

2. GLE 29: Identify, describe the properties of, and draw circles and polygons (triangle, quadrilateral, parallelogram, trapezoid, rectangle, square, rhombus, pentagon, hexagon, octagon, and decagon) (G-2-E).

3. GLE 30: Make and test predictions regarding transformations (i.e., slides, flips, and turns) of plane geometric shapes (G-3-E).

4. GLE 31: Identify, manipulate, and predict the results of rotations of 90, 180, 270, and 360 degrees on a given figure (G-3-E).

5. GLE 32: Draw, identify, and classify angles that are acute, right, and obtuse (G-5-E) (G-1-E).

6. GLE 33: Specify locations of points in the first quadrant of coordinate systems and describe paths of maps (G-6-E).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 34: Summarize information and relationships revealed by patterns or trends in a graph, and use the information to make predictions (D-1-E).

2. GLE 35: Find and interpret the meaning of mean, mode, and median of a small set of numbers (using concrete objects) when the answer is a whole number (D-1-E).

3. GLE 36: Analyze, describe, interpret, and construct various types of charts and graphs using appropriate titles, axis labels, scales, and legends (D-2-E) (D-1-E).

4. GLE 37: Determine which type of graph best represents a given set of discrete data (D-2-E) D-1-E).

5. GLE 38: Solve problems involving simple deductive reasoning (D-3-E).

6. GLE 39: Use lists, tables, and tree diagrams to generate and record all possible combinations for 2 sets of 3 or fewer objects (e.g., combinations or pants and shirts, days and games) and for given experiments (D-3-E) (D-4-E).

7. GLE 40: Determine the total number of possible outcomes for a given experiment using lists, tables, and tree diagrams (e.g., spinning a spinner, tossing 2 coins) (D-4-E) (D-5-E).

8. GLE 41: Apply appropriate probabilistic reasoning in real-life contexts using games and other activities (e.g., examining fair and unfair situations) (D-5-E) (D-6-E).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 42: Find and describe patterns resulting from operations involving even and odd numbers (such as even + even = even) (P-1-E).

2. GLE 43: Identify missing elements in a number pattern (P-1-E).

3. GLE 44: Represent the relationship in an input-output situations using a simple equation, graph, table, or word description (P-2-E).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2849 (November 2005).

§1513. Fifth Grade

A. Number and Number Relations. Strand One

1. GLE 1: Differentiate between the terms *factor* and *multiple*, and *prime* and *composite* (N-1-M).

2. GLE 2; Recognize, explain, and compute equivalent fractions for common fractions (N-1-M) (N-3-M).

3. GLE 3: Add and subtract fractions with common denominators and use mental math to determine whether the answer is reasonable (N-2-M).

4. GLE 4: Compare positive fractions using number sense, symbols (i.e., <, =, >), and number lines (N-2-M).

5. GLE 5: Read, explain, and write a numerical representation for positive improper fractions, mixed numbers, and decimals from a pictorial representation and vice versa (N-3-M).

6. GLE 6: Select and discuss the correct operation for a given problem involving positive fractions using appropriate language such as *sum*, *difference*, *numerator*, and *denominator* (N-4-M) (N-5-M).

7. GLE 7: Select, sequence, and use appropriate operations to solve multi-step word problems with whole numbers (N-5-M) (N-4-M).

8. GLE 8: Use the whole number system (e.g., computational fluency, place value, etc.) to solve problems in real-life and other content areas (N-5-M).

9. GLE 9: Use mental math and estimation strategies to predict the results of computations (i.e., whole numbers, addition and subtraction of fractions) and to test the reasonableness of solutions (N-6-M) (N-2-M).

10. GLE 10: Determine when an estimate is sufficient and when an exact answer is needed in real-life problems using whole numbers (N-6-M) (N-5-M).

11. GLE 11: Explain concepts of ratios and equivalent ratios using models and pictures in real-life problems (e.g., understand that 2/3 means 2 divided by 3) (N-8-M) (N-5-M).

B. Algebra: Strand Two

1. GLE 12: Find unknown quantities in number sentences by using mental math, backward reasoning, inverse operations (i.e., unwrapping), and manipulatives (e.g., tiles, balance scales) (A-2-M) (A-3-M).

2. GLE 13: Write a number sentence from a given physical model of an equation (e.g., balance scale) (A-2-M) (A-1-M).

3. GLE 14: Find solutions to one-step inequalities and identify positive solutions on a number line (A-2-M) (A-3-M).

C. Measurement: Strand Three

1. GLE 15: Model, measure, and use the names of all common units in the U.S. and metric systems (M-1-M).

2. GLE 16: Apply the concepts of elapsed time in real-life situations and calculate equivalent times across time zones in real-life problems (M-1-M) (M-6-M).

3. GLE 17: Distinguish among the processes of counting, calculating, and measuring and determine which is the most appropriate strategy for a given situation (M-2-M).

4. GLE 18: Estimate time, temperature, weight/mass, and length in familiar situations and explain the reasonableness of answers (M-2-M).

5. GLE 19: Compare the relative sizes of common units for time, temperature, weight, mass, and length in real-life situations (M-2-M) (M-4-M).

6. GLE 20: Identify appropriate tools and units with which to measure time, mass, weight, temperature, and length (M-3-M).

7. GLE 21: Measure angles to the nearest degree (M-3-M).

8. GLE 22: Compare and estimate measurements between the U.S. and metric systems in terms of common reference points (e.g., l vs. qt., m vs. yd.) (M-4-M).

9. GLE 23: Convert between units of measurement for length, weight, and time, in U.S. and metric, within the same system (M-5-M).

D. Geometry: Strand Four

1. GLE 24: Use mathematical terms to classify and describe the properties of 2-dimensional shapes, including circles, triangles, and polygons (G-2-M).

2. GLE 25: Identify and use appropriate terminology for transformations (e.g., *translation* as *slide*, *reflection* as *flip*, and *rotation* as *turn*) (G-3-M).

3. GLE 26: Identify shapes that have rotational symmetry (G-3-M).

4. GLE 27: Identify and plot points on a coordinate grid in the first quadrant (G-6-M).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 28: Use various types of charts and graphs, including double bar graphs, to organize, display, and interpret data and discuss patterns verbally and in writing (D-1-M) (D-2-M) (P-3-M) (A-4-M).

2. GLE 29: Compare and contrast different scales and labels for bar and line graphs (D-1-M).

3. GLE 30: Organize and display data using spreadsheets, with technology (D-1-M).

4. GLE 31: Compare and contrast survey data from two groups relative to the same question (D-2-M).

5. GLE 32: Represent probabilities as common fractions and recognize that probabilities fall between 0 and 1, inclusive (D-5-M).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 33: Fill in missing elements in sequences of designs, number patterns, positioned figures, and quantities of objects (P-1-M).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2850 (November 2005).

§1515. Sixth Grade

A. Number and Number Relations: Strand One

1. GLE 1: Factor whole numbers into primes (N-1-M).

2. GLE 2: Determine common factors and common multiples for pairs of whole numbers (N-1-M).

3. GLE 3: Find the greatest common factor (GCF) and least common multiple (LCM) for whole numbers in the context of problem-solving (N-1-M).

4. GLE 4: Recognize and compute equivalent representations of fractions and decimals (i.e., halves, thirds, fourths, fifths, eighths, tenths, hundredths) (N-1-M) (N-3-M).

5. GLE 5: Decide which representation (i.e., fraction or decimal) of a positive number is appropriate in a real-life situation (N-1-M) (N-5-M).

6. GLE 6: Compare positive fractions, decimals, and positive and negative integers using symbols (i.e., <, =, >) and number lines (N-2-M).

7. GLE 7: Read and write numerals and words for decimals through ten-thousandths (N-3-M).

8. GLE 8: Demonstrate the meaning of positive and negative numbers and their opposites in real-life situations (N-3-M) (N-5-M).

9. GLE 9: Add and subtract fractions and decimals in real-life situations (N-5-M).

10. GLE 10: Use and explain estimation strategies to predict computational results with positive fractions and decimals (N-6-M).

11. GLE 11: Mentally multiply and divide by powers of 10 (e.g., 25/10 = 2.5; 12.56 x 100 = 1,256) (N-6-M).

12. GLE 12: Divide 4-digit numbers by 2-digit numbers with the quotient written as a mixed number or a decimal (N-7-M).

13. GLE 13: Use models and pictures to explain concepts or solve problems involving ratio, proportion, and percent with whole numbers (N-8-M).

B. Algebra: Strand Two

1. GLE 14: Model and identify perfect squares up to 144 (A-1-M).

2. GLE 15: Match algebraic equations and expressions with verbal statements and vice versa (A-1-M) (A-3-M) (A-5-M) (P-2-M).

3. GLE 16: Evaluate simple algebraic expressions using substitution (A-2-M).

4. GLE 17: Find solutions to 2-step equations with positive integer solutions (e.g., $3x - 5 = 13$, $2x + 3x = 20$) (A-2-M).

C. Measurement: Strand Three

1. GLE 18: Measure length and read linear measurements to the nearest sixteenth-inch and mm (M-1-M).

2. GLE 19: Calculate perimeter and area of triangles, parallelograms, and trapezoids (M-1-M).

3. GLE 20: Calculate, interpret, and compare rates such as $/lb., mpg, and mph (M-1-M) (A-5-M).

4. GLE 21: Demonstrate an intuitive sense of relative sizes of common units for length and area of familiar objects in real-life problems (e.g., estimate the area of a desktop in square feet, the average adult is between 1.5 and 2 meters tall) (M-2-M) (G-1-M).

5. GLE 22: Estimate perimeter and area of any 2-dimensional figure (regular and irregular) using standard units (M-2-M).

6. GLE 23: Identify and select appropriate units to measure area (M-3-M).

D. Geometry: Strand Four

1. GLE 24: Use mathematical terms to describe the basic properties of 3-dimensional objects (edges, vertices, faces, base, etc.) (G-2-M).

2. GLE 25: Relate polyhedra to their 2-dimensional shapes by drawing or sketching their faces (G-2-M) (G-4-M).

3. GLE 26: Apply concepts, properties, and relationships of points, lines, line segments, rays, diagonals, circles, and right, acute, and obtuse angles and triangles in real-life situations, including estimating sizes of angles (G-2-M) (G-5-M) (G-1-M).

4. GLE 27: Make and test predictions regarding tessellations with geometric shapes (G-3-M).

5. GLE 28: Use a rectangular grid and ordered pairs to plot simple shapes and find horizontal and vertical lengths and area (G-6-M).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 29: Collect, organize, label, display, and interpret data in frequency tables, stem-and-leaf plots, and scatter plots and discuss patterns in the data verbally and in writing (D-1-M) (D-2-M) (A-3-M).

2. GLE 30: Describe and analyze trends and patterns observed in graphic displays (D-2-M).

3. GLE 31: Demonstrate an understanding of precision, accuracy, and error in measurement (D-2-M) (M-2-M).

4. GLE 32: Calculate and discuss mean, median, mode, and range of a set of discrete data to solve real-life problems (D-2-M).

5. GLE 33: Create and use Venn diagrams with two overlapping categories to solve counting logic problems (D-3-M).

6. GLE 34: Use lists, tree diagrams, and tables to determine the possible combinations from two disjoint sets when choosing one item from each set (D-4-M).

7. GLE 35: Illustrate and apply the concept of complementary events (D-5-M).

8. GLE 36: Apply the meaning of *equally likely* and *equally probable* to real-life situations (D-5-M) (D-6-M).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 37: Describe, complete, and apply a pattern of differences found in an input-output table (P-1-M) (P-2-M) (P-3-M).

2. GLE 38: Describe patterns in sequences of arithmetic and geometric growth and now-next relationships (i.e., growth patterns where the next term is dependent on the present term) with numbers and figures (P-3-M) (A-4-M).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

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§1517. Seventh Grade

A. Number and Number Relations: Strand One

1. GLE 1: Recognize and compute equivalent representations of fractions, decimals, and percents (i.e., halves, thirds, fourths, fifths, eighths, tenths, hundredths) (N-1-M).

2. GLE 2: Compare positive fractions, decimals, percents, and integers using symbols (i.e., $<, \leq, =, \geq, >$) and position on a number line (N-2-M).

3. GLE 3: Solve order of operations problems involving grouping symbols and multiple operations (N-4-M).

4. GLE 4: Model and apply the distributive property in real-life applications (N-4-M).

5. GLE 5: Multiply and divide positive fractions and decimals (N-5-M).

6. GLE 6: Set up and solve simple percent problems using various strategies, including mental math (N-5-M) (N-6-M) (N-8-M).

7. GLE 7: Select and discuss appropriate operations and solve single- and multi-step, real-life problems involving positive fractions, percents, mixed numbers,

decimals, and positive and negative integers (N-5-M) (N-3-M) (N-4-M).

8. GLE 8: Determine the reasonableness of answers involving positive fractions and decimals by comparing them to estimates (N-6-M) (N-7-M).

9. GLE 9: Determine when an estimate is sufficient and when an exact answer is needed in real-life problems using decimals and percents (N-7-M) (N-5-M).

10. GLE 10: Determine and apply rates and ratios (N-8-M).

11. GLE 11: Use proportions involving whole numbers to solve real-life problems (N-8-M).

B. Algebra: Strand Two

1. GLE 12: Evaluate algebraic expressions containing exponents (especially 2 and 3) and square roots, using substitution (A-1-M).

2. GLE 13: Determine the square root of perfect squares and mentally appropriate other square roots by identifying the two whole numbers between which they fall (A-1-M).

3. GLE 14: Write a real-life meaning of a simple algebraic equation or inequality, and vice versa (A-1-M) (A-5-M).

4. GLE 15: Match algebraic inequalities with equivalent verbal statements and vice versa (A-1-M).

5. GLE 16: Solve one- and two-step equations and inequalities (with one variable) in multiple ways (A-2-M).

6. GLE 17: Graph solutions sets of one-step equations and inequalities as points, or open and closed rays on a number line (e.g., $x = 5$, $x < 5$, $x \leq 5$, $x > 5$, $x \geq 5$) (A-2-M).

7. GLE 18: Describe linear, multiplicative, or changing growth relationships (e.g., 1, 3, 6, 10, 15, 21, …) verbally and algebraically (A-3-M) (A-4-M) (P-1-M).

8. GLE 19: Use *function machines* to determine and describe the rule that generates outputs from given inputs (A-4-M) (P-3-M).

C. Measurement: Strand Three

1. GLE 20: Determine the perimeter and area of composite plane figures by subdivision and area addition (M-1-M) (G-7-M).

2. GLE 21: Compare and order measurements within and between the U.S. and metric systems in terms of common reference points (e.g., weight/mass and area) (M-4-M) (G-1-M).

3. GLE 22: Convert between units of area in U.S. and metric units within the same system (M-5-M).

4. GLE 23: Demonstrate an intuitive sense of comparisons between degrees of Fahrenheit and Celsius in real-life situations using common reference points (M-5-M).

D. Geometry: Strand Four

1. GLE 24: Identify and draw angles (using protractors), circles, diameters, radii, attitudes, and 2-dimensional figures with given specifications (G-2-M).

2. GLE 25: Draw the results of reflections and translations of geometric shapes on a coordinate grid (G-3-M).

3. GLE 26: Recognize π as the ratio between the circumference and diameter of any circle (i.e., $\pi = C/d$ or $\pi = C/2r$) (G-5-M).

4. GLE 27: Model and explain the relationship between perimeter and area (how scale change in a linear dimension affects perimeter and area) and between circumference and area of a circle (G-5-M).

5. GLE 28: Determine the radius, diameter, circumference, and area of a circle and apply these measures in real-life problems (G-5-M) (G-7-M) (M-6-M).

6. GLE 29: Plot points on a coordinate grid in all 4 quadrants and locate the coordinates of a missing vertex in a parallelogram (G-6-M) (A-5-M).

7. GLE 30: Apply the knowledge that the measures of the interior angles in a triangle add up to 180 degrees (G-7-M).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 31: Analyze and interpret circle graphs, and determine when a circle graph is the most appropriate type of graph to use (D-2-M).

2. GLE 32: Describe data in terms of patterns, clustered data, gaps, and outliers (D-2-M).

3. GLE 33: Analyze discrete and continuous data in real-life applications (D-2-M) (D-6-M).

4. GLE 34: Create and use Venn diagrams with three overlapping categories to solve counting logic problems (D-3-M).

5. GLE 35: Use informal thinking procedures of elementary logic involving *if/then* statements (D-3-M).

6. GLE 36: Apply the fundamental counting principle in real-life situations (D-4-M).

7. GLE 37: Determine probability from experiments and from data displayed in tables and graphs (D-5-M).

8. GLE 38: Compare theoretical and experimental probability in real-life situations (D-5-M).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 39: Analyze and describe simple exponential number patterns (i.e., 3, 9, 27 or 3^1, 3^2, 3^3) (P-1-M).

2. GLE 40: Analyze and verbally describe real-life additive and multiplicative patterns involving fractions and integers (P-1-M) (P-4-M).

3. GLE 41: Illustrate patterns of change in length(s) of sides and corresponding changes in areas of polygons (P-3-M).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2852 (November 2005).

§1519. Eighth Grade

A. Number and Number Relations: Strand One

1. GLE 1: Compare rational numbers using symbols (i.e., $<$, $\leq$, $=$, $\geq$, $>$) and position on a number line (N-1-M) (N-2-M).

2. GLE 2: Use whole number exponents (0-3) in problem-solving contexts (N-1-M) (N-5-M).

3. GLE 3: Estimate the answer to an operation involving rational numbers based on the original numbers (N-2-M) (N-6-M).

4. GLE 4: Read and write numbers in scientific notation with positive exponents (N-3-M).

5. GLE 5: Simplify expressions involving operations on integers, grouping symbols, and whole number exponents using order of operations (N-4-M).

6. GLE 6: Identify missing information or suggest a strategy for solving a real-life, rational-number problem (N-5-M).

7. GLE 7: Use proportional reasoning to model and solve real-life problems (N-8-M).

8. GLE 8: Solve real-life problems involving percentages, including percentages less than 1 or greater than 100 (N-8-M) (N-5-M).

9. GLE 9: Find unit/cost rates and apply them in real-life problems (N-8-M) (N-5-M) (A-5-M).

B. Algebra: Strand Two

1. GLE 10: Write real-life meanings of expressions and equations involving rational numbers and variables (A-1-M) (A-5-M).

2. GLE 11: Translate real-life situations that can be modeled by linear or exponential relationships to algebraic expressions, equations, and inequalities (A-1-M) (A-4-M) (A-5-M).

3. GLE 12: Solve and graph solutions of multi-step linear equations and inequalities (A-2-M).

4. GLE 13: Switch between functions represented as tables, equations, graphs, and verbal representations, with and without technology (A-3-M) (P-2-M) (A-4-M).

5. GLE 14: Construct a table of *x*- and *y*-values satisfying a linear equation and construct a graph of the line on the coordinate plane (A-3-M) (A-2-M).

6. GLE 15: Describe and compare situations with constant or varying rates of change (A-4-M).

7. GLE 16: Explain and formulate generalizations about how a change in one variable results in a change in another variable (A-4-M).

C. Measurement: Strand Three

1. GLE 17: Determine the volume and surface area of prisms and cylinders (M-1-M) (G-7-M).

2. GLE 18: Apply rate of change in real-life problems, including density, velocity, and international monetary conversions (M-1-M) (N-8-M) (M-6-M).

3. GLE 19: Demonstrate an intuitive sense of the relative sizes of common units of volume in relation to real-life applications and use this sense when estimating (M-2-M) (G-1-M).

4. GLE 20: Identify and select appropriate units for measuring volume (M-3-M).

5. GLE 21: Compare and estimate measurements of volume and capacity within and between the U.S. and metric systems (M-4-M) (G-1-M).

6. GLE 22: Convert units of volume/capacity within systems for U.S. and metric units (M-5-M).

D. Geometry: Strand Four

1. GLE 23: Define and apply the terms measure, distance, midpoint, bisect, bisector, and perpendicular bisector (G-2-M).

2. GLE 24: Demonstrate conceptual and practical understanding of symmetry, similarity, and congruence and identify similar and congruent figures (G-2-M).

3. GLE 25: Predict, draw, and discuss the resulting changes in lengths, orientation, angle measures, and coordinates when figures are translated, reflected across horizontal or vertical lines, and rotated on a grid (G-3-M) (G-6-M).

4. GLE 26: Predict, draw, and discuss the resulting changes in lengths, orientation, and angle measures that occur in figures under a similarity transformation (dilation) (G-3-M) (G-6-M).

5. GLE 27: Construct polyhedra using 2-dimensional patterns (nets) (G-4-M).

6. GLE 28: Apply concepts, properties, and relationships of adjacent, corresponding, vertical, alternate interior, complementary, and supplementary angles (G-5-M).

7. GLE 29: Solve problems involving lengths of sides of similar triangles (G-5-M) (A-5-M).

8. GLE 30: Construct, interpret, and use scale drawings in real-life situations (G-5-M) (M-6-M) (N-8-M).

9. GLE 31: Use area to justify the Pythagorean theorem and apply the Pythagorean theorem and its converse in real-life problems (G-5-M) (G-7-M).

10. GLE 32: Model and explain the relationship between the dimensions of a rectangular prism and its volume (i.e., how scale change in linear dimension(s) affects volume) (G-5-M).

11. GLE 33: Graph solutions to real-life problems on the coordinate plane (G-6-M).

E. Data, Analysis, Probability, and Discrete Math: Strand Five

1. GLE 34: Determine what kind of data display is appropriate for a given situation (D-1-M).

2. GLE 35: Match a data set or graph to a described situation, and vice versa (D-1-M).

3. GLE 36: Organize and display data using circle graphs (D-1-M).

4. GLE 37: Collect and organize data using box-and-whisker plots and use the plots to interpret quartiles and range (D-1-M) (D-2-M).

5. GLE 38: Sketch and interpret a trend line (i.e., line of best fit) on a scatterplot (D-2-M) (A-4-M) (A-5-M).

6. GLE 39: Analyze and make predictions from discovered data patterns (D-2-M).

7. GLE 40: Explain factors in a data set that would affect measures of central tendency (e.g., impact of extreme values) and discuss which measure is most appropriate for a given situation (D-2-M).

8. GLE 41: Select random samples that are representative of the population, including sampling with and without replacement, and explain the effect of sampling on bias (D-2-M) (D-4-M).

9. GLE 42:Use lists, tree diagrams, and tables to apply the concept of permutations to represent an ordering with and without replacement, and explain the effect of sampling on bias (D-4-M).

10. GLE 43: Use lists and tables to apply the concept of combinations to represent the number of possible ways a set of objects can be selected from a group (D-4-M).

11. GLE 44: Use experimental data presented in tables and graphs to make outcome predictions of independent events (D-5-M).

12. GLE 45: Calculate, illustrate, and apply single- and multiple-event probabilities, including mutually exclusive, independent events and non-mutually exclusive, dependent events (D-5-M).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 46: Distinguish between and explain when real-life numerical patterns are linear/arithmetic (i.e., grows by addition) or exponential/geometric (i.e., grows by multiplication) (P-1-M) (P-4-M).

2. GLE 47: Represent the nth term in a pattern as a formula and test the representation (P-1-M) (P-2-M) (P-3-M) (A-5-M).

3. GLE 48: Illustrate patterns of change in dimension(s) and corresponding changes in volumes of rectangular solids (P-3-M).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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§1521. Ninth Grade

A. Number and Number Relations: Strand One

1. GLE 1: Identify and describe differences among natural numbers, whole numbers, integers, rational numbers, and irrational numbers (N-1-H) (N-2-H) (N-3-H).

2. GLE 2: Evaluate and write numerical expressions involving integer exponents (N-2-H).

3. GLE 3: Apply scientific notation to perform computations, solve problems, and write representations of numbers (N-2-H).

4. GLE 4: Distinguish between an exact and an approximate answer, and recognize errors introduced by the use of approximate numbers with technology (N-3-H) (N-4-H) (N-7-H).

5. GLE 5: Demonstrate computational fluency with all rational numbers (e.g., estimation, mental math, technology, paper/pencil) (N-5-H).

6. GLE 6: Simplify and perform basic operations on numerical expressions involving radicals (e.g., $2\sqrt{3}+5\sqrt{3}=7\sqrt{3}$) (N-5-H).

7. GLE 7: Use proportional reasoning to model and solve real-life problems involving direct and inverse variation (N-6-H).

B. Algebra: Strand Two

1. GLE 8: Use order of operations to simplify or rewrite variable expressions (A-1-H) (A-2-H).

2. GLE 9: Model real-life situations using linear expressions, equations, and inequalities (A-1-H) (D-2-H) (P-5-H).

3. GLE 10: Identify independent and dependent variables in real-life relationships (A-1-H).

4. GLE 11: Use equivalent forms of equations and inequalities to solve real-life problems (A-1-H).

5. GLE 12: Evaluate polynomial expressions for given values of the variable (A-2-H).

6. GLE 13: Translate between the characteristics defining a line (i.e., slope, intercepts, points) and both its equation and graph (A-2-H) (G-3-H).

7. GLE 14: Graph and interpret linear inequalities in one or two variables and systems of linear inequalities (A-2-H) (A-4-H).

8. GLE 15: Translate among tabular, graphical, and algebraic representations of functions and real-life situations (A-3-H) (P-1-H) (P-2-H).

9. GLE 16: Interpret and solve systems of linear equations using graphing, substitution, elimination, with and without technology, and matrices using technology (A-4-H).

C. Measurement: Strand Three

1. GLE 17: Distinguish between precision and accuracy (M-1-H).

2. GLE 18: Demonstrate and explain how the scale of a measuring instrument determines the precision of that instrument (M-1-H).

3. GLE 19: Use significant digits in computational problems (M-1-H) (N-2-H).

4. GLE 20: Demonstrate and explain how relative measurement error is compounded when determining absolute error (M-1-H) (M-2-H) (M-3-H).

5. GLE 21: Determine appropriate units and scales to use when solving measurement problems (M-2-H) (M-3-H) (M-1-H).

6. GLE 22: Solve problems using indirect measurement (M-4-H).

D. Geometry: Strand Four

1. GLE 23: Use coordinate methods to solve and interpret problems (e.g., slope as rate of change, intercept as initial value, intersection as common solution, midpoint as equidistant) (G-2-H) (G-3-H).

2. GLE 24: Graph a line when the slope and a point or when two points are known (G-3-H).

3. GLE 25: Explain slope as a representation of "rate of change" (G-3-H) (A-1-H).

4. GLE 26: Perform translations and line reflections on the coordinate plane (G-3-H).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 27: Determine the most appropriate measure of central tendency for a set of data based on its distribution (D-1-H).

2. GLE 28: Identify trends in data and support conclusions by using distribution characteristics such as patterns, clusters, and outliers (D-1-H) (D-6-H) (D-7-H).

3. GLE 29: Create a scatter plot from a set of data and determine if the relationship is linear or nonlinear (D-1-H) (D-6-H) (D-7-H).

4. GLE 30: Use simulations to estimate probabilities (D-3-H) (D-5-H).

5. GLE 31: Define probability in terms of sample spaces, outcomes, and events (D-4-H).

6. GLE 32: Compute probabilities using geometric models and basic counting techniques such as combinations and permutations (D-4-H).

7. GLE 33: Explain the relationship between the probability of an event occurring, and the odds of an event occurring and compute one given the other (D-4-H).

8. GLE 34: Follow and interpret processes expressed in flow charts (D-8-H).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 35: Determine if a relation is a function and use appropriate function notation (P-1-H).

2. GLE 36: Identify the domain and range of functions (P-1-H).

3. GLE 37: Analyze real-life relationships that can be modeled by linear functions (P-1-H) (P-5-H).

4. GLE 38: Identify and describe the characteristics of families of linear functions, with and without technology (P-3-H).

5. GLE 39: Compare and contrast linear functions algebraically in terms of their rates of change and intercepts (P-4-H).

6. GLE 40: Explain how the graph of a linear function changes as the coefficients or constants are changed in the function's symbolic representation (P-4-H).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2855 (November 2005).

§1523. Tenth Grade

A. Number and Number Relations: Strand One

1. GLE 1: Simplify and determine the value of radical expressions (N-2-H) (N-7-H).

2. GLE 2: Predict the effect of operations on real numbers (e.g., the quotient of a positive number divided by a positive number less than 1 is greater than the original dividend) (N-3-H) (N-7-H).

3. GLE 3: Define *sine, cosine*, and *tangent* in ratio form and calculate them using technology (N-6-H).

4. GLE 4: Use ratios and proportional reasoning to solve a variety of real-life problems including similar figures and scale drawings (N-6-H) (M-4-H).

B. Algebra: Strand Two

1. GLE 5: Write the equation of a line of best fit for a set of 2-variable real-life data presented in table or scatter plot form, with or without technology (A-2-H) (D-2-H).

2. GLE 6: Write the equation of a line parallel or perpendicular to a given line through a specific point (A-3-H) (G-3-H).

C. Measurement: Strand Three

1. GLE 7: Find volume and surface area of pyramids, spheres, and cones (M-3-H) (M-4-H).

2. GLE 8: Model and use trigonometric ratios to solve problems involving right triangles (M-4-H) (N-6-H).

D. Geometry: Strand Four

1. GLE 9: Construct 2- and 3-dimensional figures when given the name, description, or attributes, with and without technology (G-1-H).

2. GLE 10: Form and test conjectures concerning geometric relationships including lines, angles, and polygons (i.e., triangles, quadrilaterals, and *n*-gons), with and without technology (G-1-H) (G-4-H) (G-6-H).

3. GLE 11: Determine angle measurements using the properties of parallel, perpendicular, and intersecting lines in a plane (G-2-H).

4. GLE 12: Apply the Pythagorean theorem in both abstract and real-life settings (G-2-H).

5. GLE 13: Solve problems and determine measurements involving chords, radii, arcs, angles, secants, and tangents of a circle (G-2-H).

6. GLE 14: Develop and apply coordinate rules for translations and reflections of geometric figures (G-3-H).

7. GLE 15: Draw or use other methods, including technology, to illustrate dilations of geometric figures (G-3-H).

8. GLE 16: Represent and solve problems involving distance on a number line or in the plane (G-3-H).

9. GLE 17: Compare and contrast inductive and deductive reasoning approaches to justify conjectures and solve problems (G-4-H) (G-6-H).

10. GLE 18: Determine angle measures and side lengths of right and similar triangles using trigonometric ratios and properties of similarity, including congruence (G-5-H) (M-4-H).

11. GLE 19: Develop formal and informal proofs (e.g., Pythagorean theorem, flow charts, paragraphs) (G-6-H).

E. Data Analysis, Probability, and Discrete Math: Stand Five

1. GLE 20: Show or justify the correlation (match) between a linear or non-linear data set and a graph (D-2-H) (P-5-H).

2. GLE 21: Determine the probability of conditional and multiple events, including mutually and non-mutually exclusive events (D-4-H) (D-5-H).

3. GLE 22: Interpret and summarize a set of experimental data presented in a table, bar graph, line graph, scatter plot, matrix, or circle graph (D-7-H).

4. GLE 23: Draw and justify conclusions based on the use of logic (e.g., conditional statements, converse, inverse, contrapositive) (D-8-H) (G-6-H) (N-7-H).

5. GLE 24: Use counting procedures and techniques to solve real-life problems (D-9-H).

6. GLE 25: Use discrete math to model real life situations (e.g., fair games, elections) (D-9-H).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 26: Generalize and represent patterns symbolically, with and without technology (P-1-H).

2. GLE 27: Translate among tabular, graphical, and symbolic representations of patterns in real-life situations, with and without technology (P-2-H) (P-3-H) (A-3-H).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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§1525. Eleventh and Twelfth Grade

A. Number and Number Relations: Strand One

1. GLE 1: Read, write, and perform basic operations on complex numbers (N-1-H) (N-5-H).

2. GLE 2: Evaluate and perform basic operations on expressions containing rational exponents (N-2-H).

3. GLE 3: Describe the relationship between exponential and logarithmic equations (N-2-H).

B. Algebra: Strand Two

1. GLE 4: Translate and show the relationships among non-linear graphs, related tables of values, and algebraic symbolic representations (A-1-H).

2. GLE 5: Factor simple quadratic expressions including general trinomials, perfect squares, difference of two squares, and polynomials with common factors (A-2-H).

3. GLE 6: Analyze functions based on zeros, asymptotes, and local and global characteristics of the function (A-3-H).

4. GLE 7: Explain, using technology, how the graph of a function is affected by change of degree, coefficient, and constants in polynomial, rational, radical, exponential, and logarithmic functions (A-3-H).

5. GLE 8: Categorize non-linear graphs and their equations as quadratic, cubic, exponential, logarithmic, step function, rational, trigonometric, or absolute value (A-3-H) (P-5-H).

6. GLE 9: Solve quadratic equations by factoring, completing the square, using the quadratic formula, and graphing (A-4-H).

7. GLE 10: Model and solve problems involving quadratic, polynomial, exponential, logarithmic, step function, rational, and absolute value equations using technology (A-4-H).

C. Measurement: Strand Three

1. GLE 11: Calculate angle measures in degrees, minutes, and seconds (M-1-H).

2. GLE 12: Explain the unit circle basis for radian measure and show its relationship to degree measure of angles (M-1-H).

3. GLE 13: Identify and apply the unit circle definition to trigonometric functions and use this definition to solve real-life problems (M-4-H).

4. GLE 14: Use the Law of Sines and the Law of Cosines to solve problems involving triangle measurements (M-4-H).

D. Geometry: Strand Four

1. GLE 15: Identify conic sections, including the degenerate conics, and describe the relationship of the plane and double-napped cone that forms each conic (G-1-H).

2. GLE 16: Represent translations, reflections, rotations, and dilations of plane figures using sketches, coordinates, vectors, and matrices (G-3-H).

E. Data Analysis, Probability, and Discrete Math: Strand Five

1. GLE 17: Discuss the differences between samples and populations (D-1-H).

2. GLE 18: Devise and conduct well-designed experiments/surveys involving randomization and considering the effects of sample size and bias (D-1-H).

3. GLE 19: Correlate/match data sets or graphs and their representations and classify them as exponential, logarithmic, or polynomial functions (D-2-H).

4. GLE 20: Interpret and explain, with the use of technology, the regression coefficient and the correlation coefficient for a set of data (D-2-H).

5. GLE 21: Describe and interpret displays of normal and non-normal distributions (D-6-H).

6. GLE 22: Explain the limitations of predictions based on organized sample sets of data (D-7-H).

7. GLE 23: Represent data and solve problems involving Euler and Hamiltonian paths (D-9-H).

F. Patterns, Relations, and Functions: Strand Six

1. GLE 24: Model a given set of real-life data with a non-linear function (P-1-H) (P-5-H).

2. GLE 25: Apply the concept of a function and function notation to represent and evaluate functions (P-1-H) (P-5-H).

3. GLE 26: Represent and solve problems involving *n*th terms and sums for arithmetic and geometric series (P-2-H).

4. GLE 27: Compare and contrast the properties of families of polynomial, rational, exponential, and logarithmic functions, with and without technology (P-3-H).

5. GLE 28: Represent and solve problems involving the translation of functions in the coordinate plane (P-4-H).

6. GLE 29: Determine the family or families of functions that can be used to represent a given set of real-life data, with and without technology (P-5-H).

NOTE: The benchmarks addressed by each GLE are listed in parentheses after the GLE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6; R.S. 17:24.4; R.S. 17:154.

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Chapter 17. Glossary and References

§1701. Definitions

Accuracy (see *Precision*)—refers to relative error, that is, the maximum allowable error (*tolerance*) of a measurement divided by the measurement. (For example, if a stick is measured to the nearest centimeter as 25 centimeters long, the accuracy of that measurement is one-half, the maximum error is half a centimeter, divided by 25, or 2 percent.)

Algebra—the branch of mathematics that is the symbolic generalization of the ideas of arithmetic.

Basic Facts—addition facts through 10 (0 + 0, 1 + 0, … , 10 + 10), subtraction facts which are the inverses of the addition facts (20 – 10, … , 1 – 0, 0 – 0), multiplication facts (1 x 1, 1 x 2, … , 10 x 10), and division facts which are the inverses of the multiplication facts ($1 \div 1$, $2 \div 1$, …, $100 \div 10$).

Coordinate Geometry—geometry based on the coordinate system.

Data Analysis—the collection, organization, and interpretation of numerical data arising in the real world.

Discrete Math—the branch of mathematics dealing with countable sets including matrices, graph theory, and counting procedures.

Experimental Probability—probability determined by collecting data from repeated trials of an experiment.

Function—a relationship between two sets of numbers (or other mathematical objects). Functions can be used to understand how one quantity varies in relation to another (e.g., the relationship between the number of cars and the number of tires). Once a member of the first set is chosen, the associated member of the second set is uniquely determined.

Integers—the set of numbers consisting of the counting numbers (i.e., 1, 2, 3, 4, 5, …), their opposite (i.e., negative numbers, -1, -2, -3, …), and zero.

Intuitive—perceived insight or awareness.

Magnitude—size of largeness.

Measurement—a way of quantifying the world in which we live.

Patty Paper—thin, waxy squares of paper used in geometric constructions (e.g., hamburger paper).

Precision—the precision of a measurement is determined by the size of the unit used. The smaller the unit, the more precise the measurement. Precision refers to the fineness of the measurement and is limited by the measuring instrument used.

Rational Number—a number that can be expressed in the form a/b, where a and b are integers and $b \neq 0$ (e.g., 3/4. 2/1. or 11/3). Every integer is a rational number, since it can be

expressed in the form a/b (e.g., 5 – 5/1). Rational numbers may be expressed as fractional or decimal numbers (e.g., 3/4 or .75). Finite decimals, repeating decimals, and mixed numbers all represent rational numbers.

Reflection (also called a *flip*)—a transformation which produces the mirror image of a geometric figure.

Relation—a correspondence between two sets of numbers.

Rotation (also called a *turn*)—a transformation which turns a figure about a point by a given number of degrees.

Sample Space—the portion of a population from which data is drawn.

Statistics—the branch of mathematics which is the study of the methods of collecting and analyzing data.

Symbolic Manipulator—technological tool (graphing calculator, computer) that performs traditional algebraic tasks, such as changing the form of expressions (e.g., factoring) and solving equations and inequalities.

Tolerance—the tolerance of a measurement is the largest possible error, generally half of the unit of measure.

Transformation—the process of changing one configuration or expression into another in accordance with a rule. Common geometric transformations include translations, rotations, and reflections.

Translation (also called a *slide*)—a transformation that moves a geometric figure by sliding. Each of the points of the geometric figure moves the same distance in the same direction.

Venn Diagrams—a method of illustrating sets and their properties using overlapping and non-overlapping circles and other plane geometric figures.

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Board of Elementary and Secondary Education

Bulletin 1965—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for English Language Arts
(LAC 28:LXIII.Chapters 1-19)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 1965—Louisiana Content Standards, Benchmarks, and Grade Level* Expectations *for English Language Arts.* This revision of the Louisiana English language arts content standards includes Grade Level Expectations for all grades pre-kindergarten through 12th. Grade Level Expectations are statements of knowledge and skills that students should master at the end of each grade. The federal No Child Left Behind legislation requires every state to have grade specific standards. Since the Louisiana content standards are by grade band, it was necessary to develop the Grade Level Expectations.

Title 28
EDUCATION
Part LXIII. Bulletin 1965XLouisiana Content Standards, Benchmarks, and Grade Level Expectations for English Language Arts

Chapter 1. General

§101. Introduction

A. The content standards in this document define what Louisiana students should know and be able to do in the English Language Arts in order to become lifelong learners and productive citizens in the 21st century. The challenges our students face are numerous and rigorous, requiring that students communicate in all settings. Therefore, the Louisiana English Language Arts Content Standards demonstrate an expanded definition of literacy, one that includes not only knowledge and application of subject matter, but also the ability to be literate technologically and to function as part of a team working individually, collaboratively, and strategically to achieve a common goal.

B. The English Language Arts, reading, writing, speaking, listening, viewing, and visually representing, are integrated; they support each other as they are learned and as they are used. Learning activities are rarely *just reading*, *just writing*, or *just speaking*. Therefore, it is essential that the content standards be viewed holistically; they are not distinct or separable. The English Language Arts are interwoven as pervasive themes throughout this document. Consequently, the Louisiana English Language Arts Content Standards are not categorized by strands.

C. The Louisiana English Language Arts Standards support the philosophy that all students can learn and seek to remove any disparities that may exist in educational opportunities. These content standards reflect a shared vision of the community, educators, and parents that all Louisiana students are capable of becoming informed, productive citizens in our society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2858 (November 2005).

§103. Louisiana Content Standards Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of *meaning* is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing;

2. Problem Solving. The identification of an obstacle or challenge and the subsequent application of knowledge and thinking processes, which include reasoning, decision making, and inquiry in order to reach a solution using multiple pathways, even when no routine path is apparent;

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to

help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video materials, word processors, computers, interactive devices, telecommunication, and other emerging technologies;

4. Linking and Generating Knowledge. The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. *Transfer* refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. *Elaboration* refers to monitoring, adjusting, and expanding strategies into other contexts; and

5. Citizenship. The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to become productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parenthesis after each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2858 (November 2005).

§105. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learning is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing. The first task is to recognize that an information need exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources. After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording. Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, chunking reading, finding main ideas, and taking notes.

4. Processing Information. After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information. Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings. Students apply and communicate what they have learned (e.g., research report, project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyper stack).

7. Evaluating Efforts. Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2859 (November 2005).

§107. Louisiana English Language Arts Content Standards

A. The Louisiana English Language Arts Content Standards listed below should be considered as a whole and not as isolated components of instruction. Further, it should be noted that the content standards are numbered for reference purposes and are not arranged by hierarchy or progression.

1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

2. Students write competently for a variety of purposes and audiences.

3. Students communicate using standard English grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

4. Students demonstrate competence in speaking and listening as tools for learning and communicating.

5. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

6. Students read, analyze, and respond to literature as a record of life experiences.

7. Students apply reasoning and problem solving skills to reading, writing, speaking, listening, viewing, and visually representing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2859 (November 2005).

Chapter 3. Standard One

§301. General Provisions

A. Standard One. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

B. Focus. As students move through the stages of reading development from emergent literacy to fluent, strategic reading, they learn to draw upon their prior experiences, their interactions with other readers and writers, their knowledge of word meaning and of other texts, their word identification strategies, and their understanding of textual features (e.g., semantic, syntactic, graphophonic). Students need to learn how to vary their approaches according to the type of text (e.g., written, spoken, or visual, including formal, informal, literary, and practical), their purpose in reading, and their own knowledge and experiences. Therefore, students should read for a variety of purposes and within a variety of contexts in order to become proficient and knowledgeable readers. Discovering various purposes and exploring and studying different kinds of texts will enable students to become lifelong readers and productive members of society and the workplace.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

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§303. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following:

1. ELA-1-E1—gaining meaning from print and building vocabulary using a full range of strategies (e.g., self-monitoring and correcting, searching, cross-checking), evidenced by reading behaviors while using phonemic awareness, phonics, sentence structure, meaning (1, 4);

2. ELA-1-E2—using the conventions of print (e.g., left-to-right directionality, top-to-bottom, one-to-one matching, sentence framing (1, 4);

3. ELA-1-E3—adjusting speed of reading (e.g., appropriate pacing, intonation, expression) to suit the difficulty of materials and the purpose for reading (e.g., enjoying, learning, problem solving (1, 4);

4. ELA-1-E4—recognizing story elements (e.g., setting, plot, character, theme) and literary devices (e.g., simile, dialogue, personification) within a selection (1, 4);

5. ELA-1-E5—reading, comprehending, and responding to written, spoken, and visual texts in extended passages (e.g., range for fiction passagesX45-1,000 words; range for nonfictionX450-850 words (1, 3, 4);

6. ELA-1-E6—interpreting (e.g., retelling, summarizing) texts to generate connections to real-life situations (1, 2, 4);

7. ELA-1-E7—reading with fluency (natural sequencing of words) for various purposes (e.g., enjoying, learning, problem solving (1, 2, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

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§305. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following:

1. ELA-1-M1—using knowledge of word meaning and developing basic and technical vocabulary using various strategies (e.g., context clues, idioms, affixes, etymology, multiple-meaning words (1, 4);

2. ELA-1-M2—interpreting story elements (e.g., mood, tone, style)* and literary devices (e.g., flashback, metaphor, foreshadowing, symbolism)* within a selection (1, 4);

3. ELA-1-M3—reading, comprehending, and responding to written, spoken, and visual texts in extended passages (e.g., ranging from 500-1,000 words (1, 3, 4);

4. ELA-1-M4—interpreting (e.g., paraphrasing, comparing, contrasting) texts with supportive explanations to generate connections to real-life situations and other texts (e.g., business, technical, scientific (1, 2, 4, 5);

5. ELA-1-M5—adjusting reading rate according to texts and purposes for reading (e.g., problem solving, evaluating, researching)* (1, 2, 4, 5).

* Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), amended LR 31:2860 (November 2005).

§307. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-1-H1—using knowledge of word meaning and extending basic and technical vocabulary, employing a variety of strategies (e.g., contexts, connotations and denotations, word derivations, relationships, inferences (1, 4);

2. ELA-1-H2—analyzing and evaluating the effects of complex elements and complex literary devices (e.g., irony, sarcasm, ambiguity)** on the meaning and purpose of a selection (1, 2, 4);

3. ELA-1-H3—reading, comprehending, and responding to extended, complex, written, spoken, and visual texts (e.g., ranging from 600-1,500 words) (1, 2, 3, 4);

4. ELA-1-H4—analyzing and evaluating complex texts with supportive explanations to generate connections to real-life situations and other texts (e.g., consumer materials, public documents) (1, 2, 4, 5);

5. ELA-1-H5—adjusting reading rate according to texts and purposes for reading (e.g., analyzing, synthesizing, evaluating)** (1, 2, 4).

* Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), amended LR 31:2860 (November 2005).

Chapter 5. Standard Two

§501. General Provisions

A. Standard Two. Students write competently for a variety of purposes and audiences.

B. Focus.Writing is a flexible, recursive process that requires an awareness of purpose and audience, an ability to draw on prior experience, and a knowledge of various approaches. To attain the necessary skills to create written text, students should engage in frequent, meaningful writing activities. As students use different strategies and modify their writing for various purposes and audiences, they become competent in communicating in real-life situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), amended LR 31:2861 (November 2005).

§503. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following:

1. ELA-2-E1—drawing, dictating and writing compositions that clearly state or imply a central idea with supporting details in a logical, sequential order (beginning, middle, end) (1, 4);

2. ELA-2-E2—focusing on language (vocabulary), concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing compositions (1, 2, 4);

3. ELA-2-E3—creating written texts using the writing process (1, 4);

4. ELA-2-E4—using narration, description, exposition, and persuasion to develop compositions (e.g., stories, letters, poems, logs) (1, 4);

5. ELA-2-E5—recognizing and applying literary devices (e.g., figurative language) (1, 4);

6. ELA-2-E6—writing as a response to texts and life experiences (e.g., journals, letters, lists) (1, 2, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), amended LR 31:2861 (November 2005).

§505. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following:

1. ELA-2-M1—writing multiparagraph compositions (150-200 words) that clearly imply a central idea with supporting details in a logical, sequential order (1, 4);

2. ELA-2-M2—using language, concepts, and ideas that show an awareness of intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions (1, 2, 4);

3. ELA-2-M3—identifying and applying the steps of the writing process (1, 4);

4. ELA-2-M4—using narration, description, exposition, and persuasion to develop various modes of writing (e.g., notes, essays)* (1, 4);

5. ELA-2-M5—identifying and applying literary devices (e.g., symbolism, dialogue)* (1, 4);

6. ELA-2-M6—writing as a response to texts and life experiences (e.g., personal and business letters)* (1, 2, 4).

* Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), amended LR 31:2861 (November 2005).

§507. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-2-H1—writing compositions (250-300 words) that employ specific organizational elements (e.g., spatial order, order of importance, ascending/descending order, chronological order) and clearly imply a central idea with supporting details in a logical, sequential order (1, 4);

2. ELA-2-H2—using language, concepts, and ideas that show an awareness of the intended audience and/or purpose (e.g., classroom, real-life, workplace) in developing complex compositions (1, 2, 4);

3. ELA-2-H3—applying the steps of the writing process, emphasizing revising and editing in final drafts (1, 4);

4. ELA-2-H4—using narration, description, exposition, and persuasion to develop various modes of writing (e.g., editorials, critical analyses)** (1, 4);

5. ELA-2-H5—applying literary devices and various stylistic elements (e.g., diction, sentence structure, voice, tone)** (1, 4);

6. ELA-2-H6—writing as a response to texts and life experiences (e.g., technical writing, resumes)** (1, 2, 4, 5).

* Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), amended LR 31:2861 (November 2005).

Chapter 7. Standard Three

§701. General Provisions

A. Standard Three. Students communicate using standard English grammar, usage, sentence structure, punctuation, capitalization, spelling, and handwriting.

B. Focus.Communication is dependent on the practical application of standard English to real-life situations. Students need to be able to apply the knowledge of the systems and structures of standard English in order to develop, discuss, and critique various texts. When students connect the study of grammar and language patterns to written, spoken, and visual compositions, they begin to incorporate these skills into their own working knowledge and ensure that the texts that they create are well received and understood.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), amended LR 31:2861 (November 2005).

§703. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following:

1. ELA-3-E1—writing legibly, allowing margins and correct spacing between letters in a word and words in a sentence (1, 4);

2. ELA-3-E2—demonstrating use of punctuation (e.g., comma, apostrophe, period, question mark, exclamation mark), capitalization, and abbreviations in final drafts of writing assignments (1, 4);

3. ELA-3-E3—demonstrating standard English structure and usage by writing clear, coherent sentences (1, 4);

4. ELA-3-E4—using knowledge of the parts of speech to make choices for writing (1, 4);

5. ELA-3-E5—spelling accurately using strategies (e.g., letter-sound correspondence, hearing and recording sounds in sequence, spelling patterns, pronunciation) and resources (e.g., glossary, dictionary) when necessary (1, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), amended LR 31:2862 (November 2005).

§705. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following:

1. ELA-3-M1—writing fluidly and legibly in cursive or printed form (1, 4);

2. ELA-3-M2—demonstrating use of punctuation (e.g., colon, semicolon, quotation marks, dashes, parentheses), capitalization, and abbreviations (1, 4);

3. ELA-3-M3—demonstrating standard English structure and usage by using correct and varied sentence types (e.g., compound and compound-complex) and effective personal styles (1, 4, 5);

4. ELA-3-M4—demonstrating understanding of the parts of speech to make choices for writing (1, 4); and

5. ELA-3-M5—spelling accurately using strategies and resources (e.g., glossary, dictionary, thesaurus, spell check) when necessary (1, 3, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), amended LR 31:2862 (November 2005).

§707. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-3-H1—writing fluidly and legibly in cursive or printed form (1, 4);

2. ELA-3-H2—using the grammatical and mechanical conventions of standard English (1, 4, 5);

3. ELA-3-H3—spelling accurately using strategies and resources (e.g., technical glossary, specialized dictionary) when necessary (1, 3, 4).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), amended LR 31:2862 (November 2005).

Chapter 9. Standard Four

§901. General Provisions

A. Standard Four. Students demonstrate competence in speaking and listening as tools for learning and communicating.

B. Focus. Communication is dependent on the interpersonal skills of speaking and listening and on the ability to work collaboratively with different people. Since information can be conveyed in various ways (e.g., between persons or groups, between persons and technological mechanisms, or between mechanisms), students need to understand the communication process: the concepts of sender and receiver, the ability to track communication breakdowns, recognition of verbal and nonverbal cues, and the art of follow-through. Understanding the communication process and applying this understanding to different audiences, purposes, and contexts will enable students to achieve effective communication in real-life situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:308 (March 2003), amended LR 31:2862 (November 2005).

§903. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following:

1. ELA-4-E1—speaking intelligibly, using standard English pronunciation (1, 4);

2. ELA-4-E2—giving and following directions/procedures (1, 4);

3. ELA-4-E3—telling or retelling stories in sequence (1, 4);

4. ELA-4-E4—giving rehearsed and unrehearsed presentations (1, 4);

5. ELA-4-E5—speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5);

6. ELA-4-E6—listening and responding to a wide variety of media (e.g., music, TV, film, speech) (1, 3, 4, 5);

7. ELA-4-E7—participating in a variety of roles in group discussions (e.g., active listener, contributor, discussion leader) (1, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), amended LR 31:2862 (November 2005).

§905. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following:

1. ELA-4-M1—speaking intelligibly, using standard English pronunciation and diction (1, 4);

2. ELA-4-M2—giving and following directions /procedures (1, 4);

3. ELA-4-M3—using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving rehearsed and unrehearsed presentations (1, 2, 4);

4. ELA-4-M4—speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5);

5. ELA-4-M5—listening and responding to a wide variety of media* (1, 3, 4, 5);

6. ELA-4-M6—participating in a variety of roles in group discussions (e.g., facilitator, recorder)* (1, 4, 5).

* Inclusive of K-4 examples;

** inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), amended LR 31:2862 (November 2005).

§907. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-4-H1—speaking intelligibly, using standard English pronunciation and diction (1, 4);

2. ELA-4-H2—giving and following directions /procedures (1, 4);

3. ELA-4-H3—using the features of speaking (e.g., audience analysis, message construction, delivery, interpretation of feedback) when giving prepared and impromptu presentations (1, 2, 4);

4. ELA-4-H4—speaking and listening for a variety of audiences (e.g., classroom, real-life, workplace) and purposes (e.g., awareness, concentration, enjoyment, information, problem solving) (1, 2, 4, 5);

5. ELA-4-H5—listening and responding to a wide variety of media (e.g., CD-ROM)** (1, 3, 4);

6. ELA-4-H6—participating in a variety of roles in group discussion (e.g., mediator)** (1, 4, 5).

* Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), amended LR 31:2863 (November 2005).

Chapter 11. Standard Five

§1101. General Provisions

A. Standard Five. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge.

B. Focus. The information and technology age demands multifaceted approaches to accessing facts, images, and text from an array of information sources (e.g., libraries, electronic data, audio and video materials).The vast amount of available sources includes the reading and retrieval of information through the use of technology. The ability to identify topics, to gather information, and to evaluate, assemble, and interpret findings from an assortment of sources is one of the most essential real-life skills that students need in order to acquire and communicate knowledge in a rapidly changing world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), amended LR 31:2863 (November 2005).

§1103. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following:

1. ELA-5-E1—recognizing and using organizational features of printed text, other media, and electronic information (e.g., parts of a text, alphabetizing, captions, legends, pull-down menus, keyword searches, icons, passwords, entry menu features) (1, 3, 4);

2. ELA-5-E2—locating and evaluating information sources (e.g., print materials, databases, CD-ROM references, Internet information, electronic reference works, community and government data, television and radio resources, audio and visual materials) (1, 3, 4, 5);

3. ELA-5-E3—locating, gathering, and selecting information using graphic organizers, simple outlining, note taking, and summarizing to produce texts and graphics (1, 3, 4);

4. ELA-5-E4—using available technology to produce, revise, and publish a variety of works (e.g., book reviews, summaries, short research reports) (1, 3, 4);

5. ELA-5-E5—giving credit for borrowed information by telling or listing sources (1, 4);

6. ELA-5-E6—recognizing and using graphic organizers (e.g., charts/graphs, tables/schedules, diagrams /maps) (1, 2, 3, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:309 (March 2003), amended LR 31:2863 (November 2005).

§1105. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following:

1. ELA-5-MXidentifying and using organizational features of printed text, other media, and electronic information (e.g., microprint, CD-ROM, e-mail)* (1, 3, 4);

2. ELA-5-M2—integrating information sources* (1, 3, 4, 5);

3. ELA-5-M3—locating, gathering, and selecting information using formal outlining, paraphrasing, interviewing, and surveying to produce documented texts and graphics* (1, 3, 4);

4. ELA-5-M4—using available technology to produce, revise, and publish a variety of works (e.g., documented research reports, investigative reports, annotated bibliographies)* (1, 3, 4);

5. ELA-5-M5—citing references using various formats (e.g., endnotes, bibliography)* (1, 4);

6. ELA-5-M6—identifying and interpreting graphic organizers (e.g., flowcharts, timelines, tree diagrams)* (1, 2, 3, 4, 5).

* Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), amended LR 31:2863 (November 2005).

§1107. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-5-H1—evaluating and using organizational features of printed text, other media, and electronic information (e.g., citations, endnotes, bibliographic references)** (1, 3, 4);

2. ELA-5-H2—synthesizing information sources** (1, 3, 4, 5);

3. ELA-5-H3—accessing information and conducting research using a variety of primary and secondary sources to produce formal papers** (1, 2, 3, 4);

4. ELA-5-H4—using available technology to produce, revise, and publish a variety of works (e.g., abstracts, analytical reports, summative research)** (1, 3, 4,);

5. ELA-5-H5—citing references using various formats (e.g., parenthetical citations, annotated bibliographies)** (1, 4);

6. ELA-5-H6—analyzing and synthesizing graphic organizers (e.g., organizational charts, concept maps, comparative tables)** (1, 2, 3, 4, 5).

* Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), amended LR 31:2864 (November 2005).

Chapter 13. Standard Six

§1301. General Provisions

A. Standard Six. Students read, analyze, and respond to literature as a record of life experiences.

B. Focus. Literature is a record of life experiences as set forth in various writings (e.g., history, novels, poetry, science fiction, essays, news articles, logs). The study of literary texts recognizes characteristics of enduring literature, discovers and reviews the elements of various genres, identifies diverse perspectives, and distinguishes cultural traditions. The study of literature and writers of the United States and throughout the world gives students an appreciation of other cultures in a global society. Through a comprehensive literature program, students learn to make connections between literary texts and their own lives, to develop their own perspectives, and to analyze different viewpoints toward events, circumstances, and issues in our complex society.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:610 (March 2003), amended LR 31:2/864 (November 2005).

§1303. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following:

1. ELA-6-E1Xrecognizing and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 4, 5);

2. ELA-6-E2Xrecognizing and responding to a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., folktales, legends, myths, biography, autobiography, poetry, short stories) (1, 4);

3. ELA-6-E3Xidentifying and distinguishing key differences of various genres (1, 2, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), amended LR 31:2864 (November 2005).

§1305. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what they know and are able to do includes the following:

1. ELA-6-M1—comparing/contrasting and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 4, 5);

2. ELA-6-M2—identifying, comparing, and responding to a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., novels, drama)* (1, 2, 4, 5);

3. ELA-6-M3—classifying and interpreting various genres according to their unique characteristics (1, 2, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), amended LR 31:2864 (November 2005).

§1307. Benchmarks 9-12

A. As students in grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-6-H1—analyzing, evaluating, and responding to United States and world literature that represents the experiences and traditions of diverse ethnic groups (1, 2, 4, 5);

2. ELA-6-H2—analyzing and evaluating distinctive elements (e.g., recurrent themes, historical significance, literary techniques) of ancient, American, British, and world literature (1, 2, 4, 5);

3. ELA-6-H3—analyzing, and synthesizing a variety of classic and contemporary fiction and non-fiction literature from many genres (e.g., epics)** (1, 2, 4, 5);

4. ELA-6-H4—analyzing and responding to various genres as records of life experiences (1, 2, 4, 5).

* Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:310 (March 2003), amended LR 31:2864 (November 2005).

Chapter 15. Standard Seven

§1501. General Provisions

A. Standard Seven. Students apply reasoning and problem solving skills to their reading, writing, speaking, listening, viewing, and visually representing.

B. Focus. Students use language daily to solve problems and deal with issues surrounding them. In order to respond effectively to these situations, students need to use the English Language Arts clearly, fluently, strategically, critically, technologically, and creatively. Students should use reasoning skills as they pose questions, plan, predict, investigate, hypothesize, speculate, and communicate about issues they encounter in academic subjects as well as in everyday life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:311 (March 2003), amended LR 31:2865 (November 2005).

§1503. Benchmarks K-4

A. In Grades K-4, what students know and are able to do includes the following:

1. ELA-7-E1—using comprehension strategies (e.g., sequencing, predicting, drawing conclusions, comparing and contrasting, making inferences, determining main ideas) to interpret oral, written, and visual texts (1, 2, 4);

2. ELA-7-E2—using basic reasoning skills, life experiences, and available information to solve problems in oral, written, and visual texts (1, 2, 4);

3. ELA-7-E3—recognizing an author's purpose (reason for writing), and viewpoint (perspective) (1, 2, 4);

4. ELA-7-E4—using basic reasoning skills to distinguish fact from opinion, skim and scan for facts, determine cause and effect, generate inquiry, and make connections with real-life situations (1, 2, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:311 (March 2003), amended LR 31:2865 (November 2005).

§1505. Benchmarks 5-8

A. As students in Grades 5-8 extend their knowledge, what students know and are able to do includes the following:

1. ELA-7-M1—using comprehension strategies (e.g., summarizing, recognizing literary devices, paraphrasing)* to analyze oral, written, and visual texts (1, 2, 4);

2. ELA-7-M2—using reasoning skills (e.g., categorizing, prioritizing),* life experiences, accumulated knowledge, and relevant available information resources to solve problems in oral, written, and visual texts (1, 2, 4);

3. ELA-7-M3—interpreting the effects of an author's purpose (reason for writing) and viewpoint (perspective) (1, 2, 4);

4. ELA-7-M4—using inductive and deductive reasoning skills across oral, written, and visual texts* (1, 2, 4, 5).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

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§1507. Benchmarks 9-12

A. As students in Grades 9-12 extend and refine their knowledge, what they know and are able to do includes the following:

1. ELA-7-H1—using comprehension strategies (e.g., synthesizing, critiquing)** to evaluate oral, written, and visual texts (1, 2, 4);

2. ELA-7-H2—using reasoning skills (e.g., analyzing evaluating),** incorporating life experiences, and using available information resources to solve problems in complex oral, written, and visual texts (1, 2, 4, 5);

3. ELA-7-H3—analyzing and evaluating the effects of an author's life, culture, and philosophical assumptions as reflected in the author's viewpoint (perspective) (1, 2, 4, 5);

4. ELA-7-H4—analyzing and evaluating the effects of an author's life, culture, and philosophical assumptions as reflected in the author's viewpoint (perspective) (1, 2, 4, 5).

*Inclusive of K-4 examples;

** Inclusive of K-8 examples.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:311 (March 2003), amended LR 31:2865 (November 2005).

Chapter 17. Grade Level Expectations

§1701. Prekindergarten

A. Reading and Responding. Standard One

1. GLE 1—demonstrate understanding of phonological awareness by doing the following:

a. manipulating endings of words and nonsense words to make rhyming sounds;

b. manipulating syllables in spoken words (segment/blend);

c. identifying and manipulating onset and rime in words with three sounds (onset of the word *cake* is /k/ and the rime of the word *cake* is /-ake/);

d. repeating each word in a simple sentence (PK-LL-L3) (ELA-1-E1).

2. GLE 2—demonstrate understanding of phonemic awareness by manipulating and identifying individual sounds (phonemes) in spoken words with three sounds (PK-LL-L3) (ELA-1-E1);

3. GLE 3—demonstrate understanding of alphabetic principle by doing the following:

a. identifying own first name in print;

b. identifying at least eight uppercase or lowercase letters, focusing on those in the student's name (PK-LL-L3) (ELA-1-E1);

4. GLE 4—orally respond to questions using new vocabulary introduced in conversations, activities, stories, or books (PK-LL-L4) (ELA-1-E1);

5. GLE 5-demonstrate understanding of book and print concepts by doing the following:

a. recognizing that a book has a cover and identifying the cover and title of a book;

b. holding a book right side up;

c. differentiating between an illustration and printed text;

d. recognizing that print is read left-to-right and top-to-bottom (PK-LL-R3) (ELA-1-E2);

6. GLE 6—relate pictures to characters (PK-LL-R4) (ELA-1-E4);

7. GLE 7—role-play using different voices to represent characters in familiar stories (PK-LL-S1) (ELA-1-E4);

8. GLE 8—listen to a story and state orally what the story is about (PK-LL-R1) (PK-LL-R2) (PK-LL-E5);

9. GLE 9—answer simple questions about a story read aloud (PK-L-S3) (PK-LL-R4) (ELA-1-E5);

10. GLE 10—share related life experiences after stories are read aloud (PK-LL-L1) (PK-LL-S1) (ELA-1-E6);

11. GLE 11—orally express thoughts about characters or events in a story (PK-LL-S1) (PK-LL-S2) (PKS-LL-R2) (ELA-1-E6).

B. Reading and Responding. Standard Seven

1. GLE 12—demonstrate understanding of texts read aloud using a variety of strategies, including:

a. sequencing two or three pictures to illustrate events in a story;

b. participating in a group discussion to predict what a book will be about; and

c. determining whether the prediction was accurate (PK-LL-R2) (ELA-7-E1).

2. GLE 13—identify problems and solutions in stories that are read aloud (PK-LL-R2) (ELA-7-E2);

3. GLE 14.—use simple reasoning skills, including:

a. identifying reality and fantasy in texts read aloud (PF-LL-R1);

b. determining why something happens in a story read aloud (PK-LL-R2);

c. asking simple questions about a story read aloud (e.g., who, where) (PK-LL-S3) (ELA-7-E4).

C. Writing. Standard Two

1. GLE 15—use scribble writing, letter-like forms, dictation, or drawing to represent a word or concept (PK-LL-W1) (PK-LL-W2) (PK-LL-W3) (ELA-2-E1);

2. GLE 16—orally generate words, ideas, and lists for group writing activities (PK-LL-W3) (ELA-2-E3);

3. GLE 17—write informal notes, lists, and letters using scribble writing and/or pictures (PK-LL-W2) (PK-LL-W3) (PK-LL-W4) (ELA-2-E4);

4. GLE 18—participate in group-shared writing activities that include rhyming and descriptive words (PK-LL-W3) (PK-LL-W4) (PK-LL-L3) (ELA-2-E5); and

5. GLE 19—scribble write or draw a picture of a life experience or response to a text read aloud (PK-LL-W2) (PK-LL-W4) (ELA-2-E6).

D. Writing/Proofreading. Standard Three

1. GLE 20—demonstrate consistent top-to-bottom formation for letters or letter-like forms (PK-LL-W2) (ELA-3-E1).

E. Speaking and Listening. Standard Four

1. GLE 21—use words, phrases, and /or sentences to express feelings, ideas, needs, and wants (PK-LL-S1) (PK-LL-S2) (ELA-4-E1);

2. GLE 22—carry on a conversation about a topic, thought, or idea from the classroom, home, or community (PK-LL-S1) (PK-LL-S3) (ELA-4-E1);

3. GLE 23—repeat an instruction given orally (PK-LL-S1) (ELA-4-E2);

4. GLE 24—follow one- and two-step verbal and nonverbal directions (PK-LL-L2) (ELA-4-E2);

5. GLE 25—retell part of a favorite story (PK-LL-R2) (ELA-4-E3);

6. GLE 26—speak about life experiences or topics of interest (PK-LL-S3) (ELA-4-E4);

7. GLE 27—actively participate in role-playing, creative dramatics, finger plays, nursery rhymes and choral speaking (PK-LL-R1) (PK-LL-S2) (PK-LL-L3) (PK-LL-L4) (ELA-4-E5);

8. GLE 28—listen and orally respond to questions about media, including music and videos (PK-LL-L5) (ELA-4-E6);

9. GLE 29—recognize and follow agreed-upon rules for discussing, such as raising one's hand, waiting one's turn, and speaking one at a time (PK-LL-S1) (PK-SE-C1) (ELA-4-E7).

F. Information Resources. Standard Five

1. GLE 30—identify a computer mouse and its purpose (i.e., to navigate the screen) (PK-LL-L5) (LEA-5-E1);

2. GLE 31—identify and use information that is formatted in a chart or graph, such as a daily schedule (PK-LL-S1) (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2865 (November 2005).

§1703. Kindergarten

A. Reading and Responding. Standard One

1. GLE 1—demonstrate understanding of phonemic awareness by doing the following:

a creating rhyming words;

b. demonstrating that a sequence of letters in a word represents the sequence of sounds heard or spoken in that word by repeating or saying the sounds in sequence heard or seen;

c. identifying when words begin with the same sound;

d. listening to three sounds (phonemes) and recognizing that two are the same;

e. listening to and deleting or adding a beginning, a middle, or a final sound to a word;

f. orally segmenting individual sounds (phonemes) in words that have two to five sounds;

g. isolating and saying the beginning and final sounds (phonemes) of a spoken word;

h. Clapping/tapping to match each individual syllable of a spoken word (ELA-1-E1).

2. GLE 2—demonstrate understanding of alphabetic principle by doing the following:

a. distinguishing and naming all uppercase and lowercase letters;

b. identifying own first and last name (ELA-1-E1).

3. GLE 3—demonstrate understanding of phonics by doing the following:

a. matching each consonant or short vowel sound to the appropriate letter;

b. decoding simple one-syllable words (ELA-1-E1).

4. GLE 4—recognize and understand words found in environmental print (ELA-1-E1);

5. GLE 5—read books with predictable, repetitive text and simple illustrations (ELA-1-E1);

6. GLE 6—identify that printed text is made up of sentences that begin with a capital letter and end with some type of punctuation (ELA-1-E2);

7. LE 7—demonstrate understanding of book and print concepts by doing the following:

a. locating front and back covers, title pages, and inside pages of a book;

b. identifying periods, question marks, and exclamation marks and demonstrating knowledge that they are used at the end of a sentence;

c. isolating individual words in print (ELA-1-E5).

8. GLE 8—identify basic story elements, including simple plot sequences, setting, and simple character descriptions, in a favorite story using pictures and/or oral responses (ELA-1-E4);

9. GLE 9—orally retell ideas and important facts in grade-appropriate texts read aloud by the teacher and read by the individual student (ELA-1-E5);

10. GLE 10—answer questions about the important characters, setting, and events of a story (ELA-1-E5);

11. GLE 11—describe the connections between life experiences and texts (ELA-1-E6).

B. Reading and Responding. Standard Six

1. GLE 12—respond to stories, legends, songs, and other literature from diverse cultural and ethnic groups by participating in activities such as answering questions, role-playing, and drawing (ELA-6-E1);

2. GLE 13—identify whether the type of text read aloud is a true story, a fictional story, a song, or a poem (ELA-6-E2).

C. Reading and Responding. Standard Seven

1. GLE 14—demonstrate understanding of information in texts read aloud using a variety of strategies, including:

a. making predictions using prior knowledge and pictures;

b. using at least five pictures to sequence the events of a story;

c. drawing conclusions from text;

d. using pictures to resolve questions (ELA-7-E1).

2. GLE 15—identify problems in texts and offer possible solutions (ELA-7-E2);

3. GLE 16—describe the role of an author and an illustrator (ELA-7-E3);

4. GLE 17—identify different emotions and feelings of authors by participating in activities such as role-playing, illustrating, and answering questions (ELA-7-E4);

5. GLE 18—ask questions that demonstrate knowledge of character, setting, plot, and text type about texts read aloud (e.g., what, why, how) (ELA-7-E4);

D. Writing. Standard Two

1. GLE 19—write using developmental/inventive spelling, supported by drawing or dictation to the teacher to express ideas (ELA-2-E1);

2. GLE 20—create compositions by participating in shared writing activities (ELA-2-E1);

3. GLE 21—use illustrations, developmental/inventive spelling, and appropriate vocabulary to write for a specific purpose and/or audience (ELA-2-E2);

4. GLE 22—create simple text using prior knowledge by drawing, dictating to the teacher, and/or writing using developmental/inventive spelling (ELA-2-E3);

5. GLE 23—use classroom resources (e.g., word walls, picture dictionaries, teachers, peers) to support a writing process (ELA-2-E3);

6. GLE 24—actively discuss ideas and select a focus for group stories (ELA-2-E3);

7. GLE 25—write informal notes, lists, letters, personal experiences, and stories using developmental/inventive spelling and pictures (ELA-2-E4);

8. GLE 26—use rhyme and alliteration in group-shared writing activities (ELA-2-E5);

9. GLE 27—use developmental/inventive spelling, supported by pictures, to represent a word or idea or to respond to a life experience or a text read aloud (ELA-2-E6).

E. Writing/Proofreading. Standard Three

1. GLE 28—demonstrate an understanding of letter placement in text by writing letters and words from left to right and top to bottom on a page (ELA-3-E1);

2. GLE 29—print all uppercase and lowercase letters (ELA-3-E1);

3. GLE 30—print letters and words with proper figure grounding on a line and with appropriate spaces between words (ELA-3-E1);

4. GLE 31—identify and use uppercase letters at the beginning of own first and last names (ELA-3-E2);

5. GLE 32—write simple stories or life experiences using developmental/inventive spelling that shows knowledge of letter/sound correspondences (ELA-3-E5).

F. Speaking and Listening. Standard Four

1. GLE 33—initiate and sustain normal conversation on a specific topic with the teacher (ELA-4-E1);

2. GLE 34—express feelings, needs, and ideas in complete sentences (ELA-4-E1);

3. GLE 35—give and follow one- and two-step verbal and nonverbal directions without interrupting (ELA-4-E2);

4. GLE 36—relate an experience or creative story in a logical sequence (ELA-4-E3);

5. GLE 37—describe people, places, things (e.g., size, color, shape), locations, and actions from a story read aloud (ELA-4-E3);

6. GLE 38—recite short poems, rhymes, and songs (ELA-4-E4);

7. GLE 39—listen to and recite short poems and stories for an audience (ELA-4-E5);

8. GLE 40Xrespond to video/film versions of a story read aloud through activities such as role-playing, illustrating, and discussing without interruption (ELA-4-E6);

9. GLE 41—participate in designated roles within classroom activities, such as line leader, teacher helper, and calendar helper (ELA-4-E7).

G. Information Resources. Standard Five

1. GLE 42—use a computer mouse to navigate the screen (ELA-5-E1);

2. GLE 43—identify that a computer has a keyboard to enter information (ELA-5-E1);

3. GLE 44—use technology to produce class work (ELA-5-E4);

4. GLE 45—read and interpret a classroom schedule (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2866 (November 2005).

§1705. First Grade

A. Reading and Responding. Standard One

1. GLE 1—demonstrate understanding of phonemic awareness of:

a. creating and stating a series of rhyming words, including consonant blends;

b. distinguishing which words have the same target sounds (i.e., beginning, medial, and final) in a given set of spoken words;

c. distinguishing long- and short-vowel sounds related to the same letter in one-syllable spoken words (e.g., the *a* is short in *ran* and long in *make*);

d. segmenting single-syllable real and nonsense words with as many as five sounds (phonemes) into separate sounds (phonemes) and blending as many as five sounds (phonemes) into single-syllable real or nonsense words, without looking at the word or letters in print;

e. adding, deleting, or substituting sounds (phonemes) to create new words (ELA-1-E1);

2. GLE 2—demonstrate understanding of phonics by:

a. decoding simple words using word-attack strategies including letter-sound correspondence for consonants spelled with one letter and with digraphs, short and long vowels spelled with one letter, diphthongs, consonant blends, *r*-controlled vowels, and long vowels spelled with more than one letter, including silent *e*;

b. reading one- and two-syllable words with short- and long-vowel sounds spelled with common spelling patterns;

c. identifying and reading words from common word families;

d. recognizing base words and the inflectional forms (e.g., suffixes, *-s, -es, -ed, -ing, -est, -er)*;

e. reading high-frequency, grade-appropriate nonphonetic words with automaticity (ELA-1-E1);

3. GLE 3—use pictures and context clues to confirm meaning of unfamiliar words (ELA-1-E1);

4. GLE 4—identify grade-appropriate compound words in print (ELA-1-E1);

5. GLE 5—identify grade-appropriate contractions (e.g., *isn't, can't, don't*) (ELA-1-E1);

6. GLE 6—identify words in categories with shared conceptual or

definitional characteristics (ELA-1-E1);

7. GLE 7—give more than one definition for grade-appropriate words that have more than one meaning (ELA-1-E2);

8. GLE 8—identify the author and the illustrator of a book (ELA-1-E2);

9. GLE 9—identify that the first sentence of a paragraph is indented (ELA-1-E2);

10. GLE 10—identify table of contents in a book (ELA-1-E3);

11. GLE 11—demonstrate ability to read and follow two-step written directions (ELA-1-E3);

12. GLE 12—identify story elements, including:

a. speaker or narrator;

b. setting;

c. characters;

d. plot;

e. problems and solutions (ELA-1-E4);

13. GLE 13—identify literary devices, including dialogue (ELA-1-E4);

14. GLE 14—retell a story's beginning, middle, and end (ELA-1-E5);

15. GLE 15—retell important facts from informational text (ELA-1-E5);

16. GLE 16—compare the similarities/differences between events in a story and events in life (ELA-1-E6);

17. GLE 17—identify themes in texts and relate themes to personal prior experience or experience of others (ELA-1-E6);

18. GLE 18—demonstrate oral reading fluency of at least 40 words per minute in first-grade text with appropriate phrasing and intonation (ELA-1-E7).

B. Reading and Responding. Standard Six

1. GLE 19—identify and state/tell cultural differences found in literature read aloud (ELA-6-E1);

2. GLE 20—explain the difference between a fable and a fairy tale (ELA-6-E2);

3. GLE 21—distinguish between a poem, a fable, and a fairy tale (ELA-6-E3).

C. Reading and Responding. Standard Seven

1. GLE 22—demonstrate understanding of information in texts using a variety of strategies, including:

a. identifying the main idea and some details in a text;

b. after finishing a story, discuss predictions made during reading to determine whether they were reasonable;

c. making simple inferences about characters and events;

d. resolving questions about meaning by using prior knowledge, basic reasoning skills, context clues, and pictures during read-alouds (ELA-7-E1);

2. GLE 23—identify alternative solutions and consequences to a problem in texts (ELA-7-E3);

3. GLE 24—identify an author's purpose for writing (e.g., to entertain, to inform, to describe) (ELA-7-E3);

4. GLE 25—apply basic reasoning skills, including:

a. identifying simple causes and effects in stories;

b. telling differences between reality and fantasy in texts;

c. formulating questions beginning with *who, what, when, where,* and *why* about texts read independently (ELA-7-E4).

D. Writing. Standard Two

1. GLE 26—write simple stories with a central idea or event; a beginning, middle, and end; and details (ELA-2-E1);

2. GLE 27—use specific action and descriptive words when writing a story, description, or narration (e.g., *stomped* instead of *walked* and *magnificent* instead of *big*) for a specific purpose and/or audience (ELA-2-E2);

3. GLE 28—participate in group writing activities and processes, including:

a. using prewriting strategies, including listing, brainstorming, and drawing to generate ideas for writing;

b. planning for writing by completing a partially completed graphic organizer;

c. writing a first draft of a story, letter, or description using complete sentences;

d. conferencing with a teacher or peers about how to improve writing and incorporate ideas into final paper;

e. revising/editing own writing in first draft;

f. creating individual and class-written texts for publication (ELA-2-E3);

4. GLE 29Xindependently write a variety of grade-appropriate compositions, including:

a. simple letters, notes, and stories;

b. simple informational descriptions;

c. simple rhymes and poems (ELA-2-E4);

5. GLE 30—use literary devices including dialogue and sensory details in shared writing activities (ELA-2-E5);

6. GLE 31—write for various purposes, including:

a. responses that include simple judgments about stories and text;

b. responses that follow simple formats, including envelopes, lists, and journals (ELA-2-E6).

E. Writing/Proofreading. Standard 3

1. GLE 32—write a legible sentence demonstrating proper figure grounding on a line and appropriate spacing between words (ELA-3-E1);

2. GLE 33—use standard English punctuation, including:

a. correctly writing common contractions such as *isn't*, *we'll*, and *I'd*;

b. periods, exclamation points, and question marks at the end of sentences;

c. commas to separate words in a series (ELA-3-E2);

3. GLE 34—capitalize the first word of a sentence, names of people, the pronoun *I*, and the names of months and days (ELA-3-E2);

4. GLE 35—use the singular and plural forms of high-frequency and commonly used words (ELA-3-E3);

5. GLE 36—identify and use a subject and a verb when writing a complete sentence (ELA-3-E3);

6. GLE 37—distinguish between a complete and an incomplete sentence (ELA-3-E3);

7. GLE 38—identify different types of sentences including telling, asking, and exclaiming (ELA-3-E3);

8. GLE 39—identify and use knowledge parts of speech, including:

a. basic singular and plural nouns, pronouns, verbs;

b. common conjunctions such as *and*, *but*, and *because*;

c. simple transitional words including *first*, *second*, and *finally* (ELA-3-E4);

9. GLE 40—spell grade-appropriate words, including:

a. one-syllable words and selected grade-appropriate two-syllable words with regular spellings for long- and short-vowel sounds;

b. high-frequency, grade-level words including words with irregular spellings, such as *was, were, says, said, who, what,* and *why* (ELA3-E5);

10. GLE 41—create phonetically spelled written work that can be read by the writer and others (ELA-3-E5);

11. GLE 42—spell unfamiliar words using various phonics strategies, including:

a. segmenting;

b. sounding out;

c. matching familiar words and word parts;

d. using word walls and word banks (ELA-3-E5);

12. GLE 43—use a beginner's dictionary to verify correct spelling (ELA-3-E5);

13. GLE 44—alphabetize to the first letter (ELA-3-E5);

F. Speaking and Listening. Standard Four

1. GLE 45—speak clearly at a speed and volume appropriate for purpose and setting (ELA-4-E1);

2. GLE 46—follow classroom procedures (e.g., organizing materials) according to teacher directions (ELA-4-E2);

3. GLE 47—give or explain directions for simple processes (e.g., explaining an assignment) to classmates (ELA-4-E2);

4. GLE 48—ask questions to clarify directions and/or classroom routines (ELA-4-E2);

5. GLE 49—retell stories with the following included:

a. sequential order using vocabulary from the story;

b. descriptive words to answer questions about characters, settings, and events of a story (ELA-4-E3);

6. GLE 50—recite parts of familiar literature to the class (ELA-4-E4);

7. GLE 51—give oral presentations about familiar experiences or topics using eye contact and adequate volume (ELA-4-E4);

8. GLE 52—give oral presentations that have a recognizable organization (e.g., sequence, summary) (ELA-4-E4);

9. GLE 53—use active listening strategies (e.g., making eye contact, asking questions, restating acquired information and procedures) to acquire information and understand procedures (ELA-4-E5);

10. GLE 54—listen and orally respond to information presented in a variety of media, such as audio and video recordings (ELA-4-E6);

11. GLE 55—maintain the topic of conversation with a classmate (ELA-4-E7);

12. GLE 56—engage in discussions about classroom procedures and rules (ELA-4-E7).

G. Information Resources. Standard Five

1. GLE 57—locate information using the organization features of various media, including:

a. the keyboard to enter information on a computer;

b. a picture dictionary (ELA-5-E1);

2. GLE 58—use various sources, including print materials and observations, to gather information to explain a topic (ELA-5-E2);

3. GLE 59—record data through pictures or words (ELA-5-E3);

4. GLE 60—use graphic organizers to categorize information and create informal outlines individually and during class discussions (ELA-5-E3);

5. GLE 61—use technology to publish class work such as research questions and answers (ELA-5-E4);

6. GLE 62—locate and read information on simple charts and graphs (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

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§1707. Second Grade

A. Reading and Responding. Standard One

1. GLE 1—identify unique letter-sound patterns, including long and short vowels (e.g., *eg* for short *e,* as in *bread*, and *ought* for long *o*, as in *though*) and consonants (*tch* for /ch/, as in *watch*, and *gh* for /f/, as in *cough*) (ELA-1-E1);

2. GLE 2—demonstrate understanding of phonics by doing the following:

a. isolating difficult parts of words in order to correct a mispronunciation or decode an unfamiliar printed word;

b. fluently manipulating targeted sounds by adding, deleting, or substituting the sounds to create new words;

c. differentiating short and long-vowel sounds in printed words when those sounds are made with a broad variety of letter combinations and a variety of word families (e.g., *ou, ow, ough, igh*);

d. reading regularly spelled words with as many as four syllables;

e. using phonetic decoding strategies accurately and rapidly in unfamiliar words and text;

f. using common affixes (prefixes and suffixes) to understand word meanings (ELA-1-E1);

3. GLE 3—identify and explain common synonyms, antonyms, and homonyms (ELA-1-E1);

4. GLE 4—use knowledge of base words to interpret meaning of unfamiliar words (e.g., heat/preheat) (ELA-1-E1);

5. GLE 5—determine word meaning and appropriate word choices using reference aids, including dictionaries and thesauruses (ELA-1-E1);

6. GLE 6—identify the glossary and index in a book (ELA-1-E2);

7. GLE 7—determine appropriate circumstances to use skimming and scanning to preview text and to find information (ELA-1-E3);

8. GLE 8—identify story elements, including effects of setting on events and characters (ELA-1-E4);

9. GLE 9—identify literary and sound devices, including similes and rhythm in texts (ELA-1-E4);

10. GLE 10—retell a story in sequence including main idea and important supporting details (ELA-1-E5);

11. GLE 11—make statements about how previous reading and life experiences relate to information read in texts (ELA-1-E6);

12. GLE 12—demonstrate oral reading fluency of at least 90 words per minute in second-grade text with appropriate intonation (ELA-1-E7);

13. GLE 13—read texts and simple chapter books silently at independent reading level (ELA-1-E7).

B. Reading and Responding. Standard Six

1. GLE 14—compare and contrast different version of the same story from different cultures through oral, written, and visual responses (ELA-6-E1);

2. GLE 15—identify a variety of types of literature, including biography, autobiography, and the folktale, in oral and written responses (ELA-6-E2);

3. GLE 16—distinguish between a variety of types of literature, including biography, autobiography, and plays (ELA-6-E3).

C. Reading and Responding. Standard Seven

1. GLE 17—demonstrate understanding of information in texts using a variety of strategies, including:

a. comparing and contrasting story elements (e.g., character, setting, events);

b. predicting what will happen next in a story or a text;

c. making simple inferences about information in texts;

d. self-monitoring consistently for comprehension using multiple strategies and self-correcting as appropriate (ELA-7-E1);

2 GLE 18—discuss and choose the most appropriate solution to a problem in texts (ELA-7-E2);

3. GLE 19—identify the author's viewpoint (i.e., perspective) in a text (ELA-7-E3);

4. GLE 20—apply basic reasoning skills, including:

a. discussing the relationship between cause-effect;

b. asking questions about texts read independently including why and how (ELA-7-E4).

D. Writing. Standard Two

1. GLE 21—write compositions of one or more paragraphs, organized with a central idea and a coherent beginning, middle, and end (ELA-2-E1);

2. GLE 22—use a greater variety of action and descriptive words when writing for a specific purpose and /or audience (ELA-2-E2);

3. GLE 23—develop compositions of one or more paragraphs using writing processes such as the following:

a. independently generating ideas for writing by using various strategies (e.g., listing, brainstorming, drawing);

b. creating a plan (e.g., graphic organizer, web) appropriate to the purpose of writing;

c. writing a first draft with a developed beginning, a middle, and an end;

d. conferencing with a teacher or peers;

e. revising for clarity, grammatical and mechanical correctness, and/or to include additional information;

f. creating a final draft for possible publication (ELA-2-E3);

4. GLE 24. Develop grade-appropriate compositions, for example:

a. friendly letters;

b. poems;

c. stories;

d. informational descriptions for possible publication (ELA-2-E4);

5. GLE 25—use literary devices, including patterns of rhythm and simile in writing (ELA-2-E5);

6. GLE 26—write for various purposes, including:

a. letters or invitations that include relevant information and follow a letter/envelope format;

b. informal writing, including messages, journals, notes, and poems (ELA-2-E6).

E. Writing/Proofreading. Standard 3

1. GLE 27—write legible short paragraphs using proper indentation (ELA-3-E1);

2. GLE 28—use standard English punctuation, including:

a. commas in the greeting and closure of a letter, between a city and a state, and in dates;

b. apostrophes in contractions;

c. periods in abbreviations (ELA-3-E2);

3. GLE 29—capitalize grade-appropriate proper nouns, initials of a person's name, and the salutation, and closing of a friendly letter (ELA-3-E2);

4. GLE 30—writing using standard English structure and usage, including:

a. subject-verb agreement in simple and compound sentences;

b. past and present verb tenses;

c. noun and pronoun antecedent agreement;

d transitional words and conjunctions in sentences;

e. prepositions and prepositional phrases;

f. possessive nouns;

g. adverbs, especially those related to time (ELA-3-E3);

5. GLE 31—distinguish between a sentence and a sentence fragment (ELA-3-E3);

6. GLE 32—use knowledge of parts of speech, including:

a. identifying and using nouns, including proper, common, concrete, abstract, and collective;

b. using correct antecedents of pronouns;

c. identifying and using the standard forms of possessives (e.g., *mom's coat, dad's hat, girl's shoes*);

d. electing and using verbs in past and present tenses in writing;

e. selecting and using standard forms of personal pronouns;

f. using a variety of conjunctions (e.g., *or, nor, yet, so*);

g. selecting and using adverbs that modify according to time;

h. identifying and using prepositions appropriately (ELA-3-E4);

7. GLE 33—spell grade-appropriate words, including:

a. words with short-vowels, long vowels, *r*-controlled vowels, and consonant blends;

b. words with short- and long-vowel sounds when those sounds are made with a broad variety of letter combinations (e.g., *ou, ow, ough, igh*);

c. frequently used irregularly spelled words (ELA-3-E5);

8. GLE 34—use spelling patterns and rules correctly (e.g., dropping silent *–e* before adding *–ing*) (ELA-3-E5);

9. GLE 35—use multiple spelling strategies (e.g., word wall, word lists, thinking about the base word, affixes) (ELA-3-E5);

10 GLE 36—alphabetize to the second letter and some third letters (ELA-3-E5);

11. GLE 37—use a dictionary and a glossary to locate correct spellings (ELA-3-E5).

F. Speaking and Listening. Standard Four

1. GLE 38—adjust speaking tone and volume to suit purpose, audience, and setting (ELA-4-E1);

2. GLE 39—give/relate multi-step directions to classmates (ELA-4-E2);

3. GLE 40—tell and retell stories with the following included:

a. sequential order, including setting, character, and simple plot;

b. supportive facts and details from the story;

c. explicit and implicit main ideas (ELA-4-E3);

4. GLE 41—adjust language during a presentation in order to inform or explain to a specific audience (ELA-4-E4);

5. GLE 42—deliver informal presentations that demonstrate an understanding of a topic (ELA-4-E4);

6. GLE 43—give rehearsed oral presentations about general topics using eye contact, appropriate volume, clear pronunciation, and appropriate visual aids (ELA-4-E4);

7. GLE 44—use active listening strategies, including asking for clarification and explanations (ELA-4-E5);

8. GLE 45—give oral responses, including:

a. telling stories and personal experiences;

b. giving explanations and reports (ELA-4-E5);

9. GLE 46—compare ideas from a wide variety of media (ELA-4-E6);

10. GLE 47—discuss classroom procedures and rules and generate ideas for new procedures and rules (ELA-4-E7);

11. GLE 48—identify the role of discussion leader, contributor, and active listener (ELA-4-E7).

G. Information Resources. Standard Five

1. GLE 49—locate information using the organizational features of texts, including:

a. URL addresses from the Web;

b. title pages;

c. glossaries;

d indices;

e. table of contents;

f. chapter headings (ELA-5-E1);

2. GLE 50—locate information about a topic from a variety of sources, including children's magazines, children's encyclopedias, and electronic references (ELA-5-E2);

3. GLE 51—gather and arrange information in a variety of organizational forms, including graphic organizers, simple outlines, notes, and summaries (ELA-5-E3);

4. GLE 52—tell and write about the sources of learned information (ELA-5-E5);

5. GLE 53—locate and read information on a chart, graph, diagram, map, and simple timeline (EL-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2870 (November 2005).

§1709. Third Grade

A. Reading and Responding. Standard One

1. GLE 1—decode words using knowledge of base words, root words, and common prefixes and suffixes (ELA-1-E1);

2. GLE 2—decode similar words (e.g., *supper* vs. *super*) using knowledge of basic syllabication rules (ELA-1-E1);

3. GLE 3—identify and explain words with multiple meanings using contextual clues (ELA-1-E1);

4. GLE 4—demonstrate knowledge of the meanings of common prefixes and suffixes (ELA-1-E1);

5. GLE 5—use reference aids such as dictionaries, thesauruses, synonym finders, and reference software to determine word meanings, word choices, and pronunciations (ELA-1-E1);

6. GLE 6—determine meanings of unfamiliar words using a variety of strategies, including:

a. knowledge of common antonyms, synonyms, homonyms, and homographs;

b. use of context clues;

c. identification of base words and root words (ELA-1-E1);

7. GLE 7—adjust speed of reading to accomplish a purpose based on text complexity (ELA-1-E3);

8. GLE 8—identify story elements including:

a. theme;

b. conflict;

c. character traits, feelings, and motivation (ELA-1-E4);

9. GLE 9—identify literary devices, including idioms and personification (ELA-1-E4);

10. GLE 10—demonstrate understanding by summarizing stories and information, including the main events or ideas and selected details from the text in oral and written responses (ELA-1-E5);

11. GLE 11—connect ideas, events, and information identified in grade-appropriate texts to prior knowledge and life experiences in oral and written responses (ELA-1-E6);

12. GLE 12—demonstrate oral reading fluency of at least 110 words per minute in third-grade text with appropriate pacing, intonation, and expression (ELA-1-E7);

13. GLE 13—read texts, chapter books, and informational materials silently at independent reading level (ELA-1-E7).

B. Reading and Responding. Standard Six

1. GLE 14—compare and contrast story elements, including setting, character, and events of two multicultural texts in oral, written, and visual responses (ELA-6-E1);

2. GLE 15—identify a variety of types of literature, including the myth and the legend, in oral and written responses (ELA-6-E2);

3. GLE 16—identify and explain the defining characteristics of various types of literature, including the folktale (ELA-6-E3);

C. Reading and Responding. Standard Seven

1. GLE 17—demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

a. sequencing events;

b. making predictions using information from texts;

c. making simply inferences and drawing conclusions about information in texts;

d. comparing and contrasting, including story elements (e.g., theme, character, and conflicts) and main points or ideas in informational texts;

e. distinguishing between a main idea and a summary;

f. identifying main ideas of texts (ELA-7-E1);

2. GLE 18—explain chosen solutions to problems in texts (ELA-7-E2);

3. GLE 19—identify an author's purpose for writing, including persuading, entertaining, and informing (ELA-7-E3);

4. GLE 20—explain the author's viewpoint using information from the text (ELA-7-E3);

5. GLE 21—apply basic reasoning skills, including:

a. identifying differences between fact and opinion;

b. skimming and scanning texts to locate specific information;

c. identifying multiple cases and/or effects in texts and life situations;

d. raising questions to obtain clarification and/or direct investigation;

e. connecting what is learned to real-life situations (ELA-7-E4).

D. Writing. Standard Two

1. GLE 22—write compositions of two or more paragraphs that are organized with the following:

a. a central idea;

b. a logical, sequential order;

c. supporting details that develop ideas;

d. transitional words within and between paragraphs (ELA-2-E1);

2. GLE 23—incorporate grade-appropriate vocabulary and information when writing for an intended audience and/or purpose (ELA-2-E2);

3. GLE 24—develop compositions of two or more paragraphs using writing processes such as the following:

a. selecting a topic;

b. prewriting using strategies such as brainstorming, locating information, and generating graphic organizers;

c. drafting;

d. conferencing with teachers;

e. revising and proofreading;

f. creating a final draft for publication (ELA-2-E3);

4. GLE 25—develop organized one- and two-paragraph compositions using description and narration (ELA-2-E4);

5. GLE 26—use a variety of literary devices, including idioms and personification, in written responses and compositions (ELA-2-E5);

6. GLE 27—write for various purposes, including:

a. informal letters using appropriate letter format;

b. book reports and informational compositions that include main idea and significant details from the text (ELA-2-E6).

E. Writing/Proofreading. Standard Three

1. GLE 28—write legibly in cursive or printed form, using standard margins and demonstrating appropriate spacing of letters, words, sentences, and paragraphs (ELA-3-E1);

2. GLE 29—use standard English punctuation, including:

a. commas to separate phrases in a series;

b commas to separate parts of addresses (ELA-3-E2);

3. GLE 30—capitalize the first word in direct quotations and proper adjectives (e.g., American flag, Mexican food) (ELA-3-E2);

4. GLE 31—write using standard English structure and usage, including:

a. avoiding run-on sentences;

b. using verbs in the future tense;

c. making subjects and verbs agree in sentences with simple and compound subjects and predicates (ELA-3-E3);

5. GLE 32—apply knowledge of parts of speech in writing, including:

a. using standard future verb tenses;

b. using a variety of conjunctions, such as *although, since, until*, and *while*, in constructing sentences;

c. using correct forms of possessive pronouns, singular nouns, transitional words, and prepositions;

d. identifying and using irregular plural nouns correctly;

e. sing first- and second-, and third-person pronouns correctly;

f. selecting and using adverbs that modify according to time, place, manner, and degree;

g. identifying and using irregular verb tenses (ELA-3-E4);

6. GLE 33—spell grade-appropriate words, including:

a. multisyllabic words made up of both base words and roots and common prefixes and suffixes;

b. compound words;

c. common homophones (ElA-3-E5);

7. GLE 34—follow common spelling generalizations, including *–qu*, *consonant doubling*, and *changing –y* to *–i* (ELA-3-E5);

8. GLE 35—alphabetize to the third letter (ELA-3-E5);

9. GLE 36—use a variety of resources, including online and print dictionaries and spell checkers to check spelling (ELA-3-E5).

F. Speaking and Listening. Standard Four

1. GLE 37—use clear diction and tone and adjust volume and tempo to stress important ideas when speaking (ELA-4-E1);

2. GLE 38—give and follow precise directions and instructions (ELA-4-E2);

3. GLE 39—tell a complex story that includes the following:

a. a central idea;

b. ideas and details organized chronologically (ELA-4-E3);

4. GLE 40—give rehearsed oral presentations that include the following:

a. expression of an opinion about a text, topic, or idea;

b. relevant facts and details from multiple sources (ELA-4-E4);

5. GLE 41Xclarify and enhance oral presentations through the use of appropriate props (e.g., objects, pictures, charts) (ELA-4-E4);

6. GLE 42Xuse active listening strategies, including:

a. asking questions and responding to ideas/opinions;

b. giving oral responses, such as explanations of written and/or spoken texts (ELA-4-E5);

7. GLE 43—compare ideas and points of view from a wide variety of media, including television, video, music, the Web, charts, and print materials (ELA-4-E6);

8. GLE 44—assume the role of discussion leader, contributor, and active listener (ELA-4-E7).

G. Information Resources. Standard Five

1. GLE 45—locate information using organizational features of a variety of resources, including:

a. electronic information such as pull-down menus, icons, keyword searches, passwords, and entry menu features;

b. printed text such as indices, tables of contents, glossaries, charts, captions, chapter headings, and subheadings;

c. the Dewey Decimal system;

d. electronic and online catalogs (ELA-5-E1);

2. GLE 46—locate information from multiple sources, including books, periodicals, videotapes, Web sites, and CD-ROMs (ELA-5-E2);

3. GLE 47—determine appropriateness of collected information for a specified purpose (ELA-5-E2);

4. GLE 48—use keywords to take notes from written sources (ELA-5-E3);

5. GLE 49—complete simple outlines with main topics and subtopics that reflect the information gathered (ELA-5-E3);

6. GLE 50—use available electronic and print resources to draft, revise, and publish simple research reports, book reports, and other projects (ELA-5-E4);

7. GLE 51—use simple bibliographic information to cite source (ELA-5-E5);

8. GLE 52—locate information found in graphic organizers such as timelines, charts, graphs, schedules, tables, diagrams, and maps (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2871 (November 2005).

§1711. Fourth Grade

A. Reading and Responding. Standard One

1. GLE 1—use understanding of base words, roots, prefixes, and suffixes to decode more complex words (ELA-1-E1);

2. GLE 2—determine the meaning of unfamiliar words using knowledge of word origins and inflections (ELA-1-E1);

3. GLE 3—determine word meanings, word choices, and pronunciations using a board variety of reference aids such as dictionaries, thesauruses, synonym finders, and reference software (ELA-1-E1);

4. GLE 4—adjust speed of reading to accomplish purpose based on text complexity (ELA-1-E3);

5. GLE 5—identify a variety of story elements, including:

a. the impact of setting on character;

b. multiple conflicts;

c. first- and third-person points of view;

d. development of theme (ELA-1-E4);

6. GLE 6—identify literary devices, including metaphor and hyperbole (ELA-1-E4);

7. GLE 7—answer literal and inferential questions about ideas and information in grade-appropriate texts in oral and written responses (ELA-1-E5);

8. GLE 8—connect information in grade-appropriate texts to prior knowledge and real-life situations in oral and written response (ELA-1-E6);

9. GLE 9—increase oral and silent reading fluency and accuracy with grade-appropriate texts (ELA-1-E7);

10. GLE 10—demonstrate oral reading fluency of at least 140 words per minute in fourth-grade text with appropriate pacing, intonation, and expression (ELA-1-E7).

B. Reading and Responding. Standard Six

1. GLE 11—compare and contrast stories/tales from different cultures and explain the influence of culture on each tale in oral, written, and visual responses (ELA-6-E1);

2. GLE 12—identify a variety of types of literature, including poetry and short stories, in oral and written responses (ELA-6-E2);

3. GLE 13—identify and explain the defining characteristics of various types of literature, including the myth and the legend (ELA-6-E3).

C. Reading and Responding. Standard Seven

1. GLE 14—demonstrate understanding of information in grade-appropriate texts using a variety of strategies, such as:

a. sequencing events and steps in a process;

b. explaining how the setting impacts other story elements, including the characters' traits and actions;

c. using specific evidence from a story to describe a character's traits, actions, relationships, and/or motivations;

d. confirming or denying a prediction about information in a text;

e. comparing and contrasting story elements or information within and across texts;

f. identifying stated main ideas and supporting details;

g. making simple inferences (ELA-7-E1);

2. GLE 15—justify solutions to problems in texts by verifying, confirming, and supporting (ELA-7-E2);

3. GLE 16—distinguish an author's purpose for writing, including entertaining, expressing an opinion, defending an argument, or conveying information (ELA-7-E3);

4. GLE 17—explain in oral or written responses how an author's life and times are reflected in a text (ELA-7-E3);

5. GLE 18—explain how an author's purpose influences organization of a text, word choice, and sentence structure (ELA-7-E3);

6. GLE 19—demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

a. supporting differences between fact and opinion with information from texts;

b. skimming and scanning texts from various purposes (e.g., locating information, verifying facts);

c. identifying cause-effect relationships in text and real-life situations;

d. generating questions to guide examination of topics in texts and real-life situations;

e. explaining connection between information from texts and real-life experiences (ELA-7-E4).

D. Writing. Standard Two

1. GLE 20—write compositions of at least three paragraphs organized with the following:

a. a clearly stated central idea;

b. an introduction and a conclusion;

c. a middle developed with supporting details;

d. a logical, sequential order;

e. transitional words and phrases that unify points and ideas (ELA-2-E1);

2. GLE 21—organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-E1);

3. GLE 22—identify an audience for a specific writing assignment and select appropriate vocabulary, details, and information to create a tone or set the mood and to affect or manipulate the intended audience (ELA-2-E2);

4. GLE 23—develop grade-appropriate compositions by identifying and applying writing processes, including the following:

a. selecting topic and form;

b. prewriting (e.g., brainstorming, researching, raising questions, generating graphic organizers);

c. drafting;

d. conferencing with peers and teachers;

e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer's Checklist,* rubrics);

f. proofreading/editing;

g. publishing using available technology (ELA-2-E3);

5. GLE 24—develop paragraphs and compositions of at least three paragraphs using the various modes (i.e., description, narration, exposition, and persuasion), emphasizing narration and description (ELA-2-E4);

6. GLE 25—use a variety of literary devices, including hyperbole and metaphor, in compositions (ELA-2-E5);

7. GLE 26—write for various purposes, including:

a. formal and informal letters that follow a specific letter format, include relevant information, and use an appropriate closure;

b. informational reports that include facts and examples and that present important details in a logical order;

c. book reports that include an opinion and /or a persuasive viewpoint (ELA-2-E6).

E. Writing/Proofreading. Standard Three

1. GLE 27—write legibly in standard cursive or printed form, indenting paragraphs appropriately, using standard margins, and demonstrating fluency (ELA-3-E1);

2. GLE 28—use standard English punctuation, including apostrophes in contractions and in the possessive case of singular and plural nouns ELA-3-E2);

3. GLE 29—capitalize greetings, titles of respect, and titles of books, articles, chapters, movies, and songs (ELA-3-E2);

4. GLE 30—write using standard English structure and usage, including:

a. using active and passive voices of verbs;

b. avoiding writing with sentence fragments and run-on sentences (ELA-3-E3);

5. GLE 31—apply knowledge of parts of speech in writing, including:

a. selecting and using common interjections appropriately;

b. identifying and using transitive and intransitive verbs correctly;

c. identifying and using verb tenses correctly, including present perfect, past perfect, and future perfect;

d. using grade-appropriate irregular verb tenses correctly (ELA-3-E4);

6. GLE 32—use knowledge of root words, affixes, and syllable constructions to spell words (ELA-3-E5);

7. GLE 33—alphabetize to the fourth and fifth letters (ELA-3-E5).

F. Speaking and Listening. Standard Four

1. GLE 34—adjust pacing to suit purpose, audience, and setting when speaking (ELA-4-E1);

2. GLE 35—interpret, follow, and give multi-step directions (ELA-4-E2);

3. GLE 36—deliver presentations that include the following:

a. information drawn from several sources and identification of the sources;

b. effective introductions and conclusions;

c. details, examples, anecdotes, or statistics that explain or clarify information;

d. information selected to persuade or influence the audience (ELA-4-E4);

4. GLE 37—demonstrate active listening strategies, including asking questions, responding to cues, and making eye contact (ELA-4-E5);

5. GLE 38—adjust speaking content according to the needs of the audience (ELA-4-E5);

6. GLE 39—listen to and critique messages such as advertising that are communicated in a variety of mediums, including television and print (ELA-4-E6);

7. GLE 40—identify the effectiveness and dynamics of group processes and cooperative learning (ELA-4-E7).

G. Information Resources. Standard Five

1. GLE 41—locate information using organizational features of a variety of resources, including:

a. electronic information such as keyword searches, passwords, and entry menu features;

b. print materials such as indices, glossaries, table of contents, title pages, and map legends (ELA-5-E1);

2. GLE 42—locate information using a broad variety of reference sources, including almanacs, atlases, newspapers, magazines, and brochures (ELA-5-E1);

3. GLE 43—evaluate the usefulness of information selected from multiple sources, including:

a. library and online databases;

b. electronic reference works;

c. Internet information;

d. community and government data;

e. interviews;

f. experiments;

g. surveys (ELA-5-E2);

4. GLE 44—use keywords and phrases to take notes from oral, written, and electronic media sources (ELA-5-E3);

5. GLE 45—paraphrase or summarize information from a variety of sources (ELA-5-E3);

6. GLE 46—construct simple outlines with main topics and subtopics that reflect the information gathered (ELA-5-E3);

7. GLE 47—use electronic and print resources (e.g., spelling, grammar, and thesaurus checks) to revise and publish book reviews and research reports (ELA-5-E4);

8. GLE 48—create a list of sources (e.g., books, encyclopedias, online resources) following a specified format (ELA-5-E5);

9. GLE 49—define *plagiarism* (ELA-5-E5);

10. GLE 50—read and interpret timelines, charts, graphs, schedules, tables, diagrams, and maps generated from grade-appropriate materials (ELA-5-E6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

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§1713. Fifth Grade

A. Reading and Responding. Standard One

1. GLE 1—identify word meanings using a variety of strategies, including:

a. using context clues (e.g., definition, restatement, example, contrast);

b. using structural analysis (e.g., base words, roots, affixes);

c. determining word origins (etymology);

d. using electronic and print dictionaries, thesauruses, glossaries (ELA-1-M1);

2. GLE 2—identify common abbreviations, symbols, acronyms, and multiple-meaning words (ELA-1-M1);

3. GLE 3—identify the meanings of idioms and analogies (ELA-1-M1);

4. GLE 4—develop specific vocabulary (e.g., for reading scientific, geographical, historical, and mathematical texts, as well as news and current events) for various purposes (ELA-1-M1);

5. GLE 5. Identify and explain story elements, including:

a. theme development;

b. character development;

c. relationship of word choice and mood;

d. plot sequence (e.g., exposition, rising action, climax, falling action, resolution) (ELA-1-M2);

6. GLE 6—identify and explain literary devices in grade-appropriate texts, including:

a. how word choice and images appeal to the senses and suggest mood, tone, and style;

b. foreshadowing;

c. flashback (ELA-1-M2);

7. GLE 7—answer literal and inferential questions in oral and written responses about ideas and information in grade-appropriate texts, including:

a. fiction;

b. nonfiction;

c. poetry;

d. songs (ELA-1-M3);

8. GLE 8—identify the connections between ideas and information in a variety of texts (e.g., cartoons, poetry, fiction, instructional manuals) and real-life situations and other texts (ELA-1-M4).

B. Reading and Responding. Standard Six

1. GLE 9—identify cultural characteristics, including customs, traditions, and viewpoints, found in national, world, and multicultural literature in oral and written responses (ELA-6-M1);

2. GLE 10—compare and contrast elements (e.g., plot, setting, characters, theme) in a variety of genres in oral and written responses (ELA-6-M2);

3. GLE 11—use knowledge of the distinctive characteristics to classify and interpret elements of various genres, including:

a. fiction (e.g., folktales, fairy tales, fables, legends, short stories, novels);

b. nonfiction (e.g., biography, autobiography, informational text);

c. poetry (e.g., lyric, narrative);

d. drama (e.g., one-act play or skits) (ELA-6-M3).

C. Reading and Responding. Standard Seven

1. GLE 12—demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

a. sequencing events and steps in a process;

b. summarizing and paraphrasing information;

c. identifying stated and implied main ideas and supporting details for each;

d. comparing and contrasting literary elements and ideas;

e. making simple inferences and drawing conclusions;

f. predicting the outcome of a story or situation with reasonable justification;

g. identifying literary devices (ELA-7-M1);

2. GLE 13—examine and explain the relationship between life experiences and texts to generate solutions to problems (ELA-7-M2);

3. GLE 14—use technical information and other available resources (e.g., software programs, manuals) to solve problems (ELA-7-M2);

4. GLE 15—explain an author's purpose for writing (e.g., to explain, to entertain, to persuade, to inform, to express personal attitudes or beliefs) (ELA-7-M3);

5. GLE 16—explain how the author's viewpoint (perspective, bias) is reflected in the text (ELA-7-M3);

6. GLE 17—analyze grade-appropriate print and nonprint texts using various reasoning skills, including:

a. identifying cause-effect relationships;

b. raising questions;

c. thinking inductively and deductively;

d. generating a theory or hypothesis;

e. skimming/scanning;

f. distinguishing facts from opinions and probability (ELA-7-M4).

D. Writing. Standard Two

1. GLE 18—write multiparagraph compositions on student- or teacher-selected topics organized with the following:

a. an established central idea;

b. important ideas or events stated in sequential or chronological order;i

c. elaboration (e.g., fact, examples, specific details);

d. transitional words and phrases that unify points and ideas;

e. an overall structure including an introduction, a body/middle, and a concluding paragraph that summarizes important ideas (ELA-2-M1);

2. GLE 19—organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-M1);

3 GLE 20—develop grade-appropriate compositions on student- or teacher-selected topics that include the following:

a. word choices (diction) appropriate to the identified audience and/or purpose;

b. vocabulary selected to clarify meaning, create images, and set a tone;

c. information/ideas selected to engage the interest of the reader;

d. clear voice (individual personality);

e. variety in sentence structure (ELA-2-M2);

4. GLE 21—develop grade-appropriate compositions applying writing processes such as the following:

a. selecting topic and form;

b. prewriting (e.g., brainstorming, researching, raising questions, completing graphic organizers);

c. drafting;

d. conferencing (e.g., peer and teacher);

e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer's Checklist*, rubrics);

f. proofreading/editing;

g. publishing using technology (ELA-2-M3);

5. GLE 22—develop grade-appropriate paragraphs and multiparagraph compositions using the various modes (i.e., description, narration, exposition, and persuasion), emphasizing narration and exposition (ELA-2-M4);

6. GLE 23—use the various modes to write compositions, including:

a. how-to essays;

b. stories that incorporate dialogue, characters, plot, setting, and sensory details (ELA-2-M4);

7. GLE 24—develop writing/compositions using a variety of literary and sound devices, including similes, metaphors, and onomatopoeia (ELA-2-M5);

8. GLE 25—write for various purposes, including:

a. formal and informal letters that state a purpose, make requests, or give compliments;

b. evaluations of media, such as films, performances, or field trips;

c. explanations of stories and poems using retellings, examples, and text-based evidence (ELA-2-M6).

E. Writing/Proofreading. Standard Three

1. GLE 26—use standard English punctuation, including:

a. parentheses and commas in direct quotations;

b. commas to set off appositives and introductory phrases;

c. use quotation marks around dialogue (ELA-3-M2);

2. GLE 27—capitalize the first and other important words in titles and proper nouns (ELA-3-M2);

3. GLE 28—write paragraphs and compositions following standard English structure and usage, including:

a. varied sentence structures (e.g., simple, compound) and types (i.e., declarative, interrogative, imperative, exclamatory);

b. agreement of subjects and verbs in complex sentences;

c. sentences without double negatives;

d. correct sentence fragments and run-on sentences (ELA-3-M3);

4. GLE 29—apply knowledge of parts of speech in writing, including:

a. using same verb tense throughout when appropriate;

b. selecting and using specific nouns, pronouns, and verbs for clarity (ELA-3-M4);

5. GLE 30—spell high-frequency, commonly confused, frequently misspelled words correctly (ELA-3-M5);

6. GLE 31—incorporate accurate spelling and use a variety of resources (e.g., glossaries, dictionaries, thesauruses, spell check) to find correct spellings (ELA-3-M5).

F. Speaking and Listening. Standard Four

1. GLE 32—adjust diction and enunciation to suit the purpose for speaking (ELA-4-M1);

2. GLE 33—use complete sentences and standard English grammar, diction, syntax, and pronunciation when speaking (ELA-4-M2);

3. GLE 34—follow procedures (e.g., read, question, write a response, form groups) from detailed oral instructions (ELA-4-M2);

4. GLE 35—restate or describe oral directions/procedures for tasks (ELA-4-M2);

5. GLE 36—adjust volume and inflection to suit the audience and purpose of presentations (ELA-4-M3);

6. GLE 37—organize oral presentations with a thesis, an introduction, a body developed with relevant details, and a conclusion (ELA-4-M3);

7. GLE 38—demonstrate active listening strategies (e.g., asking focused questions, responding to questions, making visual contact) (ELA-4-M4);

8. GLE 39—deliver formal and informal presentations for a variety of purposes, including:

a. book reports;

b. personal experiences;

c. explanations of projects (ELA-4-M4);

9. GLE 40—evaluate media for various purposes, including:

a. effectiveness of organization and presentation;

b. usefulness and relevance of information (ELA-4-M5);

10. GLE 41—participate in group and panel discussions, including:

a. explaining the effectiveness and dynamics of group process;

b. applying agreed-upon rules for formal and informal discussions;

c. assuming a variety of roles (e.g., facilitator, recorder, leader, listener) (ELA-4-M6).

G. Information Resources. Standard Five

1. GLE 42—locate and select information using a variety of organizational features in grade-appropriate resources, including:

a. complex reference sources (e.g., almanacs, atlases, newspapers, magazines, brochures, map legends, prefaces, appendices);

b. electronic storage devices (e.g., CD-ROMs, diskettes, software, drives);

c. frequently accessed and bookmarked Web addresses (ELA-5-M1);

2. GLE 43—locate and integrate information from grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias);

b. electronic sources (e.g., Web sites, databases, audio and video tapes, films, documentaries) for use in researching a topic (ELA-5-M2);

3. GLE 44—locate, gather, and select information using data-gathering strategies, including:

a. surveying;

b. interviewing;

c. paraphrasing (ELA-5-M3);

4. GLE 45—generate grade-appropriate research reports that include information presented in a variety of forms, including:

a. visual representations of data/information;

b. graphic organizers (e.g., outlines, timelines, charts, webs);

c. bibliographies (ELA-5-M3);

5. GLE 46—use word processing and/or other technology to draft, revise, and publish a variety of works, including compositions and reports (ELA-5-M4);

6. GLE 47—give credit for borrowed information following acceptable use policy, including:

a. integrating quotations and citations;

b. using endnotes;

c. creating bibliographies and/or works cited lists (ELA-5-M5);

7. GLE 48—interpret information from a variety of grade-appropriate sources, including timelines, charts, schedules, tables, diagrams, and maps (ELA-5-M6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

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§1715. Sixth Grade

A. Reading and Responding. Standard One

1. GLE 1—identify word meanings using a variety of strategies, including:

a. using context clues (e.g., definition, restatement, example, contrast);

b. using structural analysis (e.g., roots, affixes);

c. determining word origins (etymology);

d. using knowledge of idioms;

e. explaining word analogies (ELA-1-M1);

2. GLE 2—identify common abbreviations, symbols, acronyms, and multiple-meaning words (ELA-1-M1);

3. GLE 3—develop specific vocabulary (e.g., scientific, content-specific, current events) for various purposes (ELA-1-M1);

4. GLE 4—identify and explain story elements, including:

a. theme development;

b. character development;

c. relationship of word choice and mood;

d. plot sequence (e.g., exposition, rising action, climax, falling action, resolution) (ELA-1-M2);

5. GLE 5—identify and explain literacy and sound devices, including:

a. foreshadowing;

b. flashback;

c. imagery;

d. onomatopoeia (ELA-1-M2);

6. GLE 6—answer literal and inferential questions in oral and written responses about ideas and information in grade-appropriate texts, including:

a. comic strips;

b. editorial cartoons;

c. speeches (ELA-1-M3);

7. GLE 7—explain the connections between ideas and information in a variety of texts (e.g., journals, technical specifications, advertisements) and real-life situations and other texts (ELA-1-M4).

B. Reading and Responding. Standard Six

1. GLE 8—compare and contrast cultural characteristics (e.g., customs, traditions, viewpoints) found in national, world, and multicultural literature (ELA-6-M1);

2 GLE 9—compare and contrast elements (e.g., plot, setting, characters, theme) in a variety of genres (ELA-6-M2);

3. GLE 10—use knowledge of the distinctive characteristics to classify and interpret elements of various genres, including:

a. fiction (e.g., myths, historical fiction);

b. nonfiction (e.g., newspaper articles, magazine articles);

c. poetry (e.g., lyric, narrative);

d. drama (e.g., short plays) (ELA-6-M3).

C. Reading and Responding Standard Seven

1. GLE 11—demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

a. sequencing events and steps in a process;

b. summarizing and paraphrasing information;

c. identifying stated or implied main ideas and supporting details;

d. comparing and contrasting literary elements and ideas;

e. making simple inferences and drawing conclusions;

f. predicting the outcome of a story or situation;

g. identifying literary devices (ELA-7-M1);

2. GLE 12—examine and explain the relationship between life experiences and texts to generate solutions to problems (ELA-7-M2);

3. GLE 13—use technical information and other available resources (e.g., software programs, manuals) to solve problems (ELA-7-M2);

4. GLE 14—analyze an author's stated or implied purpose for writing (e.g., to explain, to entertain, to persuade, to inform, to express personal attitudes or beliefs) (ELA-7-M3);

5. GLE 15—identify persuasive techniques (e.g., unsupported inferences, faulty reasoning, generalizations) that reflect an author's viewpoint (perspective) in texts (ELA-7-M3);

6. GLE 16—analyze grade-appropriate print and nonprint texts using various reasoning skills, including:

a. identifying cause-effect relationships;

b. raising questions;

c. reasoning inductively and deductively;

d. generating a theory or hypothesis;

e. skimming/scanning;

f. distinguishing facts from opinions and probability (ELA-7-M4).

D. Writing. Standard Two

1. GLE 17—write multiparagraph compositions on student- or teacher-selected topics organized with the following:

a. an established central idea;

b. organizational patterns (e.g., comparison/ contrast, order of importance, chronological order) appropriate to the topic;

c. elaboration (e.g., fact, examples, and/or specific details);

d. transitional words and phrases that unify ideas and points;

e. an overall structure including an introduction, a body/middle, and a concluding paragraph that summarizes important ideas (ELA-2-M1);

2. GLE 18—organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-M1);

3. GLE 19—develop grade-appropriate compositions on student- or teacher-selected topics that include the following:

a. word choices (diction) appropriate to the identified audience and/or purpose;

b. vocabulary selected to clarify meaning, create images, and set a tone;

c. information/ideas selected to engage the interest of the reader;

d. clear voice (individual personality);

e. variety in sentence structure (ELA-2-M2);

4. GLE 20—develop grade-appropriate compositions applying writing processes such as the following:

a. selecting topic and form;

b. prewriting (e.g., brainstorming, researching, raising questions, generating graphic organizers);

c. drafting;

d. conferencing (e.g., peer, teacher);

e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer's Checklist*, rubrics);

f. proofreading/editing;

g. publishing using technology (ELA-2-M3);

5. GLE 21—develop grade-appropriate paragraphs and multiparagraph compositions using the various modes of writing (e.g., description, narration, exposition, persuasion), emphasizing narration and exposition (ELA-2-M4);

6. GLE 22—use the various modes of write compositions, including:

a. comparison/contrast;

b. essays based on a stated opinion (ELA-2-M4);

7. GLE 23—develop writing using a variety to literary devices, including foreshadowing, flashback, and imagery (ELA-2-M5);

8. GLE 24—write for various purposes, including:

a. business letters that include a heading, inside address, salutation, body, and signature;

b. evaluations, supported with facts and opinions, of newspaper/magazine articles and editorial cartoons;

c. text-supported interpretations of elements of novels, stories, poems, and plays (ELA-2-M6).

E. Writing/Proofreading. Standard Three

1. GLE 25—use standard English punctuation, including:

a. hyphens to separate syllables of words and compound adjectives;

b. commas and coordinating conjunctions to separate independent clauses in compound sentences;

c. colons after salutation in business letters (ELA-3-M2);

2. GLE 26—capitalize names of companies, buildings, monuments, and geographical names (ELA-3-M2);

3. GLE 27—write paragraphs and compositions following standard English structure and usage, including:

a. possessive forms of singular and plural nouns and pronouns;

b. regular and irregular verb tenses;

c. homophones (ELA-3-M3);

4. GLE 28—apply knowledge of parts of speech in writing, including:

a. prepositional phrases;

b. interjections for emphasis;

c. conjunctions and transitions to connect ideas (ELA-3-M4);

5. GLE 29—spell high frequency, commonly confused, frequently misspelled words and derivatives (e.g., roots and affixes) correctly (ELA-3-M5);

6. GLE 30—use a variety to resources (e.g., glossaries, dictionaries, thesauruses, spell check) to find correct spellings (ELA-3-M5).

F. Speaking and Listening. Standard Four

1. GLE 31—adjust diction and enunciation to suit the purpose for speaking (ELA-4-M1);

2. GLE 32—use standard English grammar, diction, syntax, and pronunciation when speaking (ELA-4-M1);

3. GLE 33—follow procedures (e.g., read, question, write a response, form groups) from detailed oral instructions (ELA-4-M2);

4. GLE 34—state oral directions/procedures for tasks (ELA-4-M2);

5. GLE 35—adjust volume and inflection to suit the audience and purpose of presentations (ELA-4-M3);

6. GLE 36—organize oral presentations with a thesis, an introduction, a body developed with relevant details, and a conclusion (ELA-4-M3);

7. GLE 37—demonstrate active listening strategies for various purposes, including:

a. viewing a video to interpret the meaning of the story, to determine the speaker's character's attitude using verbal and nonverbal cues, and to draw conclusions about the presentation;

b. summarizing the main points of a speaker's message, including supporting details and their significance (ELA-4-M4);

8. GLE 38—deliver oral presentations and responses, including:

a. a research-based presentation;

b. formal and informal descriptive presentations that convey relevant information and descriptive details (ELA-4-M4);

9. GLE 39—evaluate media for various purposes, including:

a. text structure;

b. images/sensory details;

c. support for main position;

d. background information;

e. opinions vs. facts;

f. sequence of ideas and organization (ELA-4-M5);

10. GLE 40—participate in group and panel discussions (ELA-4-M5);

a. explaining the effectiveness and dynamics of group process;

b. applying a variety of roles (e.g., facilitator, recorded, leader, listener) (ELA-4-M6).

G. Information Resources. Standard Five

1. GLE 41—locate and select information using organizational features of grade-appropriate resources, including:

a. complex reference sources (e.g., almanacs, atlases, newspapers, magazines, brochures, map legends, prefaces, appendices);

b. electronic storage devices (e.g., CD-ROMs, diskettes, software, drives);

c. frequently accessed and bookmarked Web addresses;

d. organizational features of electronic texts (e.g., bulletin boards, databases, keyword searches, e-mail addresses) (ELA-5-M1);

2. GLE 42—locate and integrate information from grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias);

b. electronic sources (e.g., Web sites, databases);

c. other media sources (e.g., audio and video tapes, films, documentaries, television, radio) (ELA-5-M2);

3. GLE 43—identify sources as primary and secondary to determine credibility of information (ELA-5-M2);

4. GLE 44—locate, gather, and select information using data-gathering strategies, including:

a. surveying;

b. interviewing;

c. paraphrasing (ELA-5-M3);

5. GLE 45—generate grade-appropriate research reports that include information presented in a variety of forms, including:

a. visual representations of data/information;

b. graphic organizers (e.g., outlines, timelines, charts, webs);

c. bibliographies (ELA-5-M3);

6. GLE 46—use word processing and/or other technology to draft, revise, and publish a variety of works, including compositions, investigative reports, and business letters (ELA-5-M4);

7. GLE 47—give credit for borrowed information following acceptable-use policy, including:

a. integrating quotations and citations;

b. using endnotes;

c. creating bibliographies and/or works cited lists (ELA-5-M5);

8. GLE 48—interpret information from a variety of graphic organizers, including timelines, charts, schedules, tables, diagrams, and maps in grade-appropriate sources (ELA-5-M6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2877 (November 2005).

§1717. Seventh Grade

A. Reading and Responding. Standard One

1. GLE 1—develop vocabulary using a variety of strategies, including:

a. use of connotative and denotative meanings;

b. use of Greek, Latin, and Anglo-Saxon base words, roots, affixes, and word parts (ELA-1-M1);

2. GLE 2—explain story elements, including:

a. the revelation of character motivation through thoughts, words, and actions;

b. plot sequence (e.g., exposition, rising action, climax, falling action, resolution);

c. conflicts (e.g., man vs. man, nature, society, self) and their effect on plot;

d. effects of first- and third-person points of view;

e. theme development (ELA-1-M2);

3. GLE 3—interpret literary devices, including:

a. symbolism;

b. puns;

c. analogies (ELA-1-M2);

4. GLE 4—draw conclusions and make inferences in oral and written responses about ideas and information in grade-appropriate texts, including:

a. instructional materials;

b. essays;

c. dramas (ELA-1-M3);

5. GLE 5—interpret ideas and information in a variety of texts, including periodical articles, editorials, and lyrics, and make connections to real-life situations and other texts (ELA-1-M4).

B. Reading and Responding. Standard Six

1. GLE 6—identify universal themes (e.g., search for identity, love, friendship, family, courage, adversity) and cultural viewpoints found in national, world, and multicultural literature in oral and written responses (ELA-6-M1);

2. GLE 7—compare and contrast elements (e.g., plot, setting, character, theme) in multiple genres in oral and written responses (ELA-6-M2);

3. GLE 8—use knowledge of the distinctive characteristics to classify and interpret elements of various genres, including:

a. fiction (e.g., science fiction/fantasy);

b. nonfiction (e.g., essays, letters);

c. poetry (e.g., lyric, narrative);

d. drama (e.g., short plays) (ELA-6-M3).

C. Reading and Responding. Standard Seven

1. GLE 9—demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

a. sequencing events and steps in a process;

b. summarizing and paraphrasing information;

c. identifying stated or implied main ideas and explaining how details support ideas;

d. making inferences and drawing conclusions;

e. predicting the outcome of a story or situation;

f. identifying literary devices (ELA-7-M1);

2. GLE 10—explain the relationship between life experiences and texts to generate solutions to problems (ELA-7-M2);

3. GLE 11—use technical information and other available resources (e.g., Web sites, interviews) to solve problems (ELA-7-M2);

4. GLE 12—explain the effects of an author's stated purpose for writing (ELA-7-M3);

5. GLE 13—identify an author's bias (objectivity) for, against, or neutral toward an issue (ELA-7-M3);

6. GLE 14—analyze grade-appropriate print and nonprint texts using various reasoning skills, for example:

a. identifying cause-effect relationships;

b. raising questions;

c. reasoning inductively and deductively;

d. generating a theory or hypothesis;

e. skimming/scanning (ELA-7-M4).

D. Writing. Standard Two

1. GLE 15—write multiparagraph compositions on student- or teacher-selected topics organized with the following:

a. established central idea;

b. organizational patterns (e.g., comparison/contrast, order of importance, chronological order) appropriate to the topic;

c. elaboration (e.g., fact, examples, and/or specific details;

d. transitional words and phrases that unify ideas and points;

e. overall structure including an introduction, a body/middle, and a concluding paragraph that summarizes important ideas and details (ELA-2-M1);

2. GLE 16—organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-M1);

3. GLE 17—develop grade-appropriate compositions on student- or teacher-selected topics that include the following:

a. word choices (diction) appropriate to the identified audience and/or purpose;

b. vocabulary selected to clarify meaning, create images, and set a tone;

c. information/ideas selected to engage the interest of the reader;

d. clear voice (individual/personality);

e. variety in sentence structure (ELA-2-M2);

4. GLE 18—develop grade-appropriate compositions by identifying and applying writing processes, such as the following:

a. selecting topic and form;

b. prewriting (e.g., brainstorming, researching, raising questions, generating graphic organizers);

c. drafting;

d. conferencing (e.g., peer and teacher);

e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer's Checklist*, rubrics);

f proofreading/editing;

g. publishing using technology (ELA-2-M3);

5. GLE 19—develop grade-appropriate paragraphs and multiparagraph compositions using the various modes of writing (e.g., description, narration, exposition, persuasion), emphasizing narration and exposition (ELA-2-M4);

6. GLE 20—use the various modes to write compositions, including:

a. essays based on a stated opinion;

b. fictional narratives (ELA-2-M4);

7. GLE 21—develop writing using a variety of literary devices, including analogies, symbolism, and puns (ELA-2-M5);

8. GLE 22—write for various purposes, including:

a. letters of complaint supported with complete and accurate information and reasons;

b. evaluations of media, such as television, radio, and the arts;

c. test-supported interpretations of elements of grade-appropriate stories, poems, plays, and novels;

d. applications, such as memberships and library cards (ELA-2-M6).

E. Writing/Proofreading. Standard Three

1. GLE 23—use standard English punctuation, including:

a. commas to set off direct quotations, nouns of direct address, and after introductory words or phrases;

b. semicolons or colons to separate independent clauses (ELA-3-M2);

2. GLE 24—write paragraphs and compositions following standard English structure and usage, including:

a. varied sentence structures, including complex sentences;

b. antecedents that agree with pronouns in number, person, and gender;

c. sentences without double negatives (ELA-3-M3);

3. GLE 25—apply knowledge of parts of speech in writing, including:

a. infinitives and participles;

b. superlative and comparative degrees of adjectives;

c. adverbs (ELA-30M4);

4. GLE 26Xspell high-frequency, commonly confused, frequently misspelled words and derivatives (e.g., roots, affixes) correctly (ELA-3-M5);

5. GLE 27—use a variety of resources (e.g., glossaries, dictionaries, thesauruses, spell check) to find correct spellings (ELA-3-M5).

F. Speaking and Listening. Standard Four

1. GLE 28—adjust diction and enunciation to suit the purpose for speaking (ELA-4-M1);

2. GLE 29—use standard English grammar, diction, syntax, and pronunciation when speaking (ELA-4-M1);

3. GLE 30—follow procedures (e.g., read, question, write a response, form groups) form detailed oral instructions (ELA-4-M2);

4. GLE 31—state oral directions/procedures for tasks (ELA-4-M2);

5. GLE 32—adjust volume and inflection to suit the audience and purpose of presentations (ELA-4-M3);

6. GLE 33—organize oral presentations with a thesis, an introduction, a body developed with relevant details, and a conclusion (ELA-4-M3);

7. GLE 34—evaluate and determine bias and credibility of various media presentations (e.g., TV and radio advertising) (ELA-4-M4);

8. GLE 35—deliver formal and informal persuasive presentations (ELA-4-M4);

9. GLE 36—deliver grade-appropriate research-based presentations (ELA-4-M4);

10. GLE 37—evaluate a variety of media for impressions/effect on listeners, faulty reasoning, propaganda techniques, and delivery (ELA-4-M5);

11. GLE 38—participate in group and panel discussions, including:

a. explaining the effectiveness and dynamics of group processes;

b. applying agreed-upon rules for formal and informal discussions;

c. assuming a variety of roles (e.g., facilitator, recorder, leader, listener) (ELA-4-M6).

G. Information Resources. Standard Five

1. GLE 39—locate and select information using organizational features of grade-appropriate resources, including:

a. complex reference sources (e.g., almanacs, atlases, newspapers, magazines, brochures, map legends, prefaces, appendices);

b. electronic storage devices (e.g., CD-ROMs, diskettes, software, drives);

c. frequently accessed and bookmarked Web addresses;

d. features of electronic texts (e.g., hyperlinks, cross-referencing, Web resources, including online sources and remote sites) (ELA-5-M1);

2. GLE 40—locate and integrate information from a variety of grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias);

b. electronic sources (e.g., Web sites, databases);

c. other media sources (e.g., audio and video tapes, films, documentaries, television, radio) (ELA-5-M2);

3. GLE 41—explain the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, coverage) (ELA-5-M2);

4. GLE 42—gather and select information using data-gathering strategies/tools, including:

a. surveying;

b. interviewing;

c. paraphrasing (ELA-5-M3);

5. GLE 43—generate grade-appropriate research reports that include information presented in a variety of forms, including:

a. visual representations of data/information;

b. graphic organizers (e.g., outlines, timelines, charts, webs);

c. works cited lists and/or bibliographies (ELA-5-M3);

6. GLE 44—use word processing and /or other technology to draft, revise, and publish a variety of works, including reports and research documents (ELA-5-M4);

7. GLE 45—give credit for borrowed information following acceptable use policy, including:

a. integrating quotations and citations;

b. using end notes;

c. creating bibliographies and/or works cited lists (ELA-5-M5);

8. GLE 46—interpret information from a variety of graphic organizers including timelines, charts, schedules, tables, diagrams, and maps in grade-appropriate sources (ELA-5-M6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

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§1719. Eighth Grade

A. Reading and Responding. Standard One

1. GLE 1—develop vocabulary using a variety of strategies, including:

a. use of connotative and denotative meanings;

b. use of Greek, Latin, and Anglo-Saxon roots and word parts (ELA-1-M1);

2. GLE 2—interpret story elements, including:

a. stated and implied themes;

b. development of character types (e.g., flat, round, dynamic, static);

c. effectiveness of plot sequence and /or subplots;

d. the relationship of conflicts and multiple conflicts (e.g., man vs. man, nature, society, self) to plot;

e. difference in third-person limited and omniscient points of view;

f. how a theme is developed (ELA-1-M2);

3. GLE 3—interpret literary devices, including:

a. allusions;

b. understatement (meiosis);

c. how word choice and images appeal to the senses and suggest mood and tone;

d. the use of foreshadowing and flashback to direct plot development;

e. the effects of hyperbole and symbolism (ELA-1-M2);

4. GLE 4—draw conclusions and make inferences in print and nonprint responses about ideas and information in grade-appropriate texts, including:

a. epics;

b. consumer materials;

c. public documents (ELA-1-M3);

5. GLE 5—interpret ideas and information in a variety of texts (e.g., scientific reports, technical guidelines, business memos) and make connections to real-life situations and other texts (ELA-1-M4).

B. Reading and Responding. Standard Six

1. GLE 6—analyze universal themes found in a variety of world and multicultural texts in oral and written responses (ELA-6-M1);

2. GLE 7—compare and contrast elements (e.g., plot, setting, character, theme) in multiple genres (ELA-6-M2);

3. GLE 8—use knowledge of the distinctive characteristics to classify and explain the significance of various genres, including:

a. fiction (e.g., mystery, novel);

b. nonfiction (e.g., workplace documents, editorials);

c. poetry (e.g., lyric, narrative);

d. drama (e.g., plays) (ELA-6-M3).

C. Reading and Responding. Standard Seven

1. GLE 9—demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

a. sequencing events to examine and evaluate information;

b. summarizing and paraphrasing to examine and evaluate information;

c. interpreting stated or implied main ideas;

d. comparing and contrasting literary elements and ideas within and across texts;

e. making inferences and drawing conclusions;

f. predicting the outcome of a story or situation;

g identifying literary devices (ELA-7-M1);

2. GLE 10—explain the relationship between life experiences and texts to generate solutions to solve problems (ELA-7-M2);

3. LE 11—use technical information and other available resources (e.g., Web sites, interviews) to solve problems (ELA-7-M2);

4. GLE 12—evaluate the effectiveness of an author's purpose (ELA-7-M3);

5. GLE 13—analyze an author's viewpoint by assessing appropriateness of evidence and persuasive techniques (e.g., appeal to authority, social disapproval) (ELA-7-M3);

6. GLE 14—analyze grade-appropriate print and nonprint texts using various reasoning skills, including:

a. identifying cause-effect relationships;

b. raising questions;

c. reasoning inductively and deductively;

d. generating a theory or hypothesis;

e. skimming/scanning;

f. distinguishing facts from opinions and probability (ELA-7-M4).

D. Writing. Standard Two

1. GLE 15—write complex, multiparagraph compositions on student- or teacher-selected topics organized with the following:

a. a clearly stated focus or central idea;

b. important ideas or events stated in a selected order;

c. organizational patterns (e.g., comparison /contrast, order of importance, chronological order) appropriate to the topic;

d. elaboration (anecdotes, relevant facts, examples, and/or specific details);

e. transitional words and phrases that unify ideas and points;

f. an overall structure (e.g., introduction, body/middle, and concluding paragraph that summarizes important ideas and details) (ELA-2-M1);

2. GLE 16—organize individual paragraphs with topic sentences, relevant elaboration, and concluding sentences (ELA-2-M1);

3. GLE 17—develop grade-appropriate compositions on student- or teacher-selected topics that include the following:

a. word choices (diction) appropriate to the identified audience and/or purpose;

b. vocabulary selected to clarify meaning, create images, and set a tone;

c. information/ideas selected to engage the interest of the reader;

d. clear voice (individual personality);

e. variety in sentence structure (ELA-2-M2);

4. GLE 18—develop grade-appropriate compositions by identifying and applying writing processes such as the following:

a. selecting topic and form;

b. prewriting (e.g., brainstorming, researching, raising questions, generating graphic organizers);

c. drafting;

d. conferencing (e.g., peer and teacher);

e. revising based on feedback and use of various tools (e.g., *LEAP21 Writer's Checklist*, rubrics);

f. proofreading/editing;

g. publishing using technology (ELA-2-M3);

5. GLE 19—develop grade-appropriate paragraphs and multiparagraph compositions using the various modes of writing (e.g., description, narration, exposition, and persuasion), emphasizing narration and exposition (ELA-2-M4);

6. GLE 20—use the various modes to write compositions, including:

a. short stories developed with literary devices;

b. problem/solution essays;

c. essays defending a stated position (ELA-2-M4);

7. GLE 21—develop writing using a variety of literary devices, including understatements and allusions (ELA-2-M5);

8. GLE 22—write for a wide variety of purposes, including:

a. persuasive letters that include appropriate wording and tone and that state an opinion;

b. evaluations of advertisements, political cartoons, and speeches;

c. text-supported interpretations of elements of grade-appropriate stories, poems, plays, and novels (ELA-2-M6).

E. Writing/Proofreading. Standard Three

1. GLE 23—use standard English capitalization and punctuation consistently (ELA-3-M2);

2. GLE 24—write paragraphs and compositions following standard English structure and usage, including:

a. varied sentence structure and patterns, including complex sentences;

b. phrases and clauses used correctly as modifiers (ELA-3-M3);

3. GLE 25—apply knowledge of parts of speech in writing, including:

a. infinitives, participles, and gerunds;

b. superlative and comparative degrees of adjectives;

c. adverbs (ELA-3-M4);

4. GLE 26—spell high-frequency, commonly confused, frequently misspelled words and derivatives (e.g., roots and affixes) correctly (ELA-3-M5);

5. GLE 27—use a variety of resources (e.g., glossaries, dictionaries, thesauruses, spell check) to find correct spellings (ELA-3-M5).

F. Speaking and Listening. Standard Four

1. GLE 28—adjust diction and enunciation to suit the purpose for speaking (ELA-4-M1);

2. GLE 29—use standard English grammar, diction, syntax, and pronunciation when speaking (ELA-4-M1);

3. GLE 30—follow procedures (e.g., read, question, write a response, form groups) from detailed oral instructions (ELA-4-M2);

4. GLE 31—state oral directions/procedures for tasks (ELA-4-M2);

5. GLE 32—adjust volume and inflection to suit the audience and purpose of presentations (ELA-4-M3);

6. GLE 33—organize oral presentations with a thesis, an introduction, a body/middle developed with relevant details, and a conclusion (ELA-4-M3);

7. GLE 34—determine the credibility of the speaker (e.g., hidden agenda, slanted or biased materials) (ELA-4-M4);

8. GLE 35—deliver grade-appropriate persuasive presentations (ELA-4-M4);

9. GLE 36—summarize a speaker's purpose and point of view (ELA-4-M4);

10. GLE 37—compare, contrast, and evaluate information found in a wide variety of text/electronic media (e.g., microprint, public speeches, art form) (ELA-4-M5);

11. GLE 38—participate in group and panel discussions, including:

a. explaining the effectiveness and dynamics of group process;

b. applying agreed-upon rules for formal and informal discussions;

c. assuming a variety of roles (e.g., facilitator, recorder, leader, listener) (ELA-4-M6).

G. Information Resources. Standard Five

1. GLE 39—locate and select information using organizational features of grade-appropriate resources, including:

a. complex reference sources (e.g., almanacs, atlases, newspapers, magazines, brochures, map legends, prefaces, appendices);

b. electronic storage devices (e.g., CD-ROMs, diskettes, software, drives);

c. frequently accessed and bookmarked Web addresses;

d. organizational features of electronic information (e.g., Web resources including online sources and remote sites) (ELA-5-M1);

2. GLE 40—locate and integrate information from a variety of grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias);

b. electronic sources (e.g., Web sites, databases);

c. other media sources (e.g., audio and video tapes, films, documentaries, television, radio) (ELA-5-M2);

3. GLE 41—explain the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, coverage) (ELA-5-M2);

4. GLE 42—gather and select information using data-gathering strategies/tools, including:

a. surveying;

b. interviewing;

c. paraphrasing (ELA-5-M3);

5. GLE 43—generate grade-appropriate research reports that include information presented in a variety of forms, including:

a. visual representations of data/information;

b. graphic organizers (e.g., outlines, timelines, charts, webs);

c. works cited lists and/or bibliographies (ELA-5-M3);

6. GLE 44—use word processing and/or other technology to draft, revise, and publish a variety of works, including documented research reports with bibliographies (ELA-5-M4);

7. GLE 45—give credit for borrowed information following acceptable use policy, including:

a. integrating quotations and citations;

b. using endnotes;

c. creating bibliographies and/or words cited lists (ELA-5-M5);

8. GLE 46—interpret information from a variety of graphic organizers including timelines, charts, schedules, tables, diagrams, and maps in grade-appropriate sources (ELA-5-M6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2882 (November 2005).

§1721. Ninth Grade

A. Reading and Responding. Standard One

1. GLE 1—extend basic and technical vocabulary using a variety of strategies, including:

a. use of context clues;

b. use of knowledge of Greek and Latin roots and affixes;

c. use of denotative and connotative meanings;

d. tracing etymology (ELA-1-H1);

2. GLE 2—identify and explain story elements, including:

a. the author's use of direct and indirect characterization;

b. the author's pacing of action and use of plot development, subplots, parallel episodes; and climax to impact the reader;

c. the revelation of character through dialect, dialogue, dramatic monologues, and soliloquies (ELA-1-H2);

3. GLE 3—identify and explain the significance of literary devices, including:

a. mixed metaphors;

b. imagery;

c. symbolism;

d. flashback;

e. foreshadowing;

f. sarcasm/irony;

g. implied metaphors;

h. oxymoron (ELA-1-H2);

4. GLE 4—draw conclusions and make inferences in oral and written responses about ideas and information in texts, including:

a. nonfiction works;

b. short stories/novels;

c. five-act plays;

d. poetry/epics;

e. film/visual texts;

f. consumer/instructional materials;

g. public documents (ELA-1-H3);

5. GLE 5—explain ways in which ideas and information in a variety of texts (e.g., scientific reports, technical guidelines, business memos, literary texts) connect to real-life situations and other texts (ELA-1-H4).

B. Reading and Responding. Standard Six

1. GLE 6—compare/contrast cultural elements including a group's history, perspectives, and language found in multicultural texts in oral and written responses (ELA-6-H1);

2. GLE 7—identify and explain connections between historical contexts and works of various authors, including Homer, Sophocles, and Shakespeare (ELA-6-H2);

3. GLE 8—identify and explain recurrent themes in world literature (ELA-6-H2);

4. GLE 9—analyze in oral and written responses distinctive elements (including theme, structure, characterization) of a variety of literary forms and types, including:

a. essays by early and modern writers;

b. epic poetry such as *The Odyssey;*

c. forms of lyric and narrative poetry such as ballads and sonnets;

d. drama, including ancient, Renaissance, and modern;

e. short stories and novels;

f. biographies and autobiographies (ELA-6-H3);

5. GLE 10—identify and explain in oral and written responses ways in which particular genres reflect life experiences, for example:

a. an essay expresses a point of view;

b. a legend chronicles the life of a cultural hero;

c. a short story or novel provides a vicarious life experience (ELA-6-H4).

C. Reading and Responding. Standard Seven

1. GLE 11—demonstrate understanding of information in grade-appropriate texts using a variety of strategies, including:

a. summarizing and paraphrasing information and story elements;

b. comparing and contrasting information in texts, including televised news, news magazines, documentaries, and online information;

c. comparing and contrasting complex literary elements, devices, and ideas within and across texts;

d. examining the sequence of information and procedures in order to critique the logic or development of ideas in texts;

e. making inferences and drawing conclusions;

f. making predictions and generalizations (ELA-7-H1);

2. GLE 12—solve problems using reasoning skills, including:

a. using supporting evidence to verify solutions;

b. analyzing the relationships between prior knowledge and life experiences and information in the texts;

c. using technical information in specialized software programs, manuals, interviews, surveys, and access guides to Web sites (ELA-7-H2);

3. GLE 13—identify and explain the impact of an author's life on themes and issues of a single text or multiple texts by the same author (ELA-7-H3);

4. GLE 14—analyze information within and across grade-appropriate texts using various reasoning skills, including:

a. identifying cause-effect relationships;

b. raising questions;

c. reasoning inductively and deductively;

d. generating a theory or hypothesis;

e. distinguishing facts from opinions and probability (ELA-7-H4).

D. Writing. Standard Two

1. GLE 15—develop organized, coherent paragraphs that include the following:

a. topic sentences;

b. logical sequence;

c. transitional words and phrases;

d. appropriate closing sentences;

e. parallel construction where appropriate (ELA-2-H1);

2. GLE 16—develop multiparagraph compositions organized with the following:

a. a clearly stated central idea or thesis statement;

b. a clear, overall structure that includes an introduction, a body, and an appropriate conclusion;

c. supporting paragraphs appropriate to the topic organized in a logical sequence (e.g., spatial order, order of importance, ascending/descending order, chronological order, parallel construction);

d. transitional words and phrases that unify throughout (ELA-2-H1);

3. GLE 17—develop complex compositions on student- or teacher-selected topics that are suited to an identified audience and purpose and that include the following:

a. word choices appropriate to the identified audience and/or purpose;

b. vocabulary selected to clarify meaning, create images, and set a tone;

c. information/ideas selected to engage the interest of the reader;

d. clear voice (individual personality) (ELA-2-H2);

4. GLE 18—develop complex compositions using writing processes, including:

a. selecting topic and form (e.g., brainstorming, clustering, outlining, generating main idea/thesis statements);

b. prewriting (e.g., brainstorming, clustering, outlining, generating main idea/thesis statements);

c. drafting;

d. conferencing (e.g., peer and teacher);

e. revising for content and structure based on feedback;

f. proofreading/editing to improve conventions of language;

g. publishing using technology (ELA-2-H3);

5. GLE 19—develop paragraphs and complex, multiparagraph compositions using all modes of writing (description, narration, exposition, and persuasion) emphasizing exposition and persuasion (ELA-2-H4);

6. GLE 20—develop paragraphs and complex, multiparagraph compositions that include complex stylistic features, including:

a. literary devices such as student-composed oxymoron, touches of sarcasm, and/or irony;

b. vocabulary and phrasing that reflect an individual character (voice);

c. a variety of sentence lengths and structures, including simple, compound, and complex (ELA-2-H5);

7. GLE 21—write for various purposes, including:

a. formal and business letters, such as letters of complaint and requests for information;

b. letters to the editor;

c job applications;

d. text-supported interpretations that connect life experiences to works of literature (ELA-2-H6).

E. Writing/Proofreading. Standard Three

1. GLE 22—apply standard rules of sentence formation, avoiding common errors, such as:

a. fragments;

b. run-on sentences;

c. syntax problems (ELA-3-H2);

2. GLE 23—apply standard rules of usage, including:

a. making subjects and verbs agree;

b. using verbs in appropriate tenses;

c. making pronouns agree with antecedents;

d. using pronouns appropriately in nominative, objective, and possessive cases;

e. using adjectives in comparative and superlative degrees and adverbs correctly;

f. avoiding double negatives;

g. using all parts of speech appropriately (ELA-3-H2);

3. GLE 24—apply standard rules of mechanics, including:

a using commas to set off appositives or parenthetical phrases;

b. using quotation marks to set off titles of short works;

c. using colons preceding a list and after a salutation in a business letter;

d. using standard capitalization for names of political and ethnic groups, religions, and continents (ELA-3-H2);

4. GLE 25—use correct spelling conventions when writing and editing (ELA-3-H3);

5. GLE 26—use a variety of resources, such as dictionaries, thesauruses, glossaries, technology, and textual features (e.g., definitional footnotes, sidebars) to verify word spellings (ELA-3-H3).

F. Speaking and Listening. Standard Four

1. GLE 27—use standard English grammar, diction, and syntax when responding to questions, participating in

informal group discussions, and making presentations (ELA-4-H1);

2. GLE 28—select language appropriate to specific purposes and audiences when speaking, including:

a. delivering informational/book reports in class;

b. conducting interviews/surveys of classmates or the general public;

c. participating in class discussions (ELA-4-H1);

3. GLE 29—listen to oral instructions and presentations, speeches, discussions, and carry out procedures, including:

a. taking accurate notes;

b. writing summaries or responses;

c. forming groups (ELA-4-H2);

4. LE 30—organize and use precise language to deliver oral directions and instructions about general, technical, or scientific topics (ELA-4-H2);

5. GLE 31—deliver oral presentations that include the following:

a. phrasing, enunciation, voice modulation, verbal and nonverbal techniques, and inflection adjusted to stress important ideas and impact audience response;

b. language choices selected to suit the content and context;

c. an organization that includes an introduction, relevant details that develop the topic, and a conclusion (ELA-4-H3);

6. GLE 32—use active listening strategies, including:

a monitoring messages for clarity;

b. selecting and organizing essential information;

c. noting cues such as changes in pace;

d. generating and asking questions concerning a speaker's content, delivery, and attitude toward the subject (ELA-4-H4);

7. GLE 33—deliver clear, coherent, and concise oral presentations about information and ideas in texts (ELA-4-H4);

8. GLE 34—analyze media information in oral and written responses, including:

a. summarizing the coverage of a media event;

b. comparing messages from different media (ELA-4-H5);

9. GLE 35—participate in group and panel discussions, including:

a. identifying the strengths and talents of other participants;

b. acting as facilitator, recorded, leader, listener, or mediator;

c. evaluating the effectiveness of participant's performance (ELA-4-H6).

G. Information Resources. Standard Five

1. GLE 36—identify and use organizational features to locate relevant information for research projects using a variety of resources, including:

a. print resources (e.g., prefaces, appendices, annotations, citations, bibliographic references);

b. electronic texts (e.g., database keyword searches, search engines, e-mail addresses) (ELA-5-H1);

2. GLE 37—locate, analyze, and synthesize information from a variety of grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs; specialized dictionaries, almanacs, technical encyclopedias; and periodicals);

b. electronic sources (e.g., Web sites, databases);

c. other media sources (e.g., community and government data, television and radio resources, and other audio and visual materials) (ELA-5-H2);

3. GLE 38—analyze the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, and coverage) (ELA-5-H2);

4. GLE 39—access information and conduct research using various grade-appropriate, data-gathering strategies/tools, including:

a. formulating clear research questions;

b. gathering evidence from primary and secondary sources;

c. using graphic organizers (e.g., outlining, charts, timelines, webs);

d. compiling and organizing information to support the central ideas, concepts, and themes of formal papers or presentations (ELA-5-H3);

5. GLE 40—write a variety of research reports, which include the following:

a. research supporting the main ideas;

b. facts, details, examples, and explanations from sources;

c. graphics when appropriate;

d. complete documentation (e.g., endnotes, parenthetical citations, works cited lists or bibliographies((ELA-5-H3);

6. GLE 41—use word processing and/or other technology (e.g., illustration, page-layout, Web-design programs) to draft, revise, and publish various works, including research reports documented with parenthetical citations and bibliographies or works cited lists (ELA-5-H4);

7. GLE 42—give credit for borrowed information in grade-appropriate research reports following acceptable use policy, including:

a. using parenthetical documentation to integrate quotes and citations;

b. preparing bibliographies and/or works cited list (ELA-5-H5);

8. GLE 43—analyze information found in a variety of complex graphic organizers, including detailed maps, comparative charts, extended tables, graphs, diagrams, cutaways, overlays, and sidebars to determine usefulness for research (ELA-5-H6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2884 (November 2005).

§1723. Tenth Grade

A. Reading and Responding. Standard One

1. GLE 1. Extend basic and technical vocabulary using a variety of strategies, including:

a. use of context clues;

b. use of knowledge of Greek and Latin roots and affixes;

c. use of denotative and connotative meanings;
d. tracing etymology (ELA-1-H1);

2. GLE 2Xanalyze the development of story elements, including:
a. characterization;
b. plot and subplot(s);
c. theme;
d. mood/atmosphere (ELA-1-H2);

3. GLE 3—analyze the significance within a context of literary devices, including:
a. imagery;
b. symbolism;
c. flashback;
d. foreshadowing;
e irony, ambiguity, contradiction;
f. allegory;
g. tone;
h. dead metaphor;
i. personification, including pathetic fallacy (ELA-1-H2);

4. GLE 4—draw conclusions and make inferences about ideas and information in grade-appropriate texts in oral and written responses, including:
a. short stories/novels;
b. nonfiction works;
c. five-act plays;
d. poetry/epics;
e. film/visual texts;
f. consumer/instructional materials;
g. public documents (ELA-1-H3);

5. GLE 5—analyze ways in which ideas and information in texts, such as almanacs, microfiche, news sources, technical documents, Internet sources, and literary texts, connect to real-life situations and other texts or represent a view or comment on life (ELA-1-H4).

B. Reading and Responding. Standard Six

1. GLE 6—compare and/or contrast cultural elements including a group's history, perspectives, and language found in multicultural texts in oral and written responses (ELA-6-H1);

2. GLE 7—analyze connections between historical contexts and the works of authors, including Sophocles and Shakespeare (ELA-6-H2);

3. GLE 8—analyze recurrent themes in world literature (ELA-6-H2);

4. GLE 9—analyze, in oral and written responses, distinctive elements, including theme and structure, of literary forms and types, including:
a. essays by early and modern writers;
b. lyric, narrative, and dramatic poetry;
c. drama, including ancient, Renaissance, and modern;
d. short stories, novellas, and novels;
e. biographies and autobiographies;
f. speeches (ELA-6-H3);

5. GLE 10—identify and explain in oral and written responses the ways in which particular genres reflect life experiences, for example:
a. an essay expresses a point of view;
b. a legend chronicles the life of a cultural hero;
c. a short story or novel provides a vicarious life experience (ELA-6-H4).

C. Reading and Responding. Standard Seven

1. GLE 11—demonstrate understanding of information in grade-appropriate texts using a variety of reasoning strategies, including:
a. summarizing and paraphrasing information and story elements;
b. comparing and contrasting information in various texts (e.g., televised news, news magazines, documentaries, online information);
c. comparing and contrasting complex literary elements, devices, and ideas within and across texts;
d. examining the sequence of information and procedures in order to critique the logic or development of ideas in texts;
e. making inferences and drawing conclusions;
f. making predictions and generalizations (ELA-7-H1);

2. GLE 12—solve problems using reasoning skills, including:
a. using supporting evidence to verify solutions;
b. analyzing the relationships between prior knowledge and life experiences and information in texts;
c. using technical information in specialized software programs, manuals, interviews, surveys, and access guides to Web sites (ELA-7-H2);

3. GLE 13—use knowledge of an author's background, culture, and philosophical assumptions to analyze the relationship of his/her works to the themes and issues of the historical period in which he/she lived (ELA-7-H3);

4. GLE 14—evaluate the effects of an author's life in order to interpret universal themes and messages across different works by the same author (ELA-7-H3);

5. GLE 15—analyze information within and across grade-appropriate texts using various reasoning skills, including:
a. identifying cause-effect relationships;
b. raising questions;
c. reasoning inductively and deductively;
d. generating a theory or hypothesis;
e. distinguishing facts from opinions and probability (ELA-7-H4).

D. Writing. Standard Two

1. GLE 16—develop organized, coherent paragraphs that include the following:
a. topic sentences;
b. logical sequence;
c. transitional words and phrases;
d. appropriate closing sentences;
e. parallel construction where appropriate (ELA-2-H1);

2. GLE 17—develop multiparagraph compositions organized with the following:
a. a clearly stated central idea/thesis statement;
b. a clear, overall structure that includes an introduction, a body, and an appropriate conclusion;
c. supporting paragraphs appropriate to the topic organized in a logical sequence (e.g., spatial order, order of importance, ascending/descending order, chronological order, parallel construction);
d. transitional words and phrases that unify throughout (ELA-2-H1);

3. GLE 18—develop complex compositions on student- or teacher-selected topics that are suited to an identified audience and purpose and that include the following:

a. word choices appropriate to the identified audience and/or purpose;

b. vocabulary selected to clarify meaning, create images, and set a tone;

c. information/ideas selected to engage the interest of the reader;

d. clear voice (individual personality) (ELA-2-H2);

4. GLE 19—develop complex compositions using writing processes, including:

a. selecting topic and form;

b. determining purpose and audience;

c. prewriting (e.g., brainstorming, clustering, outlining, generating main ideas/thesis statements);

d. drafting;

e. conferencing (e.g., with peers and teachers);

f. revising for content and structure based on feedback;

g. proofreading/editing to improve conventions of language;

h. publishing using technology (ELA-2-H3);

5. GLE 20—develop complex paragraphs and multiparagraph compositions using all modes of writing, emphasizing exposition and persuasion (ELA-2-H4);

6. GLE 21—use all modes to write complex compositions, including:

a. comparison/contrast of ideas and information in reading materials or current issues;

b. literary analyses that compare and contrast multiple texts;

c. editorials on current affairs (ELA-2-H4);

7. LE 22—develop writing using a variety of complex literary and rhetorical devices, including imagery and the rhetorical question (ELA-2-H5);

8. GLE 23—develop individual writing style that includes the following:

a. a variety of sentence structures (e.g., parallel or repetitive) and lengths;

b. diction selected to create a tone and set a mood;

c. selected vocabulary and phrasing that reflect the character and temperament (voice) of the writer (ELA-2-H5);

9 GLE 24—write for various purposes, including:

a. formal and business letters, such as letters of complaint and requests for information;

b. letters to the editor;

c. job applications;

d. text-supported interpretations that connect life experiences to works of literature (ELA-2-H6).

E. Writing/Proofreading. Standard Three

1. GLE 25—apply standard rules of sentence formation, avoiding common errors, such as:

a. fragments;

b. run-on sentences;

c. syntax problems (ELA-3-H2);

2. GLE 26—apply standard rules of usage, including:

a. making subjects and verbs agree;

b. using verbs in appropriate tenses;

c. making pronouns agree with antecedents;

d. using pronouns in appropriate cases (e.g., nominative and objective);

e. using adjectives in comparative and superlative degrees;

f. using adverbs correctly;

g. avoiding double negatives (ELA-3-H2);

3. GLE 27—apply standard rules of mechanics, including:

a. using commas to set off appositives or parenthetical phrases;

b. using quotation marks to set off titles of short works;

c. using colons preceding a list and after a salutation in a business letter;

d. using appropriate capitalization, including names of political and ethnic groups, religions, and continents (ELA-3-H2);

4. GLE 28—use correct spelling conventions when writing and editing (ELA-3-H3);

5. GLE 29—use a variety of resources, such as dictionaries, thesauruses, glossaries, technology, and textual features (e.g., definitional footnotes, sidebars), to verify word spellings (ELA-3-H3).

F. Speaking and Listening. Standard Four

1. GLE 30—use standard English grammar, diction, and syntax when speaking in formal presentations and informal group discussions (ELA-4-H1);

2. GLE 31—select language appropriate to specific purposes and audiences, including:

a. delivering informational/book reports in class;

b. conducting interviews/surveys of classmates or the general public;

c. participating in class discussions (ELA-4-H1);

3. GLE 32—listen to detailed oral instructions and presentations and carry out complex procedures, including:

a. taking accurate notes;

b. writing summaries or responses;

c. forming groups (ELA-4-H2);

4. GLE 33—organize and use precise language to deliver oral directions and instructions about general, technical, or scientific topics (ELA-4-H2);

5. GLE 34—deliver oral presentations that include the following:

a. volume, phrasing, enunciation, voice modulation, and inflection adjusted to stress important ideas and impact audience response;

b. language choices adjusted to suit the content and context;

c. an organization that includes an introduction, selected details, and a conclusion arranged to impact an audience (ELA-4-H3);

6. GLE 35—use active listening strategies, including:

a. monitoring message for clarity;

b. selecting and organizing essential information;

c. noting cues such as changes in pace;

d. generating and asking questions concerning a speaker's content, delivery, and attitude toward the subject (ELA-4-H4);

7. GLE 36—deliver clear, coherent, and concise oral presentations and responses about information and ideas in a variety of texts (ELA-4-H4);

8. GLE 37—analyze media information in oral and written responses, including:

a. comparing and contrasting the ways in which print and broadcast media cover the same event;

b. evaluating media messages for clarity, quality, effectiveness, motive, and coherence;

c. listening to and critiquing audio/video presentations (ELA-4-H5);

9. GLE 38—participate in group and panel discussions, including:

a. identifying the strengths and talents of other participants;

b. acting as facilitator, recorder, leader, listener, or mediator;

c. evaluating the effectiveness of participants' performances (ELA-4-H6).

G. Information Resources. Standard Five

1. GLE 39—select and evaluate relevant information for a research project using the organizational features of a variety of resources, including:

a. print texts, such as prefaces, appendices, annotations, citations, bibliographic references, and endnotes;

b. electronic texts such as database keyword searches, search engines, and e-mail addresses (ELA-5-H1);

2. GLE 40—locate, analyze, and synthesize information from grade-appropriate resources, including:

a. multiple printed texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias, and periodicals);

b. electronic sources (e.g., Web sites and databases);

c. other media sources (e.g., community and government data, television and radio resources, and other audio and visual materials) (ELA-5-H2);

3. GLE 41—analyze the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, coverage) (ELA-5-H2);

4. GLE 42—access information and conduct research using various grade-appropriate data-gathering strategies/tools, including:

a. formulating clear research questions;

b. using research methods to gather evidence from primary and secondary sources;

c. using graphic organizers (e.g., outlining, charts, timelines, webs);

d. compiling and organizing information to support the central ideas, concepts, and themes of a formal paper or presentation (ELA-5-H3);

5. GLE 43—write a variety of research reports, which include the following:

a. research that supports the main ideas;

b. facts, details, examples, and explanations from multiple sources;

c. graphics when appropriate;

d. complete documentation (e.g., endnotes, parenthetical citations and bibliographies or works cited lists, or bibliographies) (ELA-5-H3);

6. GLE 44—use word processing and/or technology to draft, revise, and publish various works, including research reports documented with parenthetical citations and bibliographies or works cited lists (ELA-5-H4);

7. GLE 45—follow acceptable use policy to document sources in research reports using various formats, including:

a. preparing extended bibliographies of reference materials;

b. integrating quotations and citations while maintaining flow of ideas;

c. using standard formatting for source acknowledgement according to a specified style guide;

d. using parenthetical documentation following *MLA Guide* within a literature-based research report (ELA-5-H5);

8. GLE 46—analyze information found in complex graphic organizers, including detailed maps, comparative charts, extended tables, graphs, diagrams, cutaways, overlays, and sidebars to determine usefulness for research (ELA-5-H6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2886 (November 2005).

§1725. Eleventh and Twelfth Grade

A. Reading and Responding. Standard One

1. GLE 1—extend basic and technical vocabulary using a variety of strategies, including:

a. analysis of an author's word choice;

b. use of related forms of words;

c. analysis of analogous statements (ELA-1-H1);

2. GLE 2—analyze the significance of complex literary and rhetorical devices in American, British, or world texts, including:

a. apostrophes;

b. rhetorical questions;

c. metaphysical conceits;

d. implicit metaphors (metonymy and synecdoche) (ELA-1-H2);

3. GLE 3—draw conclusions and make inferences about ideas and information in complex texts in oral and written responses, including:

a. fiction/nonfiction;

b. drama/poetry;

c. public documents;

d. film/visual texts;

e. debates/speeches (ELA-1-H3);

4. LE 4—evaluate ways in which the main idea, rational or thesis, and information in complex texts, including consumer, workplace, public, and historical documents, represent a view or comment on life (ELA-1-H4).

B. Reading and Responding. Standard Six

1. GLE 5—analyze and critique the impact of historical periods, diverse ethnic groups, and major influences (e.g., philosophical, political, religious, ethical, social) on American, British, or world literature in oral and written responses (ELA-6-H1);

2. GLE 6—analyze and explain the significance of literary forms, techniques, characteristics, and recurrent themes of major literary periods in ancient, American, British, or world literature (ELA-8-H2);

3. GLE 7—analyze and synthesize in oral and written responses distinctive elements (e.g., structure) of a variety of literary forms and types, including:

a. essays and memoirs by early and modern essay writers;

b. epic poetry such as Beowulf;

c. forms of lyric and narrative poetry such as the ballad, sonnets, pastorals, elegies, and the dramatic monologue;

d. drama, including ancient, Renaissance, and modern comedies and tragedies;

e. short stories, novellas, and novels;

f. biographies and autobiographies;

g. speeches (ELA-6-H3);

4. GLE 8—analyze in oral and written responses the ways in which works of ancient, American, British, or world literature represent views or comments on life, for example:

a. an autobiography/diary gives insight into a particular time and place;

b. the pastoral idealizes life in the country;

c. the parody mocks people and institutions;

d. an allegory uses fictional figures to express truths about human experiences (ELA-6-H4).

C. Reading and Responding. Standard Seven

1. GLE 9—demonstrate understanding of information in American, British, and world literature using a variety of strategies, for example:

a. interpreting and evaluating presentation of events and information;

b. evaluating the credibility of arguments in nonfiction works;

c. making inferences and drawing conclusions;

d. evaluating the author's use of complex literary elements (e.g., symbolism, themes, characterization, ideas);

e. making predictions and generalizations about ideas and information;

f. critiquing the strengths and weaknesses of ideas and information;

g. synthesizing (ELA-7-H1);

2. GLE 10—identify, gather, and evaluate appropriate sources and relevant information to solve problems using multiple sources, including:

a. school library catalogs;

b. online databases;

c. electronic resources;

d. internet-based resources (ELA-7-H2);

3. GLE 11—analyze and evaluate the philosophical arguments presented in literary works, including American, British, or world literature (ELA-7-H2);

4. GLE 12—analyze and evaluate works of American, British, or world literature in terms of an author's life, culture, and philosophical assumptions (ELA-7-H2);

5. GLE 13—analyze information within and across grade-appropriate print and nonprint texts using various reasoning skills, including:

a. identifying cause-effect relationships;

b. raising questions;

c. reasoning inductively and deductively;

d. generating a theory or hypothesis;

e. skimming/scanning;

f. distinguishing facts from opinions and probability (ELA-7-H4).

D. Writing. Standard Two

1. GLE 14—develop complex compositions, essays, and reports that include the following:

a. a clearly stated central idea/thesis statement;

b. a clear, overall structure (e.g., introduction, body, appropriate conclusion);

c. supporting paragraphs organized in a logical sequence (e.g., spatial order, order of importance, ascending/descending order, chronological order, parallel construction);

d. transitional words, phrases, and devices that unify throughout (ELA-2-H1);

2. GLE 15—develop complex compositions on student- or teacher-selected topics that are suited to an identified audience and purpose and that include the following:

a. word choices appropriate to the identified audience and/or purpose;

b. vocabulary selected to clarify meaning, create images, and set a tone;

c. information/ideas selected to engage the interest of the reader;

d. clear voice (individual personality) (ELA-2-H2);

3. GLE 16—develop complex compositions using writing processes such as the following:

a. electing topic and form (e.g., determining a purpose and audience);

b. prewriting (e.g., brainstorming, clustering, outlining, generating main ideas/thesis statements);

c. drafting;

d. conferencing with peers and teachers;

e. revising for content and structure based on feedback;

f. proofreading/editing to improve conventions of language;

g. publishing using available technology (ELA-2-H3);

4. GLE 17—use the various modes to write complex compositions, including:

a. definition essay;

b. problem/solution essay;

c. research project;

d. literary analyses that incorporate research;

e. cause-effect essay;

f. process and analyses;

g. persuasive essays (ELA-2-H4);

5. GLE 18—develop writing/compositions using a variety of complex literary and rhetorical devices (ELA-2-H5);

6. GLE 19—extend development of individual style to include the following:

a. avoidance of overused words, clichés, and jargon;

b. a variety of sentence structures and patterns;

c. diction that sets tone and mood;

d. vocabulary and phrasing that reflect the character and temperament (voice) of the writer (ELA-2-H5);

7. GLE 20—write for various purposes, including:

a. interpretations/explanations that connect life experiences to works of American, British, and world literature;

b. functional documents (e.g., resumes, memos, proposals) (ELA-2-H6);

E. Writing/Proofreading. Standard Three

1. LE 21—apply standard rules of sentence formation, including parallel structure (ELA-3-H2);

2. GLE 22—apply standard rules of usage, for example:

a. avoid splitting infinitives;

b. use the subjunctive mood appropriately (ELA-3-H2);

3. GLE 23—apply standard rules of mechanics and punctuation, including:

a. parentheses;

b. brackets;

c. dashes;

d. commas after introductory adverb clauses and long introductory phrases;

e. quotation marks for secondary quotations;

f. internal capitalization;

g. manuscript form (ELA-3-H2);

4. GLE 24—use a variety of resources (e.g., dictionaries, thesauruses, glossaries, technology) and textual features (e.g., definitional footnotes, sidebars) to verify word spellings (ELA-3-H3).

F. Speaking and Listening. Standard Four

1. GLE 25—use standard English grammar, diction, and syntax when speaking in formal presentations and informal group discussions (ELA-4-H1);

2. GLE 26—select language appropriate to specific purposes and audiences for speaking, including:

a. delivering informational/book reports in class;

b. conducting interviews/surveys of classmates or the general public;

c. participating in class discussions (ELA-4-H1);

3. GLE 27—listen to detailed oral instructions and presentations and carry out complex procedures, including:

a. reading and questioning;

b. writing responses;

c. forming groups;

d. taking accurate, detailed notes (ELA-4-H2);

4. GLE 28—organize and use precise language to deliver complex oral directions or instructions about general, technical, or scientific topics (ELA-4-H2);

5. GLE 29—deliver presentations that include the following:

a. language, diction, and syntax selected to suit a purpose and impact an audience;

b. delivery techniques including repetition, eye contact, and appeal to emotion suited to a purpose and audience;

c. an organization that includes an introduction, relevant examples, and/or anecdotes, and a conclusion arranged to impact an audience (ELA-4-H3);

6. GLE 30—use active listening strategies, including:

a. monitoring messages for clarity;

b. selecting and organizing information;

c. noting cues such as changes in pace (ELA-4-H4);

7. GLE 31—deliver oral presentations, including:

a. speeches that use appropriate rhetorical strategies;

b. responses that analyze information in texts and media;

c. persuasive arguments that clarify or defend positions (ELA-4-H4);

8. GLE 32—give oral and written analyses of media information, including:

a. identifying logical fallacies (e.g., attack *ad hominem*, false causality, overgeneralization, bandwagon effect) used in oral addresses;

b. analyzing the techniques used in media messages for a particular audience;

c. critiquing a speaker's diction and syntax in relation to the purpose of an oral presentation;

d. critiquing strategies (e.g., advertisements, propaganda techniques, visual representations, special effects) used by the media to inform, persuade, entertain, and transmit culture (ELA-4-H5);

9. GLE 33—participate in group and panel discussions, including:

a. identifying the strengths and talents of other participants;

b. acting as facilitator, recorder, leader, listener, or mediator;

c. evaluating the effectiveness of participants' performance (ELA-4-H6).

G. Information Resources. Standard Five

1. GLE 34—select and critique relevant information for a research project using the organizational features of a variety of resources, including:

a. print texts (e.g., prefaces, appendices, annotations, citations, bibliographic references);

b. electronic texts (e.g., database keyword searches, search engines, e-mail addresses) (ELA-5-H1);

2. GLE 35—locate, analyze, and synthesize information from a variety of complex resources, including:

a. multiple print texts (e.g., encyclopedias, atlases, library catalogs, specialized dictionaries, almanacs, technical encyclopedias, and periodicals);

b. electronic sources (e.g., Web sites or databases);

c. other media (e.g., community and government data, television and radio resources, and audio and visual materials) (ELA-5-H2);

3. GLE 36—analyze the usefulness and accuracy of sources by determining their validity (e.g., authority, accuracy, objectivity, publication date, coverage) (ELA-5-H2);

4. GLE 37—access information and conduct research using various grade-appropriate data-gathering strategies/tools, including:

a. formulating clear research questions;

b. evaluating the validity and/or reliability of primary and/or secondary sources;

c. using graphic organizers (e.g., outlining, charts, timelines, webs);

d. compiling and organizing information to support the central ideas, concepts, and themes of a formal paper or presentation;

e. preparing annotated bibliographies and anecdotal scripts (ELA-5-H3);

5. GLE 38—write extended research reports (e.g., historical investigations, reports about high interest and library subjects) which include the following:

a. researched information that supports main ideas;

b. facts, details, examples, and explanations from sources;

c. graphics when appropriate;

d. complete documentation (e.g., endnotes or parenthetical citations, works cited lists or bibliographies) consistent with a specified style guide (ELA-5-H3);

6. GLE 39—use word processing and/or technology to draft, revise, and publish various works, including:

a. functional documents (e.g., requests for information, resumes, letters of complaint, memos, proposals), using formatting techniques that make the document user friendly;

b. analytical reports that include databases, graphics, and spreadsheets;

c. research reports on high-interest and literary topics (ELA-5-H4);

7. GLE 40—use selected style guides to produce complex reports that include the following:

a. credit for sources (e.g., appropriate parenthetical documentation and notes);

b. standard formatting for source acknowledgement (ELA-5-H5);

8. GLE 41—analyze and synthesize information found in various complex graphic organizers, including detailed maps, comparative charts, extended tables, graphs, diagrams, cutaways, overlays, and sidebars (ELA-5-H6).

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2889 (November 2005).

Chapter 19. Glossary and References

§1901. Definitions

Benchmark—a broad statement of process and/or content that is used as a reference to develop curriculum and to assess student progress.

Communication—the meaningful exchange of ideas or information between a speaker and a listener (or a reader and a writer, etc.). Throughout these standards, communication is understood as an interactive process, in which both speaker and listener participate in the construction of meaning.

Content Standard—a description of what students should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

Convention—an accepted practice in a spoken or written language.

e.g.—examples of, but not limited to.

Emergent Literacy—development of the association of print with meaning that begins early in a child's life and continues until the child reaches the stage of conventional reading and writing.

Figurative Language—any language, whether in a literary or a nonliterary text, using figures of speech, such as simile and metaphor, to create multiple or intensified meaning.

Fluency—the clear, easy, written or spoken expression of ideas.

Foundation Skills—processes that are common to all areas and levels of education and are intended to suggest methods and objectives of instructional strategies.

Graphic Organizer—a means of arranging ideas/information in a visual pattern (e.g., charts, graphs, maps, Venn diagrams).

Graphophonics—the relationship between oral and written language.

Hypertext—in computer use, a sophisticated branching that allows the user to move among or relate text, graphics, and sound data in new patterns in any desired order.

Intelligible—capable of being understood.

Log—an ongoing student-kept record of books read during a specified period, of learning activities that help students evaluate their progress, and of student responses to various topics.

Media—the various physical and electronic means through which information may be communicated.

Reading Process—an act of reading taken as a whole; what happens when a person processes text to obtain meaning.

Recursive—characterized by moving back and forth among the planning, drafting, and revising phases of writing.

Response—a written or spoken answer to a question.

Self-Monitoring—the conscious awareness of the progress of text.

Semantics—the study of meaning in language.

Standard English—that variety of English in which most educational texts and government and media publications are written in the United States.

Strategy—a practiced but flexible way of responding to recognizable contexts, situations, or demands.

Syntax—the study of how sentences are formed and of the grammatical rules that govern their formation.

Text—printed communications in their varied forms: oral communication, including conversations, speeches, etc., and visual communications such as film, video, and computer displays.

Viewing—attending to communication conveyed by visually representing. Students with visual impairments might view tactile drawings, charts, or diagrams.

Visually Representing—conveying information or expressing oneself using nonverbal means, such as drawing, computer graphics (maps, charts, artwork), photography, or physical performance. For students with visual impairments, this language art might also include communicating by means of tactile drawings or diagrams, as well as by gesture and performance.

Writing Process—the many aspects of the complex act of producing a written communication. specifically, planning, drafting, revising, editing, and publishing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17: 24.4; R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2892 (November 2005).

Weegie Peabody
Executive Director

0511#021

RULE

Office of the Governor
Office of Financial Institutions

Expired License Reinstatement Procedure
(LAC 10:XII.301)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and with R.S. 6:121, R.S. 6:1081 et seq., of the Residential Mortgage Lending Act (hereinafter referred to as "RMLA"), the Office of Financial Institutions has amended LAC 10:XII:301, a Rule to establish the procedure for the reinstatement of a RMLA license after automatic expiration, provide for the information an applicant must submit in connection with a reinstatement request, provide for the time period in which a reinstatement request may be filed with the Office of Financial Institutions, provide for items that may be considered in connection with the assessment of a reinstatement penalty, up to the statutory maximum amount, and require the disclosure of residential mortgage loan activity occurring after automatic expiration and prior to a reinstatement request or a new license application following automatic expiration. This Rule has been promulgated to effectuate the purpose, administration, and enforcement of the RMLA, R.S. 6:1081 et seq.

Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC
Part XII. Residential Mortgage Lending Act
Chapter 3. Residential Mortgage Lending Licenses
§301. Expired License Reinstatement Procedure

A. Any license deemed to have expired automatically on January 1, pursuant to R.S. 6:1088(F)(4), shall not be eligible for reinstatement of said license, unless the request is received by the Office of Financial Institutions postmarked on or before January 15, of that year, and contains:

1. a written reinstatement request filed by the person named in the expired license, which contains such information as may be required by rule, or as the Commissioner of the Office of Financial Institutions (hereinafter referred to as "commissioner"), may direct;

2. evidence showing good cause for approval of a reinstatement request; and

3. payment of a reinstatement penalty in an amount not to exceed $1,000, as determined by the commissioner, in his discretion, and in accordance with this rule.

B. Any license deemed to have expired automatically on January 1, pursuant to R.S. 6:1088(F)(4), and as to which the requirements of Subsection A of this Section have not been met on or before January 15, of that year, shall remain expired, and shall not thereafter be eligible for reinstatement, however, an application for a new license may be filed, provided all the requirements for the filing of an application for a new license and of this rule are met, and all required fees and penalties have been paid in full at the time of filing the application for a new license.

C. In addition to the information required to be included in a reinstatement request pursuant to Subsection A, or with a new license application pursuant to Subsection B of this Section, any such application shall indicate whether the applicant engaged in any residential mortgage loan activity during the time period from the date of expiration of the license for which reinstatement or a new license is sought, until the date the reinstatement request or the new license application is filed with the Office of Financial Institutions, including, but not limited to, a listing of each residential mortgage loan application received, and/or each residential mortgage transaction completed.

D. In determining the amount of the reinstatement penalty required by Subsection A of this Section, the commissioner shall consider, among other things:

1. the cause or causes of the failure to timely file a renewal application; and

2. whether the applicant continued to engage in residential mortgage lending activities subsequent to the automatic expiration pursuant to R.S. 6:1088(F)(4).

E. Knowingly providing false, incomplete, misleading or incorrect information in connection with a request for reinstatement, or in connection with an application for a new license following automatic expiration, shall be a cause for denial of such request or application, and may be grounds for suspension or revocation of any reinstated license or new license granted as provided for herein, if the commissioner would have denied the license had such defect in the information been known at the time said reinstatement request or application for a new license was granted.

F. Terms used herein and defined in the RMLA, R.S. 6:1081, et seq., shall have the same meaning as the terms defined in the RMLA, unless otherwise specifically provided to the contrary herein.

G. The commissioner may waive or suspend application to all or any part of this rule if he determines that a declared state of emergency, or the conditions relating thereto, will substantially affect compliance with this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121 and R.S. 6:1085.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 31:2893 (November 2005).

John Ducrest
Commissioner

0511#057

RULE

Office of the Governor
Office of Financial Institutions

Financial Institutions Applications
(LAC 10:I.501 and 507)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Commissioner of the Office of Financial Institutions has amended Section 501, Definitions, of the Rule originally promulgated in LR 19:1414 (November 1993) and approved for advertisement the repeal of Section 507, Application for Electronic Financial Terminal (EFT), from the Louisiana Administrative Code. These actions are being effectuated in order to: 1) make the Rule consistent with R.S. 6:2 as amended by Acts 1995, No. 354, §1, eff. June 16, 1995, that defines a branch or branch office as a manned office and excludes EFTs; and 2) eliminate the requirements for the establishment of an off-site EFT for

state-chartered banks, savings and loan associations, and savings banks in order to create parity with federally-chartered financial institutions.

There is no family impact associated with this Rule, as provided for in R.S. 49:972.

Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC
Part I. Financial Institutions
Chapter 5. Applications
Subchapter A. Certificate of Authority for New Financial Institutions; Branches; or Relocation of Main Office or Branch Office

§501. Definitions

Applicant—one or more natural persons or a state-chartered financial institution seeking a certificate of authority from the commissioner to transact business as a financial institution, or a branch thereof, as defined below.

Application—shall consist of forms provided by the commissioner, submitted in a form acceptable to the commissioner, along with all supporting documents, requesting that a certificate of authority be granted.

Branch or *Branch Office*—for the purpose of making application to this Office means any manned office of a bank. This excludes off-site electronic financial terminals and loan production offices which are owned or leased by the financial institution.

Commissioner—the Commissioner of Financial Institutions.

Electronic Financial Terminal (EFT)—

1. an electronic information processing device, other than a telephone, which is established to do either or both of the following:

a. capture the data necessary to initiate financial transactions; or

b. through its attendant support system, store or initiate the transmission of the information necessary to consummate a financial transaction;

2. the term includes, without limitation, point of sale terminals, merchant-operated terminals, script or cash dispensing machines, and automated teller machines.

Financial Institution—any bank, savings bank, homestead association, building and loan association, or savings and loan association chartered by the commissioner.

Investigation—the commissioner or any examiner or examiners designated by the commissioner shall make such investigations as deemed necessary to assist in the determination of matters pending before the commissioner. The investigation shall include an examination of each of the six factors detailed in §503.C.

Loan Production Office—a location, other than the financial institution's main office, branch office or subsidiary corporation, with the authority to lend money, where the employees of a financial institution or its subsidiary conduct the solicitation and origination of applications for loans, provided that the loans are approved and made at the main office, branch office or subsidiary corporation.

"Phantom" Financial Institution—a corporation organized as a state, nondeposit taking financial institution, for the purpose of facilitating the organization of a holding company.

Relocation of a Branch Office—a movement within the same neighborhood that does not substantially affect the nature of business or customers served.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19:1414 (November 1993), amended by the Office of the Governor, Office of Financial Institutions, LR 31:2894 (November 2005).

§507. Application for Electronic Financial Terminal (EFT)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19:1415 (November 1993), repealed by the Office of the Governor, Office of Financial Institutions, LR 31:2894 (November 2005).

John Ducrest
Commissioner

0511#056

RULE

Office of the Governor
Office of Financial Institutions

Financial Institutions Fees and Assessments
(LAC 10:I.303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and as provided under R.S. 6:126(A), the Commissioner of the Office of Financial Institutions has amended the Rule originally promulgated in LR 19:1546 (December 1993), subsequently amended in LR 21:1069 (October 1995) and LR 23:706 (June 1997). The commissioner eliminates the following in the Rule: 1) the fee charged for the reservation of a corporate name of a state bank, savings and loan association, or savings bank; and 2) the fee charged state banks, savings and loan associations, and savings banks for notification for an off-site electronic financial terminal machine. Also there is a reduction of the fee charged for an application by a state-chartered bank, savings and loan association, or savings bank to establish or acquire a subsidiary or service corporation.

Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC
Part I. Financial Institutions
Chapter 3. Fees and Assessments
§303. Establishment of Fees and Assessments

Description	Fee
A. Application for a de novo state bank, savings and loan association or savings bank charter, or the merger or consolidation of two banks, savings and loan associations, or savings banks. The fee for a merger or consolidation may be reduced based on certain factors including, but not limited to: the date of each institution's most recent examination, the financial condition of the applicant, the structure of the institutions, the complexity of the transaction, the number of similar transactions contemplated, and any other factor(s) as determined by the commissioner of Financial Institutions.	$10,000; $5,000 for each additional institution affected

Description	Fee
B. The conversion from a national or federally-chartered depository institution to a state-chartered depository institution.	$1,500
C. Application for a state bank, savings and loan association or savings bank for a branch office.	Standard Form: $1,000 Short Form: $250
D. Processing fee for an application to acquire a failing or failed institution. If the applicant is the successful bidder, the processing fee will be applied to the application fee(s) as set forth in A. and C. above:	
1. Existing state-chartered financial institution.	$500 per branch
2. De Novo state-chartered financial institution.	$5,000
E. Application for a conversion or merger of a state-chartered bank, savings and loan association, or savings bank into a national bank, a federal savings and loan association, or a federal savings bank.	$1,500
F. Application for the organization and/or merger of a stock or mutual holding company for an already existing bank, savings and loan association, or savings bank (phantom).	$2,000
G. Special examination fee for a state bank, savings and loan association, or savings bank. Fee per examiner.	$50/hour
H. Semi-annual assessment of each state-chartered bank, savings and loan association, and savings bank at a floating rate to be assessed no later than June 30 and December 31, to be based on the total consolidated average assets, for the preceding quarter. Not applicable to Trust Banks. Any amounts collected in excess of actual expenditures of the OFI shall be credited or refunded on a pro-rata basis. Any shortages in assessments to cover actual operating expenses of OFI shall be added to the next variable assessment or billed on a pro-rata basis.	Variable
I. Annual assessment of each holding company domiciled in and/or operating in Louisiana, to be assessed no later than September 30 of each year to be based upon the holding company's total consolidated assets as of the previous June 30, in accordance with the following schedule.	
1. Assets less than $100,000,000	$350
2. Assets of $100,000,000 to $149,999,999	$500
3. Assets of $150,000,000 or greater	$650
J. Examination fee for holding companies of each bank, savings and loan association, or savings bank domiciled in and/or operating in Louisiana. Fee per examiner.	$50/hour
K. Semi-annual assessment for each bank limited to the exercise of trust powers only and domiciled and operating in Louisiana to be assessed no later than June 30 and December 31.	$500
L. Examination fee for each trust bank domiciled and operating in Louisiana. Fee per examiner.	$50/hour
M. Examination fee for a trust department of a state-chartered bank, savings and loan association, or savings bank. Fee per examiner.	$50/hour
N. Examination of the registered transfer agent activities of a state-chartered bank, savings and loan association, or savings bank. Fee per examiner.	$50/hour
O. Review of a restatement and/or amendment to the Articles of Incorporation of a state-chartered bank, savings and loan association or savings bank.	$250
P. Application by a state-chartered bank, savings and loan association, or savings bank to exercise trust powers and/or re-institute trust powers formerly surrendered.	$1,000
Q. Application by a state-chartered bank, savings and loan association, or savings bank to establish or acquire a subsidiary or service corporation.	$500
R. Application by an in-state or out-of-state holding company to acquire a Louisiana bank, savings and loan association, or savings bank, or a holding company thereof, or an out-of-state holding company with a Louisiana bank, savings and loan or savings bank subsidiary(-ies).	$1,000; $11,000 if de novo charter also required
S. Corporate Credit Union Examination Fee	$5,000 plus $400 per day per examiner.
T. Application by a state-chartered bank, savings and loan association, or savings bank to merge with its parent holding company.	$1,000
U. Processing fee for a certificate of authority filed by a state-chartered savings and loan association or savings bank not domiciled in Louisiana to operate a branch in Louisiana.	$1,000
V. Application for conversion by any state-chartered depository institution to another state charter.	$1,500
W. Application for the voluntary conversion of a depository institution from a mutual to a stock form (equity ownership).	$1,500

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:126(A), 6:212 and 6:646(B)(5).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 19:1546 (December 1993), amended LR 21:1069 (October 1995), LR 23:706 (June 1997), amended by the Office of the Governor, Office of Financial Institutions, LR 31:2894 (November 2005).

John Ducrest
Commissioner

0511#058

RULE

Department of Health and Hospitals
Office of Public Health

Molluscan Shellfish Program
(LAC 51:IX.101, 327, 329 and 331)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4(A)(6) and R.S. 40:5, amends Title 51, Part IX (Marine and Fresh Water Animal Food Products), by effecting substantive changes as outlined below. The changes result in code provisions which are consistent with the most recent (2003) requirements of both the United States Food and Drug Administration, Center for Food Safety and Applied Nutrition; and the Interstate Shellfish Shippers Conference. Specifically, they incorporate the time-temperature controls for shellstock required in states such as Louisiana, which have been confirmed as sources of product associated with two or more cases of *Vibrio vulnificus* illnesses. Additionally, a minor modification has been made for the term *National Shellfish Sanitation Program (NSSP).*

Title 51
PUBLIC HEALTH—SANITARY CODE
Part IX. Marine and Fresh Water Animal Food Products
Chapter 1. Shellfish Growing Areas
§101. Definitions
[formerly paragraph 9:001]

* * *

National Shellfish Sanitation Program (NSSP)—the cooperative State-FDA-Industry program for the certification of interstate shellfish shippers as described in the National Shellfish Sanitation Program Model Ordinance.

The National Shellfish Sanitation Program Model Ordinance may be obtained from the Interstate Shellfish Sanitation Conference.

* * *

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258.B, with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4.A.(1), R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1289 (June 2002), amended LR 28:1591 (July 2002), LR 31:2895 (November 2005).

Chapter 3. Preparation and Handling of Seafood for Market

§327. Refrigeration of Shell-Stock Oysters, Clams and Mussels [formerly paragraph 9:052]

A. Shell-stock shall be placed under mechanical refrigeration at an air temperature (measured 12 inches from the blower) not to exceed 45°F within the time period prescribed herein; and shall be maintained at or below that temperature through out all levels of commerce. Shell-stock harvested for raw consumption during the months January through December shall be subject to the time to refrigeration requirements outlined in §329.

B. Shellstock harvested for raw consumption shall be placed under temperature control in accordance with the Time-Temperature Matrix announced by the Office of Public Health. All shellstock exceeding the Time-Temperature Matrix shall be for shucking only.

C. Once shellstock is off-loaded from the harvest vessel onto the dock it must be placed under mechanical refrigeration within two hours; but the total harvest to refrigeration time shall not exceed the Time-Temperature Matrix.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.3., and the FDA/CFSAN & ISSC Model Ordinance IX, 2003.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005).

§329. Refrigeration Requirements for Shell-Stock Harvested for Raw Consumption during the Months January through December [formerly paragraph 9:052-1]

A. Time to refrigeration requirements for shell-stock harvested for raw consumption during the months January through December shall be based on the average monthly growing water temperatures as calculated and announced by the Office of Public Health Molluscan Shellfish Program according to the following schedule.

1. Water Temperature: <65°F—Shell-stock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 36 hours from the time of harvesting begins.

2. Water Temperature: 65°F to 74°F—Shell-stock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 14 hours from the time of harvesting begins.

3. Water Temperature: >74°F to 84°F—Shell-stock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 12 hours from the time harvesting begins.

4. Water Temperature: >84°F—Shell-stock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 10 hours from the time harvesting begins.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.3, and the FDA/CFSAN & ISSC Model Ordinance VIII, 2003.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005).

§331. Refrigeration Requirements for Shell-Stock Harvested for Shucking by a Certified Dealer during the Months January through December [formerly paragraph 9:052-2]

A. Time to refrigeration requirements for shell-stock harvested for shucking by a certified dealer during the months January through December shall be as follows.

1. - 2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.3, and the FDA/CFSAN & ISSC Model Ordinance VIII, 2003.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 31:2896 (November 2005).

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

0511#047

RULE

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

Pharmacy Benefits Management Program
Erectile Dysfunction Drugs Coverage Termination

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

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

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

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

0511#065

RULE

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

Pharmacy Benefits Management Program
Parenteral Therapy

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing parenteral nutrition therapy under the Pharmacy Benefits Management Program.

Parenteral Nutrition Therapy

A. Parenteral nutrition (PN) therapy is the introduction of nutrients by some means other than through the gastrointestinal tract, in particular intraveneous, subcutaneous, intramuscular, or intramedullary injection. Intravenous nutrition is also referred to as TPN (Total Parenteral Nutrition) or Hyperalimentation Therapy.

Medical Necessity Criteria

A. Parenteral nutrition is covered for a recipient with permanent, severe pathology of the alimentary tract which does not allow absorption of sufficient nutrients to maintain weight and strength commensurate with the recipient's general condition.

B. Parenteral nutrition is considered to be medically necessary when any of the following conditions exists. The conditions must be deemed to be severe enough that the recipient would not be able to maintain his/her weight and strength on only oral intake or tube enteral nutrition. The recipient:

1. has undergone recent (within the past three months) massive small bowel resection leaving less than or equal to 5 feet of small bowel beyond the ligament of Treitz; or

2. has a short bowel syndrome that is severe enough that the recipient has net gastrointestinal fluid and electrolyte malabsorption such that on an oral intake of 2.5-3 liters/day the enteral losses exceed 50 percent of the oral/enteral intake and the urine output is less than 1 liter/day; or

3. requires bowel rest for at least three months and is receiving intravenously 20-35 cal/kg/day for treatment of symptomatic pancreatitis with/without pancreatic pseudocyst, severe exacerbation of regional enteritis, or a proximal enterocutaneous fistula where tube feeding distal to the fistula is not possible; or

4. has complete mechanical small bowel obstruction where surgery is not an option; or

5. is significantly malnourished (10 percent weight loss over three months or less and serum albumin less than or equal to 3.4 gm/dl) and has very severe fat malabsorption (fecal fat exceeds 50 percent of oral/enteral intake on a diet of at least 50 gm of fat/day as measured by a standard 72 hour fecal fat test); or

6. is significantly malnourished (10 percent weight loss over three months or less and serum albumin less than or equal to 3.4 gm/dl) and has a severe motility disturbance of the small intestine and/or stomach which is unresponsive to prokinetic medication. Prokinetic medication is defined as the presence of daily symptoms of nausea and vomiting while taking maximal doses and is demonstrated either:

a. scintigraphically (solid meal gastric emptying study demonstrates that the isotope fails to reach the right colon by six hours following ingestion); or

b. radiographically (barium or radiopaque pellets fail to reach the right colon by six hours following administration).

Note: These studies must be performed when the recipient is not acutely ill and is not on any medication which would decrease bowel motility.

C. Maintenance of weight and strength commensurate with the recipient's overall health status must require intravenous nutrition and must not be possible utilizing all of the following approaches:

1. modifying the nutrient composition of the enteral diet (e.g., lactose free, gluten free, low in long chain triglycerides, substitution with medium chain triglycerides, provision of protein as peptides or amino acids, etc.); and

2. utilizing pharmacologic means to treat the etiology of the malabsorption (e.g., pancreatic enzymes or bile salts, broad spectrum antibiotics for bacterial overgrowth, prokinetic medication for reduced motility, etc.).

D. Recipients who do not meet the criteria in B.1-6 must meet criteria in C.1-2 (modification of diet and pharmacologic intervention) in addition to the following criteria:

1. the recipient is malnourished (10 percent weight loss over three months or less and serum albumin less than or equal to 3.4 gm/dl); and

2. a disease and clinical condition has been documented as being present and it has not responded to altering the manner of delivery of appropriate nutrients (e.g., slow infusion of nutrients through a tube with the tip located in the stomach or jejunum).

E. The following are some examples of moderate abnormalities which would require a failed trial of tube enteral nutrition before PN would be covered:

1. moderate fat malabsorption - fecal fat exceeds 25 percent of oral/enteral intake on a diet of at least 50 gm fat/day as measured by a standard 72 hour fecal fat test;

2. diagnosis of malabsorption with objective confirmation by methods other than 72 hour fecal fat test (e.g., Sudan stain of stool, dxylose test, etc.);

3. gastroparesis which has been demonstrated:

a. radiographically or scintigraphically as described in Subsection B above with the isotope or pellets failing to reach the jejunum in three to six hours; or

b. by manometric motility studies with results consistent with an abnormal gastric emptying, and which is unresponsive to prokinetic medication.

4. a small bowel motility disturbance which is unresponsive to prokinetic medication, demonstrated with a gastric to right colon transit time between three to six hours;

5. small bowel resection leaving greater than 5 feet of small bowel beyond the ligament of Treitz;

6. short bowel syndrome which is not severe (as defined in B.2);

7. mild to moderate exacerbation of regional enteritis, or an enterocutaneous fistula;

8. partial mechanical small bowel obstruction where surgery is not an option.

F. Documentation must support that a concerted effort has been made to place a tube. For gastroparesis, tube placement must be post-pylorus, preferably in the jejunum. Use of a double lumen tube should be considered. Placement of the tube in the jejunum must be objectively verified by radiographic studies or luoroscopy. Placement via endoscopy or open surgical procedure would also verify location of the tube.

G. A trial with enteral nutrition must be documented, with appropriate attention to dilution, rate, and alternative formulas to address side effects of diarrhea.

H. PN can be covered in a recipient with the ability to obtain partial nutrition from oral intake or a combination of oral/enteral or oral/enteral/parenteral intake as long as the following criteria are met:

1. a permanent condition of the alimentary tract is present which has been deemed to require parenteral therapy because of its severity;

2. a permanent condition of the alimentary tract is present which is unresponsive to standard medical management; and

3. the person is unable to maintain weight and strength.

I. If the medical necessity criteria for parenteral nutrition are met, medically necessary nutrients, administration supplies and equipment are covered. PN solutions containing little or no amino acids and/or carbohydrates would be covered only in situations stated in B.1, 2, or 4 above.

J. Documentation Requirements

1. Recipients covered under Paragraph B.4 must have documentation of the persistence of their condition. Recipients covered under B.5-D.2 must have documentation that sufficient improvement of their underlying condition has not occurred which would permit discontinuation of parenteral nutrition. Coverage for these recipients would be continued if the treatment has been effective as evidenced by an improvement of weight and/or serum albumin. If there has been no improvement, subsequent claims will be denied unless the physician clearly documents the medical necessity for continued parenteral nutrition and any changes to the therapeutic regimen that are planned, e.g., an increase in the quantity of parenteral nutrients provided.

2. A total caloric daily intake (parenteral, enteral and oral) of 20-35 cal/kg/day is considered sufficient to achieve or maintain appropriate body weight. The ordering physician must document in the medical record the medical necessity for a caloric intake outside this range in an individual recipient.

3. Parenteral nutrition would usually be noncovered for recipients who do not meet criteria in H.1-3, but will be considered on an individual case basis if detailed documentation is submitted.

4. Recipients covered under criteria in B.1 or 2 must have documentation that adequate small bowel adaptation had not occurred which would permit tube enteral or oral feedings.

5. Recipients covered under B.3 must have documentation of worsening of their underlying condition during attempts to resume oral feedings.

6. The ordering physician must document the medical necessity for protein orders outside of the range of 0.8-1.5 gm/kg/day, dextrose concentration less than 10 percent, or lipid use greater than 15 units of a 20 percent solution or 30 units of a 10 percent solution per month.

7. If the medical necessity for special parenteral formulas is not substantiated, authorization of payment will be denied.

Exclusionary Criteria

A. Parenteral nutrition will be denied as non-covered in situations involving temporary impairments. The recipient must have:

1. a condition involving the small intestine and/or its exocrine glands which significantly impairs the absorption of nutrients; or

2. a disease of the stomach and/or intestine which is a motility disorder and impairs the ability of nutrients to be transported through the GI system. There must be objective evidence supporting the clinical diagnosis.

B. Parenteral nutrition is non-covered for the recipient with a functioning gastrointestinal tract whose need for parenteral nutrition is only due to:

1. a swallowing disorder;

2. a temporary defect in gastric emptying such as a metabolic or electrolyte disorder;

3. a psychological disorder impairing food intake such as depression;

4. a metabolic disorder inducing anorexia such as cancer;

5. a physical disorder impairing food intake such as the dyspnea of severe pulmonary or cardiac disease;

6. a side effect of a medication; or

7. renal failure and/or dialysis.

Prior Authorization

A. Parenteral nutrition therapy may be approved by the Prior Authorization Unit (PAU) at periodic intervals not to exceed six months. However, Medicaid will pay for no more than one month's supply of nutrients at any one time. All requests to the PAU shall include:

1. the prognosis as well as the diagnosis;

2. the date the recipient was first infused;

3. whether the recipient has been trained to use parenteral equipment;

4. a statement that the recipient is capable of operating the parenteral equipment;

5. either the Medicaid certificate of medical necessity form for TPN, or the Medicare certificate of medical necessity form, Form DMERC 10.02A, completed and signed by the treating physician;

6. documentation showing that the recipient has a permanent impairment. Permanence does not require a determination that there is no possibility that the recipient's condition may improve sometime in the future. Medical documentation must substantiate that the condition is expected to last a long and indefinite duration (at least three months).

B. Additional documentation must be included with the initial request for parenteral nutrition.

1. In the situations addressed in B.1-4 under Medical Necessity Criteria, the documentation must include copies of the operative report and/or hospital discharge summary

and/or x-ray reports and/or a physician letter which document the condition and the necessity for PN therapy.

2. For the situations addressed in B.5 and D.2 under Medical Necessity Criteria (when appropriate), include the results of the fecal fat test and dates of the test.

3. For the situations addressed in B.6 and D.2 under Medical Necessity Criteria, include a copy of the report of the small bowel motility study and a list of medications that the recipient was on at the time of the test.

4. For the situations addressed in B.5 – D.2 under Medical Necessity Criteria, include the results of serum albumin and the date of the test (within one week prior to initiation of PN) and a copy of a nutritional assessment by a physician, dietitian or other qualified professional within one week prior to initiation of PN, to include the following information:

a. current weight with date and weight one – three months prior to initiation of PN;

b. estimated daily calorie intake during the prior month and by what route (e.g., oral, tube);

c. statement of whether there were caloric losses from vomiting or diarrhea and whether these estimated losses are reflected in the calorie count;

d. description of any dietary modifications made or supplements tried during the prior month (e.g., low fat, extra medium chain triglycerides, etc.).

5. For situations described in D.2 under Medical Necessity Criteria, include:

a. a statement from the physician;

b. copies of objective studies; and

c. excerpts of the medical record giving the following information:

i. specific etiology for the gastroparesis, small bowel dysmotility, or malabsorption;

ii. a detailed description of the trial of tube enteral nutrition including the beginning and ending dates of the trial, duration of time that the tube was in place, the type and size of tube, the location of tip of the tube, the name of the enteral nutrient, the quantity, concentration, and rate of administration, and the results;

iii. a copy of the x-ray report or procedure report documenting placement of the tube in the jejunum;

iv. prokinetic medications used, dosage, and dates of use;

v. nondietary treatment given during prior month directed at etiology of malabsorption (e.g., antibiotic for bacterial overgrowth); and

vi. any medications used that might impair GI tolerance to enteral feedings (e.g., anticholinergics, opiates, tricyclics, phenothiazines, etc.) or that might interfere with test results (e.g., mineral oil, etc.) and a statement explaining the need for these medications.

6. Any other information which supports the medical necessity for parenteral nutrition may also be included.

Intradialytic Parenteral Nutrition

A. Intradialytic Parenteral Nutrition Therapy (IDPN) is parenteral nutrition therapy provided to a recipient with end stage renal disease (ESRD) while the recipient is being dialyzed.

B. In order to cover IDPN, documentation must be clear and precise to verify that the recipient suffers from a permanently impaired gastrointestinal tract and that there is insufficient absorption of nutrients to maintain adequate strength and weight. The supporting documentation must substantiate that the recipient cannot be maintained on oral or enteral feedings and that due to severe pathology of the alimentary tract, the recipient must be intravenously infused with nutrients.

C. Infusions must be vital to the nutritional stability of the recipient and not supplemental to a deficient diet or deficiencies caused by dialysis. Physical signs, symptoms and test results indicating severe pathology of the alimentary tract must be clearly evident in any documentation submitted. Recipients receiving IDPN must also meet the criteria for parenteral nutrition.

D. If the medical necessity criteria for parenteral nutrition are met, one supply kit and one administration kit will be covered for each day that parenteral nutrition is administered, if such kits are medically necessary and used.

Additional Documentation

A. For the initial request and for revised requests or reconsiderations involving a change in the order, there must be additional documentation to support the medical necessity of the following orders, if applicable:

1. the need for special nutrients;

2. the need for dextrose concentration less than 10 percent;

3. the need for lipids more than 15 units of a 20 percent solution or 30 units of a 10 percent solution per month.

B. After the first six months, the PA request must include a physician's statement describing the continued need for parenteral nutrition. For situations described in B.5-D.2 under Medical Necessity Criteria, the PA request must include the results of the most recent serum albumin (within two weeks of the request date) and the recipient's most recent weight with the date of each. If the results indicate malnutrition, there should be a physician's statement describing the continued need for parenteral nutrition and any changes to the therapeutic regimen that are planned.

Equipment and Supplies

A. An infusion pump is used to deliver nutritional requirements intravenously. Infusion pumps are covered for the delivery of parenteral nutrition for those recipients who cannot absorb nutrients by the gastrointestinal tract. Only one pump (ambulatory or stationary) will be covered at any one time. Additional pumps will be denied as not medically necessary.

1. An external ambulatory infusion pump is a small portable electrical device that is used to deliver parenteral nutrition. It is designed to be carried or worn by the recipient.

2. A stationary infusion pump is an electrical device, which serves the same purpose as an ambulatory pump, but is larger and typically mounted on a pole.

B. An IV pole is a device to suspend fluid to be administered by gravity or pump. An IV pole will be covered when a recipient is receiving parenteral fluids and the recipient is not using an ambulatory infusion pump.

C. Infusion pumps, ambulatory and stationary, are indicated for the administration of parenteral medication in the home when parenteral administration of the medication in the home is reasonable and medically necessary, and an

infusion pump is necessary to safely administer the medication.

D. An external ambulatory infusion pump is a small portable electrical device that is used to deliver parenteral medication. It is designed to be carried or worn by the recipient.

Reimbursement Methodology

A. The reimbursement rate for parenteral nutrition formula is 80 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount.

B. The reimbursement rate for parenteral equipment and supplies is 70 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount. If an item is not available at 70 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

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

0511#064

RULE

Department of Health and Hospitals
Office of the Secretary
Office for Citizens with Developmental Disabilities

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

The Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities adopts LAC 50.XXI.13707-13709 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services Waivers
Subpart 11. New Opportunities Waiver
Chapter 137. General Provisions
§13707. Programmatic Allocation of Waiver Opportunities

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

B. Right of Refusal. A person may be designated inactive on the registry upon written request to OCDD. When the individual determines that he is ready to begin the waiver evaluation process, he shall request, in writing, that his name be removed from inactive status. His original protected request date will be reinstated. In addition, persons who left a publicly operated facility after July 1, 1996 and who would have received a waiver opportunity, but chose another option at the time of discharge, may request access to a waiver opportunity through OCDD regional administrative units. OCDD will verify that the individual meets the criteria for this option and provide access to the next available waiver opportunity based on her/his date of discharge from the publicly operated facility. That will become his/her protected date.

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

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

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

3. Except for those waiver opportunities addressed in Paragraphs C.1, 2, 6 and 7, waiver opportunities vacated

during the waiver year shall be made available to persons leaving any publicly operated ICF-MR or their alternates.

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

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

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

b. the next individual on the registry who is residing in the community.

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

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

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

D. The Office for Citizens with Developmental Disabilities has the responsibility to monitor the utilization of NOW waiver opportunities. At the discretion of the OCDD, specifically allocated waiver opportunities may be reallocated to better meet the needs of citizens with developmental disabilities in the State of Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 31:2900 (November 2005).

§13709. Emergency Opportunities

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

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

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

a. the caregiver is unable or unwilling to continue providing care;

b. death of the caregiver and there are no other available supports;

c. the caregiver is incapacitated and there are no other available supports due to physical or psychological reasons;

d. intolerable temporary placement, immediate need for new placement; or

e. other family crisis exists with no caregiver support available.

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

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

b. Moderate Risk. The person has a potential risk of losing his/her current level of health or safety without the requested developmental disability supports.

c. Low Risk. The person is at little or no risk of losing his/her current level of health or safety without the requested developmental disability supports.

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 31:2901 (November 2005).

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

0511#063

RULE

Department of Insurance
Office of the Commissioner

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

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

Title 37
INSURANCE
Part XIII. Regulations
Chapter 5. Regulation 33—Medicare Supplement Insurance Minimum Standards

§501. Purpose

A. The purpose of this regulation is:

1. to provide for the reasonable standardization of coverage and simplification of terms and benefits of Medicare supplement policies;

2. to facilitate public understanding and comparison of such policies;

3. to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase of such policies or with the settlement of claims; and

4. to provide for full disclosures in the sale of accident and sickness insurance coverages to persons eligible for Medicare.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1101 (June 1999), repromulgated LR 25:1481 (August 1999), LR 29:2434 (November 2003), LR 31:2902 (November 2005).

§502. Applicability and Scope

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

1. all Medicare supplement policies delivered or issued for delivery in this state on or after the effective date of this regulation; and

2. all certificates issued under group Medicare supplement policies which certificates have been delivered or issued for delivery in this state.

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1101 (June 1999), repromulgated LR 25:1481 (August 1999), LR 29:2434 (November 2003), LR 31:2902 (November 2005).

§503. Definitions

A. For purpose of this regulation:

Applicant—

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

b. in the case of a group Medicare supplement policy, the proposed certificateholder.

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

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

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

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

Creditable Coverage—

a. with respect to an individual, coverage of the individual provided under any of the following:

i. a group health plan;

ii. health insurance coverage;

iii. Part A or Part B of Title XVIII of the Social Security Act (Medicare);

iv. Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under Section 1928;

v. Chapter 55 of Title 10 United States Code (CHAMPUS);

vi. a medical care program of the Indian Health Service or of tribal organization;

vii. a state health benefits risk pool;

viii. a health plan offered under Chapter 89 of Title 5 United States Code (Federal Employees Health Benefits Program);

ix. a public health plan as defined in federal regulation; and

x. a health benefit plan under Section 5(e) of the Peace Corps Act [22 United States Code 2504(e)];

b. creditable coverage shall not include one or more, or any combination, of the following:

i. coverage only for accident or disability income insurance, or any combination thereof;

ii. coverage issued as a supplement to liability insurance;

iii. liability insurance, including general liability insurance and automobile liability insurance;

iv. workers compensation or similar insurance;

v. automobile medical payment insurance;

vi. credit-only insurance;

vii. coverage for on-site medical clinics; and

viii. other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits;

c. creditable coverage shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan:

i. limited scope dental or vision benefits;

ii. benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and

iii. such other similar, limited benefits as are specified in federal regulations;

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

i. coverage only for a specified disease or illness; and

ii. hospital indemnity or other fixed indemnity insurance;

e. creditable coverage shall not include the following if it is offered as a separate policy, certificate or contract of insurance:

i. Medicare supplemental health insurance as defined under Section 1882(g)(1) of the Social Security Act;

ii. coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code; and

iii. similar supplemental coverage provided to coverage under a group health plan.

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

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

a. any capital and surplus required by law for its organization; and

b. the total par or stated value of its authorized and issued capital stock;

c. for purposes of this Subsection, liabilities shall include but not be limited to reserves required by statute, by general regulations of the Department of Insurance or by specific requirements imposed by the commissioner upon a subject company at the time of admission or subsequent thereto.

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

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

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

a. coordinated care plans which provide health care services, including but not limited to health maintenance organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans;

b. medical savings account plans coupled with a contribution into a Medicare Advantage plan medical savings account; and

c. Medicare Advantage private fee-for-service plans.

Medicare Supplement Policy—a group or individual policy of health insurance or a subscriber contract of hospital and medical service associations or health maintenance organizations, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et seq.) or an issued policy under a demonstration project specified in 42 U.S.C. §1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare. *Medicare supplement policy* does not include Medicare Advantage plans established under Medicare Part C, Outpatient Prescription Drug plans established under Medicare Part D, or any Health Care Prepayment Plan (HCPP) that provides benefits pursuant to an agreement under §1833(a)(1)(A) of the Social Security Act.

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1481 (August 1999), LR 29:2435 (November 2003), amended LR 31:2902 (November 2005).

§504. Policy Definitions and Terms

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

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

a. The definition shall not be more restrictive than the following:

NOTE: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

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

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

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

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

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

Medicare—shall be defined in the policy and certificate. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1482 (August 1999), LR 29:2436 (November 2003), amended LR 31:2903 (November 2005).

§505. Policy Provisions

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1483 (August 1999), LR 29:2436 (November 2003), amended LR 31:2903 (November 2005).

§506. Premium Increase Requirements

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 29:2437 (November 2003), repromulgated LR 31:2904 (November 2005).

§507. Rate Increases Requirements

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 29:2437 (November 2003), repromulgated LR 31:2904 (November 2005)

§508. Reserved.

§509. Reserved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Minimum Benefit Standards

a. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty-first day through the nintieth day in any Medicare benefit period;

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

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

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

e. coverage under Medicare Part A for the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

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

g. effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1103 (June 1999), repromulgated LR 25:1483 (August 1999), amended LR 29:2437 (November 2003), amended LR 31:2905 (November 2005).

§511. Reserved.

§512. Reserved.

§513. Reserved.

§514. Reserved.

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

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

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

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

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

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

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

e. Each Medicare supplement policy shall be guaranteed renewable.

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

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

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

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

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

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

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

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

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

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

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

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

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

iii. Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan [as defined in Section 1862 (b)(1)(A)(v) of the Social

Security Act]. If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstituted (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan.

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

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

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

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

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

a. coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty-first day through the nintieth day in any Medicare benefit period;

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

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

d. coverage under Medicare Parts A and B for the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

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

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

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

b. Skilled Nursing Facility Care—coverage for the actual billed charges up to the coinsurance amount from the twenty-first day through the one hundredth day in a Medicare benefit period for post hospital skilled nursing facility care eligible under Medicare Part A.

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

d. Eighty percent of the Medicare Part B Excess Charges—coverage for 80 percent of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

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

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

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

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

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

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

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

Reimbursement shall be for the actual charges up to 100 percent of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in

American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of $120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

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

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

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

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

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

At-Home Recovery Visit—the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive four hours in a 24-hour period of services provided by a care provider is one visit.

ii. Coverage Requirements and Limitations

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

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

(c). Coverage is limited to:

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

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

(iii). $1,600 per calendar year;

(iv). seven visits in any one week;

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

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

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

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

iii. Coverage is excluded for:

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

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

4. Standards for Plans K and L

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

i. coverage of 100 percent of the Part A hospital coinsurance amount for each day used from the sixty-first through the ninetieth day in any Medicare benefit period;

ii. coverage of 100 hundred percent of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the ninety-first through the one hundred fiftieth day in any Medicare benefit period;

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

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

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

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

vii. Coverage for 50 percent, under Medicare Part A or B, of the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Clause x;

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

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

x. coverage of 100 percent of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of $4,000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

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

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

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

c. the benefit described in Clause a.x but substituting $2000 for $4,000.

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

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§516. Reserved.

§517. Reserved.

§518. Reserved.

§519. Reserved.

§520. Standard Medicare Supplement Benefit Plans

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

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

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

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

E. Make-Up of Benefit Plans

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

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

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

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

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

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

7. Standardized Medicare supplement benefit high deductible plan "F" shall include only the following: 100 percent of covered expenses following the payment of the annual high deductible plan "F" deductible. The covered expenses include the core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in §515.A.3.a, b, c, e and h, respectively. The annual high deductible plan "F" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "F" policy, and shall be in addition to any other specific benefit deductibles. The annual high deductible Plan "F" deductible shall be $1,500 for 1998 and 1999, and shall be based on the calendar year. It shall be adjusted annually thereafter by the secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of $10.

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

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

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

11. Standardized Medicare supplement benefit plan "J" shall consist of only the following: The core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care and at-home recovery benefit as defined in §515.A.3.a, b, c, e, g, h, i and j, respectively. The outpatient

prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

12. Standardized Medicare supplement benefit high deductible plan "J" shall consist of only the following: 100 percent of covered expenses following the payment of the annual high deductible plan "J" deductible. The covered expenses include the core benefit as defined in §515.A.2 of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, 100 percent of the Medicare Part B excess charges, extended outpatient prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care benefit and at-home recovery benefit as defined in §515.A.3.a, b, c, e, g, h, i and j, respectively. The annual high deductible plan "J" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "J" policy, and shall be in addition to any other specific benefit deductibles. The annual deductible shall be $1,500 for 1998 and 1999, and shall be based on a calendar year. It shall be adjusted annually thereafter by the secretary to reflect the change in the Consumer Price Index for all urban consumers for the 12-month period ending with August of the preceding year, and rounded to the nearest multiple of $10. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1106 (June 1999), repromulgated LR 25:1487 (August 1999), LR 29:2440 (November 2003), amended LR 31:2909 (November 2005).

§521. Reserved.

§522. Reserved.

§523. Reserved.

§524. Reserved.

§525. Medicare Select Policies and Certificates

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

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

B. For the purposes of this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ii. to make appropriate referrals;

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

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

e. in the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare select policy or certificate. This

Paragraph shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare select policy or certificate;

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

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

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

a. the formal organizational structure;

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

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

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

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

7. any other information requested by the commissioner.

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

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

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

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

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

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

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

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

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

b. other Medicare select policies or certificates;

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

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

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

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

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

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

J. Prior to the sale of a Medicare Select policy or certificate, a Medicare select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to Subsection I of this Section and that the applicant understands the restrictions of the Medicare select policy or certificate.

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

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

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

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

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

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

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

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

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

2. For the purposes of this Subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare select policy or certificate being replaced. For the purposes of this Paragraph, a significant benefit means coverage for the

Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

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

1. Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies and certificates available without requiring evidence of insurability.

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1108 (June 1999), repromulgated LR 25:1488 (August 1999), amended LR 29:2441 (November 2003), amended LR 31:2910 (November 2005).

§526. Reserved.

§527. Reserved.

§528. Reserved.

§529. Reserved.

§530. Open Enrollment

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1110 (June 1999), repromulgated LR 25:1490 (August 1999), LR 29:2444 (November 2003), amended LR 31:2912 (November 2005).

§531. Reserved.

§532. Reserved.

§533. Reserved.

§534. Reserved.

§535. Guaranteed Issue for Eligible Persons

A. Guaranteed Issue

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

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

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

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

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

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

b. The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856), or the plan is terminated for all individuals within a residence area.

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

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

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

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

3.a. The individual is enrolled with:

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

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

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

iv. an organization under a Medicare Select policy; and

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

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

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

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

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

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

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

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

6. the individual, upon first becoming enrolled for benefits under Medicare Part B, enrolls in a Medicare Advantage plan under Part C of Medicare, or with a PACE provider under Section 1894 of the Social Security Act, and disenrolls from the plan by not later 12 months after the effective date of enrollment;

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

C. Guaranteed Issue Time Periods

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

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

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

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

3. in the case of an individual described in Subparagraph B.4.a, the guaranteed issue period begins on the earlier of:

a. the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any; and

b. the date that the applicable coverage is terminated, and ends on the date that is 63 days after the date the coverage is terminated;

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

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

6. in the case of an individual described in Subsection B but not described in the preceding provisions of this Subsection, the guaranteed issue period begins on the

effective date of disenrollment and ends on the date that is 63 days after the effective date.

D. Extended Medigap Access for Interrupted Trial Periods

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

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

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

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

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

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

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

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

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

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

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

F. Notification Provisions

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

2. At the time of an event described in Subsection B of this Section because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under §535.A. Such notice shall be communicated within 10 working days of the issuer receiving notification of disenrollment.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1110 (June 1999), repromulgated LR 25:1490 (August 1999), amended LR 29:2444 (November 2003), amended LR 31:2912 (November 2005).

§536. Reserved.

§537. Reserved.

§538. Reserved.

§539. Reserved.

§540. Standards for Claims Payment

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

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

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

3. paying the participating physician or supplier directly;

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1111 (June 1999), repromulgated LR 25:1491 (August 1999), LR 29:2446 (November 2003), LR 31:2914 (November 2005).

§541. Reserved.
§542. Reserved.
§543. Reserved.
§544. Reserved.
§545. Loss Ratio Standards and Refund or Credit of Premium

A. Loss Ratio Standards

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

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

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

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

i. home office and overhead costs;
ii. advertising costs;
iii. commissions and other acquisition costs;
iv. taxes;
v. capital costs;
vi. administrative costs; and
vii. claims processing costs.

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

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

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

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

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

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

B. Refund or Credit Calculation

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

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

3. For the purposes of this Section, policies or certificates issued prior to January 20, 1991, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after January 1, 1998. The first report shall be due by May 31, 2000.

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

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

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

a. the form number that the actuarial memorandum addresses;

b. a brief description of benefits provided;

c. a schedule of rates to be used;

d. a certification that the anticipated lifetime loss ratio is at least 65 percent (for individual coverage) or at least 75 percent (for group coverage);

e. a table of anticipated loss ratio experience for each year from issue over a reasonable number of years;

f. a certification that the premiums are reasonable in relation to the benefits provided; and

g. the entire filing shall be provided in duplicate;

h. any additional information requested by the commissioner.

2. Subsequent rate adjustments filings, except for those rates filed solely due to a change in the Part A calendar year deductible, shall also provide an original and one copy of an actuarial memorandum, prepared, signed and dated by

a qualified actuary, in accordance with generally accepted actuarial principles and practices. The filing shall contain at least the following:

a. the form number addressed by the actuarial memorandum;

b. a brief description of benefits provided;

c. a schedule of rates before and after the rate change;

d. a statement of the reason and basis for the rate change;

e. a demonstration and certification by the qualified actuary showing that the past plus future expected experience after the rate change will result in an aggregate loss ratio equal to, or greater than, the required minimum aggregate loss ratio:

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

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

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

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

h. the entire filing shall be provided in duplicate;

i. any additional information requested by the commissioner.

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

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

i. the form number for each plan;

ii. plan type designation (for example: Plan A, Plan B, Pre -standardized);

iii. the rates for each plan;

iv. yearly loss ratios for each plan;

v. lifetime expected loss ratios for each plan;

vi. identify filing as "ANNUAL MEDICARE SUPPLEMENT FILING" on the face page of the memorandum;

vii. the entire filing shall be provided in duplicate;

viii. any additional information requested by the commissioner.

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

a. appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting documents necessary to justify the adjustment shall accompany the filing;

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1112 (June 1999), repromulgated LR 25:1492 (August 1999), amended LR 29:2447 (November 2003), amended LR 31:2915 (November 2005).

§546. Reserved.

§547. Reserved.

§548. Reserved.

§549. Reserved.

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

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

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

C. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been filed with and approved by the commissioner in accordance with the filing requirements and procedures prescribed by the commissioner.

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

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

a. the inclusion of new or innovative benefits;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1113 (June 1999), repromulgated LR 25:1494 (August 1999), amended LR 29:2448 (November 2003), amended LR 31:2917 (November 2005).

§551. Reserved.

§552. Reserved.

§553. Reserved.

§554. Reserved.

§555. Permitted Compensation Arrangements

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

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

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

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

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1114 (June 1999), repromulgated LR 25:1494 (August 1999), LR 29:2449 (November 2003), amended LR 31:2917 (November 2005).

§556. Reserved.

§557. Reserved.

§558. Reserved.

§559. Reserved.

§560. Required Disclosure Provisions

A. General Rules

1. Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of the provision shall be consistent with the type of contract issued. The provision shall be appropriately captioned and shall appear on the first page of the policy, and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

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

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

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

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

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

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

B. Notice Requirements.

1. As soon as practicable, but no later than 30 days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the commissioner. The notice shall:

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

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

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

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

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

D. Outline of Coverage Requirements for Medicare Supplement Policies

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

2. if an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than 12 point type, immediately above the company name:

> "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

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

i. a cover page;

ii. premium information;

iii. disclosure pages; and

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

b. the outline of coverage shall be in the language and format prescribed below in no less than 12 point type. All plans A-L shall be shown on the cover page, and each Medicare supplement policy and certificate currently

available by an issuer shall be prominently identified. Premium information for plans that are available shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are available to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated;

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

[COMPANY NAME]

Outline of Medicare Supplement Coverage-Cover Page: 1 of 2

Benefit Plan(s)_____[insert letter(s) of plan(s) available from the issuer]

These Charts show the benefits included in each of the standard Medicare supplement plans. Every company must make available Plan A. Some plans may not be available in [Louisiana].

See Outlines of Coverage sections for details about ALL plans

BASIC BENEFITS for plans A-J:

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

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

Blood: First three pints of blood each year.

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

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

[COMPANY NAME]

Outline of Medicare Supplement Coverage-Cover Page 2

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

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

J	K**	L**
Part B Deductible		
Part B Excess (100%)		
Foreign Travel Emergency		
At-Home Recovery		
Preventive Care NOT covered by Medicare		
	$[4000] Out of Pocket Annual Limit***	$[2000] Out of Pocket Annual Limit***

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

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

See Outlines of Coverage for details and exceptions.

PREMIUM INFORMATION [Boldface Type]

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

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY [Boldface Type]

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

RIGHT TO RETURN POLICY [Boldface Type]

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

POLICY REPLACEMENT [Boldface Type]

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

NOTICE [Boldface Type]

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

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

[for direct response:]
[insert company's name] is not connected with Medicare.

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

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

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

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

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

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

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

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

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

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

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

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

Parts A and B

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

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

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

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

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

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

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

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

Parts A and B

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

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

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

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

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

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

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

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

Parts A and B

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

Other Benefits—Not Covered by Medicare

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

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

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

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

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

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

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

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

Plan D (continued)
Parts A and B

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

Other Benefits—Not Covered by Medicare

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

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

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

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

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

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

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

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

Parts A and B

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

Plan E (Continued)
Other Benefits—Not Covered by Medicare

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

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

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

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

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

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

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

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

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

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

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

Parts A and B

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

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

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

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

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

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

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

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

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

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

Plan G (Continued)
Parts A and B

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

Other Benefits—Not Covered by Medicare

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

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

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

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

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

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

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

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

Parts A and B

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

Plan H (Continued)
Other Benefits—Not Covered by Medicare

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

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

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

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

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

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

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

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

Plan I (Continued)
Parts A and B

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

Other Benefits—Not Covered by Medicare

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

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

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

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

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

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

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

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

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

Services	Medicare Pays	[After You Pay [$1650] Deductible, ** Plan Pays]	[In Addition to [$1650] Deductible, ** You Pay]
Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $[110] of Medicare-Approved Amounts*	$0	$[110] (Part B Deductible)	$0
Remainder of Medicare-Approved Amounts	Generally, 80%	Generally, 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	100%	$0
Blood			
First 3 pints	$0	All Costs	$0
Next $[110] of Medicare-Approved Amounts*	$0	$[110] (Part B Deductible)	$0
Remainder of Medicare-Approved Amounts	80%	20%	$0
Clinical Laboratory Services— Tests For Diagnostic Services	100%	$0	$0

Parts A and B

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

Plan J or High Deductible Plan J (Continued)
Medicare (Part B)—Medical Services—Per Calendar Year
Parts A and B (Continued)

Services	Medicare Pays	[After You Pay[$1690] Deductible, ** Plan Pays]	[In Addition to [$1690] Deductible, ** You Pay]
Home Health Care (Cont'd)			
At-Home Recovery Services—Not Covered by Medicare			
Home care certified by your doctor, for personal care beginning during recovery from an injury or sickness for which Medicare approved a Home Care Treatment Plan			
--Benefit for each visit	$0	Actual Charges to $40 a visit	Balance
--Number of visits covered (must be received within 8 weeks of last Medicare Approved visit)	$0	Up to the number of Medicare- Approved visits, not to exceed 7 each week	
--Calendar year maximum	$0	$1,600	

Plan J or High Deductible Plan J (Continued)
Parts A and B (Continued)
Other Benefits—Not Covered by Medicare

Services	Medicare Pays	After You Pay $1690 Deductible, ** Plan Pays	In Addition to $1690 Deductible, ** You Pay
Foreign Travel—Not Covered by Medicare Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum
***Preventive Medical Care Benefit—Not Covered by Medicare Some annual physical and preventive tests and services administered or ordered by your doctor when not covered by Medicare			
First $120 each calendar year	$0	$120	$0
Additional charges	$0	$0	All Costs

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

Plan K

*You will pay half the cost-sharing of some covered services until you reach the annual out-of-pocket limit of $[4000] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare co-payment and coinsurance for the rest of the calendar year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

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

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

Services	Medicare Pays	Plan Pays	You Pay*
Hospitalization** Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[912]	$[456](50% of Part A deductible)	$[456](50% of Part A deductible)♦
61st thru 90th day	All but $[228] a day	$[228] a day	$0
91st day and after:			
--While using 60 lifetime reserve days	All but $[456] a day	$[456] a day	$0
--Once lifetime reserve days are used:			
--Additional 365 days	$0	100% of Medicare eligible expenses	$0***
--Beyond the additional 365 days	$0	$0	All costs
Skilled Nursing Facility Care** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[114] a day	Up to $[57] a day	Up to $[57] a day ♦
101st day and after	$0	$0	All costs
Blood			
First 3 pints	$0	50%	50%♦
Additional amounts	100%	$0	$0
Hospice Care Available as long as your doctor certifies you are terminally ill and you elect to receive these services	Generally, most Medicare eligible expenses for out-patient drugs and inpatient respite care	50% of coinsurance or copayments	50% of coinsurance or copayments♦

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

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

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

Services	Medicare Pays	Plan Pays	You Pay*
Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,			
First $[110] of Medicare Approved Amounts****	$0	$0	$[110] (Part B deductible)**** ♦
Preventive Benefits for Medicare covered services	Generally 75% or more of Medicare approved amounts	Remainder of Medicare approved amounts	All costs above Medicare approved amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs (and they do not count toward annual out-of-pocket limit of [$4000])*
Blood			
First 3 pints	$0	50%	50%♦
Next $[110] of Medicare Approved Amounts****	$0	$0	$[110] (Part B deductible)**** ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
Clinical Laboratory Services— Tests For Diagnostic Services	100%	$0	$0

*This plan limits your annual out-of-pocket payments for Medicare-approved amounts to $[4000] per year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

Plan K
Parts A and B

Services	Medicare Pays	Plan Pays	You Pay*
Home Health Care			
MEDICARE APPROVED SERVICES			
--Medically necessary skilled care services and medical supplies	100%	$0	$0
--Durable medical equipment First $[110] of Medicare Approved Amounts*****	$0	$0	$[110] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	80%	10%	10%♦

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

Plan L

*You will pay one-fourth of the cost-sharing of some covered services until you reach the annual out-of-pocket limit of $[2000] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare co-payment and coinsurance for the rest of the calendar year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

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

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

Services	Medicare Pays	Plan Pays	You Pay*
Hospitalization**			
Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[912]	$[684] (75% of Part A deductible)	$[228] (25% of Part A deductible)♦
61st thru 90th day	All but $[228] a day	$[228] a day	$0
91st day and after:			
--While using 60 lifetime reserve days	All but $[456] a day	$[456] a day	$0
--Once lifetime reserve days are used:			
--Additional 365 days	$0	100% of Medicare eligible expenses	$0***
--Beyond the additional 365 days	$0	$0	All costs

Skilled Nursing Facility Care** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility Within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	 All approved amounts All but $[114] a day $0	 $0 Up to $[85.50] a day $0	 $0 Up to $[28.50] a day♦ All costs
Blood First 3 pints Additional amounts	$0 100%	75% $0	25%♦ $0
Hospice Care Available as long as your doctor certifies you are terminally ill and you elect to receive these services	Generally, most Medicare eligible expenses for out-patient drugs and inpatient respite care	75% of coinsurance or copayments	25% of coinsurance or copayments ♦

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

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

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

Services	Medicare Pays	Plan Pays	You Pay*
Medical Expenses—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment, First $[110] of Medicare Approved Amounts**** Preventive Benefits for Medicare covered services Remainder of Medicare Approved Amounts	 $0 Generally 75% or more of Medicare approved amounts Generally 80%	 $0 Remainder of Medicare approved amounts Generally 15%	 $[110] (Part B deductible)**** ♦ All costs above Medicare approved amounts Generally 5% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs (and they do not count toward annual out-of-pocket limit of [$2000])*
Blood First 3 pints Next $[110] of Medicare Approved Amounts**** Remainder of Medicare Approved Amounts	 $0 $0 Generally 80%	 75% $0 Generally 15%	 25%♦ $[110] (Part B deductible) ♦ Generally 5%♦
Clinical Laboratory Services—Tests For Diagnostic Services	100%	$0	$0

*This plan limits your annual out-of-pocket payments for Medicare-approved amounts to $[2000] per year. However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.

Plan L
Parts A and B

Services	Medicare Pays	Plan Pays	You Pay*
Home Health Care MEDICARE APPROVED SERVICES --Medically necessary skilled care services and medical supplies --Durable medical equipment First $[110] of Medicare Approved Amounts***** Remainder of Medicare Approved Amounts	 100% $0 80%	 $0 $0 15%	 $0 $[110] (Part B deductible) ♦ 5% ♦

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

E. Notice Regarding Policies or Certificates which are Not Medicare Supplement Policies

1. Any accident and sickness insurance policy or certificate, other than a Medicare supplement policy; a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 U.S.C. §1395 et seq.), disability income policy; or other policy identified in §502.B of this regulation, issued for delivery in this state to persons

eligible for Medicare shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. The notice shall be in no less than 12 point type and shall contain the following language:

> "This [policy or certificate] is not a Medicare supplement [policy or contract]. If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company."

2. Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in Paragraph E.1 shall disclose, using the applicable statement in §598, Appendix C, the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1114 (June 1999), repromulgated LR 25:1495 (August 1999), amended LR 29:2449 (November 2003), LR 31:2918 (November 2005).

§561. Reserved.

§562. Reserved.

§563. Reserved.

§564. Reserved.

§565. Requirements for Application Forms and Replacement Coverage

A. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant currently has Medicare supplement, Medicare Advantage, Medicaid coverage, or an other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent containing such questions and statements may be used.

B. An application for a Medicare supplement policy shall not be combined with an application for any other type of insurance coverage. The application may not make reference to or include questions regarding other types of insurance coverage except for those questions specifically required under this Section.

1. [Statements]

a. You do not need more than one Medicare supplement policy.

b. If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.

c. You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

d. If after purchasing this policy, you become eligible for Medicaid, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy or, if that is no longer available, a substantially equivalent policy will be reinstituted if requested within 90 days of losing Medicaid eligibility. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

e. If you are eligible for, and have enrolled in a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within 90 days of losing your employer or union-based group health plan. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

f. Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

2. [Questions]

a. If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy, you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with your application. Please answer all questions. [Please mark Yes or No below with an "X"]

i. To the best of your knowledge:

(a). Did you turn age 65 in the last 6 months? Yes____ No____

(b). Did you enroll in Medicare Part B in the last 6 months? Yes____ No____

(c). If yes, what is the effective date? _____

ii. Are you covered for medical assistance through the state Medicaid program? Yes____ No____ If yes:

> [NOTE TO APPLICANT: If you are participating in a "Spend-Down Program" and have not met your "Share of Cost," please answer NO to this question.]

(a). Will Medicaid pay your premiums for this Medicare supplement policy? Yes____ No____

(b). Do you receive any benefits from Medicaid OTHER THAN payments toward your Medicare Part B premium? Yes____ No____

iii.(a). If you had coverage from any Medicare plan other than original Medicare within the past 63 days (for example, a Medicare Advantage plan, or a Medicare HMO or PPO), fill in your start and end dates below. If you are still covered under this plan, leave "END" blank.

START __/__/__ END __/__/__

(b). If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy? Yes____ No____

(c). Was this your first time in this type of Medicare plan? Yes____ No____

(d). Did you drop a Medicare supplement policy to enroll in the Medicare plan? Yes____ No____

iv.(a). Do you have another Medicare supplement policy in force? Yes____ No____

(b). If so, with what company, and what plan do you have [optional for Direct Mailers]? _____

(c). If so, do you intend to replace your current Medicare supplement policy with this policy? Yes____ No____

v. Have you had coverage under any other health insurance within the past 63 days? (For example, an employer, union, or individual plan) Yes____ No____

(a). If so, with what company and what kind of policy? _____

_____

_____

(b). What are your dates of coverage under the other policy? START __/__/__ END __/__/__

(If you are still covered under the other policy, leave "END" blank.)

C. Agents shall list any other health insurance policies they have sold to the applicant:

1. list policies sold which are still in force;
2. list policies sold in the past five years, which are no longer in force.

D. In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

E. Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One copy of the notice, signed by the applicant and the agent, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant, at the time of the issuance of the policy, the notice regarding replacement of Medicare supplement coverage.

F. The notice required by Subsection E above for an issuer shall be provided in substantially the following form in no less than 12 point type.

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE OR MEDICARE ADVANTAGE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement or Medicare Advantage insurance and replace it with a policy to be issued by [Company Name] Insurance Company. Your new policy will provide 30 days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement or Medicare Advantage coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY ISSUER, AGENT [BROKER OR OTHER REPRESENTATIVE]:

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement or, if applicable, Medicare Advantage coverage because you intend to terminate your existing Medicare supplement coverage or leave your Medicare Advantage plan. The replacement policy is being purchased for the following reason (check one):

_____ Additional benefits.

_____ No change in benefit, but lower premiums.

_____ Fewer benefits and lower premiums.

_____ My plan has outpatient prescription drug coverage and I am enrolling in Part D.

_____ Disenrollment from a Medicare Advantage plan. Please explain reason for disenrollment. [optional only for Direct Mailers.]

_____

_____

Other. (please specify) _____

_____

1. Note: If the issuer of the Medicare supplement policy being applied for does not, or is otherwise prohibited from imposing pre-existing condition limitations, please skip to Statement 2 below. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) to the extent such time was spent (depleted) under the original policy.
3. If, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

_____

(Signature of Agent, Broker or Other Representative)*

[Typed Name and Address of Issuer, Agent or Broker]

_____

(Applicant's Signature)

_____

(Date)

*Signature not required for direct response sales.

G. Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1130 (June 1999). repromulgated LR 25:1510 (August 1999), LR 29:2474 (November 2003), amended LR 31:2937 (November 2005).

§566. Reserved.

§567. Reserved.

§568. Reserved.

§569. Reserved.

§570. Filing Requirements for Advertising

A. An issuer shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the Commissioner of Insurance of this state for review and approval by the commissioner to the extent permitted under the Insurance Code, particularly under R.S. 22:1215.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1131 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2476 (November 2003), amended LR 31:2939 (November 2005).

§571. Reserved.

§572. Reserved.

§573. Reserved.

§574. Reserved.

§575. Standards for Marketing

A. An issuer, directly or through its producers, shall:

1. establish marketing procedures to assure that any comparison of policies

by its agents or other producers will be fair and accurate;

2. establish marketing procedures to assure excessive insurance is not sold or issued;

3. display prominently by type, stamp or other appropriate means, on the first page of the policy the following:

"Notice to buyer: This policy may not cover all of your medical expenses;"

4. inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance;

5. establish auditable procedures for verifying compliance with this Subsection A.

B. In addition to the practices prohibited in Louisiana Revised Statutes 22:1211 et seq. the following acts and practices are prohibited.

1. Twisting. Making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.

2. High Pressure Tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

3. Cold Lead Advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

C. The terms *Medicare Supplement, Medigap, Medicare Wrap-Around* and words of similar import shall not be used unless the policy is issued in compliance with this regulation.

D. No insurer providing Medicare supplement insurance in this state shall allow its agent to accept premiums except by check, money order, or bank draft made payable to the insurer. If payment in cash is made, the agent must leave the insurer's official receipt with the insured or the person paying the premium on behalf of the insured. This receipt shall bind the insurer for the monies received by the agent. Under this Section, the agent is prohibited from accepting checks, money orders and/or bank drafts payable to the agent or his agency. The agent is not to leave any receipt other than the insurer's for premium paid in cash.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1131 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2476 (November 2003), amended LR 31:2939 (November 2005).

§576. Reserved.

§577. Reserved.

§578. Reserved.

§579. Reserved.

§580. Appropriateness of Recommended Purchase and Excessive Insurance

A. In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

B. Any sale of a Medicare supplement policy or certificate that will provide an individual more than one Medicare supplement policy or certificate is prohibited.

C. An issuer shall not issue a Medicare supplement policy or certificate to an individual enrolled in Medicare Part C (Medicare Advantage) unless the effective date of the coverage is after the termination date of the individual's Part C coverage.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2476 (November 2003), amended LR 31:2939 (November 2005).

§581. Reserved.

§582. Reserved.

§583. Reserved.

§584. Reserved.

§585. Reporting of Multiple Policies

A. On or before March 1 of each year, an issuer shall report the following information for every individual resident of this state for which the issuer has in force more than one Medicare supplement policy or certificate:

1. policy and certificate number; and
2. date of issuance.

B. The items set forth above must be grouped by individual policyholder.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2476 (November 2003), amended LR 31:2939 (November 2005).

§586. Reserved.

§587. Reserved.

§588. Reserved.

§589. Reserved.

§590. Prohibition against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates

A. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing issuer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy or certificate to the extent such time was spent under the original policy.

B. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate which has been in effect for at least six months, the replacing policy shall not provide any time period applicable to preexisting conditions, waiting periods, elimination periods and probationary periods.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1512 (August 1999), LR 29:2477 (November 2003), LR 31:2940 (November 2005).

§591. Reserved.

§592. Reserved.

§593. Reserved.

§594. Reserved.

§595. Severability

A. If any section or provision of this regulation, or the application to any person or circumstance, is held invalid, such invalidity or determination shall not affect other provisions pr applications of this regulation which can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions or this regulation, and the applications, are severable.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1513 (August 1999), LR 29:2477 (November 2003), amended LR 31:2940 (November 2005).

§596. Appendix A—Calculation Forms

MEDICARE SUPPLEMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR _____

Type[1] _____ SMSBP[2] _____
For the State of _____ Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____ Person Completing Exhibit _____
Title _____ Telephone Number _____

LINE		(a) Earned Premium[3]	(b) Incurred Claims[4]
1.	Current Year's Experience		
	a. Total (all policy years)		
	b. Current year's issues[5]		
	c. Net (for reporting purposes = 1a-1b		
2.	Past Year's Experience (all policy years)		
3.	Total Experience (Net Current Year + Past Year)		
4.	Refunds Last Year (Excluding Interest)		
5.	Previous Since Inception (Excluding Interest)		
6.	Refunds Since Inception (Excluding Interest)		
7.	Benchmark Ratio Since Inception (wee worksheet for Ratio 1)		
8.	Experienced Ratio Since Inception (Ratio 2) Total Actual Incurred Claims (line 3, col. b) Total Earned Prem. (line 3, col. a)-Refunds Since Inception (line 6)		
9.	Life Years Exposed Since Inception If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.		
10.	Tolerance Permitted (obtained from credibility table)		

Medicare Supplement Credibility Table

Life Years Exposed	
Since Inception	Tolerance
10,000+	0.0%
5,000 – 9,999	5.0%
2,500 – 4,999	7.5%
1,000 – 2,499	10.0%
500 - 999	15.0%
If less than 500, no credibility.	

1. Individual, Group, Individual Medicare Select, or Group Medicare Select Only.
2. "SMSBP" = Standardized Medicare Supplement Benefit Plan—Use "P" for pre-standardized plans.
3. Includes Modal Loadings and Fees Charged
4. Excludes Active Life Reserves
5. This is to be used as "Issue Year Earned Premium" for Year 1 of next year's "Worksheet for Calculation of Benchmark Ratio"

MEDICARE SUPPLMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR

Type[1] _____ SMSBP[2] _____
For the State of_____ Company Name _____
NAIC Group Code_____ NAIC Company Code _____
Address _____
Person Completing Exhibit _____
Title _____ Telephone Number _____

11.	Adjustment to Incurred Claims for Credibility Ratio 3 = Ratio 2 + Tolerance	

If Ratio 3 is more than Benchmark Ratio (Ratio 1), a refund or credit to premium is not required.
If Ratio 3 is less than the Benchmark Ratio, then proceed.

12.	Adjusted Incurred Claims (Total Earned Premiums (Line 3, col. a) - Refund Since Inception (line 6)] x Ratio 3 (line 11)	
13.	Refund = Total Earned Premiums (line 3, col. a) - Refunds Inception (line 6) - [Adjusted Incurred Claims (line 12) / Benchmark Ratio (Ratio 1)]	

If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to refunded or credited, a description of the refund or credit against premiums to be used must be attached to this form.

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

_____
Signature

_____
Name—Please Type

_____
Title

_____
Date

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR GROUP POLICIES FOR CALENDAR YEAR _____

Type[1] _____ SMSBP[2] _____
For the State of _____ Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____ Person Completing Exhibit _____
Title _____ Telephone Number _____

(a)[3] Year	(b)[4] Earned Premium	(c) Factor	(d) (b)x(c)	(e) Cumulative Loss Ratio	(f) (d)x(e)	(g) Factor	(h) (b)x(g)	(i) Cumulative Loss Ratio	(j) (h)x(i)	(o)[5] Policy Year Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.77
5		4.175		0.567		3.170		0.782		0.80
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84
8		4.175		0.567		5.445		0.811		0.87
9		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15+[6]		4.175		0.567		8.684		0.838		0.89
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception: (l + n)/(k + m): _____

[1]Individual, Group, Individual Medicare Select, or Group Medicare Select Only.
[2]"SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans
[3]Year 1 is the current calendar year - 1. Year 2 is the current calendar year - 2 (etc.) (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)
[4]For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.
[5]These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.
[6]To include the earned premium for all years prior to as well as the 15th year prior to the current year.

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES FOR CALENDAR YEAR _____

Type[1] _____ SMSBP[2] _____
For the State of _____ Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____ Person Completing Exhibit _____
Title _____ Telephone Number _____

(a)[3] Year	(b)[4] Earned Premium	(c) Factor	(d) (b)x(c)	(e) Cumulative Loss Ratio	(f) (d)x(e)	(g) Factor	(h) (b)x(g)	(i) Cumulative Loss Ratio	(j) (h)x(i)	(o)[5] Policy Year Loss Ratio
1		2.770		0.442		0.000		0.000		0.40
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		4.175		0.493		3.998		0.686		0.71
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15+[6]		4.175		0.493		8.684		0.725		0.77
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception: (l + n)/(k + m): _____

[1]Individual, Group, Individual Medicare Select, or Group Medicare Select Only.
[2]"SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans
[3]Year 1 is the current calendar year - 1. Year 2 is the current calendar year - 2 (etc.) (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)
[4]For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.
[5]These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.
[6]To include the earned premium for all years prior to as well as the 15th year prior to the current year.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1132 (June 1999), repromulgated LR 25:1513 (August 1999), LR 29:2478 (November 2003), amended LR 31:2941 (November 2005).

§597. Appendix B—Medicare Supplement Policies Reporting Form

FORM FOR REPORTING MEDICARE SUPPLEMENT POLICIES

Company Name: _____
Address: _____
Phone Number: _____

Due: March 1, annually

The purpose of this form is to report the following information on each resident of this state who has in force more than one Medicare supplement policy or certificate. The information is to be grouped by individual policyholder.

Policy and Certificate #	Date of Issuance

_____
Signature

_____
Name and Title (please type)

_____
Date

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1136 (June 1999), repromulgated LR 25:1516 (August 1999), LR 29:2482 (November 2003), LR 31:2943 (November 2005).

§598. Appendix C—Disclosure Statements

DISCLOSURE STATEMENTS

Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

1. Section 1882(d) of the federal Social Security Act [42 U.S.C. 1395ss] prohibits the sale of a health insurance policy (the term policy includes certificates) to Medicare beneficiaries that duplicates Medicare benefits unless it will pay benefits without regard to a beneficiary's other health coverage and it includes the prescribed disclosure statement on or together with the application for the policy.
2. All types of health insurance policies that duplicate Medicare shall include one of the attached disclosure statements, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary from the attached statements in terms of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text).
3. State law and federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement policy.
4. Property/casualty and life insurance policies are not considered health insurance.
5. Disability income policies are not considered to provide benefits that duplicate Medicare.
6. Long-term care insurance policies that coordinate with Medicare and other health insurance are not considered to provide benefits that duplicate Medicare.
7. The federal law does not pre-empt state laws that are more stringent than the federal requirements.
8. The federal law does not pre-empt existing state form filing requirements.
9. Section 1882 of the federal Social Security Act was amended in Subsection (d)(3)(A) to allow for alternative disclosure statements. The disclosure statements already in Appendix C remain. Carriers may use either disclosure statement with the requisite insurance product. However, carriers should use either the original disclosure statements or the alternative disclosure statements and not use both simultaneously.

[Original disclosure statement for policies that provide benefits for expenses incurred for an accidental injury only.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not a Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for policies that provide benefits for specified limited services.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare supplement insurance.

This insurance duplicates Medicare benefits when:

- any of the services covered by the policy are also covered by Medicare

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare,* available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare,* available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare supplement insurance.

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnoses named in the policy.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- hospice
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare; or
- it pays the fixed dollar amount stated in the policy and Medicare covers the same event

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Original disclosure statement for other health insurance policies not specifically identified in the preceding statements.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- the benefits stated in the policy and coverage for the same event is provided by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that provide benefits for expenses incurred for an accidental injury only.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that provide benefits for specified limited services.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits under this policy.

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy. Medicare generally pays for most or all of these expenses.

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits under this policy.

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ *For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].*

[Alternative disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

[Alternative disclosure statement for other health insurance policies not specifically identified in the preceding statements.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- hospitalization
- physician services
- hospice
- [outpatient prescription drugs if you are enrolled in Medicare Part D]
- other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.

√ For more information about Medicare and Medicare supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.

√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1136 (June 1999), repromulgated LR 25:1516 (August 1999), LR 29:2483 (November 2003), amended LR 31:2944 (November 2005).

§599. Effective Date

A. This emergency regulation shall become effective upon publication in the *Louisiana Register*.

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

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1142 (June 1999), repromulgated LR 25:1522 (August 1999), amended LR 29:2497 (November 2003), amended LR 31:2948 (November 2005).

J. Robert Wooley
Commissioner

0511#035

RULE

Department of Insurance
Office of the Commissioner

Regulation 88—Standardization of Health Benefits and Compliance Requirements for LaChoice
(LAC 37:XIII.Chapter 113)

In accordance with the provisions of R.S. 49:950 et seq. of the Administrative Procedure Act and R.S. 22:3 and 22:245(C)(3), the Louisiana Department of Insurance is adopting the following regulation regarding the standardization of health benefits and compliance requirements for the implementation of LaChoice. More specifically, this regulation is necessary to implement and enforce the following provisions: R.S. 22:244, 22:245 and 22:246 of Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

This regulation shall be effective upon final publication in the *Louisiana Register*.

Title 37
INSURANCE
Part XIII. Regulations

Chapter 113. Regulation 88—Standardization of Health Benefits and Compliance Requirements for LaChoice

§11301. Purpose

A. The purpose of this regulation is:

1. to implement the statutory requirements in establishing pilot health insurance programs to increase access to affordable health insurance for small employers and for individuals pursuant to R.S. 22:244 et seq. of the Louisiana Revised Statutes of 1950; and

2. to carry out the intent of the Legislature and assure full compliance with the applicable statutory provisions by establishing procedures for the standardization of health benefits and compliance requirements. This program and the applicable statutory authority relating thereto shall be referred to hereinafter as "LaChoice."

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2948 (November 2005).

§11303. Applicability and Scope

A. Except as otherwise specifically provided, the requirements of this regulation shall apply to health insurance issuers that choose to offer health insurance under the provisions of LaChoice as required pursuant to R.S. 22:244 et seq. of the Louisiana Revised Statutes of 1950.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2948 (November 2005).

§11305. Eligibility, Benefits and Underwriting Criteria

A. In order to participate in LaChoice, employers must not have provided group health insurance coverage to their employees for at least six months from the date the last policy of insurance was terminated or nonrenewed.

B. The Commissioner of Insurance shall have the authority via regulation to alter the above time period in accordance with R.S. 22:246(1).

C. In order to participate in LaChoice, a health insurance issuer shall be required to file all proposed health insurance policy forms with the Department of Insurance for review and approval. Such policies shall be in compliance with Regulation 78. A statement of compliance is not required.

D. Policies issued pursuant to the provisions of LaChoice shall be exempted from all state benefit mandates, including but not limited to those mandates contained in R.S. 22:213.2.A, R.S.22:215.1.B, R.S.22:215.8, R.S. 22:215.10, R.S. 22:215.11.A, R.S. 22:215.11.B, R.S. 22:215.14, R.S. 22:215.15, R.S. 22:215.16, R.S. 22:215.20, R.S. 22:215.21, R.S. 22:215.22, R.S. 22:215.24, R.S. 22:228.7, R.S. 22:230.4, R.S. 22:669, R.S. 22:2004.1 and R.S. 22:2004.2.

E. All such health insurance coverage shall meet the requirements of Part VI-C of Title 22 except as specifically enumerated by statute or regulation. Any waiting period imposed shall be in compliance with Part VI-C of Title 22.

F. Policies issued pursuant to the provisions of LaChoice shall be exempted from R.S. 22:250.4(F)(1), (2) and (3), and R.S. 22:250.15(A)(2), (3), (4) and (5) unless dependent coverage is offered pursuant to LaChoice policies. If dependent coverage is offered, the provisions of R.S. 22:250.4(F)(1), (2) and (3), and R.S. 22:250.15(A)(2), (3), (4) and (5) shall apply to LaChoice policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2948 (November 2005).

§11307. Participation Requirement

A. The health insurance issuer shall provide to the Department of Health and Hospitals through electronic means via a current ANSI X12N 834 transaction format pursuant to the HIPAA transactions and code sets requirements, an initial enrollment roster for each employer group listing employees who are to be covered by the health insurance issuer.

B. The initial enrollment roster for each employer group will include all employees who are to be covered by the health insurance issuer regardless of whether or not the employee is eligible for the LaChoice premium subsidy pursuant to §11311.

C. The health insurance issuer shall provide monthly employee update transactions to the Department of Health

and Hospitals using the 834 transaction format to indicate changes in insurance coverage for employees eligible for the LaChoice premium subsidy pursuant to §11311. Such changes shall include but not be limited to: changes in coverage, terminations from coverage and changes to employee demographics.

D. If an employee is to be covered in an employer group by the health insurance issuer and the employee was not included in the initial enrollment roster, the health insurance issuer shall include the employee in a monthly employee update transaction regardless of whether or not the employee is eligible for the LaChoice premium subsidy pursuant to §11311.

E. The health insurance issuer shall provide a monthly report to the Department of Insurance indicating the count of all insured or members covered under LaChoice for each employer group. Such list shall include the following categories:

1. a list of current employers enrolled in the program;
2. the number of insured or members who are receiving the subsidy pursuant to §11311;
3. the number of insured or members who are not receiving the subsidy pursuant to §11311.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2948 (November 2005).

§11309. Underwriting Criteria for Health Insurance Issuer

A. Underwriting criteria shall comply with the provisions in Title 22 and shall be subject to actuarial review and approval by the Department of Insurance, pursuant to R.S. 22:246(6).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2949 (November 2005).

§11311. Criteria for Public Subsidy

A. To be eligible for the LaChoice premium subsidy, an employee of a qualified employer that opts to provide LaChoice must make application and have household income levels at or below 200 percent of the federal poverty level as established by the Department of Health and Hospitals Medicaid Health Insurance Flexibility and Accountability (HIFA) Demonstration Project. Eligibility for the subsidy shall be determined by the Medicaid agency. Implementation of this provision shall be contingent upon the approval of the HIFA demonstration project by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2949 (November 2005).

§11313. Enforcement Provisions

A. The Commissioner of Insurance shall have the authority to disapprove a policy submitted pursuant to LaChoice in accordance with R.S. 22:621 that fails to comply with the provisions of any statute or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2949 (November 2005).

§11315. Financial Statement requirements

A. The following requirement is applicable only to health insurance issuers that offer LaChoice policies. Such health insurance issuers shall be required to report LaChoice business in a supplemental worksheet to the annual statement in a format to be provided by the Louisiana Department of Insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2949 (November 2005).

§11317. Discontinuation of Product Type

A. When a health insurer issuer decides to discontinue offering policies pursuant to the LaChoice program, R.S. 22:250.7(C)(1)(a),(b),(c) and (d) shall be applicable in the discontinuation of such product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2949 (November 2005).

§11319. Severability

A. If any Section or provision of this regulation or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of this regulation to any persons or circumstances that can be given effect without the invalid Section or provision or application, and for these purposes the Sections and provisions of this regulation and the application to any persons or circumstance are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:245(C)(3) to implement and enforce the following provisions: R.S. 22:244, 22:245, and 22:246, Part VI-B. of Chapter One of Title 22 of the Louisiana Revised Statutes of 1950.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:2949 (November 2005).

J. Robert Wooley
Commissioner

0511#034

RULE

Department of Natural Resources
Office of Conservation

Fees (LAC 43:XIX.701, 703, and 707)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby amends the established fees.

Title 43
NATURAL RESOURCES
Part XIX. Office of Conservation—General Operations
Subpart 2. Statewide Order No. 29-R

Chapter 7. Fees

§701. Definitions

Application to Amend Permit to Drill (Minerals)—an application to alter, amend, or change a permit to drill for minerals after its initial issuance, as authorized by R.S. 30:28.*

*Application to Amend Operator (transfer of ownership, including any other amendment action requested at that time) for any orphaned well, any multiply completed well which has reverted to a single completion, any non-producing well which is plugged and abandoned within the time frame directed by the Commissioner, as well as any stripper crude oil well or incapable gas well so certified by the Department of Revenue shall not be subject to the application fee provided herein.

***

BOE—annual barrels oil equivalent. Gas production is converted to BOE by dividing annual mcf by a factor of 7.0.

***

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:542 (August 1988), amended LR 15:551 (July 1989), LR 21:1249 (November 1995), LR 24:458 (March 1998), LR 24:2127 (November 1998), LR 25:1873 (October 1999), LR 26:2302 (October 2000), LR 27:1919 (November 2001), LR 28:2366 (November 2002), LR 29:2499 (November 2003), LR 31:2950 (November 2005).

§703. Fee Schedule for Fiscal Year 2005-2006

A. ...

B. Regulatory Fees

1. Operators of each permitted Type A Facility are required to pay an annual Regulatory Fee of $6,544 per facility.

2. Operators of each permitted Type B Facility are required to pay an annual Regulatory Fee of $3,272 per facility.

3. Operators of record of permitted non-commercial Class II injection/disposal wells are required to pay $666 per well.

4. Operators of record of permitted Class III and Storage wells are required to pay $666 per well.

C. ...

D. Production Fees. Operators of record of capable oil wells and capable gas wells are required to pay according to the following annual production fee tiers.

Tier	Annual Production (Barrel Oil Equivalent)	Fee ($ per Well)
Tier 1	0	15
Tier 2	1-5,000	80
Tier 3	5,001-15,000	227
Tier 4	15,001-30,000	379
Tier 5	30,001-60,000	606
Tier 6	60,001-110,000	834
Tier 7	110,001-9,999,999	1,023

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq., R.S. 30:560 and 706.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:1250 (November 1995), LR 24:459 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2304 (October 2000), LR 27:1920 (November 2001), LR 28:2368 (November 2002), LR 29:350 (March 2003), LR 29:2501 (November 2003), LR 30:2494 (November 2004), LR 31:2950 (November 2005).

§707. Severability and Effective Date

A. The fees set forth in §703 are hereby adopted as individual and independent rules comprising this body of rules designated as Statewide Order No. 29-R-05/06 and if any such individual fee is held to be unacceptable, pursuant to R.S. 49:968(H)(2), or held to be invalid by a court of law, then such unacceptability or invalidity shall not affect the other provisions of this order which can be given effect without the unacceptable or invalid provisions, and to that end the provisions of this order are severable.

B. This Order (Statewide Order No. 29-R-05/06) supercedes Statewide Order No. 29-R-04/05 and any amendments thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:1251 (November 1995), LR 24:459 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:2305 (October 2000), LR 27:1921 (November 2001), LR 28:2368 (November 2002), LR 29:2502 (November 2003), LR 30:2494 (November 2004), LR 31:2950 (November 2005).

James H. Welsh
Commissioner

0511#069

RULE

Department of Public Safety and Corrections
Office of State Fire Marshall

Commercial Building Energy Conservation Code
(LAC 55:V.Chapter 26)

In accordance with the provisions of R.S.40:1730.41 et seq. and 40:1563 et seq. relative to the authority of the Office of State Fire Marshal to promulgate and enforce rules, the Office of State Fire Marshal has adopted the following

Rules regarding the Commercial Building Energy Conservation Code.

Title 55
PUBLIC SAFETY
Part V. Fire Protection
Chapter 26. Commercial Building Energy Conservation Code

§2601. General Provisions

A. In accordance with R.S. 40:1730.45, et seq., no commercial building shall be constructed, altered, or repaired in Louisiana until energy code compliance documents have been submitted to and reviewed by the State Fire Marshal for compliance with the Commercial Building Energy Conservation Code. For state owned facilities, statewide enforcement of the Commercial Building Energy Conservation Code shall be the responsibility of the Facility Planning and Control section of the Division of Administration. As such, energy code compliance documents are not required as part of the submission for state owned buildings to the Office of State Fire Marshal.

B. It shall be the policy of the Office of State Fire Marshal that energy code document review will be required on any building covered by the Commercial Building Energy Conservation Code.

C. In order to expedite plan review and not delay construction or occupancy of affected buildings, the State Fire Marshal shall have the authority to issue a 21-day release for buildings for which the initial plan submission did not include a complete, valid submission of energy code documents. In the event that such a release is issued, parties submitting plans without a complete, valid submission of energy code documents will be notified in writing of the energy code requirements and have 21 days to submit the required energy code documentation. During this time, initial plan review may be completed, thereby allowing construction to commence. Failure to submit required energy code compliance documents within said 21 days will result in a letter of apparent noncompliance. Said letter shall be either in the form of a statement in the plan review letter or as a separate letter.

D. A complete, valid submission of energy code documents shall consist of documents as detailed in LAC 55:V.2604.

E. Parties submitting code compliance documents that appear to the State Fire Marshal to conform with the Louisiana Commercial Building Energy Conservation Code shall be furnished a letter of apparent compliance. Said letter shall be either in the form of a statement in the plan review letter or as a separate letter.

F. Parties submitting code compliance documents that appear to the State Fire Marshal not to comply with the Louisiana Commercial Building Energy Conservation Code shall be furnished a letter of apparent noncompliance. Said letter shall be either in the form of a statement in the plan review letter or as a separate letter. This letter of apparent noncompliance shall not delay the state fire marshal's normal project review process or the ability of a local building code enforcement entity to issue a building permit or use and occupancy certificate.

G. Parties receiving a letter of apparent noncompliance shall be entitled to submit revised plans, documentation or other evidence to the state fire marshal for a reevaluation of the project's compliance with the Louisiana Commercial Building Energy Conservation Code. In accordance with R.S. 40:1730.47(A), a $10 fee shall be charged by the State Fire Marshal for reevaluation of energy code compliance documents.

H. The letter of apparent compliance or apparent noncompliance from the State Fire Marshal shall be kept at the site of the project for as long as the structure is in the process of construction, alteration or repair.

I. The owners of all structures shall retain this letter of apparent compliance or apparent noncompliance from the State Fire Marshal in a safe place for as long as the structure is occupied, used or both.

J. The Office of the State Fire Marshal shall not be required to retain any copy of the reviewed plans, specifications, energy code compliance documents, or letter of apparent compliance or apparent noncompliance.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2951 (November 2005).

§2602. Definitions

Alteration—alterations, renovations or repairs to existing buildings in accordance with R.S. 40:1574(C), (D), (E), (F), and (G).

ANSI/ASHRAE/IESNA 90.1—the latest edition adopted by the State Fire Marshal, pursuant to the provisions of the Louisiana Administrative Procedure Act, of the document developed by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America entitled "Energy Standard for Buildings Except Low-Rise Residential Buildings."

COMcheck—the commercial building energy code compliance package, including computer software available from the United States Department of Energy, as a method of demonstrating compliance with ASHRAE/IES 90.1.

Commercial Buildings—all buildings designed for human occupancy except one and two family dwellings.

Commercial Processing—see industrial occupancy.

EPAct—the Energy Policy Act of 1992 enacted by the Congress of the United States, as amended.

Historic Buildings—those buildings specifically designated as historically significant by the state historic preservation officer or by official action of a local government.

Industrial—areas of buildings intended primarily for manufacturing, commercial, or industrial processing. For purposes of determining applicability with requirements of the Commercial Building Energy Conservation Code, buildings or portions thereof in which products are manufactured or in which processing, assembling, mixing, packaging, finishing, decorating, repairing, or similar operations are conducted.

International Energy Conservation Code—the latest edition adopted by the State Fire Marshal, pursuant to the provisions of the Louisiana Administrative Procedure Act, of the document developed by the International Code Council, Inc., entitled "International Energy Conservation Code", also referred to as "IECC."

Low-Rise Residential—structures used primarily for residential purposes of three stories or fewer above grade, excluding one and two family dwellings.

Manufacturing—see *industrial*.

Repair or *Renovation*—alterations, repairs or renovations to existing buildings in accordance with R.S. 40:1574(C), (D), (E), (F), and (G).

REScheck—the International Energy Conservation Code compliance package, including computer software available from the United States Department of Energy, as a method of demonstrating compliance with the International Energy Conservation Code.

Residential—spaces in buildings used primarily for living and sleeping. Residential spaces include, but are not limited to, dwelling units, hotel/motel guest rooms, dormitories, nursing homes, patient rooms in hospitals, lodging houses, fraternity/sorority houses, hostels, prisons, and fire stations.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2951 (November 2005).

§2603. Energy Code Application and Scope

A. All commercial building plans submitted to the Office of State Fire Marshal that are included in the scope of the Commercial Building Energy Conservation Code shall contain energy code compliance documentation as required by LAC 55:V.2604.

B. Additions to existing buildings will be treated as new construction.

C. General Exemptions. Buildings or portions of buildings that meet the criteria outlined in R.S. 40:1730.44.C or by the scope of ANSI/ASHRAE/IESNA Standard 90.1 are exempt from the energy code.

D. Renovated Buildings. To determine applicability of the Commercial Building Energy Conservation Code to altered, repaired or renovated buildings, see R.S. 40:1574.C, D, E, F, and G. Altered, repaired or renovated buildings covered by these Sections are included in the scope of the energy code.

E. Historic Buildings. As permitted by R.S. 40:1730.44.D, the State Fire Marshal may modify the specific requirements of the Commercial Building Energy Conservation Code for historic buildings and require alternate requirements which will result in a reasonable degree of energy efficiency. It is the policy of the State Fire Marshal to encourage historic preservation and the preservation of Louisiana's architectural heritage. When applying the requirements of the energy code, the State Fire Marshal shall take into consideration the impact of these requirements on the historic integrity of existing facilities. Parties submitting plans for renovating historic buildings must demonstrate a good faith attempt to comply with the energy code. However, if compliance with the energy code will compromise the historic integrity of the affected building, it should be so noted on the plan submission. In such cases, the State Fire Marshal will accept reasonable attempts to improve the energy efficiency of the building as meeting the requirements of the energy code.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et. seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2952 (November 2005).

§2604. Compliance Procedures for the Energy Code

A. For commercial buildings in all categories except low-rise residential buildings identified in ANSI/ASHRAE/IESNA 90.1, demonstration of compliance with COMcheck, materials as developed by Pacific Northwest National Laboratory for the U.S. Department of Energy's Office of Codes and Standards, available from the U.S. Department of Energy, shall be deemed to comply with the Commercial Building Energy Conservation Code. Compliance must be demonstrated individually for each of three components: envelope, lighting (including electrical), and mechanical (including hot water).

B. For low-rise residential buildings not covered by LAC 55:V.2604.A., except one and two family dwellings, demonstration of compliance with REScheck, materials as developed by Pacific Northwest National Laboratory for the Department of Housing and Urban Development and the Rural Economic and Community Development under direction of the U.S. Department of Energy's Office of Codes and Standards, available from the U.S. Department of Energy, for the requirements of the IECC shall be deemed to comply with the Commercial Building Energy Conservation Code.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2952 (November 2005).

§2605. Amendments to ANSI/ASHRAE/IESNA 90.1 for Louisiana

A. The following amendments to COMCheck are adopted for Louisiana.

1. Remove requirement that air handlers run continuously.

2. Remove all requirements for use of economizers anywhere in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:1730.41 et seq. and 40:1563 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 31:2952 (November 2005).

Stephen J. Hymel
Undersecretary

0511#044

RULE

Department of Public Safety and Corrections
Office of State Police

Civil Penalties Assessment
(LAC 33:V.10307)

The Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, amends LAC 33:V.10307 pertaining to Motor Carrier Safety and Hazardous Material requirements to set a 45-day time limit for requesting an administrative hearing to contest an assessed Motor Carrier Safety violation, as authorized by R.S. 32:1501 et seq.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Wastes and Hazardous Materials
Subpart 2. Department of Public Safety and Corrections—Hazardous Materials
Chapter 103. Motor Carrier Safety and Hazardous Materials
§10307. Assessment of Civil Penalties

A. Any person who is determined by the Secretary of the Department of Public Safety and Corrections, after reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Administrative Procedure Act, to have committed an act that is a violation of R.S. 32:1501 et seq., or adopted or promulgated regulations as provided in this Chapter, is subject to a civil penalty not to exceed the amount determined by applicable law.

B.1. For purposes of this Chapter, "reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Administrative Procedure Act" is defined as the 45-day period following receipt of the violation notice within which the person has the right to request a hearing. Receipt of the violation shall be deemed to have occurred five days following the date the notice of violation was mailed by the department to:

a. in the case of an out-of-state carrier, to the address provided for on the carrier's Motor Carrier Identification Report as prescribed by 49 CFR Part 390.19;

b. in the case of an intrastate carrier, to the carrier address of record as determined by the Department of Public Safety and Corrections; in the case of a driver, to the address on record with the licensing authority of the state in which the person is licensed.

2. The person will have 45 days following receipt of the notice of violation within which to make written request to the Department of Public Safety and Corrections for an administrative hearing. Failure to request said hearing within 45 days of receipt of the violation notice shall constitute a conviction of the violation for purposes of R.S. 32:414.2(A)(9)(a).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended LR 17:1116 (November 1991), LR 31:2953 (November 2005).

Stephen J. Hymel
Undersecretary

0511#031

RULE

Department of Public Safety and Corrections
Office of State Police

Defensive Driving Class Certification
(LAC 55:I.2901)

The Department of Public Safety and Corrections, Office of State Police, hereby promulgates LAC 55:I.Chapter 29 pertaining to the requirements for approval and certification of defensive driving classes, as authorized by R.S. 22:1404.

Title 55
PUBLIC SAFETY
Part I. State Police
Chapter 29. Defensive Driving Course Approval and Certification
§2901. Defensive Driving Course Approval Process

A. Authority

1. Act 169 of the 2001 Regular Legislative Session amended R.S. 22:1404, authorizing the Department of Public Safety and Corrections, Public Safety Services, Office of State Police to approve and certify defensive driving courses.

2. Act 1093 of the 2003 Regular Legislative Session amended R.S. 22:1404, authorizing the Department of Public Safety and Corrections, Public Safety Services, Office of State Police (department) to promulgate rules and regulations to establish criteria and standards for the approval and certification of defensive driving courses. The expenses of the approval and certification process by the department shall be funded through an interagency agreement with the Department of Insurance, contingent upon the appropriation of funds by the legislature.

3. These rules shall apply to any person, business, or entity producing defensive driving courses and seeking department approval and certification of their defensive driving course.

4. The department shall not incur an unfunded mandate and if funds are not available, the department shall not be required to certify defensive driving courses.

5. These rules are promulgated in accordance with R.S. 22:1404.

B. Defensive Driving Course Objectives

1. How to identify and avoid unsafe driving conditions and behaviors that may cause a licensed driver to be involved in or cause a traffic crash which may result in the loss of life, bodily injury, or damage to property.

2. Educate drivers on proper defensive driving techniques and identifying and avoiding traffic hazards that may lead to vehicle crashes.

3. How to identify aggressive driver behavior patterns along with alternatives to avoid confrontations and stressful driving situations.

C. Defensive Driving Course; Application, Curriculum and Certification

1. A business, individual, or Louisiana state agency applying for department certification of a defensive driving course must make application and submit all course materials to the department to obtain approval and certification. Any certification fraudulently obtained or issued shall be revoked by the department.

2. A business, individual, or agency seeking approval of their course must be domiciled within Louisiana and submit the following information and documents to the department prior to consideration:

a. notarized application. The application shall be a completed affidavit including, but not limited to, the following:

i. the business name, address and phone number of the company or entity producing the course. The business trade name must be registered with the Louisiana Secretary of State;

ii. name of the owner(s), or if a corporation, names of all corporate officers and registered agent(s) for service of process;

iii. actual name of the defensive driving course to be considered for approval;

iv. a statement substantially as follows: "Under oath, I affirm and attest, under penalty of law, that the information submitted in this application is true and accurate and I agree to abide by all applicable laws, rules and regulations governing the license, certification and business operations for which this application is made and that I am the responsible party having authority to enter into binding obligations on behalf of this company or the above named entity";

v. date of application; and

vi. notarized signature(s) of the applicant or authorized company officers;

b. specific and complete course guide and curriculum;

c. a description of the testing process and procedures, including a copy of the final examination;

d. electronic or computer based courses must be submitted to the department for viewing on a compact disc or similar electronic format;

e. uniform certificate of completion shall be legible and on a form of certification determined and approved by the Louisiana Insurance Rating Commission; and

f. any additional information required by the department.

3. In addition to basic curriculum, the following topics of instruction shall be included in the defensive driving course curriculum:

a. sharing the road with:

i. tractor trailer trucks, motor coaches and other commercial motor vehicles;

ii. motorcycles;

iii. school buses;

iv. emergency vehicles, including yielding to stopped emergency vehicles and yielding to emergency vehicles in pursuit or responding to calls;

b. training on railroad and highway grade crossing safety;

c. operating vehicles in inclement weather and at night;

d. sleep deprivation;

e. aggressive driving;

f. vehicle safety features, i.e., seat belts, air bags, anti-lock brakes;

g. how alcohol and drugs effect driving ability; and

h. Louisiana's traffic laws, especially those violations that are leading causes of traffic crashes, such as: careless operation, failure to yield, following too closely and disregarding traffic controls.

4. The course shall be divided into five specific parts to facilitate the learning process. A student must participate in each part. The defensive driving course shall be divided into the following parts:

a. sharing the road with other vehicles:

i. tractor trailer trucks, motor coaches and other commercial motor vehicles;

ii. motorcycles;

iii. school buses;

iv. emergency vehicles, including yielding to stopped emergency vehicles and yielding to emergency vehicles in pursuit or responding to calls;

b. traffic laws:

i. Louisiana's traffic safety laws, specifically, but not limited to, those violations that are leading causes of traffic crashes, namely:

(a). careless operation;

(b). failure to yield;

(c). following too closely; and

(d). disregarding traffic controls;

ii. training on railroad and highway grade crossing safety;

c. dangers of impaired drivers;

i. how alcohol and drugs affect driving ability;

ii. sleep deprivation;

d. aggressive driving and exceeding safe speed limits; and

e. vehicle safety features and road hazards:

i. seat belts, air bags, anti-lock brakes;

ii. operating vehicles in inclement weather and at night.

5. The duration of the course shall be at least four hours of instruction and testing in a traditional classroom setting, or as an alternative, a minimum of 60 minutes of instruction in a computer-based, electronic medium designed to allow students to progress and test at his/her own pace, which may include written instructions, narratives supplemented with video clips, etc.

6. Written evidence of successful completion of the defensive driving course by a student shall be part of the course curriculum and be provided by the course administrators or instructors to the student on a form approved by the Insurance Rating Commission.

7. All students shall have adequate access to course instructors, and if computer based courses, to technical support personnel throughout the duration of the training. In no event shall a student have to wait longer than five minutes for personal interaction by an instructor or if computer based, a way to contact technical support personnel.

8. Course providers shall be able to provide documentation proving all requirements have been met.

9. Submitted applications and supporting documents shall be reviewed for accuracy and content by the department to determine if the defensive driving course meets all the requirements listed within these rules. Once a determination is made by the department the company shall be notified in writing of the decision to certify or reject the defensive driving course.

10. A company or entity shall be required to reapply for certification if there is a change in the defensive driving course curriculum.

11. Any certification fraudulently obtained or issued shall be revoked by the department.

D. Defensive Driving Testing and Student Identity Certification

1. The final examination shall be a minimum of 25 questions, selected randomly from a question pool of no less than 125 questions, based on actual course material, and composed to test the student's knowledge of the course's content and what the student has learned.

2. The final examination shall be administered at the conclusion of the course and be divided into the course's five parts. A student must successfully complete the exam by scoring at least 80 percent on the examination. A student not achieving the minimum 80 percent on the final examination shall be advised of the correct answer and required to review the deficient part(s) and retest on the deficient parts subject matter with different randomly selected questions.

3. The course content shall advise students of the prohibition on cheating, advise them that they will not be allowed to continue the course if they are found cheating and action may be taken against them by the Department of Insurance or the Insurance Rating Commission.

4. Each student enrolled in a defensive driving course shall be required to present his driver's license as proof of identity or if computer based, enter their driver's license number in to the computer, which shall be printed on the certificate of completion.

5. Course providers shall develop and deploy a means to authenticate the identity of a student throughout the duration of the course, with added emphasis during the final examination.

E. Defensive Driving Course; Prohibitions

1. Companies shall not reference "Department of Public Safety and Corrections" or "Louisiana State Police" in any advertisements or imply that the defensive driving course is recommended, supervised or endorsed by the department or the state of Louisiana.

2. Course providers are prohibited from issuing a certificate of completion to any person who has not enrolled in its defensive driving course and met all of the requirements for course completion.

3. Course providers shall adhere to all federal and state laws and shall not engage in any form of unlawful discrimination or other illegal activities.

4. This defensive driving course shall not be utilized in lieu of the requirements of the "driver education course" or the "pre-licensing training course" (6 or 36 hour commercial driving schools) authorized in R.S. 32:402.1.

5. This defensive driving course shall not be utilized in lieu of the requirements of the "driver improvement program for remediation" authorized in R.S. 32:402.2.

6. No company operating a defensive driving course, its agents, responsible parties, or other persons shall release or provide relevant data, answers to examinations, or otherwise compromise the integrity of a defensive driving course.

7. No company, employees, instructors, or agents shall violate the Federal Driver's Privacy Protection Act of 1994, R.S. 32:401 et seq., or any other privacy or security laws or regulations.

F. Administrative Penalties for Noncompliance

1. Any person, business, or entity failing to comply with any provision of these rules shall be subject to an administrative civil penalty. Each day's failure to comply with these administrative rules shall constitute a separate offense. The penalties may include a warning, monetary fine, suspension of the department's certification of the defensive driving course or a combination of these penalties.

2. In accordance with these rules and regulations adopted pursuant to the Administrative Procedure Act, an administrative penalty may be assessed by the Department of Public Safety and Corrections and shall be payable to the Louisiana Towing and Storage Fund.

3. If the department determines to revoke a course's certification, the company or individual shall be notified in writing of the intent to revoke its certification in 30 days. The company or individual shall have 30 days from the date of the written notice of intent to show cause as to why the department should not revoke its certification. If a company fails to respond within the 30 days, the revocation shall be final. The department shall notify the Department of Insurance of the effective date of such revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1404.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Public Safety Services, Office of State Police, LR 31:2953 (November 2005).

Stephen J. Hymel
Undersecretary

0511#036

RULE

Department of Social Services
Bureau of Licensing

Foster Care/Substitute Family Care
Licensing and Certification
(LAC 48:I.4113)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Bureau of Licensing has revised its policy to allow for the periodic re-certification evaluations of family foster homes.

The purpose of this Rule is to allow the Office of Community Services to re-certify family foster homes on a periodic basis.

Pursuant to 42 USC §671 and 45 CFR 1355.20 a family foster home shall be licensed or approved as meeting the standards established by the state licensing or approval authority.

This Rule is being implemented to allow for longer certification time frames for foster/adoptive families in an attempt to prevent lapses in certification, which can impact federal IV-E funding to support the care provided to foster children in the custody of the state of Louisiana. Lapses in certification contributed to the agency having to reimburse the federal government $52,512.60 for the past year.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 41. Minimum Licensing Requirements for Child Placing Agencies with and without Adoption Programs
§4113. Family Foster Care Services

A. - F.3. …

G. Monitoring and Periodic Re-Certification Services

1. …

2. The agency shall conduct periodic re-certification evaluations of each family foster home to determine

continued compliance with family home regulations, its maximum usefulness and limitations.

G.3. - N.12.c. …

O. Professional Responsibilities of the Foster Parent(s)

1. - 6.a.xvii. …

7. Re-Certification

a. Foster parent(s) shall cooperate with the child placing agency conducting the family foster home periodic re-certification study to verify compliance with family foster home regulations.

P. - V.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 15:546 (July 1989), amended LR 31:2955 (November 2005).

Ann S. Williamson
Secretary

0511#075

RULE

Department of Social Services
Office of Family Support

Combat Pay Exclusions—Food Stamps, Family Independence Temporary Assistance, and Kinship Care Subsidy Programs
(LAC 67:III.1229, 1980, 5329)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code 67 Part III, Subpart 2 Family Independence Temporary Assistance Program (FITAP), Subpart 3 Food Stamp Program, and Subpart 13 Kinship Care Subsidy Program (KCSP).

Pursuant to Public Law 108-447, the agency amended §1980 in the Food Stamp Program, §1229 in FITAP, and §5329 in KCSP, to provide that additional pay received by military personnel as a result of deployment to a combat zone is to be excluded from countable income for the Food Stamp Program.

Also, the agency included additional income types that are excluded from countable income for the purpose of determining eligibility for food stamp benefits in §1980. These incomes were always excluded but were not codified in the Louisiana Administrative Code.

Title 67
SOCIAL SERVICES
Part III. Family Support
Subpart 2. Family Independence Temporary Assistance Program (FITAP)
Chapter 12. Application, Eligibility, and Furnishing Assistance
Subchapter B. Conditions of Eligibility
§1229. Income

A. Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining pretest eligibility except income from:

1. - 28. ...

29. Effective October 1, 2004 additional pay received and made available to the household by a member of the United States Armed Forces deployed to a designated combat zone.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C.601 et. Seq. and 10602(c), R.S. 36:474, R. S. 46:231.1.B, R.S. 46:231.2, P.L.108-447.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), amended LR 26:1342 (June 2000), LR 26:2831 (December 2000), LR 31:2956 (November 2005).

Subpart 3. Food Stamps
Chapter 19. Certification of Eligible Households
Subchapter I. Income and Deductions
§1980. Income Exclusions

A. In addition to those income exclusions previously adopted and codified in Chapter 19, Certification of Eligible Households, the following income types will be excluded from countable income for the Food Stamp Program:

1. payments or allowances to provide energy assistance under any federal law, including the Department of Housing and Urban Development and the Farmers Home Administration, except that provided under Title IV-A;

2. earnings of an elementary or secondary student through age 17 who is the child of, or under parental control of, a member of the household;

3. legally obligated child support payments to non-household members are excluded when determining eligibility based on gross income standards;

4. effective October 1, 2004, additional pay received and made available to the household by a member of the United States Armed Forces deployed to a designated combat zone;

5. Agent Orange Settlement payments income (Retroactive to 01-01-89);

6. Agriculture and Stabilization and Conservation Service payments received as a result of a presidentially declared disaster or emergency;

7. assistance payments income that is being recouped for overpayment of non-fraud overpayments;

8. bonus income that is non-recurring or cannot be anticipated to recur;

9. Child Care Food Program payments received for the client's own children;

10. child support income received by FITAP/KCSP recipients, which must be transferred to IV-D to maintain eligibility;

11. child support arrearage payments that were previously counted as income or payment that is a one-time non-recurring lump-sum payment;

12. deposits made into joint accounts when the joint account is considered a convenience account, the income deposited into the account is verified to be a loan, or the account is considered inaccessible to the household;

13. disaster payments provided to rebuild a home or replace personal possessions damaged in a disaster if the household is subject to legal sanction if the funds are not used as intended. This includes Individual and Family Grant payments or Small Business Administration loans;

14. disaster relief income funded under national emergency grants or disaster unemployment assistance paid

to an individual who is unemployed as a result of a major disaster;

15. the prorated portion of the income for persons disqualified for SSNs, for ineligible aliens, or for persons who failed to attest to citizenship/alien status;

16. Delta Service Corps income if the allowances, earnings, and payments to individuals participating in the programs are received under Title I of the National and Community Service Act;

17. Domestic Volunteer Service Act income received by volunteers for services performed in programs stipulated in Title II of the amended Domestic Volunteer Service Act of 1973(P.L. 93-118), which include Foster Grandparents and Retired Senior Volunteer Program; or payments received by volunteers for services in programs under Title I (VISTA) if the person was receiving food stamps or public assistance when he joined VISTA or the household was receiving an income exclusion for a Title I subsistence allowance at the time of conversion to the Food Stamp Act of 1977;

18. Indian and Native claims and lands income received:

a. under Public Law 94-189, (Sac and Fox Indian Claims Agreement);

b. under Public Law 94-540, (Grand River Band of Ottawa Indians);

c. under Public Law 95-433, Section 2, Confederated Tribes and Bands of the Yakima Nation and the Apache Tribe of the Mescalero Reservation received from the Indian Claims Commission;

d. by certain Indian tribal members under Public Law 94-114, Section 6, regarding submarginal lands held in trust by the United States;

e. under Public Law 93-531 (Navajo and Hopi Tribes);

f. tax-exempt portions made pursuant to Public Law 92-203, The Alaska Native Claims Settlement Act; or

g. under Public Law 96-420 (Passamaquoddy Tribe and Penobscot Nation, or the Houlton Band of Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980);

19. Indian Gambling Operations income paid to children under 18 when the household is not given a choice and the money is deposited in an inaccessible trust fund;

20. in-kind income not in the form of money payable directly to the household except earned income vendor payments made by the employer instead of all or part of the salary;

21. irregular and unpredictable income when the anticipated income will be less than $30 in a three-month period, and the income is received too infrequently and irregularly to be reasonably anticipated;

22. Strategies to Empower People (STEP) payments for supportive services;

23. loans except educational loans in which repayment is deferred;

24. non-recurring lump-sum payments;

25. crime victim compensation payments made to a client whose assistance is necessary, in full or in part, because of the commission of a crime against the client, and to the extent it is sufficient to fully compensate the client for losses suffered as a result of the crime;

26. National and Community Service Corporation payments for living allowance (stipend) and child care received by participants as well as in-kind benefits provided to the participants;

27. non-household member's portion of income that is received by a household member which is intended and used for care and maintenance of a third-party beneficiary who is not a household member;

28. Nutrition Programs Income—the value of supplemental food assistance under the Child Nutrition Act of 1966 and under the Special Food Service Program for Children (The National School Lunch Act) or benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965;

29. payments made to victims of Nazi persecution;

30. payments made to persons through the Radiation Exposure Compensation Act, which was enacted October 15, 1990;

31. railroad retirement income that is being recouped for a prior overpayment;

32. reimbursement income which:

a. is not a gain or benefit to the household;

b. is not provided specifically for normal living expenses; or

c. does not exceed the actual expenses for which the reimbursement was paid;

33. relocation assistance income if received under Title II of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970;

34. Senior Community Service Employment Program (SCSEP) income received by individuals 55 or older;

35. supplemental security income that is being recouped for non-fraud SSI overpayment;

36. unemployment compensation benefits that are paid as the result of unemployment due to a major disaster and funded through the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

37. vendor payments made by a person or organization outside the household/assistance unit directly to the client's creditor or to a person or organization providing the service unless:

a. the vendor payment is made by an employer instead of all or part of the salary;

b. it is a local GA vendor payment provided to cover housing expenses exclusive of energy or utility expenses; or

c. the vendor payment is made in lieu of payments which are legally obligated to the household;

38. severance pay received in a single lump-sum payment;

39. payments made through the Wartime Relocation of Civilians Law:

a. payments of $20,000 made to eligible persons of Japanese ancestry who were interned during World War II, or such payments made to the spouse, children or parents if the eligible individual is deceased;

b. payments of $12,000 made to eligible Aleuts who were relocated from their home on the Pribolof or Aleutian Islands to an internment camp during World War II, or such payments made to an individual who was born while his mother was relocated.

AUTHORITY NOTE: Promulgated in accordance with P.L.103-66, 7 CFR 273.9(c)(11), P.L. 104-193, P. L. 107-171, P.L. 108-447.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 21:188 (February 1995), amended LR 23:82 (January 1997), LR 29:607 (April 2003), LR 31:2956 (November 2005).

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§5329. Income

A. Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining pretest eligibility except income from:

1. - 27. ...

28. effective October 1, 2004, additional pay received and made available to the household by a member of the United States Armed Forces deployed to a designated combat zone.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1.B, R. S. 46:237, and P.L.108-447.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 26:2832 (December 2000), LR 31:2958 (November 2005).

Ann Silverberg Williamson
Secretary

0511#074

Notices of Intent

NOTICE OF INTENT

Department of Economic Development
Office of the Secretary

Angel Investor Tax Credit Program
(LAC 13:I.Chapter 33)

The Department of Economic Development, Office of the Secretary, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and in accordance with R.S. 47:6020 through 6020.4 and 36:104, hereby gives notice of its intent to adopt the following Rule for the Angel Investor Tax Credit Program.

The Department of Economic Development, Office of the Secretary, has found a need to provide rules regarding the regulation of the Angel Investor Tax Credit Program pursuant to R.S. 47:6020 through 6020.4, since no such rules exist at this time, and the state needs to provide for the growth and stability of Louisiana's entrepreneurial business environment by making available ready sources of capital necessary to support this environment. This program is intended to provide economic benefits to Louisiana-based investors who will make new investments or increase their existing investment in Louisiana-based economic development projects that will create and/or retain jobs for Louisiana citizens; and to enhance the entrepreneurial business environment and raise ready sources of capital for this environment through encouraging third parties to invest in early stage wealth-creating businesses expanding the economy of the state, enlarging the quality of jobs available in Louisiana. Without this Rule, the state of Louisiana may suffer the loss of business investment and economic development projects creating or retaining jobs that would improve the standard of living and enrich the quality of life for citizens of this state.

Title 13
ECONOMIC DEVELOPMENT
Part I. Financial Incentive Programs
Chapter 33. Angel Investor Tax Credit

§3301. General

A. The intent of the Angel Investor Tax Credit Program Act of 2005 (Act 400 of 2005; R.S. 47:6020 through 6020.4, the provisions of which shall hereinafter be referred to as "Act 400") is to enhance the entrepreneurial business environment and raise ready sources of capital for this environment through encouraging third parties to invest in early stage wealth-creating businesses expanding the economy of the state, enlarging the quality jobs available in Louisiana to retain the presence of young people in Louisiana. The purpose of these rules is to provide, on an emergency basis, definition of key terms provided for by the statute in order to advise the public and to provide for the efficient administration of the statute while the entirety of the rules are promulgated pursuant to the Louisiana Administrative Procedure Act. These provisions are to be read in pari materiae with Act 400 and shall be superseded upon final promulgation of the rules in accordance with applicable statutes. For the purposes of this rule, the "secretary" shall be either the Secretary of Economic Development or his designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§3303. Accredited Investor

A. An *accredited investor* shall be defined as:

1. an angel pool as determined by the secretary, all of whose participants shall be accredited investors;

2. a natural person who has individual net worth, or joint net worth with the person's spouse, that exceeds $1,000,000 at the time of the purchase;

3. a natural person with income exceeding $200,000 in each of the two most recent years or joint income with a spouse exceeding $300,000 for those years and a reasonable expectation of the same income level in the current year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§3305. Louisiana Entrepreneurial Business

A. A Louisiana entrepreneurial business shall be defined as those businesses approved by the secretary under Act 400 and that meet the following requirements.

1. A business shall provide the secretary with a business plan that includes all appropriate long and short term forecasts and contingencies of business operations, including research and development, profit, loss and cash flow projections and details of expenditure of angel investor funding in accordance with Act 400 and shall also include the following:

a. the principal business operations of the business are located in Louisiana, including Louisiana as the primary place of employment for the employees of the business;

b. demonstrating a plan or progression through which more than 50 percent of its sales will be from outside of Louisiana;

c. that the business is to operate as a person defined as an "employer" within the meaning of R.S. 51:2453(1)(b)(i) through (v), (c), and (d), and in §1105.A.1 through A.5 of Chapter 11.Quality Jobs Program.

2. The secretary shall also find that the business is not a business primarily engaged in the business of retail sales, real estate, professional services, gaming or gambling, natural resource extraction or exploration, or financial services including venture capital funds.

3. Such other findings by the secretary as shall be consistent with Act 400, provided that under no circumstances shall the secretary's certification of the applicant as a Louisiana entrepreneurial business be considered or implied to be an endorsement of the business or any investment in that business and the applicant shall so advise all investors of this fact.

B. Approval of the secretary shall be obtained upon application by letter that submits the above business plan together with the Louisiana taxpayer identification number of the business and all other information regarding those items necessary to qualify the investment in the business for the angel tax credit as provided for by Act 400 addressed to the Secretary of Economic Development, P. O. Box 94185, Baton Rouge, LA 70802-9185. Upon receipt, the secretary shall make such requests for other information necessary to a determination that the business should or should not be certified as a Louisiana entrepreneurial business. The secretary's certification of the business shall include the Louisiana taxpayer identification number of the business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§3307. The Angel Investor Tax Credit

A. The following rules shall be applicable to investments by accredited investors in Louisiana entrepreneurial businesses.

1. By January 31, 2006, Louisiana entrepreneurial businesses certified by the secretary shall, by affidavit of its chief financial officer, provide the secretary with the list of those accredited investors, the Louisiana taxpayer identification number of the accredited investors and the amount of their investment in accordance with the statute and these rules, who have invested in the business provided that the business shall report up to and no more than $2,000,000 total for the calendar year 2005 that shall have been invested by accredited investors in the manner prescribed by Act 400 in order to obtain a tax credit for the accredited investors of no more than $1,000,000 total for the tax year ending December 31, 2005.

2. All tax credit amounts reported to the secretary shall be fully credited to the accredited investor unless the total of all such investments shall exceed $10,000,000 and the total of such credits shall exceed $5,000,000 in which case the secretary shall prorate the total amount of investment and tax credits earned and advise each accredited investor of the amount of his credit for the tax year ending December 31, 2005 no later than February 28, 2006.

3. The secretary shall provide the accredited investor with all other necessary and appropriate certificates as provided by statute and as shall assist the Department of Revenue in its determination of applicability of the credit. No credit certificates shall be issued until after a determination has been made as to whether or not there is a necessity for prorating of the credits as provided above. When issued, the certificates shall include the Louisiana taxpayer identification number of the accredited investor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6020 through 6020.4 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

Family Impact Statement

These proposed Rules should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D), or on family formation, stability and autonomy. There should be no known or foreseeable effect on: the stability of the family; the authority and rights of parents regarding the education and supervision of their children; the functioning of the family; on family earnings and family budget; the behavior and responsibility of children; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to: Richard House, Executive Counsel, Legal Division, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to: Capitol Annex Building, Second Floor, 1051 North 3rd Street, Baton Rouge, LA, 70802. All comments must be submitted (mailed and received) by 5 p. m., on Friday, December 16, 2005.

Michael J. Olivier
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Angel Investor Tax Credit Program

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

There will be no incremental costs of savings to state or local governmental units due to the implementation of these rules into this Program. Current staff of the department will be sufficient to process and monitor these Rules within this program. There will be no increase in costs or savings. Funding for this Program will come from the regular authorized appropriations received by the Department.

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

State General Fund revenues will decrease by $1 million in Fiscal Year 2006-2007 if the program is fully subscribed. Full participation will increase this amount to $2 million in Fiscal Year 2007-2008. The amount of lost revenue will increase by $1 million each year through Fiscal Year 2010-2011.

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

There are no anticipated additional costs to directly affected persons or nongovernmental groups. The economic benefits of such Rules will inure to Louisiana-based investors who will make new investments or increase their existing investment in Louisiana-based economic development projects that will create and/or retain jobs for Louisiana citizens. The intent of the Angel Investor Tax Credit Program is to enhance the entrepreneurial business environment and raise ready sources of capital for this environment through encouraging third parties to invest in early stage wealth-creating businesses expanding the economy of the state, enlarging the quality jobs available in Louisiana to retain the presence of young people in Louisiana. The purpose of these rules is to provide definition of key terms provided for by the statute in order to advise the public and to provide for the efficient administration of the statute; all of which will enhance and expand economic development throughout Louisiana and improve the standard of living and the quality of life of Louisiana citizens.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Investments by Louisiana-based investors as contemplated by the Rule will enhance this State's economic development through the formation of new and the expansion of existing businesses, which investments in Louisiana will help create and/or retain jobs for Louisiana citizens and thereby enhance and expand economic development throughout Louisiana. By taking advantage of such business opportunities which may otherwise be exported out of Louisiana, local development, expansion and operation of such businesses will create

increased competition among businesses and correspondingly increase employment prospects for Louisiana residents throughout the state.

Richard House	Robert E. Hosse
Executive Cousel	Staff Director
0511#115	Legislative Fiscal Officer

NOTICE OF INTENT

Department of Economic Development
Office of the Secretary

Small Entrepreneurship (Hudson Initiative) Certification Program (LAC 19:VIII.Chapters 1 and 3)

The Department of Economic Development, Office of the Secretary, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 39:2006 and R.S. 51:931, hereby gives notice of its intent to adopt the following Rule for the Small Entrepreneurship (Hudson Initiative) Certification Program.

The Department of Economic Development, Office of the Secretary, has found a need to provide rules with regard to the certification of businesses as a "small entrepreneurship" pursuant to the mandate of R.S. 39:2006 and R.S. 51:931, since no such rules exist at this time, and the state needs to provide for the facilitation of the growth and stability of Louisiana's economy by fostering utilization by state interests of the business offerings available for state procurement and public contracts from Louisiana's small entrepreneurships. This program is intended to provide economic benefits to small Louisiana-based businesses which may not be benefiting from the business offerings available from state procurement and public contracts; and these Rules prescribe procedures for qualifying and certifying a business as a "small entrepreneurship" in order to facilitate their access to state procurement and public contracts and encourage business opportunities for small entrepreneurships, which will expand small business economic development throughout Louisiana. Without this Rule, the state of Louisiana may suffer the loss of business investment and economic development projects creating or retaining jobs that would improve the standard of living and enrich the quality of life for citizens of this state.

Title 19
CORPORATIONS AND BUSINESS
Part VIII. Small Entrepreneurship (Hudson Iniatiative) Certification Program
Chapter 1. General Provisions
§101. Statement of Policy

A. In accordance with the provisions of R.S. 39:2006 and R.S. 51:931, the Department of Economic Development's Small Entrepreneurship (Hudson Initiative) Certification Program [SE(HI) Certification Program] through its designee or its staff administers these regulations which are intended to prescribe the procedures for qualifying and certifying a business as a "small entrepreneurship" to facilitate access to state procurement and public contracts and encourage business opportunities for small entrepreneurships.

B. Certifications that a business is a "small entrepreneurship" are not to be construed as an entitlement for any business locating or located in Louisiana either to such a certification, to any public contract, or to any proceeds from any state contract; and the Secretary of the Department of Economic Development, the director, or his or their designee, the SE(HI) Certification Program, or its designee or staff, shall have the discretion to determine whether or not each particular applicant or application meets the criteria for the certification as provided herein; and in all such circumstances, the exercise of that discretion shall be deemed to be a final determination of such certification status.

C. In no way whatsoever shall the sex, race, birth, age, physical condition, religious beliefs, political ideas, or affiliations of a business' owners or officers be considered as a factor in determining whether a business receives certified status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§103. Purpose

A. The purposes and intent of this program are to provide the maximum opportunity for small entrepreneurships to become so certified as small entrepreneurships and thereby become eligible to participate in a competitive modern business economy, to facilitate their access to state procurement and public contracts, and encourage business opportunities for such small entrepreneurships. These purposes shall be accomplished by providing a program for the certification of a business as a "small entrepreneurship."

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§105. Definitions

A. When used in these regulations, the following terms shall have meanings as set forth below.

Applicant—an individual, firm or business that seeks to be certified as a small entrepreneurship.

Certification—the determination and acknowledgement that a business qualifies for designation as a small entrepreneurship.

Designee—the person designated by the secretary or by the director to act in his absence.

Director—the Director of the Small Entrepreneurship (Hudson Initiative) Certification Program designated by the Secretary of the Department of Economic Development.

Firm—a business that seeks to be or that has been certified as a small entrepreneurship.

Full Time—employed and working in the firm at least 35 hours per week on a regular basis.

Program—the Small Entrepreneurship (Hudson Initiative) Certification Program [SE(HI) Certification Program] in the Department of Economic Development.

Secretary—the Secretary of the Department of Economic Development.

Small Entrepreneurship (SE)—any business or firm organized for profit, including any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other legal entity which meets all of the criteria for certification by the Secretary of the Department of Economic Development as specified in R.S. 39:2006(A),

as it may be amended from time to time. A nonprofit organization is not a small entrepreneurship for purposes of this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

Chapter 3. Certification

§301. Eligibility Requirements for Certification

A. A small entrepreneurship (SE) is a firm independently owned and operated; not dominant in its field of operations, which shall be determined by consideration of the business' number of employees, volume of business, financial resources, competitive status, and ownership or control of materials, processes, patents, license agreements, facilities, and sales territory; is owned by and has officers who are citizens or legal residents of the United States, all of whom are domiciled in Louisiana, and who maintain the principal business office in Louisiana; and together with its affiliate entities, has fewer that 50 full-time employees with average annual gross receipts not exceeding $5,000,000 per year for construction operations and $ 3,000,000 per year for non-construction operations, for each of the previous three tax years. Eligibility requirements include meeting all of the criteria specified in R.S. 39:2006(A), as it may be amended from time to time. In order to participate and continue to participate in the program, an individual or firm must meet and continue to meet all such eligibility requirements or criteria.

B. Small Entrepreneurship (SE). For purposes of the program, an individual or legal entity that meets all of the criteria specified in R.S. 39:2006(A), as it may be amended from time to time, may be certified as a small entrepreneurship.

C. Requirement for Certification. Applicants for certification as a small entrepreneurship must submit to the SE(HI) Certification Program office of the Department of Economic Development a written application, on a form prepared by the SE(HI) Certification Program, or its designee or staff, providing financial and other background information, and certifying as to the applicant's eligibility requirements or criteria as specified in R.S. 39:2006A, as it may be amended from time to time, including an affidavit signed, dated, and notarized attesting to the correctness of the information provided and to the authenticity of all supporting documentation or information which may be provided by the applicant pursuant to the request of the SE(HI) Certification Program, or its designee or staff; and if requested by the SE(HI) Certification Program, or its designee or staff, the applicant must also furnish, within a reasonable time as established by the SE(HI) Certification Program, or its designee or staff, applicant's most recent financial statements, federal and state tax returns, a copy of its most recently filed Louisiana Department of Labor (LDOL) ES-4 form, and any other appropriate supporting documentation or information as may be requested or required by the SE(HI) Certification Program, or its designee or staff.

D. Any records, writings, accounts, reports, documents, financial information, tax information, proprietary business information and other materials that are in their nature considered to be confidential and are designated as confidential or proprietary by those firms, businesses or individuals submitting, delivering or transmitting the same, pursuant to request, for the purposes of allowing the SE(HI) Certification Program, or its designee or staff, to investigate and/or examine these firms, businesses or individuals pertaining to its statutory duties, shall be considered and maintained as confidential and proprietary information within the meaning of R.S. 44:4(3). The SE(HI) Certification Program, its designee and staff, shall use all reasonable precautions to maintain such confidentiality and they are not to disclose such confidential information to any third party except as permitted or as required by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39: 2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§303. Responsibility for Applying

A. It is the responsibility of any individual or business wishing to participate in the program to complete the appropriate written application and required certification process. Failure to provide complete, true, accurate or timely any requested additional supporting information may result in the rejection of the application.

B. Application and certification materials will be distributed by the SE(HI) Certification Program, or its designee or staff, upon written or verbal request. Written or verbal requests for application and certification materials should be directed to the SE(HI) Certification Program office in the Department of Economic Development in Baton Rouge.

C. Certification as a small entrepreneur (SE) also does not constitute compliance with any other laws or regulations and does not relieve any firm of its obligations under other laws or regulations. Certification as a small entrepreneurship also does not constitute any determination by the SE(HI) Certification Program, its designee or staff, that the firm is a responsible one according to R.S. 39:1505 or R.S. 39:1601, or that the firm is capable of performing any work of any kind.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39: 2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§305. Certification Application Procedure

A. The applicant must submit an application to the SE(HI) Certification Program office in the Department of Economic Development in Baton Rouge, containing a signed, dated, and notarized affidavit attesting to the correctness of the information provided in the application and to the authenticity of all supporting documentation or information which may be provided by the applicant pursuant to the request of the SE(HI) Certification Program, or its designee or staff, and attesting to the applicant's eligibility requirements or criteria as specified in R.S. 39:2006(A), as it may be amended from time to time.

B. The SE(HI) Certification Program, through its designee or staff, shall review the application, and if it is found to be incomplete or if further information is needed (such as, for example, applicant's most recent financial statements, federal and state tax returns, a copy of its most recently filed Louisiana Department of Labor (LDOL) ES-4 form, and any other appropriate supporting documentation or information as may be requested or required by the SE(HI) Certification Program, or its designee or staff), the

SE(HI) Certification Program designee or staff will contact the applicant business and request such additional information. If the applicant does not respond with the further requested information within 15 days, the application will be denied. If the application is found to be sufficient, or if the application along with the additional information provided is found to be sufficient, a determination shall be made by the SE(HI) Certification Program, or its designee or staff, as to whether or not the applicant business will be certified as a small entrepreneur.

C. The director, or his designee, shall notify the applicant in writing of the decision whether or not to grant such SE certification; and if such SE certification is to be granted, a written certification as to such status in appropriate form, as determined by the director or his designee, shall be provided to the applicant business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§307. Duration of Certification; Graduation through Growth

A. The amount of time that a firm may be granted certification by the SE(HI) Certification Program is unlimited until the firm graduates by growing to exceed the eligibility requirements for certification.

B. Retention of the firm in the program depends upon the passing of time, the firm's growth and progress toward successfulness and the attainment of its business goals, its willingness and ability to cooperate with and follow through on recommendations of the SE(HI) Certification Program designee or staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§309. Verification of Eligibility; Reports by Certified Small Businesses; Evaluation

A. Verification of Eligibility. The SE(HI) Certification Program, or its designee or staff, may take any reasonable means at any time to confirm an applicant's eligibility or a certified firm's continued eligibility, such as by investigation, letter, telephone, contact with other governmental and/or state agencies, including but not limited to the Department of Labor, and any other persons, companies, suppliers, or by either announced or unannounced site inspections.

B. Report Form. By letter, or on forms which may be identified or prescribed by the SE(HI) Certification Program, or its designee or staff, certified businesses shall continue to report periodically and at times specified by the SE(HI) Certification Program, or its designee or staff, their financial position and attainment of the business' performance goals. Failure to report or failure to report on a timely basis, as required or requested by the SE(HI) Certification Program, or its designee or staff, may result in the business' termination of its SE certification and from the program.

C. Notification of Changes. To continue participation, a certified firm shall provide the SE(HI) Certification Program, or its designee or staff, with a written statement of any changes in its address, telephone number, ownership, control, financial status, major changes in the nature of the operation, or any other appropriate supporting documentation or information as may be requested or required by the SE(HI) Certification Program, or its designee or staff, including, if requested by the SE(HI) Certification Program, or its designee or staff, updated financial information, federal and state tax returns, copies of DOL ES-4 Forms, and including an affidavit (signed, dated, and notarized) attesting to the authenticity of all of the aforesaid supporting documentation and attesting to the applicant's eligibility or the certified business' continued eligibility requirements or criteria as specified in R.S. 39:2006(A), as it may be amended from time to time. Failure to do so may be grounds for the firm's termination of eligibility and certification, and termination from the program.

D. Evaluation. The SE(HI) Certification Program, or its designee or staff, as necessary, shall evaluate and continue to evaluate the information provided and/or otherwise obtained to determine a business' progress, growth and dominance in its field of operations, number of employees, volume of business, areas of improvement, the firm's financial resources, competitive status, ownerships, status of owners and officers, and generally the firm's continued eligibility for its continued SE certification and continued participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§311. Deception Relating to Certification of a Small Entrepreneurship

A. Any individual or business found guilty of deception relating to certification of a Small Entrepreneurship (SE) will be denied its SE certification, or have its already approved certification revoked and shall be discharged from the program, and will not be eligible to reapply under the business name involved in the deception or under any business with which such individual(s) or business may be associated or affiliated.

B. In the event an applicant or certified business knowingly files a false statement in its application or in any other filing, the applicant or the certified business and/or its representatives may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133. In the event an applicant or a certified business and/or its representative is reasonably believed to have filed a false statement in its application or any other filing, the SE(HI) Certification Program, or its designee or staff, is authorized to notify the District Attorney of East Baton Rouge Parish, Louisiana, and may also notify any other appropriate law enforcement personnel, so that an appropriate investigation may be undertaken with respect to the false statement and the application of any state funds to the application for other filing.

C. The SE(HI) Certification Program or its designee or staff shall have and retain the right, and shall have the authority, but not the obligation, to require and/or conduct full investigations, at any time and from time to time, including but not limited to full financial and performance audits of any applicant, certified business or SE firm, including all relevant accounts, records and documents of the individual or business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§313. Departmental Listing; Availability

A. The department shall maintain a listing of all certified small entrepreneurships which shall be updated monthly. The listing shall be available on the Internet and shall also be available in written form upon written request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

§315. Departmental Reporting

A. The department shall report annually to the Commissioner of Administration with respect to the graduation rates for businesses which grew to exceed the eligibility requirements for certification in the most recently concluded fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:2006 and R.S. 51:931.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 32:

Family Impact Statement

These proposed Rules should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D, or on family formation, stability and autonomy. There should be no known or foreseeable effect on: the stability of the family; the authority and rights of parents regarding the education and supervision of their children; the functioning of the family; on family earnings and family budget; the behavior and responsibility of children; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to: Robert L. Cangelosi, Attorney, Legal Division, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to: Capitol Annex Building, Second Floor, 1051 North 3rd Street, Baton Rouge, LA, 70802. All comments must be submitted (mailed and received) by 5 p. m., on Friday, December 16, 2005.

Michael J. Olivier
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Small Entrepreneurship (Hudson Initiative) Certification Program

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

There may be increased costs to the extent that higher priced small entrepreneurships are chosen for state procurements and public contracts to the exclusion of lower priced competitors. According to the Department of Economic Development, current staff of the Department will be sufficient to process and monitor these Rules within this Program. The Office of State Purchasing anticipates that two additional employees ($50,000 plus related benefits/person) would be necessary to adopt rules, develop the program, develop goals and initiatives, create and maintain a database, provide training, schedule and conduct presentations and forums, produce reports, monitor the program and also audit the program. There will likely be some minor additional operating expenses associated with these two additional positions.

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

There is no expected impact or effect on revenue collections of state or local governmental units.

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

There are no anticipated additional costs to directly affected persons or non-governmental groups. The economic benefits of such Rules will inure to small Louisiana-based businesses which may not be benefiting from the business offerings available for state procurement and public contracts. These regulations are intended to prescribe the procedures for qualifying and certifying a business as a "Small Entrepreneurship" to facilitate their access to state procurement and public contracts and encourage business opportunities for small entrepreneurships, to provide the maximum opportunity for Small Entrepreneurships to become eligible to participate in a competitive modern business economy, to facilitate their access to state procurement and public contracts, and encourage business opportunities for such small entrepreneurships; all of which will enhance and expand small business economic development throughout Louisiana and improve the standard of living and the quality of life of Louisiana citizens.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Investments by small Louisiana-based businesses as contemplated by the Rule will enhance this State's small business economic development through the formation of new and the expansion of existing businesses, which investments in Louisiana will help create and/or retain jobs for Louisiana citizens and thereby enhance and expand small business economic development throughout Louisiana. By taking advantage of such business opportunities and facilitating their access to state procurement and public contracts which may otherwise be unavailable to them, such opportunities for small businesses will create increased competition among businesses and correspondingly increase employment prospects for Louisiana residents throughout the state.

Richard House	Robert E. Hosse
Executive Counsel	Staff Director
0511#116	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Administrative Error, Cell Phones and Other Electronic Devices, and GEE 21 Administration Rules (LAC 28:CXI.312, 316 and 1351)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to Bulletin 118, *Statewide Assessment Standards and Practices*. Bulletin 118 contains the State Board of Elementary and Secondary Education (SBESE) and the Division of Student Standards and Assessments (DSSA) test policy rules, guidelines, and procedures for easy access during statewide test administration. The purpose of this project is to provide information regarding:

- Testing Opportunities for Louisiana High School Diploma Endorsements. In Chapter 13, §1351 language has been added to permit seniors who wish to retest for

diploma endorsements to test during the fall retest. If a student is unable to test during the fall retest administration, the student may test in the February seniors retest only retest.

- Addition of new language in Chapter 3 regarding test security. In Chapter 3, §312 titled "Administrative Error" will be added. The Section will provide guidelines and rules about administrative error that may occur during statewide assessment.
- Addition of new language in Chapter 3 regarding Cell phones and Other Electronic Devices. In Chapter 3, §316 titled, "Cell phones and Other Electronic Devices" will be added. The Section will provide guidelines and rules regarding cell phones and other electronic devices usage during the administration of statewide assessment.

Title 28
EDUCATION
Part CXI. Bulletin 118—Statewide Assessment Standards and Practice

Chapter 3. Test Security

§312. Administrative Error

A. Administrative errors by school personnel that results in a question regarding the security of the test or the accuracy of the test data are considered testing irregularities. If it is deemed necessary to void the test, the district test coordinator must fax a completed void form to the LDE, Division of Student Standards and Assessments, as directed in the District and School Test Coordinators Manual. The original Void Verification Form, along with a copy of the account of the incident, must also be mailed to the LDE, Division of Student Standards and Assessments, as directed in the manual.

B. If LEAP English language arts and/or mathematics tests are voided by the district due to administrative error, the LEA superintendent may initiate a request to the state superintendent of education for an opportunity to retest prior to the next scheduled test administration on behalf of individual students who are not eligible for promotion.

C. If a GEE test is voided by the district due to administrative error for a graduating senior, the LEA superintendent may initiate a request to the state superintendent of education for an opportunity to retest prior to the next scheduled test administration on behalf of the individual students who are not eligible for graduation because of the administrative error.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:

§316. Cell Phones and Other Electronic Devices

A. If district and school policy allows for students and personnel to carry cell phones or other similar technological devices with imaging or text-messaging capability, test administrators must make certain that the devices are in the off position while test booklets and answers documents are in the vicinity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:

Chapter 13. Graduation Exit Examination
Subchapter D. GEE 21 Assessment Structure

§1351. GEE 21 Administration Rules

A. - M. …

N. Seniors who have completed all GEE tests required for a standard high school diploma and who wish to retest for the Louisiana high school diploma endorsements may retest during the fall retest administration. If the student is unable to test during the fall retest administration, the student may retest in the February seniors only retest.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1554 (July 2005), amended LR 32:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights 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? No.

Interested persons may submit written comments until 4:30 p.m., January 9, 2006, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 118—Statewide Assessment Standards and Practices—Administrative Error, Cell Phones and Other Electronic Devices, and GEE 21 Administration Rules

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

The proposed rule consolidates into Bulletin 118 the State Board of Elementary and Secondary Education and the Division of Student Standards and Assessments test policy rules, guidelines, and procedures for easy access during statewide test administration. The proposed rule change will have no implementation cost to state or local governmental units.

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

There will be no effect on revenue collections at the state or local governmental levels.

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

There should be no effect on costs and/or economic benefits to directly affected persons or Non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Marlyn Langley	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
Management and Finance	Legislative Fiscal Office

0511#054

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1943—Policies and Procedures for Louisiana Teacher Assistance and Assessment—Standards for Certification (LAC 28:XXXVII.1901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 1943—Policies and Procedures for Louisiana Teacher Assistance and Assessment* (LAC Part Number XXXVII). These changes to current Bulletin 1943 policy provide for revisions to the assessment standards for new teachers that are directly related to the inclusion of three new components in the Domains of Professional Development and School Improvement in the revised Louisiana Components of Effective Teaching (LCET). The standards for certification are aligned with the revised LCET and reflect the achievement of a "competent" "2" rating on 11 components of the LCET for new teachers beginning the Louisiana Teacher Assistance and Assessment Program (LaTAAP) in Fall 2006. The amended language aligns Bulletin 1943 policy with the department's approval of the Blue Ribbon Commission's recommendations to strengthen the LaTAAP and the revised LCET.

Title 28
EDUCATION
Part XXXVII. Bulletin 1943—Policies and Procedures for Louisiana Teacher Assistance and Assessment
Chapter 19. Assessment Standards for Certification
§1901. Standards for Certification

A. The assessment standards for certification recommended by a Standards Setting Panel convened by the State Superintendent of Education in June, 1994, adopted by the SBESE in the same month, and revised in Summer 2005 are:

1. achievement of a "competent", "2" rating on 11 components of the *Louisiana Components of Effective Teaching.*

NOTE: For new teachers entering the first semester of LA TAAP in Spring 2006, the assessment standards will be the achievement of a competent (2) rating on the 11 Components from Planning, Management, Instruction, Professional Development, and School Improvement. Review of the assessment standards will occur as needed.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:283 (February 2002), amended LR 30:1657 (August 2004), LR 32:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit comments until 4:30 p.m., January 9, 2006, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1943—Policies and Procedures for Louisiana Teacher Assistance and Assessment—Standards for Certification

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

These changes to the current Bulletin 1943 reflect revisions to the assessment standards for new teachers participating in the Louisiana Teacher Assistance and Assessment Program that are directly related to the inclusion of three new components in the Domains of Professional Development and School Improvement in the revised Louisiana Components of Effective Teaching. The adoption of this policy will cost the Department of Education approximately $700 (printing and postage) to disseminate the policy.

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

This policy will have no effect on revenue collections.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
Management and Finance	Legislative Fiscal Office

0511#055

NOTICE OF INTENT

Student Financial Assistance Commission
Office of Student Financial Assistance

Student Financial Assisance Bylaws
Committee Membership
(LAC 28:V.109)

The Louisiana Student Financial Assistance Commission (LASFAC) announces its intention to amend its Bylaws (R.S. 17:3021-3025 and R.S. 17:3048.1).

Title 28
EDUCATION
Part V. Student Financial Assistance—Higher Education Loan Program
Chapter 1. Student Financial Assistance Commission Bylaws
§109. Committees

A. - C.3. …

D. Quorum of Committee Meetings. A simple majority of the regular and/or ex officio members present at a meeting of a committee of the commission shall constitute a quorum for the transaction of business. When a quorum is not present, the chairman of the commission, the chairman of the committee, or vice chairman in the chairmen's absence, may designate a member of the commission to serve as a substitute member of the committee concerned.

E. - F.2. …

3. Members of the executive committee are ex officio members of committees of the commission to which they have not been appointed as regular members. When a quorum is not present for a committee of the commission, the ex officio member(s) present shall serve as regular member(s) of the committee with voting privileges and shall be counted for purposes of affecting a quorum.

G. Budget and Finance Committee. The budget and finance committee shall consist of not less than five members of the commission. Normally, to this committee shall be referred all matters related to budget and to policies concerning the financial management of the commission and the office.

H. Personnel Committee. The personnel committee shall consist of not less than five members of the commission. Normally, to this committee shall be referred matters concerning oversight of personnel policies, staffing, and related matters. This committee shall hear appeals pursuant to the office's grievance procedure.

I. Internal Audit Committee. The internal audit committee shall consist of not less than five members of the commission. The internal auditor of the agency shall report to and be solely responsible to the internal audit committee for the performance and reporting of findings of internal audits approved by the commission as part of the internal audit plan. Every year, no later than the June meeting of the commission, the internal auditor shall submit to the committee for its consideration a proposed annual internal audit plan covering the next fiscal year. The plan shall incorporate those internal audits, which are recommended by the executive director. The committee shall forward its recommendations for the annual internal audit plan to the commission for approval. The internal auditor shall complete each internal audit required by the annual internal audit plan and submit audit findings to the committee for its review. The committee shall forward the report of findings to the executive director, who shall be given an opportunity to submit written comments prior to the committee's consideration of the report of findings. The findings of each internal audit, the executive director's comments, if any, and any committee comments and/or recommendations shall be presented to the commission for its disposition. Normally, to this committee shall also be referred all matters related to reports of audits performed by external auditors.

J. Planning Committee. The planning committee shall consist of not less than five members of the commission. Normally, to this committee shall be referred the strategic plans and related matters.

K. Rules Committee. The rules committee shall consist of not less than five members of the commission. Normally, to this committee shall be referred all matters related to making and interpreting rules.

L. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:811 (September 1996), repromulgated LR 24:1264 (July 1998), amended LR 26:484 (March 2000), LR 27:35 (January 2001), LR 32:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972. (SG0667NI)

Interested persons may submit written comments on the proposed changes until 4:30 p.m., December 12, 2005, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

George Badge Eldredge
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bylaws—Committee Membership

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

There are no estimated implementation costs or savings to state or local governmental units. Since the full Commission meeting is held on the same day as the committee meetings, the

reduction in committee membership will not reduce or increase the cost of conducting Commission business.

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

Revenue collections of state and local governments will not be affected by the proposed changes.

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

There are no estimated effects on economic benefits to directly affected persons or non-governmental groups resulting from these measures.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

George Badge Eldredge	H. Gordon Monk
General Counsel	Legislative Fiscal Officer
0511#023	Legislative Fiscal Office

NOTICE OF INTENT

Tuition Trust Authority
Office of Student Financial Assistance

Tuition Trust Bylaws—Committee Membership
(LAC 28:VII.109)

The Louisiana Tuition Trust Authority announces its intention to amend its Bylaws (R.S. 17:3091 et seq.).

Title 28
EDUCATION
Part VII. Tuition Trust Authority
Chapter 1. Bylaws
§109. Committees

A. - C.5. …

D. Quorum of Committee Meetings

1. A simple majority of the regular and/or ex officio members present at a meeting of a committee of the authority shall constitute a quorum for the transaction of business.

2. When a quorum is not present, the chairman of the authority, the chairman of the committee, or vice-chairman in the chairmen's absence, may designate a member of the authority to serve as a substitute member of the committee concerned.

E. - F.10. …

11. Members of the executive committee are ex officio members of committees of the authority to which they have not been appointed as regular members. When a quorum is not present for a committee of the authority, the ex officio member(s) present shall serve as regular member(s) of the committee with voting privileges and shall be counted for purposes of affecting a quorum.

G. Budget and Finance Committee

1. The budget and finance committee shall consist of not less than five members of the authority.

G.2. - H.3.d. …

I. Planning Committee. The planning committee shall consist of not less than five members of the authority. Normally, to this committee shall be referred the strategic plans and related matters.

J. Rules Committee. The rules committee shall consist of not less than five members of the authority. Normally, to this committee shall be referred all matters related to making and interpreting rules.

K. Audit Committee. The audit committee shall consist of not less than five members of the authority. Normally, to this committee shall be referred all matters involving audits of any program administered by the authority.

L. Special Committees

1. As the necessity therefor arises, the chairman may, with the concurrence of the authority, create special committees with such functions, powers and authority as may be delegated.

2. The chairman may appoint ad hoc committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1655 (December 1997), amended LR 27:190 (February 2001), LR 27:1221 (August 2001), LR 30:785 (April 2004), LR 32:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972. (ST0666NI)

Interested persons may submit written comments on the proposed changes until 4:30 p.m., December 12, 2005 to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

George Badge Eldredge
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bylaws—Committee Membership

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

There are no estimated implementation costs or savings to state or local governmental units. Since the full Authority meeting is held on the same day as the committee meetings, the reduction in committee membership will not reduce or increase the cost of conducting Authority business.

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

Revenue collections of state and local governments will not be affected by the proposed changes.

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

There are no estimated effects on economic benefits to directly affected persons or non-governmental groups resulting from these measures.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

George Badge Eldredge	H. Gordon Monk
General Counsel	Legislative Fiscal Officer
0511#024	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Boxing and Wrestling Commission

Definition of Contestant; HIV Testing
(LAC 46:XI.101, 108)

The Boxing and Wrestling Commission does hereby exercise the provisions of the Administrative Procedure Act, R.S. 49:953(b) and 49:967(D) to adopt the following Rule. This proposed Rule is necessary to promote the safety of contestants, other participants and spectators in that it will require participants in all sports under the jurisdiction of the Boxing and Wrestling Commission to be tested for HIV and present medical certification that participant is HIV negative. This proposed Rule repromulgates and moves to Chapter 1, General Rules, the Rule on HIV testing, previously in §325.B, and clarifies definition of contestant.

This proposed Rule will be no impact on family formation, stability, and autonomy.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XI. Boxing and Wrestling
Chapter 1. General Rules
§101. Definitions

* * *

Contestant—any participant in all sports under the jurisdiction of this commission including but not limited to boxing, wrestling, kickboxing and martial arts sports.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:67.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), amended by the Office of the Governor, Boxing and Wrestling Commission, LR 31:2003 (August 2005), LR 32:

§108. Medical Requirements

A. Each contestant participating in any sport under this commission's jurisdiction must furnish to the commission physician a certified medical certificate evidencing that the contestant has been tested for HIV and said test results are negative. Said test and certificate shall be dated not more than six months prior to the scheduled event and said certificate is to be presented at the time of "weigh in."

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:67.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 32:

All interested persons are invited to submit comments, views or positions on these proposed Rules, in writing, to A.L. "Buddy" Embanato, Chairman, Boxing and Wrestling Commission, P.O. Box 13126, Monroe, LA 71213, or by facsimile at (318) 362-4628.

Patrick C. McGinity
Attorney for the Commission

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Definition of *Contestant*; HIV Testing

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

There will be no costs to implement this rule other than the minimal cost to publish in the *Louisiana Register*.

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

There will be no effect on revenue collections. Our intent is the repromulgation of a rule already in place by moving this rule previously in the Boxing Chapter to the General Rules.

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

Wrestlers and/or martial arts contestants previously exempt from this rule will have potential income from future purses eliminated because they would then be barred from participating if found to be HIV positive. This rule will only have a cost impact on the contestants who will be required to pay the cost of HIV tests.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a negative effect on future contestants whose HIV positive status would bar them from participating in ring sports under the jurisdiction of the Boxing and Wrestling Commission, therefore eliminating any potential income from successful bouts.

Patrick McGinity	H. Gordon Monk
Attorney for the Commission	Legislative Fiscal Officer
0511#088	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Crime Victims Reparations Board

Compensation to Victims (LAC 22:XIII.503)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the Crime Victims Reparations Board hereby gives notice of its intent to promulgate rules and regulations regarding the awarding of compensation to applicants. There will be no impact on family earnings or the family budget as set forth in R.S. 49:972.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part XIII. Crime Victims Reparations Board
Chapter 5. Awards
§503. Limits on Awards

A. General

1. There will be a $10,000 limit for awards for all victims with the exception of those primary victims who become totally and permanently disabled as a result of the crime. For those awards, the board may, at its discretion, award up to $25,000, depending on availability of funds and the extent, if any, of collateral resources. For purposes of this Section:

a. a victim is "totally and permanently disabled" if the victim has a physical or mental impairment that substantially precludes them from obtaining gainful employment and appears reasonably certain to continue without substantial improvement throughout their life;

b. the board reserves the right to obtain an impartial medical expert, at its expense, if necessary, to assess the degree of disability of the victim.

A.2. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 32:

A hearing on the proposed Rule will be held on December 13, 2005, at 10 a.m. at the Louisiana Commission on Law Enforcement, Seventh Floor Conference Room, 1885 Wooddale Boulevard, Baton Rouge, LA.

Interested persons may submit written comments on this proposed Rule no later than January 1, 2006, at 5 p.m. to the attention of Bob Wertz, Deputy Assistant Director, Commission on Law Enforcement and Administration of Criminal Justice, 1885 Wooddale Boulevard, Room 1230, Baton Rouge, LA 70806.

Lamarr Davis
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Compensation to Victims

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

Implementation of the proposed rule will have no impact on state expenditures. The board is currently interpreting the proposed rule in this manner and will not result in a reduction of the number of persons eligible for reparations. Clarification was needed to specify the conditions for victims to be considered totally and permanently disabled.

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

Implementation of the proposed rule will not increase revenue collections of state or local governmental units.

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

Implementation of the proposed rule will have little or no effect on directly affected persons or non-governmental groups. The adoption of the rule seeks to clarify the situations in which applicants for reparations could be considered declared totally and permanently disabled.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect anticipated on competition or employment in the public or private sector as a result of this proposed amendment.

Michael A. Ranatza
Executive Director
0511#082

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Dentistry

General Provisions (LAC 46:XXXIII.301, 306, 415, 419, 501, 1506, 1509, 1511, 1611, 1613, 1703, and 1705)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.301, 306, 415, 419, 501, 1506, 1509, 1511, 1611 1613, 1703, and 1705. No preamble has been prepared. There will be no family impact in regard to issues set forth in R.S. 49:972.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXIII. Dental Health Profession
Chapter 3. Dentists
§301. Advertising and Soliciting by Dentists

A. - B. ...

C. Approved Specialties. The board has reviewed and approved the "Standards for Advanced Specialty Education Programs" set forth by the Commission on Dental Accreditation of the American Dental Association and approves only the following specialties:

1. dental public health;
2. endodontics;
3. oral and maxillofacial surgery;
4. oral pathology;
5. orthodontics and dentofacial orthopedics;
6. pediatric dentistry;
7. periodontics;
8. prosthodontics; and
9. oral and maxillofacial radiology.

D. - H.3 ...

4. Those group practices which include general dentists and specialists must list the phrase "General Dentistry and Specialty Practice" or "Family Dentistry and Specialty Practice" larger and/or bolder and noticeably more prominent than any service offered. All dentists associated with the group and the area of practice shall be listed in advertisements. When a group practice advertises the availability of a general dentist and specialist, it is necessary that a specialist practice at the practice location a minimum of 16 hours per month for each and every month said practice is advertised as being both general and specialty practice.

I. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by the Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), repromulgated LR 23:199 (February 1997), amended LR 23:1524 (November 1997), LR

25:509 (March 1999), LR 25:1476 (August 1999), LR 26:690 (April 2000), LR 27:1890 (November 2001), LR 28:1776 (August 2002), LR 28:2512 (December 2002), LR 30:2305 (October 2004), LR 32:

§306. Requirements of Applicants for Licensure by Credentials

A. - A.2. ...

3. has been in active practice, while possessing a nonrestricted license in another state, by working full-time as a dentist at a minimum of 1,000 hours per year for the preceding three years before applying for licensure in Louisiana or full-time dental education as a teacher for a minimum of three years immediately prior to applying for licensure; or has completed a two-year general dentistry residency program or successfully completed a residency program in one of the board recognized dental specialties as defined in §301; the applicant completing the residency program must apply for licensure within 180 days of graduation from said specialty program or fellowship or work full-time as a dentist for three years before licensure;

A.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 32:

Chapter 4. Fees and Costs

Subchapter C. Fees for Dentists

§415. Licenses, Permits, and Examinations (Dentists)

A. For processing applications for licensure, permits, and examinations, the following non-refundable fees shall be payable in advance to the board:

1. - 3.	…	
4.	Biennial renewal fee for dental license	$500
5. - 16.	…	
17.	Clinical licensing examination makeup fee per portion	$150

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:795.

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1526 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:

Subchapter D. Fees for Dental Hygienists

§419. Licenses, Permits, and Examinations (Dental Hygienists)

A. For processing applications for licensure, permits, and examinations, the following non-refundable fees shall be payable in advance to the board:

1. - 2.	…	
3.	Biennial renewal fee for dental hygienist license	$200
4. -10.	…	
11.	Clinical licensing examination makeup fee per portion	$50

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760 (8) , R.S. 37:768, and R.S. 37:795.

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1527 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:

Chapter 5. Dental Assistants

§501. Authorized Duties

A. - B.19. ...

20. exception: a dental assistant who has been employed by a licensed, practicing dentist and has worked as a dental assistant prior to July 30, 1992, may continue performing the following duties without registering as an expanded duty dental assistant. These duties must also be performed under the direct, on-premises supervision of the dentist:

a. apply cavity liners, excluding capping of exposed pulpal tissue;

b. place, wedge or remove matrices for restoration by the dentist;

c. place and remove periodontal dressings;

d. place and remove retraction cords.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Dentistry (October 1970), amended LR 2:186 (June 1976), LR 7:586 (November 1981), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:965 (November 1989), LR 16:505 (June 1990), LR 19:205 (February 1993), LR 32:

Chapter 15. Anesthesia/Analgesia Administration

§1506. Conscious Sedation with Enteral Drugs

A. In order to administer enteral conscious sedation, the dentist shall:

1. comply with all requirements of this Chapter;

2. utilize a working pulse oximeter on patients;

3. maintain a proper record keeping mechanism in addition to a controlled substance log;

4. utilize an accurate scale on pediatric patients (anyone under the age of 13).

B. Drugs for enteral conscious sedation must be administered in a dental office and the patient must be observed by a qualified office staff member with training and credentials to perform the specific tasks concomitant with the procedure being administered. Continuous monitoring with pulse oximetry must be initiated with early signs of conscious sedation and continued until the patient is alert. A precordial, pretracheal stethoscope must be available to assist intraoperatively in the monitoring of heart and respiratory rates. A sphygmomanometer shall be immediately available and utilized as needed throughout the procedure. Drugs for anxiolysis may be administered off premises prior to the dental procedure.

C. For those licensees who have received permits to administer pediatric enteral conscious sedation prior to the effective date of this rule, said licensee shall satisfactorily complete a board approved course in the administration of pediatric enteral conscious sedation before the permit is renewed concurrently with the license renewal. However, a

grace period of 180 days after the renewal of one's license shall be granted to the licensee if good cause can be shown that a course was not available.

D. The licensee must provide proof of current certification in cardiopulmonary resuscitation, Course "C," Basic Life Support for the Health Care Provider as defined by the American Heart Association or its equivalent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:793.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:659 (June 1994), amended LR 22:1216 (December 1996), LR 32:

§1509. Minimal Educational Requirements for the Granting of Permits to Administer Nitrous Oxide Inhalation Analgesia, Conscious Sedation with Parenteral or Enteral Drugs and General Anesthesia/Deep Sedation

A. - B.2 ...

C. Conscious Sedation with Enteral Drugs

1. To be granted an unrestricted (adults and children) permit to administer conscious sedation with enteral drugs, the applicant must submit verification of formal post-doctoral training in the use of enteral conscious sedation on both pediatric and adult patients or satisfactory completion of a board approved course which includes a minimum of 16 hours of didactic training and a component on handling emergencies incident to the administration of conscious sedation.

2. To be granted a restricted permit (adults only) to administer conscious sedation with enteral drugs, the applicant must submit verification of formal post-doctoral training in the use of enteral conscious sedation on adult patients or satisfactory completion of a board approved course which includes a minimum of 8 hours of didactic training and a component on handling emergencies incident to the administration of conscious sedation.

D. Deep Sedation and General Anesthesia. Successful completion of an American Dental Association accredited program in oral and maxillofacial surgery or a program which meets or exceeds the specifications outlined in Part II of the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry adopted by the American Dental Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:659 (June 1994), amended LR 22:1216 (December 1996), LR 32:

§1511. Required Facilities, Personnel and Equipment for Sedation Procedures

A. - A.7.d. …

e. Pulse oximeter when parenteral or enteral conscious sedation on a patient is performed.

A.8. - B.3. ...

4. When conscious sedation with parenteral or enteral drugs is being administered one auxiliary who is currently certified in basic life support must be available to assist the dentist in an emergency.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:659 (June 1994), amended LR 32:

Chapter 16. Continuing Education Requirements

§1611. Continuing Education Requirements for Relicensure of Dentists

A. ...

B. At least one-half of the minimum credit hours (20) must be attained by personally attending clinical courses pertaining to the actual delivery of dental services to patients. However, 10 of these 20 hours may be attained by completing ADA or AGD certified Internet or correspondence courses which are clinical in nature and require successful completion of a written examination at the conclusion of said course.

C. - J. ...

K. In order to renew permits for the administration of deep sedation, parenteral sedation, and enteral sedation, each licensee shall complete a board approved course pertinent to the level of their sedation permit no less than once every five years.

1. Recertification for deep sedation or general anesthesia as required by the American Association of Oral and Maxillofacial Surgeons every five years shall satisfy this requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:569 (June 1995), LR 22:24 (January 1996), LR 22:1216 (December 1996), LR 23:1526 (November 1997), LR 24:1117 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:

§1613. Continuing Education Requirements for Relicensure of Dental Hygienists

A. …

B. At least one-half of the minimum credit hours (12) must be attained by personally attending clinical courses pertaining to the actual delivery of dental or dental hygiene services to patients. However, 6 of these 12 hours may be attained by completing ADA, AGD, or ADHA certified Internet or correspondence courses which are clinical in nature and require successful completion of a written examination at the conclusion of said course.

C. - J. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:570 (June 1995), LR 22:24 (January 1996), LR 22:1217 (December 1996), LR 23:1526 (November 1997), LR 24:1118 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:

Chapter 17. Licensure Examinations

§1703. Candidate's Manual for the Dental Licensure Examination of the Louisiana State Board of Dentistry

A. This manual is too voluminous to print and LAC 46:XXXIII.1703 is intended to put the public on notice that the board utilizes examination manuals which are revised every year. A copy is on file with the Office of the State Register, and copies may be obtained from the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1118 (June 1998), amended LR 32:

§1705. Candidate's Manual for the Dental Hygiene Licensure Examination of the Louisiana State Board of Dentistry

A. This manual is too voluminous to print and LAC 46:XXXIII.1705 is intended to put the public on notice that the board utilizes examination manuals which are revised every year. A copy is on file with the Office of the State Register, and copies may be obtained from the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(1) and (8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1118 (June 1998), amended LR 32:

Interested persons may submit written comments on these proposed Rule changes to C. Barry Ogden, Executive Director, Louisiana State Board of Dentistry, One Canal Place, Suite 2680, 365 Canal Street, New Orleans, LA 70130. Written comments must be submitted to and received by the board within 60 days of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: General Provisions

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

Other than the Rule publication costs, which are estimated to be $500 in FY 05, it is not anticipated that the proposed Rule amendments will result in any material costs or savings to the Board of Dentistry, any state or local governmental unit. Notification of these Rule changes will be included in a mass mailing to all licensees which has already been budgeted for notification of such Rule changes.

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

The revenues of the Board are anticipated to increase by $73,750 in FY 06 and subsequent fiscal years as a result of the proposed Rule. The Rule would require dentists (approximately 1,100) to pay $50 more per year to renew their dental licenses and dental hygienists (approximately 750) to pay $25 more per year to renew their dental hygiene licenses. Additionally, dental candidates for licensure would pay $150 per portion for each portion of the clinical licensing examination they must retake. Dental hygienists would pay $50 per portion for each portion of the clinical licensing examinations they must retake.

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

The proposed Rule will increase licensure fees for dentists and dental hygienists and allow the board to eliminate deficits in the operating budget that have existed for four of the last five years. Additionally, the proposed Rule would add oral and maxillofacial radiology as a specialty and clarify other rules relative to existing board policies and procedures.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

C. Barry Ogden	Robert E. Hosse
Executive Director	Staff Director
0511#022	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Nursing

Renewal of License and Licensure as
Advanced Practice Registered Nurse
(LAC 46:XLVII.3333 and 4507)

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S.49:950 et seq., that the Board of Nursing (board) pursuant to the authority vested in the board by R.S.37:918, R.S.37:920(E) intends to amend the Professional and Occupational Standards Rules pertaining to the extension period of time in which persons licensed to practice as registered nurses and advanced practice registered nurses must renew current licenses and removes the requirements of providing evidence of completion of continuing education for the calendar year 2005. The proposed amendments of the Rule is set forth below.

Many of the state's registered nurses and advanced practice registered nurses have suffered losses of personal property and have been displaced from their residences and places of employment. The lack of resources available to many registered nurses and advanced practice registered nurses will severely limit the ability of many licensees to meet the requirements for renewal of their licenses by January 31, 2006.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 33. General
Subchapter C. Registration and Registered Nurse Licensure

§3333. Renewal of License

A. Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew his license annually prior to the expiration of his license. The board shall furnish an application for renewal of a license to every person who holds a current license. The licensee shall complete the renewal form and return to the board before January 1. Upon receipt of the application and the renewal fee as required under §3341, the board shall verify the accuracy of the application and issue to the licensee a license of renewal for the current year beginning February 1 and expiring January 31. Incomplete

applications will be returned. Applications postmarked after December 31 will be considered late and subject to the fee as required under §3341 for late renewals. Failure to renew a license prior to expiration subjects the individual to forfeiture of the right to practice An individual shall notify the board of:

A.1. - B.3. ...

4. notwithstanding any provision of this Section to the contrary, any license to practice as a registered nurse issued valid through January 31, 2006 shall be valid through March 31, 2006;

5. notwithstanding any provision of this section to the contrary, no evidence of meeting the requirements of §3335 shall be required to renew a license issued valid through January 31, 2006, if said license is renewed on or before March 31, 2006.

C. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918 and 920.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:78 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:1061 (December 1990), LR 23:962 (August 1997), LR 23:963 (August 1997), repromulgated LR 24:1293 (July 1998), amended LR 26:1443 (July 2000), LR 32:

Chapter 45. Advanced Practice Registered Nurses

§4507. Licensure as Advanced Practice Registered Nurse

A. - E.2.d. ...

e. notwithstanding any provision of this Section to the contrary, for renewal of an APRN license issued valid through January 31, 2006 and renewed on or before March 31, 2006, compliance with Subparagraphs b and c will not be required.

F. - F.2.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 22:283 (April 1996), amended LR 27:723 (May 2001), LR 29:580 (April 2003), LR 32:

Family Impact Statement

The Louisiana State Board of Nursing hereby issues this Family Impact Statement. The proposed Rule related to the board's licensure fees will have minimal impact on family formation, stability, and autonomy, as set forth in R.S. 49:972, in that the Registered Nurses (RNs) of Louisiana will be directly affected by the proposed action. The RNs will have an additional two months to pay the annual renewal fee. As well there will be a savings to the each RN and APRN since the continued education requirement has been waived for the year 2005.

Interested persons may submit written comments on the proposed Rule to Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, 5207 Essen Lane, Suite 6, Baton Rouge, LA 70809. The deadline for receipt of all written comments is 4:30 p.m. on December 10, 2005.

Barbara L. Morvant
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Renewal of License and Licensure as Advanced Practice Registered Nurse

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

It is anticipated that no additional staff or operating expenses will be needed to implement these changes. The only cost for implementation is for the publication of the rule change in the Louisiana Register estimated to be approximately $272 in fiscal year 2005/06.

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

There will be no increase or decrease in revenues, however, the collection period will be extended by two months.

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

The Registered Nurses (RNs) of Louisiana will be directly affected by the proposed action. The RNs will have an additional two months to pay the annual renewal fee. As well there will be a savings to each RN and APRN since the continued education requirement has been waived for the year 2005.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Barbara L. Morvant
Executive Director
0511#030

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Bureau of Health Services Financing

Pharmacy Benefits Management Program
Antihemophilia Drugs Reimbursement

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently provides reimbursement under the Medicaid Program for Antihemophilia drugs, Factor products. As a result of the allocation of funds by the Legislature during the 2001 Regular Session, the bureau increased the reimbursement rate for prescription drugs under the Medicaid Program by amending the estimated acquisition cost formula from average wholesale price (AWP) minus 15 percent to AWP minus 13.5 percent for independent pharmacies and from AWP minus 16.5 percent to AWP minus 15 percent for chain pharmacies (*Louisiana Register*, Volume 28, Number 4). In order to reduce expenditures, the bureau now proposes to

amend the April 20, 2002 Rule and reduce the reimbursement rate for Antihemophila drugs to a single rate for all prescription drug providers.

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.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the estimated acquisition cost reimbursement rate under the Medicaid Program for Antihemophilia drugs, Factor products, to the average wholesale price minus 30 percent for all prescription drug providers.

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, December 27, 2005, at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Pharmacy Benefits Management Program—Antihemophilia Drugs Reimbursement

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

It is anticipated that implementation of this proposed rule will result in an estimated net cost avoidance to the state of $137,632 for FY 05-06, $441,921 for FY 06-07 and $508,291 for FY 07-08. It is anticipated that $136 ($68 SGF and $68 FED) will be expended in FY 05-06 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by $322,767 for FY 05-06, $1,036,075 for FY 06-07 and $1,191,678 for FY 07-08. $68 is included in FY 05-06 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

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

This proposed rule reduces the Estimated Acquisition Cost reimbursement rate under the Medicaid Program to prescription drug providers for Antihemophilia drugs, Factor products, to the average wholesale price minus 30 percent (approximately 547 claims per year). It is anticipated that implementation of this proposed rule will decrease reimbursements for Antihemophilia drugs by $460,535 for FY 05-06, $1,477,996 for FY 06-07 and $1,699,969 for FY 07-08.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition and employment as a result of the implementation of this proposed rule.

Ben A. Bearden
Director
0511#062

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Annual Retirement Income Exemption
for Individuals 65 or Older
(LAC 61:I.1311)

Under the authority of R.S. 47:44.1, R.S. 47:295, and R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:I.1311 relative to the $6,000 exemption for annual retirement income received by an individual who is 65 years of age or older.

Louisiana Revised Statutes 47:44.1 allows an individual who is 65 years of age or older and who receives annual retirement income to exempt up to $6,000 of this income from state income tax. This proposed regulation will inform individual income taxpayers and their representatives that for all tax years beginning on or after 2005 only the individual who actually received the annual retirement income is entitled to the exemption. It will also provide guidance to taxpayers to assist them in determining who is the recipient of annual retirement income from a pension, annuity or individual retirement account.

The text of this proposed Rule may be viewed in the Emergency Rule portion of this month's edition of the *Louisiana Register.*

Family Impact Statement

The proposed adoption of LAC 61:I.1311, regarding the Annual Retirement Income Exemption for Individuals 65 or Older, should not have any known or foreseeable impact on the stability of the family, the authority and rights of parents regarding the education and supervision of their children, the functioning of the family, family earnings and family budget, the behavior and personal responsibility of children, the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be received no later than 4:30 p.m. Tuesday, December 27, 2005. A public hearing will be held on Wednesday, December 28, 2005, at 10 a.m. in the River Room, seventh

floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Annual Retirement Income Exemption for Individuals 65 or Older

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

There are no estimated implementation costs or savings to state or local governmental units.

The implementation of this proposed regulation, which addresses the exemption of up to six thousand dollars of annual retirement income received by an individual sixty-five years of age or older, will formally inform all taxpayers that only the individual who actually received the annual retirement income is entitled to the exemption. The regulation will provide guidance to taxpayers to assist them in determining who is the recipient of annual retirement income from a pension or annuity.

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

The implementation of this proposed regulation may result in a slight increase in revenue collections to the state. Although the regulation is incorporating the Department's practice since 2002 into regulation, the regulation should raise awareness of the issue and result in increased compliance. The increase will result from the taxation of income formerly claimed as exempt by the spouse who has not received retirement income. There will be no effect on revenue collections of local governmental units.

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

This proposed regulation should have no effect on economic benefits to directly affected persons as it is incorporating the Department's current practice into regulation which has been in effect since the 2002 tax year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges Secretary 0511#046	Robert E. Hosse Staff Director Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Definition of Separate Corporation Basis
(LAC 61:I.1175)

Under the authority of R.S. 47:287.733, R.S. 47:287.785, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:I.1175 relative to a definition of separate corporation basis.

The primary purpose of this regulation is to define the term "separate corporation basis" as used in R.S. 47:287.733.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 11. Income: Corporation Income Tax
§1175. Definition of Separate Corporation Basis

A. Louisiana Revised Statute 47:287.733 provides that corporations that are included with affiliates in a consolidated federal income tax return must file their Louisiana corporation income tax on a separate corporation basis. For Louisiana income tax purposes, filing a return on a separate corporation basis means filing a return as if the affiliate either elects not to be part of the consolidated group or is not included in a federal consolidated return.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.733, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 32:

Family Impact Statement

The proposed adoption of LAC 61:I.1175, regarding modifications to federal gross income should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. The implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budgets;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Any interested person may submit written data, views, arguments or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs, by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098. All comments must be submitted no later than 4:30 p.m., Tuesday, December 27, 2005. A public hearing will be held on Wednesday, December 28, 2005, at 10 a.m. in the River Room located on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Definition of Separate Corporation Basis

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

The implementation of this proposed amendment to the regulation will have no impact upon any local governmental units.

The implementation of this proposed regulation, which simply defines the term separate corporation basis as used in R.S. 47:287.733, would have no impact on state government costs or savings.

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

There will be no effect on state or local revenue collections as a result of this proposed amendment to the regulation. The proposed rule is the same as current practice.

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

Corporations that are included in a consolidated federal income tax return are instructed by the state to file their Louisiana income tax returns on a separate corporation basis. By enacting LAC 61:I.1175, the Department will provide guidance to taxpayers regarding the requirements for filing. Because the regulation is the same as current practice, it will ease the filing process by making the filing requirements clear.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed regulation should have no effect on competition or employment.

Cynthia Bridges	Robert E. Hosse
Secretary	Staff Director
0511#068	Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Interest Waiver and Filing Extensions Following Disasters
(LAC 61:III.2111)

Under authority of R.S. 47:1601(A)(2)(e) and 1511 and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61:III.2111 to provide automatic extensions and interest waivers for tax returns filed by taxpayers located in disaster areas.

Revised Statute 47:1601(A)(2)(e) authorizes the secretary to waive the interest to promote the effective administration of the tax laws. Taxpayers located in disaster areas need additional time to compile the records required to file tax returns. Providing waiver of interest and automatic extensions will promote the effective administration of the tax laws.

Title 61
REVENUE AND TAXATION
Part III. Department of Revenue—Administrative Provisions and Miscellaneous
Chapter 21. Interest and Penalties
§2111. Interest Waiver and Filing Extensions Following Disasters

A. The following provisions apply to all returns due following a disaster.

1. Automatic Extensions—Taxpayers located within the disaster areas will automatically be granted the applicable statutory extensions for filing returns without having to file an application for extension.

2. Interest Waiver—Interest on these returns due as a result of a disaster may be waived in accordance with the following guidelines.

a. If the return is filed within the applicable statutorily provided extension period, interest will be automatically waived.

b. If the return is filed after the applicable statutorily provided extension period, the taxpayer must file a written request to have the interest waived.

3. Tax Preparers—If a taxpayer's tax preparer is located within the disaster area, and as a result the taxpayer's returns are not timely filed, the taxpayer must make a written request for interest due as a result of the disaster to be waived.

4. Consolidated Returns—Taxpayers filing consolidated returns for locations within and without the disaster areas should file returns using the information available at the time the return is due. When the amended return is filed to accurately reflect the taxpayer's information, the taxpayer should attach a written request to waive any interest due as a result of the disaster.

B. Definitions

Disaster Area—a parish or location that has been declared a disaster area by the President.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1601(A)(2)(e) and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 32:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the Notice of Intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no impact on family stability.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Linda Denney, Senior Policy Consultant, Policy Services Division, Department of Revenue, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted

by 4:30 p.m., Wednesday, December 28, 2005. A public hearing will be held on Thursday, December 29, 2005, at 2:00 p.m. in the River Room on the Seventh Floor of the LaSalle Building at 617 North Third Street, Baton Rouge, LA 70802-5428.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Interest Waiver and Filing Extensions Following Disasters

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

This proposed rule provides for automatic extensions and interest waivers for tax returns filed by taxpayers located in disaster areas.

Implementation of this proposed rule will have minimal impact of the agency's costs. Providing automatic extensions to taxpayers in the disaster areas without the need for a request will streamline agency procedures and reduce manual extension request processing.

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

This proposed rule, which provides waivers of interest for taxpayers located in disaster areas under certain circumstances, will result in an indeterminable reduction in the state's interest collections. We do not have data to estimate the amount of the revenue loss. This proposed rule will have no effect on the revenue collections of state or local governmental units.

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

This proposed rule will provide relief to taxpayers that are located in disaster areas and need additional time to compile the records required to file tax returns. The amount of the interest to be waived cannot be determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no effect on competition or employment.

Cynthia Bridges	Robert E. Hosse
Secretary	Staff Director
0511#039	Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Nonresident Contractors
(LAC 61:I.4373)

Under the authority of R.S. 47:9, R.S. 47:306, R.S. 47:337.2, R.S. 47:337.18, R.S. 47:337.19, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4373 pertaining to the value of the surety bonds that nonresident contractors are required to furnish to the Secretary of the Department of Revenue guaranteeing their payment of the state and local taxes that become due as the result of their construction activity in the state.

R.S. 47:306(D) provides that nonresident contractors must file with the department a surety bond or a blanket surety bond for all contracts, sufficient to cover all taxes due on the contract or contracts, in accordance with the provisions of R.S. 47:9(B)(1). R.S. 47:9(B)(1) provides similarly that nonresident contractors must execute and file with the Secretary of the Department of Revenue a good and valid bond in a surety company authorized to business in this state to ensure that all taxes will be paid when due.

The current Rule provides that the bond is 5 percent of the total contract price or $1,000, whichever is greater. These proposed amendments provide a reduced bond for nonresident contractors that withhold income taxes from non-employee compensation, such as payments to subcontractors. Under these circumstances, the proposed reduced bonds should be sufficient to guarantee the payment of state and local taxes.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 43. Sales and Use Tax
§4373. Nonresident Contractors

A. - B. …

C. Contracts to be Registered with Secretary and Central Collector

1. Prior to obtaining a building permit necessary for the lawful commencement of any contract in Louisiana, a nonresident contractor shall register each contract that exceeds $3,000 in total price or compensation with the secretary of the Department of Revenue and with the central sales and use tax collector for the parish in which the project is located. The secretary shall provide the necessary forms for the contractors to register each contract. The forms will require the nonresident contractor to give a complete description of each project, pertinent tax registration data, and a list of anticipated subcontractors. A fee of $10 per contract shall be paid to the secretary at the time of registration. As required by the secretary, the contractor shall furnish a surety bond for each contract or a blanket surety bond for all contracts. The bond shall be:

a. two and one-half percent of the gross contract amount or $1,000, whichever is greater, if income tax withholdings remitted to the department include such payments deducted from non-employee compensation (e.g., independent contractors); or

b. five percent of the gross contract amount or $1,000, whichever is greater, if income tax is not withheld from non-employee compensation paid by the non-resident contractor.

2. Upon satisfactory completion of the registration and surety bond requirements, the secretary shall issue the contractor a certificate of compliance with which to obtain any building permits necessary for lawful commencement.

C.3. - F.2.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:9, R.S. 47:306, R.S. 47:337.2, R.S. 47:337.18, R.S. 47:337.19, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Division, LR 21:185 (February

1995), amended by the Department of Revenue, Policy Services Division, LR 31:95 (January 2005), LR 32:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the Notice of Intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of these proposed amendments will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of these proposed amendments will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of these proposed amendments will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of these proposed amendments will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of these proposed amendments will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of these proposed amendments will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Tuesday, December 27, 2005. A public hearing will be held on Thursday, September 29, 2005, at 9 a.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Nonresident Contractors

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

Implementation of these amendments will have no effect on state or local governmental unit costs.

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

There should be no effect on the revenue collections of state or local governmental units as a result of these proposed amendments.

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

These proposed amendments will speed up the rebuilding of areas damaged by recent hurricanes. Nonresident contractors will have less administrative burden in complying with the law in order to do business in this state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no effect on competition or employment.

Cynthia Bridges
Secretary
0511#087

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Sales Tax Refund for
Tangible Personal Property
Destroyed in a Natural Disaster (LAC 61:I.4371)

Under the authority of R.S. 47:315.1 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to amend LAC 61:I.4371, to clarify the types of property destroyed in natural disasters, the sales tax paid on which will be eligible for refund under R.S. 47:315.1.

Revised Statute 47:315.1 provides that refunds are available of the state sales taxes paid on destroyed property "used in or about a person's home, apartment, or homestead." This proposed amendment deletes language that states that refunds are available on vehicles, boats, and boat trailers that are acquired and intended for use away from the home, apartment, or homestead, and adds language that provides specifically that refunds will not be made of the taxes paid on such property.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 43. Sales and Use Tax
§4371. Sales Tax Refund for Tangible Personal Property Destroyed in a Natural Disaster

A. Under certain circumstances, a refund is allowed for state sales or use tax paid on tangible personal property that has been destroyed in a natural disaster. The conditions and requirements are as follows.

1. The property destroyed must be classified as tangible personal property at the time of destruction rather than being classified as real or immovable property. For purposes of determination of the classification of such property, reference and guidance shall be to the rules of the Louisiana Civil Code. In Louisiana, property is classified as either movable or immovable rather than as personal or real. Under Louisiana law a corporeal movable is equivalent to tangible personal property at common law, and an immovable is equivalent to real property. Generally speaking a house or a building and all central heating or cooling systems, lighting fixtures, lavatories, etc., that are actually connected with or attached to the house or building by the owner are immovable by their nature. Such items as clothing, drugs, food, recreation equipment, appliances not permanently attached to a house or building where the removal thereof would not damage the movable or immovable, etc., would be classified as tangible personal property or movable property, and the sales tax paid on these

items would be eligible to be refunded. Automobiles, trucks, motorcycles, boats, boat trailers, and other vehicles will not be considered tangible personal property used in or about a person's home, apartment, or homestead and the sales tax paid on these items would be eligible to be refunded. Automobiles, trucks, motorcycles, boats, boat trailers, and other vehicles will not be considered tangible personal property used in or about a person's home, apartment, or homestead. The sales tax paid on these items is not eligible to be refunded under this statute.

2. Such property destroyed must be a part of and used in or about a person's home, apartment or homestead, on which Louisiana sales tax has been paid by the owner of the property destroyed in an area subsequently determined by the president of the United States to warrant assistance by the federal government. Therefore, it is necessary that individuals suffer the loss, since R.S. 47:315.1 does not apply to partnerships or corporations. Further, it does not apply to business losses, even by individuals, since the law limits the losses to property that is part of and used in or about a person's home, apartment or homestead. Also, the area where the natural disaster occurred must be designated as an area warranting assistance by the federal government in order to qualify under this Section.

3. The claimant suffering the loss of the tangible personal property must be the owner of such property that purchased and paid the Louisiana sales tax on such property. Any refund claim filed shall be made in accordance with the rules and regulations prescribed by the secretary. Accordingly, any refund claim shall be filed on or before the end of the third calendar year following the year in which the property was destroyed, and the refund claim shall be limited to the tax paid on such tangible personal property destroyed for which no reimbursement was received by insurance or otherwise.

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:315.1.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, LR 13:107 (February 1987), amended by the Department of Revenue, Policy Services Division, LR 31:99 (January 2005), LR 32:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the Notice of Intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of these proposed amendments will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of these proposed amendments will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of these proposed amendments will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of these proposed amendments will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of these proposed amendments will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of these proposed amendments will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Raymond E. Tangney, Senior Policy Consultant, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be submitted by 4:30 p.m., Tuesday, December 27, 2005. A public hearing will be held on Thursday, December 29, 2005, at 2 p.m. at the Department of Revenue Headquarters Building, 617 North Third Street, Baton Rouge, LA.

Raymond E. Tangney
Senior Policy Consultant

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Sales Tax Refund for Tangible Personal Property Destroyed in a Natural Disaster

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

R.S. 47:315.1 provides that refunds are available for the state sales taxes paid on property used in or about a person's home, apartment, or homestead that was destroyed in a natural disaster for which no reimbursement was received by insurance or otherwise.

The existing rule provides examples of movable property eligible for the sales tax refund that includes automobiles and boats. The proposed amendments delete automobiles and boats from the list of examples and add language to clarify that items such as automobiles and boats are intended for use away from the home and are not eligible for the refund of taxes paid on the items.

Implementation of these amendments will have no effect on state or local governmental unit costs.

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

Disqualifying automobiles and boats from the sales tax refund will result in a revenue savings based on the number of uninsured automobiles and boats destroyed by a natural disaster, the amount of sales tax paid on the destroyed property, and whether or not the owners file a refund claim within the three-year prescriptive period.

There should be no effect on the revenue collections of local governmental units as a result of these proposed amendments.

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

Persons who have uninsured automobile and boat losses as a result of a natural disaster will not be eligible for the sales tax refund under these proposed amendments. The total costs to these persons will be based on the number of uninsured automobiles and boats destroyed, the amount of sales tax paid on the destroyed property, and whether or not the owners file a refund claim within the three-year prescriptive period.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no effect on competition or employment.

Cynthia Bridges Secretary 0511#086	Robert E. Hosse Staff Director Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Office of Charitable Gaming

Casino Nights
(LAC 42:I.2301-2339)

Under authority of R.S. 4:707 and 729 and R.S. 47:1511 and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Charitable Gaming, proposes to amend LAC 42:I.2301-2339 to remove antiquated references and clarify the Office of Charitable Gaming's requirements for casino nights conducted by charitable organizations.

Title 42
LOUISIANA GAMING
Part I. Charitable Bingo, Keno, Raffle
Subpart 2. Electronic Video Bingo
Chapter 23. Casino Nights

§2301. Definitions

A. For the purposes of this Chapter the following definitions shall apply.

Cash—all coins, currency, and legal tender of the United States and foreign governments including gold, silver, or other negotiable instruments such as cashiers checks, certified checks, money orders, stocks, bonds, or negotiable securities.

Certain Related Offenses—an offense against local, state, federal, or other country's laws as follows:

a. any felony offense;

b. any offense directly or indirectly related to gambling or gaming laws; or

c. any misdemeanor offense for the following:

i. theft or related offense;

ii. attempted theft or related offense;

iii. issuing worthless checks;

iv. illegal possession of stolen things, or

v. false swearing or related offense.

Law—the Charitable Raffle, Bingo and Keno Licensing Law, R.S. 4:701 et seq.

Private Casino Contractor—any person or other entity licensed pursuant to the provisions of R.S. 4:701 et seq. as a distributor of gaming supplies or equipment who is engaged directly or indirectly in the business of providing equipment, supplies, and/or services for the conducting of charitable casino nights for licensed charitable organizations.

Reasonable Market Rental Rate—that rate at which similar facilities or equipment available for similar purposes in the community may be leased or rented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:283 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2303. Compliance

A. Any person, corporation or other legal entity desiring to act as a private casino contractor in this state must:

1. comply with all criteria set forth in R.S. 4:701 et seq. and the administrative provisions of Title 42 of the Louisiana Administrative Code, Part I, Charitable Bingo, Keno, Raffle, and all other applicable provisions of federal, state and local laws;

2. be issued and maintain all applicable federal, state, parish and municipal licenses; and

3. qualify for and possess a current valid license to distribute gaming supplies issued by the office pursuant to the provisions of R.S. 4:701 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2305. Commencement of Activity

A. No person, corporation, or other legal entity shall act as a private casino contractor until the effective date of any license that is granted by the office

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2307. License Required for Leasing Equipment

A. No person, corporation, or other legal entity except a licensed private casino contractor may lease casino night equipment to any person or organization for use during a casino night.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2309. Information Required; Unsuitability

A. In conjunction with its application, the private casino contractor must furnish to the office for approval the following information for each of his employees or independent contractors to be used to work or assist during a casino night during the licensing year:

1. full name;
2. date of birth;
3. Social Security number; and
4. current physical address.

B. Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the office within 10 days of the change. Names of additional workers and employees not provided in the application must be provided to the office no later than two business days prior to the event. Any change in the officers, directors, managers, proprietors, or persons having a direct or indirect financial interest in any licensed organization or entity is considered to be a significant change that must be reported.

C. The office may declare unsuitable and restrict from participation in charitable gaming any person assisting in the holding, operation, or conduct of casino nights who:

1. has been convicted of certain related offenses within the last five years or who presently has such a charge pending in any state or federal court;

2. has ever been convicted of a gambling-related offense in any state or federal court;

3. is or has ever been a professional gambler;

4. is in consideration of any of the factors enumerated in R.S. 4:705(11) determined unsuitable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992) , amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2311. Leasing Equipment from Licensed Private Casino Contractors

A. No organization may lease casino night equipment for use during a casino night from anyone other than a licensed private casino contractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2313. Specific License Required

A. No person, corporation, or organization may conduct a casino night without a charitable gaming license issued by the office specifically authorizing the casino night at the specific date and times. The license must be conspicuously displayed at the premises where the event is conducted at all times during the activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:284 (March 1992) , amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2315. Organization Compliance

A. Any person, corporation, or organization desiring to conduct casino nights must:

1. comply with and meet all criteria as set forth in R.S. 4:701 et seq. and the administrative provisions of Part I of Title 42 of the Louisiana Administrative Code and comply with all other applicable provisions of federal, state, and local laws;

2. be issued and maintain all applicable federal, state, parish, and municipal licenses; and

3. qualify for and possess a valid license to conduct charitable games of chance issued by the Office pursuant to the provisions of R.S. 4:701 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992) , amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2317. Contracts

A. Each organization leasing casino night equipment or utilizing private casino contractor labor or services must submit to the office a copy of the contract for the equipment, labor and/or services no later than seven days prior to the scheduled event. The casino night contract must include the following:

1. name of licensed charitable organization;

2. name and address of distributor or private casino contractor company;

3. date, times, and location of event;

4. detailed list of games to be conducted;

5. description of gaming equipment including number of gaming tables to be supplied;

6. rental price of each gaming table and any other rental terms and conditions;

7. number of dealers or other workers to be supplied;

8. proposed charges for labor and services;

9. signature of organization official; and

10. signature of private casino contractor.

B. Any changes in the information contained in Subsection A that occur within seven days of the event must be provided to the office in writing within 10 days after the event.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992) , amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2319. Additional Consideration Prohibited

A. No organization may pay any consideration, other cost, or service charge, directly or indirectly, more than the agreed rental price for the rental of casino night equipment and/or for private casino contractor labor or services.

B. No lease providing for a rental arrangement for premises, equipment, labor, or services in conjunction with a casino night may provide for payment in excess of the reasonable market rental rate for the premises, equipment, labor, or services. Any charges for premises, equipment, labor, or services in excess of the reasonable market rental rate will be waived or reimbursed within 10 days of the determination by the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2321. Percentage Payments Prohibited; Use Fees

A. No organization may pay a percentage of the receipts or net profits from the casino night for the rental of casino night equipment or for private casino contractor labor or services.

B. Use fees must be based on rental, lease, or sale of equipment or charitable gaming supplies excluding any charge for labor or services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2323. Name Tags

A. Each organization member, organization worker, or private casino contract worker assisting in the conduct of a casino night must wear a printed or typed name tag clearly

visible by the participants. The printing on the tag must include the following:

1. the name of the person; and
2. the name of the private casino contractor's company for whom the person is working, if applicable; or
3. the name of the organization of which the person is a member, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992) , amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2325. Authorized Games

A. During a casino night, an organization or private casino contractor may conduct only the following authorized games of chance:

1. blackjack;
2. roulette;
3. any dice game where the player competes against the house;
4. money wheel;
5. baccarat;
6. poker; and
7. bourrée.

B. Nothing will prohibit an organization from also conducting, during a licensed scheduled casino night, the games of chance authorized by R.S. 4:707(A), when the games are conducted in accordance with the Law. The authorized games of chance listed in this Subsection A may not be conducted utilizing any electromechanical device or other mechanism employing cathode ray tubes, video display screens, or microprocessors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:285 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2327. Wagering on Authorized Games Only

A. A wager may not be placed on any contest other than an authorized game of chance being conducted at the designated time and location.

B. Side bets shall not be permitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992) , amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2329. Display of Rules

A. The private casino contractor or the organization conducting the casino night must notify players of the rules governing each game by posted rules with letters a minimum of 1/2 inch high or by a legibly printed program provided to all participants.

B. A copy of the rules must be submitted to the office no less than 10 business days prior to the start of the activity. The office may, at its own discretion, require rule changes based on fairness to players and/or organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2331. Miscellaneous Provisions

A. In all dice games, the size of each die shall be a minimum of 3/4 inch.

B. Equipment used in the conduct of a casino night must be maintained in good repair and proper working condition.

C. The utilization of equipment and method of play must be such that each participant is afforded an equal chance of winning.

D. Each game must be conducted by a dealer present at the gaming table. In a family style game, a dealer must be designated for each game.

E. No organization worker or contract worker may accept tips, either with real or imitation money, from the participants. However, organization workers may receive donations for the organization.

F. No organization worker or contract worker may conduct the game when the worker's immediate family member is a participant at the worker's table.

G. No person under 21 years of age will be permitted to participate in gaming at the casino night. No person under 18 years of age shall be permitted to assist in the conduct of the casino night.

H. No private casino contract worker or organization worker will be eligible to win prizes or bid on prizes in the event an auction is conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2333. Tickets; Recordkeeping Requirements

A. The organization conducting a casino night must require tickets for admission to the event. No ticket may be sold for less than the price printed on it.

B. Nothing will prohibit an organization from printing separate, complimentary invitations or tickets for dignitaries or selected persons. However, the organization must maintain a list of every person who is admitted free of charge. The list will be considered part of the session records and be retained for three years.

C. Each admission ticket sold for admission to a casino night must be preprinted and prenumbered in consecutive order. Each admission ticket must include the following:

1. organization name;
2. organization license number;
3. date, time, and location of event; and
4. ticket price.

D. Admission tickets may be sold only by bona fide members of the organization licensed to conduct the casino night or bona fide members of another licensed organization. No tickets may be sold by the private casino contractor, or the contractor's agents or employees regardless of whether the person is a member of a licensed charitable organization.

E.1. The organization must maintain a log including the following:

a. name of each worker issued tickets;

b. name of organization to which each worker belongs if the worker is not a bona fide member of the organization licensed to conduct the casino night;

c. serial numbers of tickets issued, sold, and returned by each worker;

d. amount of money submitted by each worker for advance ticket sales.

2. The log and all unsold tickets will be considered part of the session records and must be retained for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2335. Accountability

A. Imitation money sales must be fully and accurately documented.

B. Each organization must ensure strict accountability for the handling of cash and imitation money by all participating members.

C. The accounting system must provide a sound audit trail and allow for the systematic accumulation of data for the organization's quarterly financial report to be submitted to the office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2337. Imitation Money

A. Upon admission, each participant will be given the same amounts in value of imitation money.

B. No cash may be wagered or paid as winnings during a casino night.

C. Imitation money must be sold only by organization workers on the floor or at selected sales areas. Imitation money may not be sold at an individual gaming table.

D. Imitation money will have no actual cash value and must be unique to the organization or private casino contractor.

E. If redeemed, the imitation money must be bid on merchandise prizes in an auction that must be completed no later than two hours after the conclusion of the authorized games of chance. Cash prizes may not be awarded.

F. In lieu of an auction, the organization may designate prizes to be awarded to top winners prior to the start of the gaming activity. Cash prizes may not be awarded.

G. After the original issue of imitation money, no person may provide imitation money to any participant except for the original issue price.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:286 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2339. Register of Workers

A. The charitable organization and/or the private casino contractor conducting a casino night must prepare and maintain a register of workers including the following information:

1. name;
2. current residential address;
3. date of birth;
4. job description; and
5. name of organization or private casino contractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707 and 729.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 18:287 (March 1992), amended by the Department of Revenue, Office of Charitable Gaming, LR 32:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the Notice of Intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no impact on family stability.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Michael Legendre, Director, Office of Charitable Gaming, Department of Revenue, P.O. Box 98502, Baton Rouge, LA 70884-9502 or by fax to (225) 925-7069. All comments must be submitted by 4:30 p.m., Wednesday, January 4, 2006. A public hearing will be held on Thursday, January 5, 2006, at 6 p.m. in the auditorium located at 8549 United Plaza Blvd., Baton Rouge, LA 70809.

Michael E. Legendre
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Casino Nights

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

These proposed amendments remove antiquated references and clarify the Office of Charitable Gaming's requirements for casino nights conducted by charitable organizations including Las Vegas Nights and Poker Tournaments such as Texas Holdem Tournaments. Implementation of this proposed rule will have minimal impact on the agency's costs.

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

These proposed amendments will have no effect on the Office of Charitable Gaming's revenue collections or those of local governmental units.

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

These proposed amendments will have no impact on the costs or economic benefits of organizations that offer charitable gaming activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no effect on competition or employment.

Michael E. Legendre	Robert E. Hosse
Director	Staff Director
0511#041	Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Office of Charitable Gaming

Electronic Bingo Card Dabber Devices
(LAC 42:I.2101-2111)

Under authority of R.S. 4:703 and 739 and 47:1511 and in accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Charitable Gaming, is proposing to adopt LAC 42:I.2101-2111, to provide for the regulation of the use of electronic bingo card dabber devices and systems.

This proposed Rule provides for the use of electronic bingo card dabber devices and systems by charitable organizations without the need to purchase bingo paper.

Title 42
LOUISIANA GAMING
Part I. Charitable Bingo, Keno, Raffle
Subpart 2. Electronic Video Bingo
Chapter 21. Electronic Bingo Card Dabber Devices

§2101. Definitions

A. As used throughout this Chapter, the following definitions apply.

Applicant—any person who has applied for registration as a manufacturer, distributor, or supplier for electronic bingo card dabber devices.

Distributor—a person or business entity that owns and/or leases electronic bingo card dabber devices to a charitable organization.

EBCDD—electronic bingo card dabber device.

Electronic Bingo Card Dabber Device System (EBCDD system)—any electronic or computerized device and related hardware and software that is interfaced with or connected to equipment used in connection with EBCDD to conduct a game of bingo.

a. May include secondary components provided by the manufacturer that are part of or are connected to EBCDD that does not affect the conduct of the game of bingo.

b. EBCDD systems may include, but or not limited to, computer screen backgrounds, battery charge up, software routines, modems, monitors, keyboards, pointer devices, mice, printers, printer software drivers, radio frequency (RF) software and hardware, TV tuners, and charging racks.

Law—the Charitable Raffle, Bingo and Keno Licensing Law, R.S. 4:701 et seq.

Lease Agreement—the lease agreement between the holder of a bingo license and the distributor of electronic bingo dabber devices or the agreement between the distributor of electronic bingo card dabber devices and the manufacturer.

Office—The Office of Charitable Gaming under the Louisiana Department of Revenue.

Person—an individual, partnership, joint venture, or corporation doing business in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:703 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2103. Registration of Manufacturers, Distributors or Owners of Electronic Bingo Card Dabber Devices

A. Any person desiring to own, sell, or distribute electronic bingo card dabber devices in this state must comply with the following:

1. be issued and maintain all required federal, state, parish, and municipal licenses;

2. apply to the office and pay the required licensing fee as prescribed in R.S. 4:705(2);

3. apply to the office 90 days prior to June 30 for a renewal of registration and pay the nonrefundable renewal fee as prescribed in R.S. 4:705(2);

4. furnish to the office quarterly reports identifying the quantities, models, manufacturers, owners, and distributors of machines, and any other information the office determines necessary; and

5. meet the suitability and business relationship criteria of R.S. 4:718.

B. No manufacturer or distributor except one that is a licensed charity may be registered to hold a permit or be directly involved with the operating or the assisting in the operation of any other game of chance permitted under the Act. In addition, no manufacturer or distributor may be involved in directly or indirectly in leasing or renting any premises or equipment for such game or in the providing of any other incidental goods or service in connection with such game or games.

C. No manufacturer or distributor may ship electronic video machines into this state until an application for registration is granted by the office.

D. Registration may be suspended or revoked by the office upon determination, after notice and opportunity for hearing, that the registrant has not complied with the conditions of registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:726 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2105. Electronic Bingo Card Dabber Device Approval Process

A. Eligibility. Electronic bingo card dabber devices and systems will only be allowed under the following criteria:

1. a charitable organization doing business in those parishes or incorporated municipalities where an ordinance has been adopted allowing charitable games of chance; or

2. a manufacturer or distributor of electronic bingo card dabber devices that is registered under the Law and leases or rents the machines only to charitable organizations in parishes or incorporated municipalities where an ordinance has been adopted allowing charitable games of chance.

B. Application

1. Upon approval of the manufacturers application by written notice from the office, the manufacture will be allowed to submit electronic bingo card dabber devices (EBCDD) and EBCDD systems for certification to an independent testing laboratory approved by the office.

2. The manufacturer must agree to pay all cost associated with the testing by the independent testing laboratory, which will use established uniform testing criteria.

3. Prior to the shipment of EBCDD devices or EBCDD systems into the state, manufacturers must receive final written approval from the office.

C. EBCDD Specifications. Each EBCDD must include the following specifications:

1. a model number and unique identification number designated by the manufacturer;

2. be programmed to automatically erase all electronic bingo cards and/or bingo card face numbers that were stored in the device upon turning off the device after the last bingo game of each session or by some secondary timing or clearing method;

3. offer for play only the game commonly known as bingo. EBCDD may not allow the play or simulate the play of video poker, keno, blackjack, slots, or similar games.

D. EBCDD System Specifications. Each EBCDD System must include the following specifications.

1. a self-contained receipting function for electronic bingo cards and be able to print out a copy of the receipt for each sale or void of an EBCDD. The receipt must be given to the player and must include the following information:

a. EBCDD model and unique identification number;

b. the date and time of the transaction;

c. the session in which the product was used;

d. the quantity of electronic bingo cards purchased or loaded;

e. the total dollar amount of the transaction; and

f. the sequential and consecutive transaction number.

2. not be able to engage in any type of sale, void, alteration, or reload transactions unless the EBCDD is connected or interfaced with and communicating with the site system;

3. include a point of sale station and an internal accounting system that is capable of recording each sale of EBCDD;

4. be able to provide the winning numbers and game patterns required for the entire bingo session on a hard copy printout. The printout must be available upon demand by the office at the bingo session;

5. electronically verify that the numbers appearing on a potential winning electronic bingo card is a valid bingo and that the bingo card was purchased during the current session;

6. ensure that an EBCDD does not allow for play any bingo card faces other than those verifiably purchased by the player;

7. ensure that system has the capability to produce a summary report, on a hard copy transaction log, after each session that includes the following information:

a. name and state license number of organization;

b. date and time of report;

c. number of EBCDDs loaded;

d. number and description of electronic bingo faces loaded into the EBCDDs;

e. voided transactions; and

f. total sales;

8. must include software that ensures the internal accounting system is capable of recording and retaining for each session the following information:

a. the unique serial number of each bingo card sold for EBCDD use;

b. the sale price of each card or card package for use with an EBCDD;

c. the total amount of EBCDD sales;

d. the total number of card faces sold for use with EBCDDs;

e. the model and unique identification number associated with each EBCDD sold;

f. all the above information must be secured and shall not be accessible for alteration during a session; and

g. must have the capability to print all required information on the system's active or archived databases for a period not less than 12 months;

9. may have dial-up capability, so that the office has the ability to remotely verify operation, compliance, and internal accounting systems;

10. may include a player tracking computer software that is used to identify or track certain characteristics of bingo players, including but not limited to, personal data and purchasing habits of players at a particular location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2107. Equipment Malfunctions and Inspections

A. Any malfunction or problems with an EBCDD or EBCDD system that could affect the security or integrity of the bingo game, the bingo card monitoring devices, or other bingo systems, must be logged and the office must be notify of the malfunction as soon as possible.

B. The office's authorized representatives may examine and inspect any individual EBCDD or EBCDD system. Examination and inspection includes immediate access to the EBCDD and unlimited inspection of all secondary parts of the EBCDD system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2109. Reporting and Record Requirements

A. Reporting Requirements—Manufacturers

1. Each manufacturer selling, leasing, or otherwise furnishing EBCDD or EBCDD systems must maintain a log or other records, such as invoices, which includes the following information:

a. the date of transaction;

b. the model and unique identification number of each EBCDD and EBCDD system;

c. the model and/or version number of all components of the EBCDD system;

d. the name of the distributor to whom the EBCDD or EBCDD system was sold, leased, or otherwise furnished;

e. the time period covered by the invoice;

f. the quantity sold or leased; and

g. the total invoice amount.

2. Each licensed manufacturer shall file with the office a quarterly report signed by an official of the manufacturer as described in §1707 on form prescribed and supplied by the office. The report must be postmarked, or if hand delivered, received in the office, no later than the last business day of the first month following the end of the quarter. Quarters are on a calendar year basis and end on March 31, June 30, September 30, and December 31. The report must include the following information:

a. licensed distributor sold or leased to;

b. number of units sold or leased;

c. item description or model number;

d. cost or lease amount per item; and

e. total sale amount or leased amount.

3. In addition to any other civil or criminal penalties, manufacturers may be assessed a $100 late penalty for each quarterly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations are cause for denial, suspension, or revocation of license.

B. Reporting requirements—Distributors

1. Each Distributor selling, leasing, or otherwise furnishing EBCDD or EBCDD systems must maintain a log or other records, such as invoices, which includes the following information:

a. the date of transaction;

b. the model and unique identification number of each EBCDD and EBCDD system;

c. the model and/or version number of all components of the EBCDD system;

d. the name of the organization to which the EBCDD or EBCDD system was sold, leased, or otherwise furnished;

e. the time period covered by the invoice;

f. the quantity sold or leased; and

g. the total invoice amount.

2. Each licensed distributor shall file with the office a monthly report signed by an official of the distributor as described in §1707 on form prescribed and supplied by the office. The office must receive the report, along with the user fees, no later than the midnight of the 15th of each following month. The report must include the following information:

a. licensed organization sold or leased to;

b. number of units sold or leased;

c. item description or model number;

d. cost or lease amount per item;

f. total number of card faces sold for use by EBCDDs;

g. total sale amount or leased amount; and

h. total amount of use fees collected.

3. In addition to any other civil or criminal penalties, distributors may be assessed a $100 late penalty for each monthly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations are cause for denial, suspension, or revocation of license.

C. Reporting requirements—Organizations

1. Each Organizations leasing or otherwise utilizing EBCDD or EBCDD systems must maintain a log or other records, which includes the following information:

a. the date of transaction;

b. the model and unique identification number of each EBCDD and EBCDD system;

c. the model and/or version number of all components of the EBCDD system;

d. the name of the distributor(s) whom the EBCDD or EBCDD system were leased or otherwise furnished;

f. the time period covered by the invoice;

g. the quantity sold or leased; and

h. the total invoice amount.

2. Each Organization must receive approval from the office for the selling price of paperless sales. Any configuration desiring to be sold by an organization must have prior approval from the office.

3. All paperless sales must be reported on the Organization quarterly report as gross proceeds from bingo.

4. A violation of the aforementioned provisions may result in a civil penalty and possible revocation of license in accordance with these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 716 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

§2111. Enforcement

A. Applicant Suitability and Business Relationships. The office may deny an application or revoke, suspend, restrict, or limit a permit or approval of a electronic bingo card dabber device or system when it is determined that the applicant or a business relationship between an applicant and another person or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant or other persons or business entities in a business relationship, the office may consider the following factors relating to the person or business entity:

1. general character, including honesty and integrity;

2. financial security and stability, competency, and business experience in the capacity of the relationship;

3. records, if any, of violations that may affect the legal and proper operation of a machine including a violation affecting another permittee or applicant and any violation of the laws of this state, other states, and countries without limitations as to the nature of the violation;

4. refusal to provide access to records, information, equipment, or premises to the office or its authorized representatives when access is reasonably necessary to ensure or protect public health, safety, or welfare.

B. Approval of Electronic Bingo Card Dabber Devices or Systems

1. The office may conditionally approve and maintain a list of specific models of electronic bingo card dabber

devices (EBCDD) or EBCDD systems based on its finding that the machines conform to R.S. 4:739.

a. Final approval of each EBCDD and EBCDD system is required even if the device or system has been conditionally approved.

b. Conditional or final approval may be withdrawn by the office if it is found that a device or system does not conform to specifications and testing standards, including new or revised requirements.

2. The office may allow shipment of an EBCDD or EBCDD system for the purpose of providing conditional approval of that make or model provided the following conditions are met:

a. the office will not be responsible for any purchase, shipping, or handling charges;

b. all information required by this Section must accompany the EBCDD or EBCDD system; and

c. prior to shipment, the office has approved shipment of an EBCDD or EBCDD system for scheduled testing and approval.

3. If the specifications are changed such that previously approved machines do not comply, the office will allow a specified time for a permittee to bring an EBCDD or EBCDD system into compliance.

C. Machine Repair. To assure the integrity, security, and monitoring of EBCDD or EBCDD systems in service, a permitted EBCDD or EBCDD system or any portion thereof may not be substituted or replaced until the replacement EBCDD or EBCDD system has been permitted by the office.

D. Inspection and Seizure of EBCDD or EBCDD Systems

1. The office or its authorized representative has the right at all times to make an examination of any EBCDD or EBCDD system being used to play electronic bingo. The right of inspection includes immediate access to all EBCDD or EBCDD systems and unlimited inspection of all parts. The office or its authorized representative may immediately seize and remove any machine or device that violates the Law or this Section. Emergency seizure is subject to a hearing as described in R.S. 4:711.

2. Given reasonable cause, the office may remove an EBCDD or EBCDD system or any parts for laboratory testing and analysis. When parts are removed, the office may seal any EBCDD or EBCDD system left on the permittee's premises pending the investigation. Breaking or removal of the seal without approval, may subject the permittee to seizure of the entire EBCDD or EBCDD system and suspension or revocation of the permit.

E. Investigation of Permittee. The office may, upon its own motion, and will, upon receipt of a written verified complaint of any person, investigate the actions of any permittee and the operations of any EBCDD or EBCDD system. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the Law, rules, or other statutes has occurred.

F. Civil Violations

1. When the office determines a permittee has violated the Law or these rules, the office may issue a civil violation to the permittee in an amount not less then $250 nor more than $1,000. Violations may be issued for each offense not in accord with these regulations. Each day of operation in violation constitutes a separate violation.

2. A violation may be issued for the following acts:

a. the operation or possession of an unapproved EBCDD or EBCDD system;

b. the failure to report and pay timely the fees assessed;

c. the falsification of application or reporting documents; or

d. the refusal to allow inspection of the EBCDD or EBCDD system.

G. Suspension and Revocation

1. The office may suspend any and all permits held by an alleged violator after opportunity for hearing when:

a. the office receives a certified copy or other credible evidence of a judgment or conviction of any permittee or the permittee's agent, servant, or employee for any violation of any criminal law or ordinance of the United States, the state of Louisiana, or any Louisiana parish or town relating to charitable gaming;

b. the office receives a certified copy of the record or other credible evidence of the forfeiture by any permittee or the permittee's agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming; or

c. the office, after investigation, has reasonable cause to believe that any permittee, or the permittee's agent or employee has violated the provisions of the Law or these rules and has been issued a violation or citation.

2. The office may suspend a permit or permits prior to the opportunity for hearing when the office, after investigation, has reasonable cause to believe continued operation of the permitted machine endangers public health, safety, and welfare. During the period of suspension, the permittee may not operate the EBCDD or EBCDD system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:711 and 739.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 32:

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature the following Family Impact Statement is submitted to be published with the notice of intent in the Louisiana Register. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of this proposed Rule will have no impact on family stability.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Michael Legendre, Director, Office of Charitable Gaming, Department of Revenue, P.O. Box 98502, Baton Rouge, LA 70884-9502 or by fax to (225) 925-7069. All comments must be submitted by 4:30 p.m., Wednesday, January 4, 2006. A public hearing will be held on Thursday, January 5, 2006, at 6 p.m. in the auditorium located at 8549 United Plaza Blvd, Baton Rouge, LA 70809.

Michael E. Legendre
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Electronic Bingo Card Dabber Devices

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

This proposed rule provides for the use of electronic bingo card dabber devices by charitable organizations without the need to purchase bingo paper. Implementation of this proposed rule, which will require training personnel on new procedures and printing new forms, will have minimal impact on the agency's costs. Implementation of this proposed rule will have no effect on local government costs.

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

Implementation of this proposed rule may result in a minimal increase in the Office's self-generated revenues from the eight percent fee collected on the sale of the electronic bingo card dabber devices. However, this fee will be offset by a reduction in the five percent fee collected on gaming supplies including bingo paper purchases, because, under this proposed rule, the organization will have the option of using electronic bingo card dabber devices without bingo paper. Overall the impact on the Office's self generated revenues should me minimal because use of the paperless electronic bingo card dabber devices is optional and it is not known how many organizations will opt for the paperless electronic bingo card dabber devices.

This proposed rule will have no effect on the revenue collections of local governmental units.

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

This proposed rule would reduce the charitable organization's expenses by providing for the use of electronic bingo card dabber devices and paperless systems.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule will have no effect on competition or employment.

Michael E. Legendre
Director
0511#040

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services
Office of Family Support

Truancy Assessment and Service Centers
(LAC 67:III.5539)

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, proposes to adopt §5539, Truancy Assessment and Service Centers as a new TANF Initiative for the purpose of providing truancy intervention for at-risk school-aged children.

The agency has provided funding through Memoranda of Understanding and contracts, to several state agencies and other entities for implementation and administration of the TANF Initiative programs which provide services to families with minor children in order to meet one of the four TANF goals. In an effort to meet the TANF goal to prevent and reduce the incidence of out-of-wedlock births, the agency proposes to adopt this new TANF Initiative that will provide counseling to children and family members designed to assure regular school attendance and improved academic and behavioral outcomes.

This Rule was effected October 1, 2005, by a Declaration of Emergency published in the October issue of the *Louisiana Register*.

Title 67
SOCIAL SERVICES
Part III. Family Support
Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives
Chapter 55. TANF Initiatives
§5539. Truancy Assessment and Service Centers

A. Effective October 1, 2005, OFS shall enter into Memoranda of Understanding or contracts for Truancy Assessment and Service Centers designed to identify, assess, and intervene to ensure that children in kindergarten through sixth grade attend school regularly.

B. These services meet the TANF goal to prevent and reduce the incidence of out-of-wedlock births by providing counseling to children and family members designed to assure regular school attendance and improved academic and behavioral outcomes.

C. Eligibility for services is not limited to needy families.

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

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 32:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The stability of the family will be unaffected by this Rule.

2. What effect will this Rule have on the authority and rights of persons regarding the education and supervision of

their children? The Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this Rule have on the functioning of the family? The Rule will have no effect on the functioning of the family.

4. What effect will this Rule have on family earnings and family budget? The Rule will have no effect on family earnings and budget.

5. What effect will this Rule have on the behavior and personal responsibility of children? This Rule could have a positive impact, as the main objective of the program is to ensure that children in kindergarten through sixth grade attend school regularly.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this program is strictly an agency function.

All interested persons may submit written comments through December 22, 2005, to Adren O. Wilson, Assistant Secretary, Office of Family Support, and P.O. Box 94065, Baton Rouge, LA, 70804-9065.

A public hearing on the proposed Rule will be held on December 22, 2005, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA, 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 Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Ann S. Williamson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Truancy Assessment and Service Centers

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

The proposed rule will result in a $700,000 increase in expenditures for fiscal year 05/06. In the current year, $700,000 in TANF funds have been allocated for the implementation and administration of the Truancy Assessment and Service Centers Program which is being adopted to identify, assess, and intervene to ensure that children in kindergarten through sixth grade attend school regularly. The program is expected to serve approximately 2,650 children. The cost of publishing rulemaking is approximately $544. The total estimated implementation cost is approximately $700,544.

There are no savings to state or local governmental units.

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

Implementation of this rule will have no effect on state or local revenue collections.

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

There are no anticipated costs or economic benefits to any person or non-governmental groups as a result of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition and employment.

Adren O. Wilson
Assistant Secretary
0511#073

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury
Board of Trustees of the Lousisana State Employees' Retirement System

Actuarial Calculations
(LAC 58.I.703, 1501, and 4301)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") proposes to amend LAC 58.I.703, LAC 58.I.1501 and adopt LAC 58.I.4301. The new Rule will set out the manner and cost to LASERS members for actuarial calculations made at the request of the member. This Rule complies with and are enabled by R.S. 11:424, 11:446 and 11:515. No preamble for these Rules is necessary.

Title 58
RETIREMENT
Part I. State Employees' Retirement
Chapter 7. Purchase of Military Service
§703. Requirements for Application to Purchase Military Service

A. In order to apply for purchase of the service, an active member shall:

1. make application to LASERS;
2. provide a copy of military form DD 214;
3. certify that he is not drawing a regular retirement benefit based on the military service calculated on the basis of age and service (This restriction does not apply to disability benefits based on 25 percent or less disability received as a result of military service); and
4. certify that he has not received credit for the service in any other public retirement system;
5. pay for the calculation of the actuarial calculation to determine the cost to purchase the service.

B. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:153.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 32:

Chapter 15. Purchases and Transfers of Service
§1501. Purchases and Transfers of Service; Calculations; Costs

A. The purchase of service on an actuarial basis and the transfer of service from other public retirement systems into LASERS requires an actuarial calculation by the system actuary.

B. The cost of this calculation shall be paid by the member requesting the calculation. Payment must be made before the request for the calculation will be forwarded to the actuary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:424, 11:446 & 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 32:

Chapter 43. Actuarial Calculations

§4301. Charges for Actuarial Calculations

A. The system shall collect a fee of $150 from those persons requesting certain actuarial calculations which must be obtained from the actuarial firm with whom LASERS contracts actuarial services. Except as otherwise provided in R.S. 11:446.E, the fee must be payable to LASERS and will be forwarded to the actuarial firm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 32:

Family Impact Statement

The proposed amendments of LAC 58.I.703, LAC 58.I.1501 and adoption of LAC 58.I.4301 concern the payment by LASERS members for certain actuarial calculations made at the member's request. These regulations should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

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

Interested persons may submit written comments on the proposed changes until 4:30 p.m., December 26, 2005, to Steve Stark, Board of Trustees for the Louisiana State Employees' Retirement, P.O. Box 44213, Baton Rouge, LA 70804.

Robert L. Borden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Actuarial Calculations

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

No implementation costs to state or local governmental units are anticipated to result from the implementation of this rule.

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

No effect on revenue collections to state or local governmental units is expected to result from the implementation of this rule. The entire amount of actuarial fees collected by LASERS are forwarded to the actuary with whom the system has a contract.

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

Persons requesting actuarial calculations from LASERS will be affected. The current rules set a minimum fee of $75 on initial calculations but allow charging larger fees. The second and succeeding are set at a cost less than $75.00. The proposed rules will fix the fee at $150. No impact on workload or paperwork to affected persons is anticipated to result from the proposed rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is expected to result from the implementation of these rules.

Robert L. Borden
Executive Director
0511#085

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury
Board of Trustees of the Lousisana State Employees' Retirement System

Certification of Continuing Eligibility
(LAC 58.I.2511)

Under the authority of R.S. 11:220, R.S. 11:515 and in accordance with R.S. 49:951 et seq., the Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") advertises its intent to amend LAC 58.I.2511, which sets out the requirement that certain disability retirees obtain an annual attending physician's statement certifying their continued eligibility for disability retirement. No preamble for this Rule is necessary.

Title 58
RETIREMENT
Part I. Louisiana State Employees' Retirement
Chapter 25. Procedures for Processing Disability Applications

§2511. Certification of Continuing Eligibility

A. LASERS may require a disability retiree to complete an Annual Attending Physician Statement (AAPS) once each year during the first five years following the disability retirement and once in every three years thereafter until the retiree has reached the equivalent age of regular retirement unless the medical evidence shows conclusively that the disability retiree cannot recover from the disability. The AAPS needs to be returned within 10 business days of receipt by the disability retiree. Depending on the results of the AAPS LASERS may require a disability retiree to undergo a medical examination.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:220.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1959 (October 1998), LR 26:1490 (July 2000), LR 27:1581 (September 2001), LR 32:

Family Impact Statement

The proposed amendment of LAC 58.I.2511 deals with the requirement that certain disability retirees obtain an annual attending physician's statement certifying their continued eligibility for disability retirement. This regulation should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

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

Interested persons may submit written comments on the proposed changes until 4:30 p.m., December 26, 2005, to Steve Stark, Board of Trustees for the Louisiana State Employees' Retirement, P.O. Box 44213, Baton Rouge, LA 70804.

Robert L. Borden
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Certification of Continuing Eligibility

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

No implementation costs to state or local governmental units are anticipated to result from the implementation of this rule.

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

No effect on revenue collections to state or local governmental units is expected to result from the implementation of this rule.

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

LASERS disability retirees who would otherwise be required by rule to obtain an annual statement from their attending physician certifying that they remain eligible for disability retirement will be affected. In instances where a waiver is implemented, such as times of natural disaster or emergency, these retirees would benefit by avoiding the expense of obtaining the certification.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is expected to result from the implementation of these rules.

Robert L. Borden
Executive Director
0511#084

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury
Teachers' Retirement System

Deferred Retirement Option Plan—Distributions Provided for by the Hurricane Katrina Tax Relief Act of 2005
(LAC 58:III.510)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Trustees of the Teachers' Retirement System of Louisiana hereby advertises its intention to amend policies governing the withdrawal of funds from Deferred Retirement Option Plan (DROP) accounts in accordance with certain provisions of the United States Hurricane Katrina Tax Relief Act of 2005 and the corresponding revisions to the Internal Revenue Code (IRS Announcement 2005-70). This Act allows for distributions, from a public pension plan qualified under the provisions of the Internal Revenue Code, Section 401(a), to be made by retirees residing in the Hurricane Katrina Disaster Area. These distributions will be allowed through December 31, 2006 without penalty.

Title 58
RETIREMENT
Part III. Teachers' Retirement System of Louisiana
Chapter 5. Deferred Retirement Option Plan
§510. Distributions Provided for by the Hurricane Katrina Tax Relief Act of 2005

A. If a participant's principal residence was located in the Hurricane Katrina disaster area on August 28, 2005, as provided by said Act and they sustained an economic loss as a result of Hurricane Katrina, they may be able to withdraw funds from their DROP/ILSB account in addition to those normally allowed under §509. In order to receive an additional distribution, the participant must have retired prior to the special withdrawal request.

B. Hurricane Katrina distributions must be made between August 25, 2005 and December 31, 2006. Additional distributions are limited to $100,000, and possibly less if the participant received Hurricane Katrina distributions from any other retirement accounts; however, no distribution is allowable greater than the participant's account balance. A qualified distribution is not subject to any penalty that would normally be imposed because of the participant's age, and the distribution is not subject to any mandatory federal income tax withholding.

C. Participants eligible to receive funds under this provision must complete a notarized Hurricane Katrina Affidavit attesting to their eligibility.

D. If the participant is married, consent of the participant's spouse is required to receive a Hurricane Katrina distribution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:786-791 and the U. S. Hurricane Katrina Tax Relief Act of 2005.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System, LR 32:

Family Impact Statement

The proposed amendment of LAC 58.III.510 concerns the amending of policies governing the withdrawal of funds from Deferred Retirement Option Plan (DROP) accounts in accordance with certain provisions of the United States Hurricane Katrina Tax Relief Act of 2005 and corresponding revision to the Internal Revenue Code (IRS Announcement 2005-70). This regulation should not have any known or foreseeable impact on any family as defined by R.S. 49:972.D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

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

Interested persons may comment on the proposed Rule in writing by January 27, 2006, to Dana L. Vicknair, Assistant Director, Teachers' Retirement System of Louisiana, P.O. Box 94123, Baton Rouge, LA 70804-9123.

Maureen H. Westgard
Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Deferred Retirement Option Plan—Distributions Provided for by the Hurricane Katrina Tax Relief Act of 2005

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

There are no implementation costs to state or local government units. This amended rule allows Deferred Retirement Option Plan (DROP) retirees to withdraw part of their DROP account in addition to the available options currently available with no early withdrawal penalty and to defer federal income taxes for up to 3 years as provided for under the United States Hurricane Katrina Tax Relief Act of 2005.

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

There is no effect on revenue collection of state or local government units. No revenue is currently being collected.

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

No change is being made to the method by which DROP account balances and interest payments are being calculated. The withdrawal schedule is being made more flexible in accordance with the United States Hurricane Katrina Tax Relief Act of 2005.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment because no changes are being made in the compensation or fringe benefits being paid to DROP participants/retirees.

Maureen H. Westgard
Director
0511#042

Robert E. Hosse
Staff Director
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry
Horticulture Commission

Retail Floristry Examination

The next retail floristry examinations will be given January 23-27, 2006, 9:30 a.m. at the 4-H Mini Farm Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending in application and fee is December 9, 2005. No applications will be accepted after December 9, 2005.

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 3596, Baton Rouge, LA 70821-3596, phone (225) 952-8100.

Any individual requesting special accommodations due to a disability should notify the office prior to December 9, 2005. Questions may be directed to (225) 952-8100.

Bob Odom
Commissioner

0511#048

POTPOURRI

Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences
Division of Pesticides and Environmental Programs

Imposition of Quarantine—Hurricane Katrina

In accordance with the provisions of the Formosan Termite Initiative Act, (R.S. 3:3391.1 through 3391.13), the Commissioner of Agriculture and Forestry, (commissioner), by the authority granted to him by R.S. 3:3391.7, hereby issues the following quarantine:

I. Facts Supporting Declaration

On August 29, 2005 Hurricane Katrina devastated the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, and Washington. The named parishes are known to be heavily infested with Formosan termites. The hurricane has left millions of tons of wood debris, including debris infested with Formosan termites, in the named parishes. Additionally, thousands of structurally unsound buildings and structures, many of which are infested with Formosan termites, are in the named parishes and will have to be destroyed and turned into wood debris. State and federal authorities have developed plans to turn this wood debris into compost and other items for use in these and other Louisiana parishes. Such use of this wood debris will facilitate the spread of Formosan termites into areas of the state that are either not currently infested or have a minor or moderate infestation, thereby causing destruction or substantial damage to houses and other structures.

Many of the houses and structures that will be destroyed contain architecturally significant components, such as beams and doors, which are both salvageable and economically valuable. These articles will be sold for installation in new and remodeled homes and structures in the named parishes and in other parishes. Many of these articles will be infested with Formosan termites. The use of these infested articles in new and remodeled homes and structures will cause the spread of Formosan termites and subsequent destruction or substantial damage to these and other homes and structures.

The devastation left by Hurricane Katrina also requires temporary and permanent housing to be moved into or built in the named parishes. Unless the movable temporary housing is inspected prior to leaving the named parishes, the use or passage of the temporary housing in or through other parishes of the state will cause the spread of Formosan termites and subsequent destruction or substantial damage to these and other homes and structures. All new construction and reconstruction of permanent housing in the named parishes must be treated for Formosan termites to reduce the extent of infestation and to minimize subsequent destruction and damage to these homes and structures and other homes and structures.

Imposition of this quarantine is required to prevent the spread of Formosan termites and infestation of areas, homes and structures that are not currently infested, or which are to be built or reconstructed. Failure to impose this quarantine will cause severe economic damage and property loss to the citizens of Louisiana.

II. Objectives of Quarantine

The objectives of this quarantine are to prevent the spread of Formosan termites into areas of the state that are not now currently infested with Formosan termites, to prevent Formosan termites from infesting existing homes and structures that are not currently infested, and to prevent Formosan termites from infesting new and reconstructed homes and structures.

III. Geographical Area of Quarantine

The geographical areas of this quarantine are the named parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, and Washington.

IV. Prohibitions and Requirements

1. All new construction and reconstruction of houses, buildings and other permanent structures in the named parishes must be treated for Formosan termites according to the Louisiana Structural Pest Control Commission's Rules and Regulations.

2. The movement of any wood or cellulose material from the named parishes is prohibited unless either (1) such wood or cellulose material has been fumigated or otherwise treated for Formosan termites and is approved for movement by the commissioner or his designee(s), or (2) the commissioner or his designee(s) gives written authorizations

for untreated wood or cellulose material to be moved from the named parishes.

3. All temporary housing to be moved out of the named parishes shall not be removed from the named parishes until written authorization is given by the commissioner or his designee(s).

4. All architectural components, such as beams, doors, and other wood salvaged from a structure in the named parishes shall not be sold or placed in a new, remodeled, or reconstructed home, building, or permanent structure located in the named parishes or in any other parish prior to being fumigated or treated for Formosan termites.

V. Exemptions from Quarantine

The following activities shall be exempt from this quarantine.

1. Commercial logging and timber operations related to silvaculture productions.

2. Commercial operations involving the sale or distribution of nursery stock. Nursery stock is defined in R.S. 3:1656(B) and means "all trees, shrubs, ornamental plants, grass sod, foliage plants, or marsh plants."

VI. Time Limit

This quarantine shall remain in effect until rescinded by my written order. A waiver of any requirement or authorization for anyone to do any of the prohibited acts, whether in whole or in part, by me or my designee(s) shall not be construed as rescinding or modifying this quarantine.

Signed October 25, 2005 at Baton Rouge, Louisiana.

Bob Odom
Commissioner

0511#029

POTPOURRI

Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences
Division of Pesticides and Environmental Programs

Imposition of Quarantine—Hurricane Rita

In accordance with the provisions of the Formosan Termite Initiative Act, (R.S. 3:3391.1 through 3391.13), the Commissioner of Agriculture and Forestry, (commissioner), by the authority granted to him by R.S. 3:3391.7, hereby issues the following quarantine

I. Facts Supporting Declaration

On September 24, 2005 Hurricane Rita devastated the parishes of Calcasieu, Cameron and Jefferson Davis. The named parishes are known to be heavily infested with Formosan termites. The hurricane has left millions of tons of wood debris, including debris infested with Formosan termites, in the named parishes. Additionally, thousands of structurally unsound buildings and structures, many of which are infested with Formosan termites, are in the named parishes and will have to be destroyed and turned into wood debris. State and federal authorities have developed plans to turn this wood debris into compost and other items for use in these and other Louisiana parishes. Such use of this wood debris will facilitate the spread of Formosan termites into areas of the state that are either not currently infested or have a minor or moderate infestation, thereby causing destruction or substantial damage to houses and other structures.

Many of the houses and structures that will be destroyed contain architecturally significant components, such as beams and doors, which are both salvageable and economically valuable. These articles will be sold for installation in new and remodeled homes and structures in the named parishes and in other parishes. Many of these articles will be infested with Formosan termites. The use of these infested articles in new and remodeled homes and structures will cause the spread of Formosan termites and subsequent destruction or substantial damage to these and other homes and structures.

The devastation left by Hurricane Rita also requires temporary and permanent housing to be moved into or built in the named parishes. Unless the movable temporary housing is inspected prior to leaving the named parishes, the use or passage of the temporary housing in or through other parishes of the state will cause the spread of Formosan termites and subsequent destruction or substantial damage to these and other homes and structures. All new construction and reconstruction of permanent housing in the named parishes must be treated for Formosan termites to reduce the extent of infestation and to minimize subsequent destruction and damage to these homes and structures and other homes and structures.

Imposition of this quarantine is required to prevent the spread of Formosan termites and infestation of areas, homes and structures that are not currently infested, or which are to be built or reconstructed. Failure to impose this quarantine will cause severe economic damage and property loss to the citizens of Louisiana.

II. Objectives of Quarantine

The objectives of this quarantine are to prevent the spread of Formosan termites into areas of the state that are not now currently infested with Formosan termites, to prevent Formosan termites from infesting existing homes and structures that are not currently infested, and to prevent Formosan termites from infesting new and reconstructed homes and structures.

III. Geographical Area of Quarantine

The geographical areas of this quarantine are the named parishes of Calcasieu, Cameron and Jefferson Davis.

IV. Prohibitions and Requirements

1. All new construction and reconstruction of houses, buildings and other permanent structures in the named parishes must be treated for Formosan termites according to the Louisiana Structural Pest Control Commission's Rules and Regulations.

2. The movement of any wood or cellulose material from the named parishes is prohibited unless either (1) such wood or cellulose material has been fumigated or otherwise treated for Formosan termites and is approved for movement by the commissioner or his designee(s), or (2) the commissioner or his designee(s) gives written authorizations for untreated wood or cellulose material to be moved from the named parishes.

3. All temporary housing to be moved out of the named parishes shall not be removed from the named parishes until

written authorization is given by the commissioner or his designee(s).

4. All architectural components, such as beams, doors, and other wood salvaged from a structure in the named parishes shall not be sold or placed in a new, remodeled, or reconstructed home, building, or permanent structure located in the named parishes or in any other parish prior to being fumigated or treated for Formosan termites.

V. Exemptions from Quarantine

The following activities shall be exempt from this quarantine.

1. Commercial logging and timber operations related to silvaculture productions.

2. Commercial operations involving the sale or distribution of nursery stock. Nursery stock is defined in R.S. 3:1656(B) and means "all trees, shrubs, ornamental plants, grass sod, foliage plants, or marsh plants."

VI. Time Limit

This quarantine shall remain in effect until rescinded by my written order. A waiver of any requirement or authorization for anyone to do any of the prohibited acts, whether in whole or in part, by me or my designee(s) shall not be construed as rescinding or modifying this quarantine.

Signed October 25, 2005 at Baton Rouge, Louisiana.

Bob Odom
Commissioner

0511#028

POTPOURRI

Department of Agriculture and Forestry
Office of Forestry
and
Department of Revenue
Tax Commission

Timber Stumpage Values

The Louisiana Forestry Commission and the Louisiana Tax Commission will meet and jointly adopt current average timber market values for 2006 on December 12, 2005, which is the second Monday in December as required by the provisions of R.S. 47:633. The meeting will begin at 10 a.m. and be held at the headquarters of the Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA.

The valuations adopted by these commissions shall take effect on January 1, 2006 and continue through December 31, 2006.

The Louisiana Department of Agriculture and Forestry, Office of Forestry has compiled the following data and developed the following recommendations for the determination of the current average stumpage market value of trees and timber and of pulpwood for calendar year 2006.

Stumpage Values to be Recommended Based on Quarterly Market Bulletin Data

Trees and Timber	Price/Scale	Price/Ton
Pine Sawtimber	$358.08/MBF	$44.76/Ton
Hardwood & Cypress Sawtimber	$339.72/MBF	$35.76/Ton
Pine Chip and Saw	$110.81/CD	$41.04Ton
Pulpwood		
Pine Pulpwood	$22.01/CD	$8.15/Ton
Hardwood & Cypress Pulpwood	$19.18/CD	$6.73/Ton

Quarterly Market Bulletin Summaries
Third Quarter 2004 (July - September)

Product	Stump Volume (Tons)	Stump Value ($)	Stmp Avg ($/Ton)
Pine Sawtimber	639,055.18	$27,972,845.19	$43.77
Hardwood & Cypress Sawtimber	155,704.37	6,093,830.66	39.14
Pine Pulpwood	373,200.45	2,678,444.44	7.18
Hardwood & Cypress Pulpwood	196,949.16	1,265,971.92	6.43
Chip-N-Saw	38,761.36	1,573,101.24	40.58

Fourth Quarter 2004 (October - December)

Product	Stump Volume (Tons)	Stump Value ($)	Stmp Avg ($/Ton)
Pine Sawtimber	327,415.93	$14,885,818.62	$45.46
Hardwood & Cypress Sawtimber	68,053.35	2,265,243.36	33.29
Pine Pulpwood	231,750.83	1,672,699.25	7.22
Hardwood & Cypress Pulpwood	96,907.59	568,785.01	5.87
Chip-N-Saw	33.45	1,003.80	30.00

First Quarter 2005 (January - March)			
Product	**Stump Volume (Tons)**	**Stump Value ($)**	**Stmp Avg ($/Ton)**
Pine Sawtimber	284,169.62	$13,582,512.96	$47.80
Hardwood & Cypress Sawtimber	67,879.31	2,421,805.30	35.68
Pine Pulpwood	149,372.67	1,377,137.14	9.22
Hardwood & Cypress Pulpwood	48,258.54	387,923.21	8.04
Chip-N-Saw	30,792.39	1,283,752.04	41.69
Second Quarter 2005 (April - June)			
Product	**Stump Volume (Tons)**	**Stump Value ($)**	**Stmp Avg ($/Ton)**
Pine Sawtimber	574,925.42	$25,263,776.56	$43.94
Hardwood & Cypress Sawtimber	96,680.71	3,107,169.23	32.14
Pine Pulpwood	509,209.04	4,563,751.77	9.00
Hardwood & Cypress Pulpwood	151,861.70	1,101,037.80	7.25
Chip-N-Saw	27,790.59	1,138,317.07	40.96
Conversion Factors			
MBF Pine Doyle Scale	= 16,000	= 8.00 Tons	
MBF Hardwood Doyle Scale	= 19,000	= 9.50 Tons	
Cord Pine	= 5,400 lbs	= 2.70 Tons	
Cord Hardwood	= 5,700 lbs	= 2.85 Tons	
Chip-N-Saw	= 5,400 lbs	= 2.70 Tons	

Paul D. Frey
Assistant Commissioner

0511#070

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Extension of Comment Period for Grant Parish
Ozone Maintenance Plan

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Plan Development Section, will submit a proposed revision to the ozone maintenance plan for Grant Parish. This revision to the State Implementation Plan (SIP) is mandated under Section 110(a)(1) requirements of the 1990 Clean Air Act Amendments (CAAA).

According to the Phase 1 Implementation Rule published April 30, 2004 (69 FR 23951), areas that are designated attainment for the 8-hour ozone National Ambient Air Quality Standards (NAAQS) and are designated attainment for the 1-hour ozone NAAQS with an approved maintenance plan must submit a revision.

The Potpourri notice for the Grant Parish Ozone Maintenance Plan revision was published on page 2655 of the October 20, 2005, issue of the *Louisiana Register*. The public hearing will still be held at 1:30 p.m. on November 29, 2005, in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA. The comment period has been extended until 4:30 p.m., December 19, 2005. Written comments should be submitted to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to vivian.aucoin@la.gov.

A copy of the SIP revision for Grant Parish may be viewed from 8 a.m. to 4:30 p.m. in the DEQ Public Records Center, Room 127, 602 N. Fifth Street, Baton Rouge, LA, or at the Northeast Regional Office located at 1823 Hwy. 546, West Monroe, LA.

Herman Robinson, CPM
Executive Counsel

0511#080

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Extension of Comment Period for HW084
Remediation of Sites with Contaminated Media
(LAC 33:V.109.Hazardous Waste Definition)

The Louisiana Department of Environmental Quality is granting the request for an extension of the comment period for proposed Rule HW084. The Notice of Intent for this Rule was published on pages 2272-2273 of the September 20, 2005, issue of the *Louisiana Register*. All interested persons are invited to continue to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW084. Such comments must be received no later than December 23, 2005, at 4:30 p.m., and should be sent to Judith A.

Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by email to judith.schuerman@la.gov.

Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW084. This regulation is available on the internet at www.deq.louisiana.gov under Rules and Regulations. This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Herman Robinson, CPM
Executive Counsel

0511#079

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Public Notice and Public Participation Procedures
Regarding Proposed Permit Actions in
Hurricane Impacted Areas

The dislocation of residents and the damage to infrastructure in the Emergency Areas has affected the ability of the Department of Environmental Quality to solicit and receive comments on proposed permit actions. The following procedures are intended to address these issues in a manner that offers the opportunity for meaningful public participation and that meets the requirements and intent of the state and federal permitting statutes and regulations.

Public notice and comment procedures will vary according to the categorization of the parish in which the facility at issue is located. The department will categorize parishes after evaluating all relevant factors, including but not limited to:

- newspaper circulation rates (both paid subscriptions and free distribution), comparing pre-hurricane with current rates
- basic services—power, potable water, and sewage treatment
- local government approval for residents to return for long-term habitation
- number of schools that are open
- availability of locations to serve as document repositories and in which to conduct public hearings should they be requested
- condition of roads

Category 1 parishes are those with newspaper circulation rates of at least 90 percent pre-hurricane levels. Basic services are restored to at least 90 percent pre-hurricane levels. The parish is open for long-term habitation and public schools have resumed operation. As of this date, the parishes in this category are Acadia, Allen, Ascension, Assumption, Beauregard, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Lafourche, Livingston, Pointe Coupee, St. Charles, St. Helena, St. James, St. John, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, Washington, West Baton Rouge and West Feliciana.

In Category 1 parishes, the department will continue to implement the public notice procedures in place before the hurricanes. This includes publication in the required newspapers, sending notice to individuals on the department's permits mailing list, placing notice on the department's web page, and sending electronic notice to individuals who have registered with the department to receive notices in this manner. The DEQ Public Participation Group (PPG) will use its knowledge of newspaper distribution rates and patterns to determine if the notice should be placed in more than one local newspaper. Some permit procedures require notice to also be placed in the official state journal, *The Advocate*.

Category 2 parishes are those with newspaper circulation rates of at least 50 percent pre-hurricane levels, and basic services restored to at least 50 percent of the parish. The parish is open for long-term habitation and public schools have resumed operation. As of this date, the parishes in this category are St. Tammany, Jefferson, Terrebonne, Calcasieu, and Plaquemines.

In Category 2 parishes, the department will follow the same procedures provided herein for Category 1, with the addition of the following: Notices will be placed in *The Advocate* to identify the permits placed on public notice for the previous week, sorted by parish. These notices will clearly identify the electronic web link to view the public notices and will give the phone number to call to request additional information or to find out where documents may be reviewed locally.

Category 3 parishes are the most severely affected parishes. Any parish not meeting all of the criteria for Category 2 are considered Category 3. As of this date, the parishes in this category are Cameron, Orleans, and St. Bernard.

In Category 3 parishes, the department will follow the same procedures provided herein for Category 2, with the addition of the following:

1. Comment periods will be extended a total of 15 extra days.
2. Notices will be published twice in the selected newspaper(s).
3. An additional newspaper will be selected in which to publish the notices. This will be the newspaper with the largest circulation in a parish that physically adjoins the parish in which the facility is located.
4. If not already required to do so, the department will publish notices in *The Advocate*, the official state journal.

When arranging public hearings to solicit comments regarding permitting activities, the department will work with stakeholders to find suitable hearing site locations.

Herman Robinson, CPM
Executive Counsel

0511#081

POTPOURRI

Office of the Governor
Oil Spill Coordinator's Office

Final Damage Assessment and Restoration Plan/Environmental Assessment for Equinox Oil Company Crude Oil Discharge

Agencies: Louisiana Oil Spill Coordinator's Office, Office of the Governor (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); National Oceanic and Atmospheric Administration (NOAA); and United States Department of the Interior (USDOI) which is represented by the U.S. Fish and Wildlife Service (USFWS).

Action: Notice of availability of a Final Damage Assessment and Restoration Plan/Environmental Assessment.

Summary: Notice is hereby given that a document entitled, "Final Damage Assessment and Restoration Plan and Environmental Assessment for Equinox Oil Company Crude Oil Discharge, Lake Grande Ecaille, Louisiana, September 22, 1998" (Final DARP/EA) is final and available to the public as of November 20 2005. This document has been prepared by the agencies listed above (Trustees) to address injuries to natural resources and services following the September 22, 1998 discharge of crude oil into Lake Grande Ecaille, Louisiana (the incident). This document presents the Trustees' assessment of injuries to natural resources and services attributable to this incident, and their plan to restore, replace, or acquire resources or services equivalent to those lost as a basis for compensating for the injuries to natural resources and services that occurred.

For Further Information: Contact Gina Muhs Saizan at 225-219-5800 or by email gina.saizan@la.gov (to view the Final DARP/EA via the internet: www.losco.state.la.us and look under the News Flash for Equinox Oil Spill Final DARP/EA).

Address: Interested members of the public are invited to request a copy of the Final DARP/EA from Gina Muhs Saizan at the address given below.

Gina Muhs Saizan
Louisiana Oil Spill Coordinator's Office
150 Third Street, Suite 405
Baton Rouge, LA 70801
gina.saizan@la.gov

Supplementary Information: The public was given an opportunity to review and comment on the Draft DARP/EA during the public comment period, which extended from July 20, 2005 through August 22, 2005. Public review of the Draft DARP/EA is consistent with all state and federal laws and regulations that apply to the Natural Resource Damage Assessment (NRDA) process, including Section 1006 of the Oil Pollution Act (OPA), 33 U.S.C. §2706; the regulations for NRDA under OPA, 15 C.F.R. Part 990; Section 2480 of the Louisiana Oil Spill Prevention and Response Act (OSPRA), R.S. 30:2480 et seq.; and the regulations for NRDA under OSPRA, LAC 43:XXIX.Chapter 1. The Trustees did not receive comments during the public comment period and have finalized the DARP/EA for the September 22, 1998 Equinox Oil Company Crude Oil Discharge, Lake Grande Ecaille, Louisiana.

Roland Guidry
Oil Spill Coordinator

0511#083

POTPOURRI

Department of Natural Resources
Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Randolph Cheramie	Golden Meadow	L	Collins Community	2	25724
King Resources Company	Klondike	L	V J Kvpzweg et al	1	126788
Abbeville Operating Corp.	Abbeville	L	L C Borel et al Unit	1	117973
United Investment Group	Galbraith	S	Martin Lumber Co. SWD	3	134885
United Investment Group	Galbraith	S	Martin Lumber Company	1	213898
Behrings Production Co., Inc.	Dehlco	M	Osa C Avant	1	088699
Dunhill Resources, Inc.	Atchafalaya Bay	L	SL 1593	3	191800
Jack E. Stack, Jr.	Wildcat	M	Broadhead	2	092750
Delta Drilling Company	Epps	M	Hale Unit	1-A	056838

James H. Welsh
Commissioner

0511#053

POTPOURRI

Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 8 claims in the amount of $27,231.51 were received for payment during the period September 1, 2005-October 31, 2005.

There were 6 claims paid and 2 claims denied.

Loran Coordinates of reported underwater obstructions are:

27483	46922	Iberia
28172	46828	Terrebonne
28628	46852	Jefferson

Latitude/Longitude Coordinates of reported underwater obstructions are:

2913.701	9001.285	Jefferson
2919.471	8956.431	Jefferson
2919.713	8952.002	Jefferson
2924.668	9032.280	Terrebonne
2929.090	9000.868	Jefferson

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Scott A. Angelle
Secretary

0511#072

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