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Executive Orders

EXECUTIVE ORDER JBE 16-08

Flags at Half-Staff to Honor Senator Edgar “Sonny” Mouton

WHEREAS, former Louisiana State Representative and State Senator Edgar “Sonny” Mouton, died on Thursday, March 24, 2016, at the age of 86;

WHEREAS, Edgar “Sonny” Mouton represented Lafayette as a legislator for sixteen years, beginning with his election to the Louisiana House of Representatives in 1964 and subsequent election to the Twenty-Third District for the Senate in 1966, serving as president pro-tem of the Senate from 1976 to 1980;

WHEREAS, Senator Mouton served in multiple leadership roles in the legislature, as Chairman of the Committee on Health, Education, and Welfare; Vice-Chairman of the Senate and Governmental Affairs Committee; member of the Governor’s Committee on Reorganization of State government; and as a member of the Joint Legislative Budget Committee;

WHEREAS, Senator Mouton served as a powerful voice supporting French immersion studies, playing an instrumental role in the passage of legislation in 1968 creating CODOFIL, the Council for the Development of French in Louisiana, the aim of which is to preserve the use of the French language in the State of Louisiana;

WHEREAS, within the state legislature, he was known for his commitment to improving infrastructure and working across party lines, and within his community, he was known for his leadership and dedication;

WHEREAS, his civic and public service achievements were recognized at his induction into the “Order of Living Legends” in 2003 and the Louisiana Political Hall of Fame in 2004; and

WHEREAS, Senator Mouton was a truly dedicated public servant and he will be remembered for making Louisiana a better place.

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

SECTION 1: As an expression of respect for Senator Edgar “Sonny” Mouton, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all public buildings and institutions of the State of Louisiana until sunset on Monday, March 28, 2016.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Monday, March 28, 2016, unless amended, modified, terminated, or rescinded prior to that date.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 28th day of March, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1604#024

EXECUTIVE ORDER JBE 16-09

Consistency with Louisiana’s Comprehensive Master Coastal Plan to Ensure a Sustainable Integrated Coastal Ecosystem

WHEREAS, Louisiana and its citizens have suffered catastrophic losses and human, economic, and social harm as a result of coastal land and wetlands loss, and the continued threat of further land loss to Louisiana’s working coast threatens the viability of residential, agricultural, energy, and industrial development as well as valuable fish and wildlife production in coastal Louisiana;

WHEREAS, Louisiana continues to experience one of the fastest rates of coastal erosion in the world, and parts of our State remain unprotected from or vulnerable to future hurricane and flood event impacts;

WHEREAS, our working coast is a national treasure which provides protection for infrastructure that supplies 90% of the nation’s outer continental oil and gas, 20% of the nation’s annual waterborne commerce, 26% (by weight) of the continental U.S. commercial fishing lands, and winter habitat for five million migratory waterfowl;

WHEREAS, coastal Louisiana is also a vital regional asset which serves as residence to two million people and as a historical foundation to our unique cultural heritage;

WHEREAS, Louisiana’s first coastal master plan, *Integrated Ecosystem Restoration and Hurricane Protection: Louisiana’s Comprehensive Master Plan for a Sustainable Coast* (“Coastal Master Plan”), was approved by the Coastal Protection and Restoration Authority (“CPRA”) at its April 12, 2007, meeting and unanimously approved by the Louisiana Legislature through Senate Concurrent Resolution No. 11 during the 2007 Regular Session;

WHEREAS, Louisiana’s Coastal Protection, Conservation, Restoration, and Management Act, La. R.S. 49:214.1-214.42, requires the CPRA Board to review, revise, and amend the Master Plan at least every five years;

WHEREAS, in accordance with their statutory mandate, the CPRA Board approved the 2012 Coastal Master Plan at its March 21, 2012, meeting, and the revised Coastal Master Plan was unanimously approved by the Louisiana Legislature through Senate Concurrent Resolution No. 46 during the 2012 Regular Session;

WHEREAS, the Coastal Master Plan states a goal of protection, through the use of a combination of restoration, nonstructural, targeted structural measures to provide increased flood protection for all communities, and restoration, through the use of an integrated and synergistic approach to ensure a sustainable and resilient coastal landscape;

WHEREAS, the Coastal Master Plan acknowledges the need for coordination among government agencies, as well as our local and federal partners, in order to ensure consistency with the Plan and to achieve the Plan's missions and objectives;

WHEREAS, billions of dollars have been invested in the Coastal Master Plan and tremendous progress has been made since the 2007 Master Plan, including building or improving approximately 265 miles of levees, constructing 45 miles of barrier islands and berms, and benefitting over 27,000 acres of coastal habitat;

WHEREAS, state agencies must work in a cooperative manner and ensure activities subject to its jurisdictional authority are performed in a manner that expedites and promotes integrated coastal protection projects;

WHEREAS, Louisiana Revised Statute 49:214.3.1 directs the Governor, through his executive assistant for coastal activities, to "coordinate the powers, duties, functions, and responsibilities of any state agency relative to integrated coastal protection";

WHEREAS, Louisiana Revised Statute 49:214.3.1 also authorizes the Governor, through his executive assistant for coastal activities, to "review and modify proposed coastal use permits prior to issuance to the extent that such permits would authorize activities which significantly affect integrated coastal protection projects or which significantly diminish the benefits of projects intended to protect, conserve or enhance coastal areas and to require the issuance of permits for public or private integrated coastal protection projects or plans."

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

SECTION 1: In order to effectively and efficiently pursue the State's integrated coastal protection goals, all state agencies, departments, and offices shall administer their regulatory practices, programs, projects, contracts, grants, and all other functions vested in them in a manner consistent with Coastal Master Plan and public interest to the maximum extent possible.

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 4th day of April, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1604#035

EXECUTIVE ORDER JBE 16-10

Governor's Advisory Council on Disability Affairs

WHEREAS, the Governor's Advisory Council on Disability Affairs was originally established by executive order to monitor state compliance with the Americans with Disabilities Act and to advise the Governor on the needs of individuals with disabilities and/or on other relative concerns;

WHEREAS, citizens of the State of Louisiana with disabilities have unique needs including, but not limited to, access to continued education concerning compliance with all disability rights laws;

WHEREAS, the State of Louisiana and its political subdivisions will strive to remove any barriers that may prohibit individuals with disabilities from living a full, integrated and active life, and will provide relative to accomplishing that goal; and

WHEREAS, it is in the best interests of the citizens of the State of Louisiana to continue the centralized and coordinated effort to further opportunities for persons with disabilities to enjoy full and equal access to lives of independence, productivity, and self-determination by serving the Louisiana citizens with disabilities through the continuance of the Governor's Advisory Council on Disability Affairs.

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

SECTION 1: The Governor's Advisory Council on Disability Affairs (hereafter "Council") is reestablished and recreated within the executive department, Office of the Governor, Office of Disability Affairs.

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

A. Advising the Governor, through the Office of Disability Affairs, on issues of concern to the Louisiana citizens with disabilities;

B. Identifying the needs, issues, and solutions relative to persons with disabilities;

C. Assisting the Office of Disability Affairs, when requested, in the resolution of state disabilities issues; and

D. Providing education, communication, and networking services concerning disability issues and needs for all Louisiana citizens.

SECTION 3: On or before January 5, the Council shall submit to the Governor annual reports regarding the issues set forth in Section 2 of this Order.

SECTION 4: The Council shall be composed of a maximum of thirty-one (31) members who, unless otherwise specified, shall be appointed by and serve at the pleasure of the Governor.

1. The secretary of the Louisiana Workforce Commission, or the secretary's designee;

2. The secretary of the Department of Transportation and Development, or the secretary's designee;

3. The secretary of Department of Veterans Affairs, or the secretary's designee;

4. The secretary of Department of Children and Family Services, or the secretary's designee;

5. The assistant secretary of the Office of Aging and Adult Services, or the assistant secretary's designee;

6. The assistant secretary of the Office of Behavioral Health, or the assistant secretary's designee;

7. The assistant secretary of the Office for Citizens with Developmental Disabilities, or the assistant secretary's designee;

8. A representative of the Division of Special Populations in the Department of Education;

9. A representative of ADA Enforcement of the Louisiana Office of State Fire Marshal Public Safety Services;

10. The executive director of the Governor's Office of Elderly Affairs, or the director's designee;

11. The executive director of the Governor's Office of Homeland Security and Emergency Preparedness, or the director's designee;

12. The chair of the Developmental Disabilities Council, or the chair's designee;

13. The chair of the Louisiana Assistive Technology Access Network, or the chair's designee;

14. The chair of the Louisiana Rehabilitation Council, or the chair's designee;

15. The chair of the Statewide Independent Living Council, or the chair's designee;

16. The executive director of the Arc of Louisiana, or the executive director's designee;

17. The executive director of the Advocacy Center, or the executive director's designee;

18. One (1) member of the Louisiana State Senate, designated by the President of the Louisiana Senate;

19. One (1) member of the Louisiana House of Representatives designated by the Speaker of the Louisiana House of Representatives;

20. Twelve (12) at-large members with qualifications deemed appropriate by the Governor, which will include members with disabilities.

SECTION 5: The chair of the Council shall be appointed by the Governor from the membership of the Council. All other officers, if any, shall be elected by and from the membership of the Council.

SECTION 6: The Council shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 7: Council members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Council.

Council members who are an employee or an elected public official of the state of Louisiana or a political subdivision of the state of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

Council members who are also a member of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

SECTION 8: Support staff, facilities, and resources for the Council shall be provided by the Office of Disability Affairs, Office of the Governor.

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 Council 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 7th day of April, 2016.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1604#046

Emergency Rules

DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences**

Restrictions on Application of Certain Pesticides
(LAC 7:XXIII.1103)

In accordance with the Administrative Procedure Act, R.S. 49:953, and R.S. 3:3202(A), the commissioner of agriculture and forestry is exercising the emergency provisions of the Administrative Procedure Act in implementing the following rules and regulations governing the restrictions of applications of certain pesticides in certain parishes during certain times.

Due to current weather and crop conditions, the time frame for application of these pesticides needs to be extended. Agriculture has been hit by adverse weather conditions for the last four years. Unless conditions change the agriculture community will lose more farmers this year than in the past several years. Currently, the timeframe for requiring waivers for applications of these certain pesticides begins on March 15 annually. The department proposes to extend the application time, without the need for a waiver, through April 1. This extension is in an effort to insure that farm land is economically and properly prepared for crop planting, without which more farmers will not be able to farm.

Therefore, the commissioner of agriculture and forestry has determined that the extension of this timeframe constitutes an imminent peril to the health and safety of the Louisiana agricultural community and the citizens of Louisiana.

This Emergency Rule becomes effective upon signature, March 14, 2016, and will remain in effect until April 1, 2016.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Advisory Commission on Pesticides

Chapter 11. Regulations Governing Application of Pesticides

§1103. Restrictions on Application of Certain Pesticides

A. In addition to all other pesticides classified by EPA as restricted use pesticides, the pesticides listed in Subsection B of this Section are classified as restricted use pesticides within the state of Louisiana, except:

1. when formulated in concentration of 2 percent or less; or
2. when formulated with fertilizer for use by homeowners; or
3. when formulated in containers of one quart or less or two pounds dry weight or less.

B. The following pesticides may not be applied by commercial applicators during the times set forth in this Rule in the areas listed in §1103.C, D and E.

Chemical Name	Common Name
1. 4-amino-3, 5,6-trichloro-picolinic acid	Picloram
2. Arsenic trioxide	---
3. 3-chlorophenoxy-alpha-propionamide	3-CPA
4. 4-chlorophenoxy acetic acid	4-CPA
5. 2,4-dichlorophenoxy acetic acid	2,4-D
6. 4-(2,4-dichlorophenoxy) butyric	2,4-DB
7. 2-methoxy-3, 6-dichlorobenzoic acid	Dicamba
8. 2-methyl-4-chlorophenoxyacetic acid	2, 4-MCPA
9. 4-(2 methyl-4-chlorophenoxy) butyric acid	---
10. 2-(2 methyl-4-chlorophenoxy)	2-MCPP
11. Arsenic acid	Arsenic
12. Sodium arsenite	---
13. 2-(2,4,5-trichlorophenoxy) ethyl 2,2 dichloropropionate	---
14. Tris (2,4-dichlorophenoxy ethyl) phosphite	---
15. A mixture of tri-, tetra-, and polychlorobenzoic acid	---

C. The pesticides listed in §1103.B shall not be applied by commercial applicators between April 1 and September 15 in the following parishes or wards:

1. Avoyelles;
2. Bossier;
3. Caddo;
4. Caldwell;
5. Catahoula;
6. Claiborne, Ward 4;
7. Concordia;
8. DeSoto, Ward 7;
9. East Carroll;
10. Evangeline, Wards 1, 3 and 5;
11. Franklin;
12. Grant;
13. Iberville Ward 9;
14. LaSalle;
15. Madison;
16. Morehouse;
17. Natchitoches;
18. Ouachita;
19. Pointe Coupee;
20. Rapides;
21. Red River;
22. Richland;
23. St. Landry;
24. St. Martin, Ward 5;
25. Tensas;
26. Union;
27. West Carroll;
28. West Baton Rouge, Wards 5, 6, and 7;
29. Winn, Ward 7.

D. - O.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental

Sciences, LR 18:953 (September 1992), LR 19:1119 (September 1993), LR 21:668 (July 1995), LR 24:281 (February 1998), LR 24:2076 (November 1998), LR 26:1428 (July 2000), LR 26:1966 (September 2000), LR 27:279 (March 2001), LR 27:1672 (October 2001), LR 33:1855 (September 2007), LR 35:628 (April 2009), LR 36:1980 (September 2010), LR 37:269 (January 2011), LR 37:809 (March 2011), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3478 (December 2011), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 38:1556 (July 2012), LR 42:

Mike Strain, DVM
Commissioner

1604#001

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Boll Weevil Eradication Commission

Maintenance and Inspection Fee
Cotton Producers (LAC 7:XV.Chapter 3)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the enabling authority of R.S. 3:1604.1, R.S. 3:1652, and R.S. 3:1655, notice is hereby given that the Department of Agriculture and Forestry is, by Emergency Rule, amending LAC 7:XV.301, 303, and 321. The amendments to these rules reduce the maintenance inspection fee paid by cotton producers from \$6 per acre to \$5 per acre.

Current cotton commodity prices are the lowest seen in over 10 years, thus significantly reducing farm income for cotton producers. This Declaration of Emergency is required in order to provide cotton producers in the state of Louisiana some relief in the input costs necessary to produce a cotton crop. This fee reduction must be adopted by Emergency Rule because cotton producers must pay the fee by July 15 of each year and there is not sufficient time to amend the rules via the permanent rulemaking process prior to July 15.

This Rule shall have the force and effect of law on April 20, 2016, and will remain in effect 120 days, unless renewed by the commissioner of agriculture and forestry, or until permanent rules are promulgated in accordance with law.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantines

Chapter 3. Boll Weevil

§301. Maintenance Inspection Fee

A. In accordance with R.S. 3:1655(D), the state entomologist is authorized to assess fees to defray the costs of inspections or the issuance of certificates or permits for the shipment of agricultural products, commodities, packaging, or equipment. There is hereby established a fee for the inspection and certification of cotton for the presence of the boll weevil to ensure the marketability of cotton in

commerce and maintain Louisiana's boll weevil-free status. The fee shall be \$5 per acre for each acre of cotton planted in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1604.1, 1652, and 1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 40:1517 (August 2014), amended LR 42:

§303. Definitions Applicable to Boll Weevil

A. The words and terms defined in R.S. 3:1603 are applicable to this Chapter.

B. The following words and terms are defined for the purposes of this Chapter.

* * *

Maintenance Inspection Fee—the fee paid by cotton producers to finance, in whole or in part, a program to inspect cotton for the presence of the boll weevil in the state and to issue certificates or permits in accordance with R.S. 3:1655(D). The charge to the producer is calculated at the rate of \$5 per acre for each acre of cotton planted in the state.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1604.1, 1652, and 1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21:17 (January 1995), amended LR 23:195 (February 1997), LR 37:2583 (September 2011), LR 40:1517 (August 2014), LR 42:

§321. Maintenance Inspection Fees, Payment and Penalties

A. The annual maintenance inspection fee on cotton producers in the Louisiana eradication zone shall be \$5 per acre for each acre of cotton planted in the state. Each cotton producer shall pay his annual maintenance inspection fee directly to the department no later than July 15 or final certification with the FSA for that growing season, whichever is later. The signed and completed cotton acreage reporting and payment form with FSA Form 578 attached shall be submitted with the annual payment of the maintenance inspection fee.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1604.1, 1609, 1610, 1612, 1652, and 1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21:20 (January 1995), amended LR 21:669 (July 1995), LR 23:195 (February 1997), LR 24:2231 (December 1998), LR 25:829 (May 1999), LR 29:859 (June 2003), LR 30:1142 (June 2004), LR 30:2443 (November 2004), LR 37:2583 (September 2011), LR 40:1519 (August 2014), LR 42:

Mike Strain, DVM
Commissioner

1604#038

DECLARATION OF EMERGENCY

**Department of Agriculture and Forestry
Office of Animal Health and Food Safety**

**Turtle Eggs and Turtles—International Shipments
(LAC 7:XXI.1909)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority set forth in R.S. 3:2358.2 and 3:2358.10, notice is hereby given that the Department of Agriculture and Forestry is, by Emergency Rule, amending LAC 7:XXI.1909 regarding requirements for international shipments of turtles.

Currently, LAC 7:XXI.1909 requires a health certificate and certified laboratory report accompany all international shipments, irrespective of whether the country of destination requires the same. Louisiana is the only state in the nation with these exit requirements in lieu of following the entry requirements for the country of destination. The current regulation is overly burdensome and adds additional cost to Louisiana turtle farmers attempting to ship their commodities internationally. By amending LAC 7:XXI.1909 to require a health certificate and certified laboratory report when required by the country of destination, instead of for every international shipment, Louisiana turtle farmers will no longer be subject to an unfair trade disadvantage.

This Rule shall have the force and effect of law on the date of signature, April 6, 2016, and will remain in effect 120 days, unless renewed by the commissioner of agriculture and forestry, or until permanent rules are promulgated in accordance with law.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 19. Turtles

(Formerly Chapter 23)

§1909. Movement of Turtle Eggs and Turtles

(Formerly §2307)

A. - A.6. ...

7. Turtles or eggs intended for international commerce shall be conspicuously marked "For Export Only" on the outside of the shipping package. Turtles or eggs intended for international commerce shall be accompanied by a health certificate and/or a certified laboratory report if either is required by the country of destination.

8. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2358.2 and 3:2358.10.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health Services, LR 17:351 (April 1991), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 26:1569 (August 2000), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:980 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 42:

Mike Strain, DVM
Commissioner

1604#039

DECLARATION OF EMERGENCY

**Student Financial Assistance Commission
Office of Student Financial Assistance**

**Scholarship/Grant Programs—Definition of Eligible
Non-Citizen and Elimination of Awards in the Event of
Budget Shortfall (LAC 28:IV.301, 701 and 2107)**

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend and re-promulgate the rules of the scholarship/grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)].

This rulemaking clarifies the definition of *eligible non-citizen*, clarifies that Performance and Honors Award stipends are paid for each semester for which tuition is paid by TOPS and for which the student remains eligible for the award, and clarifies that awards to students who do not file the FAFSA or renewal FAFSA will be the first eliminated within their ACT cohort and deletes a provision that is only applicable to the 1998-1999 award year.

The 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. LASFAC has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective March 15, 2016, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG16169E)

Title 28

EDUCATION

**Part IV. Student Financial Assistance—Higher
Education**

Scholarship and Grant Programs

Chapter 3. Definitions

§301. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

* * *

Eligible Noncitizen—

a. an individual who can provide documentation from the U.S. Citizenship and Immigration Services (USCIS) or its successor that he is in the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident, including, but not limited to, refugees, persons granted asylum, Cuban-Haitian entrants, temporary residents under the recent Immigration Reform and Control Act of 1986, and others. A permanent resident of the United States must provide documentation from the USCIS to verify permanent residency. For 1997, 1998 and

1999 high school graduates, an eligible noncitizen shall be treated as meeting the citizenship requirements for an award under this Part;

b. beginning with the 2018-2019 academic year (high school) and later, a student who is not a citizen of the United States but who is the child of a non-United States citizen who is either serving in any branch of the United States Armed Forces or has been honorably discharged from any branch of the United States Armed Forces shall be treated as meeting the citizenship requirements for an award under this Part.

* * *

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), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1840 (November 2001), LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:234 (February 2008), LR 34:1388 (July 2008), LR 34:1884 (September 2008), LR 35:228 (February 2009), LR 35:1489 (August 2009), LR 35:1490 (August 2009), LR 36:311 (February 2010), LR 36:490 (March 2010), LR 36:2854 (December 2010), LR 37:1561 (June 2011), LR 37:1562 (June 2011), LR 38:1953 (August 2012), LR 38:3156 (December 2012), LR 39:308 (February 2013), LR 40:53 (January 2014), LR 40:281 (February 2014), LR 41:649, 658 (April 2015), LR 41:2595 (December 2015), LR 42:

Chapter 7. Taylor Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§701. General Provision

A. - E.1.b. ...

2.a. The TOPS Performance Award provides a \$400 annual stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (TOPS), in addition to an amount equal to tuition for full-time attendance at an eligible college or university, for a period not to exceed 8 semesters, including qualified summer sessions, 12 quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1(H), or LAC 28:IV.503.D, 509.C, or 701.E.2.b. If a student attends an eligible summer session, quarter, term, or equivalent unit and requests that their TOPS award be paid for that session, semester, quarter, term, or equivalent unit, the stipend will also be paid since payment of a TOPS award for a summer session, quarter, term, or equivalent unit will count toward the 8-semester limit for TOPS.

b. The semester or term count for a student shall not be increased for any semester or term a student is unable to complete because of orders to active duty in the United

States Armed Forces or National Guard, whether or not a full refund for the TOPS payment for that semester or term is received by LOSFA, provided that any amount of a stipend paid and not refunded shall be counted toward the total stipends allowed by law.

3.a. The TOPS Honors Award provides an \$800 annual stipend, prorated by two semesters, three quarters, or equivalent units in each academic year (TOPS), in addition to an amount equal to tuition for full-time attendance at an eligible college or university, for a period not to exceed 8 semesters, including qualified summer sessions, 12 quarters, including qualified summer sessions, or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters or quarters, except as provided by R.S. 17:3048.1(H), or LAC 28:IV.503.D, 509.C or 701.E.3.b. If a student attends an eligible summer session, quarter, term, or equivalent unit and requests that their TOPS award be paid for that session, semester, quarter, term, or equivalent unit, the stipend will also be paid since payment of a TOPS award for a summer session, quarter, term, or equivalent unit will count toward the 8-semester limit for TOPS.

b. The semester or term count for a student shall not be increased for any semester or term a student is unable to complete because of orders to active duty in the United States Armed Forces or National Guard, whether or not a full refund for the TOPS payment for that semester or term is received by LOSFA, provided that any amount of a stipend paid and not refunded shall be counted toward the total stipends allowed by law.

4.a. Through the 2009-2010 academic year (college), in lieu of the amount equal to tuition as provided by LAC 28:IV.701.E.1-3, students participating in the program provided by R.S. 29:36.1 for persons serving in the Louisiana National Guard shall receive the tuition exemption as provided therein, plus any applicable TOPS stipend and a sum of not more than \$150 per semester or \$300 annually for the actual cost of books and other instructional materials.

b. Beginning with the 2010-2011 academic year (college), in lieu of the amount equal to tuition as provided by LAC 28:IV.701.E.1-3, students with the TOPS Opportunity, Performance and Honors Award participating in the program provided by R.S. 29:36.1 for persons serving in the Louisiana National Guard shall receive the tuition exemption as provided therein, plus a sum of \$300 per semester or \$600 per academic year to be applied toward the cost of books and other instructional materials. In addition, those students with the Performance Award shall receive \$400 per semester or \$800 per academic year for other educational expenses and those students with the Honors Award shall receive \$800 per semester or \$1,600 per academic year for other educational expenses. If the student attends an eligible summer session, quarter, term, or equivalent unit and requests that their TOPS award be paid for that session, semester, quarter, term, or equivalent unit in accordance with this Paragraph, the amounts stipulated herein will also be paid since payment of a TOPS award for a summer session, quarter, term, or equivalent unit will count toward the eight-semester limit for TOPS.

E.5. - G2. ...

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 23:1645-1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999), LR 26:67 (January 2000), LR 26:1262 (June 2000), LR 26:1995 (September 2000), LR 26:2000 (September 2000), repromulgated LR 27:1848 (November 2001), amended LR 28:447 (March 2002), LR 28:2331 (November 2002), LR 29:880 (June 2003), LR 29:2372 (November 2003), LR 30:1161 (June 2004), LR 31:2213 (September 2005), LR 35:228 (February 2009), LR 36:2854 (December 2010), LR 40:1002 (May 2014), LR 41:663 (April 2015), LR 42:

Chapter 21. Miscellaneous Provisions and Exceptions
§2107. Funds and Funding

A. - B. ...

C. Insufficient Funds Appropriated

1. All LASFAC-administered state scholarship and grant program awards are contingent upon the annual appropriation of funds by the Louisiana Legislature.

2. In the event appropriated funds are insufficient to fully reimburse institutions for awards and stipends for all students determined eligible for the TOPS Opportunity, Performance, Honors and TECH Awards for a given academic year, then the number of eligible students shall be reduced in accordance with the following procedures until such funds are sufficient.

a. Applicants will be prioritized according to their ACT score and, within ACT score, by their EFC in ranges of \$1,000, from lowest to highest. Beginning with the lowest qualifying ACT score, the students who do not submit financial data on the initial FAFSA or a renewal FAFSA or who do not submit a renewal FAFSA to allow determination of eligibility for federal aid shall be eliminated, then those students with the highest EFC until the funds available are sufficient to award all remaining students or until all students with that ACT score have been eliminated. This process shall be repeated, beginning with the lowest ACT score and progressing to the highest ACT score, until the projected expenditure for awards equals the funds appropriated for that purpose.

b. Awards to students that are eliminated because they did not submit financial data on the initial FAFSA or a renewal FAFSA or who did not submit a renewal FAFSA to allow determination of eligibility for federal aid will not be reinstated until the Legislature appropriates sufficient monies to fund all awards for all students who are eligible to receive an award.

3. From among those students otherwise eligible who are denied an award because of the imposition of the procedures in §2107.C.2, if additional funds subsequently become available for expenditure in the same award year, those students who have the highest ACT scores and the least capacity to pay, as evidenced by their families' lower EFC, shall be the first to be awarded by reversing the procedure described in §2107.C.2.a.

D. Stop Payment of Uncleared Checks. The LASFAC may stop payment on checks which are issued as scholarship or grant awards but not negotiated by September 1 following the close of the academic year for which they were issued.

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 24:649 (April 1998), amended LR 24:1919 (October 1998), LR 26:1998 (September 2000), repromulgated LR 27:1869 (November 2001), amended LR 28:449 (March 2002), LR 28:777 (April 2002), LR 28:2333 (November 2002), LR 31:40 (January 2005), LR 38:3162 (December 2012), LR 42:

Robyn Rhea Lively
Senior Attorney

1604#003

DECLARATION OF EMERGENCY

Tuition Trust Authority
Office of Student Financial Assistance

START Saving Program (LAC 28:VI.305 and 315)

The Louisiana Tuition Trust Authority is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091 et seq.).

This rulemaking aligns the START Saving Program rules with *Internal Revenue Code* section 529 by providing that an account owner may change his investment option twice during each calendar year, and it adds the applicable interest rates for the 2015 calendar year.

The Emergency Rules is necessary to allow the Louisiana Office of Student Financial Assistance and 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. LATTA has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective March 15, 2016, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (ST16170ER)

Title 28

EDUCATION

Part VI. Student Financial Assistance—Higher Education Savings

Chapter 3. Education Savings Account

§305. Deposits to Education Savings Accounts

A. - D.4.d. ...

e. Beginning the 2015 calendar year and thereafter, the investment option may be changed two times each calendar year.

D.5. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1270 (July 1998), LR 26:2263 (October 2000), LR 27:1880 (November 2001), LR 30:788 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 35:236 (February 2009), LR 35:1234 (July 2009), LR 36:492 (March 2010), LR 36:2550 (November 2010), LR 42:

§315. Miscellaneous Provisions

A. - B.32. ...

33. For the year ending December 31, 2015, the Louisiana Education Tuition and Savings Fund earned an interest rate of 1.67 percent.

34. For the year ending December 31, 2015, the Savings Enhancement Fund earned an interest rate of 1.15 percent.

C. - S.2. ...

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 29:2038 (October 2003), repromulgated LR 29:2374 (November 2003), amended LR 30:791 (April 2004), LR 30:1472 (July 2004), LR 31:2216 (September 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:2359 (November 2007), LR 34:1886 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013), LR 40:1926 (October 2014), LR 41:1487 (August 2015), LR 42:

Public Comments

Interested persons may submit written comments on the proposed changes (ST16170NI) until 4:30 p.m., May 10, 2016, to Sujuan Williams Boutté, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

1604#002

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration Tax Commission

Ad Valorem Taxation

(LAC 61:V.101, 303, 304, 703, 907, 1103, 1307, 1503, 2501, 2503, 2713, 2717, 3101 and 3103)

The Louisiana Tax Commission exercised the provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted an Emergency Rule on December 9, 2015, with an effective date of January 1, 2016, that will expire on April 30, 2016. The following Emergency Rule was adopted on April 7, 2016 with an effective date of May 1, 2016.

This Emergency Rule is necessary in order to comply with the commission's decision to update Table 1307.A, Current Cost of Other Pipelines (Onshore). The commission published a Notice of Intent, in the December 20, 2015 edition of the Louisiana Register, to promulgate §1307, Pipelines. The commission received written comments and a request for a hearing to discuss this matter. A meeting was held on January 26, 2016 in which the commission made its decision to update Table 1307.A. It was the intent of the commission to update this table in the original Emergency Rule, however it was omitted in error. A Potpourri Notice

was published in the February 20, 2016 edition of the Louisiana Register, reflecting the updates to the table. A meeting was held on March 29, 2016 in which no one was present to further discuss this matter.

Pursuant to the Administrative Procedure Act, this Emergency Rule shall be in effect for a maximum of 120 days or until adoption of the Final Rule or another Emergency Rule, whichever occurs first.

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation

§101. Constitutional Principles for Property Taxation

A. - F.3.h. ...

G. Special Assessment Level

1. - 1.d. ...

2. Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person's or persons' adjusted gross income, for the year prior to the application for the special assessment, exceeds \$71,491 for tax year 2016 (2017 Orleans Parish). For persons applying for the special assessment whose filing status is married filing separately, the adjusted gross income for purposes of this Section shall be determined by combining the adjusted gross income on both federal tax returns.

3. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:700 (March 2005), LR 32:425 (March 2006), LR 33:489 (March 2007), LR 34:673 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:528 (March 2014), LR 41:671 (April 2015), LR 42:

Chapter 3. Real and Personal Property

§303. Real Property

A. - C.1. ...

2. The capitalization rate shall be set by the Louisiana Tax Commission in conjunction with its Rulemaking Session.

a. It is recommended that the capitalization rate for affordable rental housing properties categorized as Tier 1 shall be within a range of 5.5 - 6.5 percent, increased by the effective tax rate; for affordable rental housing properties categorized as Tier 2 shall be within a range of 6.5 - 7.5 percent, increased by the effective tax rate; and for affordable rental housing properties categorized as Tier 3 shall be within a range of 7.5 - 8.5 percent, increased by the effective tax rate. The Tiers are as established and defined by the Real Estate Research Corporation for Apartment Investment Properties. These capitalization rates shall remain in effect until modified by the Louisiana Tax Commission in accordance with its rulemaking authority.

D. The Louisiana Tax Commission has ordered all property to be reappraised for the 2016 tax year in all parishes. All property is to be valued as of January 1, 2015.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 7:44 (February 1981), amended by the Department of Revenue and Taxation, Tax Commission, LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:764 (December 1987), LR 16:1063 (December 1990), LR 17:611 (June 1991), LR 21:186 (February 1995), amended by the Department of Revenue, Tax Commission, LR 25:312 (February 1999), LR 26:506 (March 2000), LR 29:367 (March 2003), LR 30:487 (March 2004), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:765 (April

2010), amended by the Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 42:

§304. Electronic Change Order Specifications, Property Classifications Standards and Electronic Tax Roll Export Specifications

A. Electronic Change Order Specifications

B. Property Classifications Standards

C. Electronic Tax Roll Export Specifications

Parish Information (Parish.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Assessment Information (Assmt.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
***	***	***	***	***
homestead_exempt	Numeric	1	Yes	0 = None (default), 1 = homestead exemption and 2 = 100% Disabled Vet Homestead
***	***	***	***	***
taxpayer_addr3	Character	40	No	Tax payer's address line 3.
freeze	Numeric	1	Yes	0 = None (default), 1 = Over 65 Freeze, 2 = Disabled, 3 = Disabled Vet Freeze and 4 = Widow of POW/MIA
usufruct	Character	1	Yes	"N" = No (default) and "Y" = Yes

Assessment Value Information (Avalue.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Assessment Millage Information (Amillage.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Millage Group Information (Tgroup.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Parcel Information (Parcel.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
***	***	***	***	***
par_address	Character	50	Yes	Parcel address. (911 address)
***	***	***	***	***

Legal Description Information (Legal.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Additional Owner Information (Owner.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Improvement Information (Improve.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

Place FIPS Information (FIPS.txt)				
Field Name	Field Type	Field Length	Required	Comments
***	***	***	***	***

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), amended LR 32:427 (March 2006), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:529 (March 2014), LR 41:672 (April 2015), LR 42:

Chapter 7. Watercraft

§703. Tables—Watercraft

A. Floating Equipment—Motor Vessels

Table 703.A Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	94	.94
2014	1.012	2	87	.88
2013	1.025	3	80	.82
2012	1.034	4	73	.75
2011	1.063	5	66	.70
2010	1.097	6	58	.64
2009	1.088	7	50	.54
2008	1.120	8	43	.48
2007	1.164	9	36	.42
2006	1.227	10	29	.36
2005	1.284	11	24	.31
2004	1.381	12	22	.30
2003	1.429	13	20	.29

B. Floating Equipment—Barges (Non-Motorized)

Table 703.B Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	97	.97
2014	1.012	2	93	.94
2013	1.025	3	90	.92
2012	1.034	4	86	.89
2011	1.063	5	82	.87
2010	1.097	6	78	.86
2009	1.088	7	74	.81
2008	1.120	8	70	.78
2007	1.164	9	65	.76
2006	1.227	10	60	.74
2005	1.284	11	55	.71
2004	1.381	12	50	.69
2003	1.429	13	45	.64
2002	1.453	14	40	.58
2001	1.462	15	35	.51
2000	1.474	16	31	.46
1999	1.501	17	27	.41
1998	1.505	18	24	.36

Table 703.B Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
1997	1.518	19	22	.33
1996	1.543	20	21	.32
1995	1.566	21	20	.31

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

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Chapter 9. Oil and Gas Properties

§907. Valuation of Oil, Gas, and Other Wells

A. ...

ii. For wells producing 2 mcf or less of gas per day an additional reduction of 35 percent shall be applied.

1. Oil, Gas and Associated Wells; Region 1—North Louisiana

Table 907.A.1 Oil, Gas and Associated Wells; Region 1—North Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	37.53	131.37	5.63	19.71
1,250-2,499 ft.	33.89	96.60	5.08	14.49
2,500-3,749 ft.	26.64	63.97	4.00	9.60
3,750-4,999 ft.	36.84	63.74	5.53	9.56
5,000-7,499 ft.	43.32	62.22	6.50	9.33
7,500-9,999 ft.	94.97	83.87	14.25	12.58
10,000-12,499 ft.	276.94	101.73	41.54	15.26
12,500-14,999 ft.	450.38	153.62	67.56	23.04
15,000-17,499 ft.	576.45	175.17	86.47	26.28
17,500-Deeper ft.	N/A	490.00	N/A	73.50

2. Oil, Gas and Associated Wells; Region 2—South Louisiana

Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
	0-1,249 ft.	288.60	130.51	43.29
1,250-2,499 ft.	99.66	216.92	14.95	32.54
2,500-3,749 ft.	97.32	172.95	14.60	25.94
3,750-4,999 ft.	85.78	138.35	12.87	20.75
5,000-7,499 ft.	117.19	157.16	17.58	23.57
7,500-9,999 ft.	159.87	164.54	23.98	24.68
10,000-12,499 ft.	218.00	215.08	32.70	32.26
12,500-14,999 ft.	285.98	278.26	42.90	41.74
15,000-17,499 ft.	463.22	372.55	69.48	55.88
17,500-19,999 ft.	565.59	527.70	84.84	79.16
20,000-Deeper ft.	302.00	792.24	45.30	118.84

3. Oil, Gas and Associated Wells; Region 3—Offshore State Waters

Producing Depths	Cost—New By Depth, Per Foot		15% Of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
	0 -1,249 ft.	N/A	N/A	N/A
1,250 -2,499 ft.	1,446.66	1,057.06	217.00	158.56
2,500 -3,749 ft.	743.89	812.39	111.58	121.86
3,750 -4,999 ft.	1,061.83	744.93	159.27	111.74
5,000 -7,499 ft.	528.41	689.97	79.26	103.50
7,500 -9,999 ft.	669.93	652.91	100.49	97.94
10,000 -12,499 ft.	758.42	661.82	113.76	99.27
12,500 -14,999 ft.	659.61	644.07	98.94	96.61
15,000 -17,499 ft.	454.63	668.29	68.19	100.24
17,500 - 19,999 ft.	226.46	638.90	33.97	95.84
20,000 - Deeper ft.	N/A	1,004.29	N/A	150.64

B. The determination of whether a well is a region 2 or region 3 well is ascertained from its onshore/offshore status as designated on the permit to drill or amended permit to drill form (location of wells section), located at the Department of Natural Resources as of January 1 of each tax year. Each assessor is required to confirm the onshore/offshore status of wells located within their parish by referring to the permit to drill or amended permit to drill form on file at the Department of Natural Resources.

1. Parishes Considered to be Located in Region I

Bienville	DeSoto	Madison	Tensas
Bossier	East Carroll	Morehouse	Union
Caddo	Franklin	Natchitoches	Webster
Caldwell	Grant	Ouachita	West Carroll
Catahoula	Jackson	Red River	Winn
Claiborne	LaSalle	Richland	
Concordia	Lincoln	Sabine	

NOTE: All wells in parishes not listed above are located in Region 2 or Region 3.

2. Serial Number to Percent Good Conversion Chart

Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2015	248832	Higher	97
2014	247423	248831	93
2013	245849	247422	90
2012	244268	245848	86
2011	242592	244267	82
2010	240636	242591	78
2009	239277	240635	74
2008	236927	239276	70
2007	234780	236926	65
2006	232639	234779	60
2005	230643	232638	55
2004	229010	230642	50
2003	227742	229009	45
2002	226717	227741	40
2001	225352	226716	35
2000	223899	225351	31
1999	222882	223898	27
1998	221596	222881	24
1997	220034	221595	22
1996	218653	220033	21
1995	Lower	218652	20 *
VAR.	900000	Higher	50

*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

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**Chapter 11. Drilling Rigs and Related Equipment
§1103. Drilling Rigs and Related Equipment Tables**

A. Land Rigs

Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	625,100	93,800
4,000	707,600	106,100

Table 1103.A Land Rigs		
5,000	883,600	132,500
6,000	1,190,800	178,600
7,000	1,594,800	239,200
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	2,060,900	309,100
9,000	2,555,000	383,300
10,000	3,045,300	456,800
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	4,004,400	600,700
12,000	4,466,000	669,900
13,000	4,846,300	726,900
14,000	5,135,800	770,400
15,000	5,335,600	800,300
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	5,459,100	818,900
17,000	5,533,800	830,100
18,000	5,602,900	840,400
19,000	5,726,600	859,000
20,000	5,983,800	897,600
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	6,474,600	971,200
25,000 +	7,320,400	1,098,100

1. - 2. ...

B. Jack-Ups

* * *

C. Semisubmersible Rigs

* * *

1. - 3.b.i. ...

D. Well Service Rigs Land Only

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
I	71' X 125M# 71' X 150M# 72' X 125M# 72' X 150M# 75' X 150M#	C-7 50 SERIES 6V71	170,000	25,500
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 200M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	C-11 50 SERIES 8V71	215,000	32,300
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	C-11 50 SERIES 8V92	265,000	39,800

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	C-15 60 SERIES 12V71	305,000	45,800
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	C-15 60 SERIES 12V71 12V92	345,000	51,800
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	C-15 60 SERIES 12V71 (2) 8V92	385,000	57,800
VII	117' X 215M#	C-15 60 SERIES (2) 8V92 (2) 12V71	470,000	70,500

D.1. - E.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

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Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines (Onshore)

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 178,910	\$ 26,840
4	210,660	31,600
6	248,060	37,210
8	292,090	43,810
10	343,940	51,590
12	404,990	60,750
14	476,880	71,530
16	561,530	84,230
18	661,200	99,180

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
20	778,570	116,790
22	916,770	137,520
24	1,079,510	161,930
26	1,271,130	190,670
28	1,496,760	224,510
30	1,762,450	264,370
32	2,075,300	311,300
34	2,443,680	366,550
36	2,877,450	431,620
38	3,388,220	508,230
40	3,989,650	598,450
42	4,697,850	704,680
44	5,531,750	829,760
46	6,513,680	977,050
48	7,669,900	1,150,490

NOTE: Excludes river and canal crossings

B. Current Costs for Other Pipelines (Offshore)

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,014,580	\$ 152,190
4	1,017,520	152,630
6	1,021,320	153,200
8	1,037,910	155,690
10	1,062,240	159,340
12	1,094,340	164,150
14	1,134,190	170,130
16	1,181,800	177,270
18	1,237,170	185,580
20	1,300,300	195,050
22	1,371,180	205,680
24	1,449,820	217,470
26	1,536,220	230,430
28	1,630,370	244,560
30	1,732,280	259,840
32	1,841,950	276,290
34	1,959,380	293,910
36	2,084,560	312,680
38	2,217,500	332,630
40	2,358,200	353,730
42	2,506,650	376,000
44	2,662,860	399,430
46	2,826,830	424,020
48	2,998,560	449,780

C. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

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Chapter 15. Aircraft
§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2015	1.003	1	97	.97
2014	1.012	2	93	.94
2013	1.025	3	90	.92
2012	1.034	4	86	.89
2011	1.063	5	82	.87
2010	1.097	6	78	.86
2009	1.088	7	74	.81
2008	1.120	8	70	.78
2007	1.164	9	65	.76
2006	1.227	10	60	.74
2005	1.284	11	55	.71
2004	1.381	12	50	.69
2003	1.429	13	45	.64
2002	1.453	14	40	.58
2001	1.462	15	35	.51
2000	1.474	16	31	.46
1999	1.501	17	27	.41
1998	1.505	18	24	.36
1997	1.518	19	22	.33
1996	1.543	20	21	.32
1995	1.566	21	20	.31

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

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Chapter 25. General Business Assets
§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used in General Business Activity

A. - G.2. ...

H. Alternative Procedure 3

1. This procedure should be used only if external (economic) and/or functional obsolescence has affected the fair market value of the business and industrial personal property. External (economic) and/or functional obsolescence are defined in §301 of these rules and regulations. This procedure is to be used for Salt Dome Storage Wells and Caverns permitted as Class II Type 10,

11-L or 11-N. Negative economic obsolescence may occur resulting in a positive adjustment known as munificence.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2323.

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§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

A. - A.1. ...

Table 2503.A Business Activity/Type of Equipment	Average Economic Life in Years
Agricultural Machinery and Equipment	10
Feed Mill Equipment (Production Line)	20
***	***
Rock Crushers (See: Construction)	
Salt Dome Storage Wells & Caverns (LDNR Class II Type 10, 11-L or 11-N)	30
Sawmills (See: Lumber)	
***	***
*If acquisition cost and age of service station equipment are not available, see Chapter 9, Table 907.B-2 for alternative assessment procedure.	

B. Cost Indices

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2015 = 100*
2015	1	1593.7	1.003
2014	2	1578.8	1.012
2013	3	1558.7	1.025
2012	4	1545.9	1.034
2011	5	1503.2	1.063
2010	6	1457.4	1.097
2009	7	1468.6	1.088
2008	8	1427.3	1.120
2007	9	1373.3	1.164
2006	10	1302.3	1.227
2005	11	1244.5	1.284
2004	12	1157.3	1.381
2003	13	1118.6	1.429
2002	14	1100.0	1.453
2001	15	1093.4	1.462
2000	16	1084.3	1.474
1999	17	1065.0	1.501
1998	18	1061.8	1.505
1997	19	1052.7	1.518
1996	20	1036.0	1.543
1995	21	1020.4	1.566
1994	22	985.0	1.622
1993	23	958.0	1.668
1992	24	939.8	1.700
1991	25	928.5	1.721
1990	26	910.2	1.756
1989	27	886.5	1.803
1988	28	841.4	1.899

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2015 = 100*
1987	29	806.9	1.981
1986	30	795.4	2.009
1985	31	787.9	2.028

*Reappraisal Date: January 1, 2015 – 1598.1 (Base Year)

C. Percent Good

Table 2503.C Percent Good										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.49	.69	.73	.79	.84	.87	.90	.93	.95	.97
3	.34	.52	.57	.67	.76	.80	.85	.90	.93	.95
4	.16	.34	.41	.54	.67	.73	.79	.86	.90	.93
5		.23	.30	.43	.58	.66	.73	.82	.87	.91
6		.18	.19	.33	.49	.58	.68	.78	.84	.89
7			.18	.26	.39	.50	.62	.74	.81	.86
8				.22	.30	.43	.55	.70	.78	.84
9				.20	.24	.36	.49	.65	.75	.82
10					.21	.29	.43	.60	.71	.79
11					.20	.24	.37	.55	.68	.76
12						.22	.31	.50	.64	.74
13						.20	.26	.45	.60	.71
14							.23	.40	.56	.68
15							.21	.35	.52	.65
16							.20	.31	.48	.61
17								.27	.44	.58
18								.24	.39	.54
19								.22	.34	.51
20								.21	.30	.47
21								.20	.28	.44
22									.26	.40
23									.24	.37
24									.20	.34
25									.20	.31
26									.20	.28
27										.26
28										.23
29										.21
30										.20
31										.20

D. Composite Multipliers 2016 (2017 Orleans Parish)

Table 2503.D Composite Multipliers 2016 (2017 Orleans Parish)										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.50	.70	.74	.80	.85	.88	.91	.94	.96	.98
3	.35	.53	.58	.69	.78	.82	.87	.92	.95	.97
4	.17	.35	.42	.56	.69	.75	.82	.89	.93	.96
5		.24	.32	.46	.62	.70	.78	.87	.92	.95
6		.20	.21	.36	.54	.64	.75	.86	.92	.94
7			.20	.28	.42	.54	.67	.81	.88	.94
8				.25	.34	.48	.62	.78	.87	.94
9				.23	.28	.42	.57	.76	.87	.93
10					.26	.36	.53	.74	.87	.92
11					.26	.31	.48	.71	.87	.91
12						.30	.43	.69	.86	.90
13						.29	.37	.64	.86	.90
14							.33	.58	.81	.90
15							.31	.51	.76	.90
16							.29	.46	.71	.90

Table 2503.D Composite Multipliers 2016 (2017 Orleans Parish)											
17									.41	.66	.87
18									.36	.59	.81
19									.33	.52	.77
20									.32	.46	.73
21									.31	.44	.69
22										.42	.65
23										.40	.62
24										.34	.58
25										.34	.53
26										.33	.49
27											.47
28											.44
29											.42
30											.40
31											.39

1. Data sources for tables are:
 - a. Cost Index—Marshall and Swift Publication Co.;
 - b. Percent Good—Marshall and Swift Publication Co.;
 - c. Average Economic Life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:

Chapter 27. Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2713. Assessment of Timberland

A. - B.4. ...

C. Range of Productivity of Timberland. The timberland productivity of each of the four classifications of timberland is hereby established to be as follows:

1. Class 1 = 86.6 cu. ft. of growth/acre/year;
2. Class 2 = 66.8 cu. ft. of growth/acre/year;
3. Class 3 = 39.4 cu. ft. of growth/acre/year;
4. Class 4 = 38.8 cu. ft. of growth/acre/year.

D. Production Costs of Timberland. The average timberland production costs are hereby established to be \$10.46/acre/year.

E. Gross Returns of Timberland. The gross value per cubic foot of timber production is hereby established to be \$0.58 per cubic foot.

F. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 14:872 (December 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 42:

§2717. Tables—Use Value

A. Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class

Table 2717.A Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class		
Class	Assessed Value Per Acre	
	Upper	Lower
Class I	\$ 40.01	\$ 33.81
Class II	\$ 33.57	\$ 25.23
Class III	\$ 24.75	\$ 21.90
Class IV	\$ 21.41	\$ 14.26

B. Average Assessed Value per Acre of Timberland, by Class

Table 2717.B Average Assessed Value per Acre of Timberland, by Class	
Class	Assessed Value Per Acre
Class 1	\$ 39.77
Class 2	\$ 28.28
Class 3	\$ 12.39
Class 4	\$ 7.53

C. Average Assessed Value per Acre of Marsh Land, by Class

* * *

NOTE: Only the parishes listed above should have lands classified as marshland. All other parishes should classify such land as all other acreage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:491 (March 1998), LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 42:

Chapter 31. Public Exposure of Assessments; Appeals §3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings

A. - I. ...

J. The Board of Review shall provide each appellant taxpayer with a written notice of their particular appeal determination with a copy submitted to the assessor and the Tax Commission on or before the certification of the assessment list to the Tax Commission. The notice of determination shall be sent to the assessor and the taxpayer at the address shown on the appeal form by certified mail.

K. The determination of the Board of Review shall be final unless appealed, in writing, to the Tax Commission within 10 business days after certified mail delivery to the appealing taxpayer or assessor of the Board of Review notice of determination. Either or both parties may appeal the Board of Review determination to the Tax Commission.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992, R.S. 47:2301 and R.S. 47:2321.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 32:435 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 35:501 (March 2009), LR 36:781 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1403 (May 2011), LR 38:811 (March 2012), LR 40:539 (March 2014), LR 41:682 (April 2015), LR 42:

§3103. Appeals to the Louisiana Tax Commission

A. ...

B. An appeal to the Louisiana Tax Commission shall be filed with the commission within 10 business days after the Board of Review's written decision is delivered to the appealing taxpayer or assessor via certified mail. In order to institute a proceeding before the commission, the taxpayer or assessor shall file Form 3103.A and, if applicable, Form 3103.B. The assessor shall confirm, in writing, to the Tax Commission that the Board of Review has issued a written determination to each taxpayer and to the assessor's office in the format required by §3101.J.

C. All filings to the Louisiana Tax Commission shall be filed in proper form, consisting of an original and seven copies on letter size paper, with the Office of the Administrator. All exhibits, where it is helpful, to the consideration of such exhibits, shall be indexed, numbered, color coded, tabbed or otherwise so identified as to provide ready accessibility. All appeals and filings shall be deemed filed when deposited with the United States Postal Service and can be evidenced by proof of mailing by registered or certified mail.

C.1. - T. ...

U. The parties to an appeal shall be notified in writing, by certified mail, of the final decision by the commission. The taxpayer or assessor shall have thirty (30) days from receipt of the Order to appeal to a court of competent jurisdiction.

V. - X. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Division of

Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 42:

Lawrence E. Chehardy
Chairman

1604#078

DECLARATION OF EMERGENCY

Department of Health and Hospitals Board of Pharmacy

Accreditation of Pharmacy Technician Training Programs (LAC 46:LIII.905)

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953(B), to amend its rules governing the process of obtaining a pharmacy technician certificate by delaying the implementation of the requirement to complete a nationally-accredited pharmacy technician training program as one of the qualifications to obtain the credential.

Prior to June 2013, the rule required the pharmacy technician candidate to complete a training program that was approved by the board. In response to stakeholder input requesting flexibility in how those programs were to be established, the board permitted programs to be established at individual pharmacies in addition to universities, community and technical colleges, as well as proprietary schools. Over the course of approximately 10 years, the board tracked the state's pass rate on the national certification program and observed a steady decrease. The board determined that workplace training alone was not sufficient and, in June 2013 instituted a change, to begin in January 2016 that would require the training program to be nationally accredited. The three-year delay was intended to increase the number of such nationally accredited programs in the state.

During their meeting in November 2015, the board entertained a request from some chain pharmacies to further delay the implementation of the accreditation requirement until 2020, citing their concerns with some of the accreditation standards. The board took note of the increased number of accredited programs in the state, from one in 2013 to over a dozen in 2015. The board also took note of the continuing decrease in the state pass rate on the national certification examination, with a 45 percent pass rate in 2015. The board also received input the requirement should be transferred from those persons submitting applications for the technician certificate to those persons submitting applications for the technician candidate registration, to eliminate the difficulty for persons who start under the previous rule and attempt to finish under the new rule. The board agreed to a one-year delay in the accreditation requirement, and since there is not sufficient time to promulgate a change in the rule before the current January 1, 2016 implementation date, the board has determined that an Emergency Rule is necessary. During the one-year delay, the board plans to promulgate the additional change to transfer the requirement for completion of an accredited program as a qualification for the pharmacy technician certificate to require enrollment in an accredited program as a

qualification for the pharmacy technician candidate registration.

The board has determined that failure to implement the Emergency Rule will cause interruptions in the licensure process for pharmacy technicians, potentially causing a decrease in the number of pharmacy technicians in the available workforce. The board has determined this Emergency Rule is necessary to prevent imminent peril to the public health, safety, and welfare. The original Declaration of Emergency was effective November 30, 2015. Although the board is working on the changes, they need more time; therefore, they have directed the re-issuance of the Emergency Rule, effective March 24, 2016. The re-issued Rule shall remain in effect for the maximum time period allowed under the Administrative Procedure Act or until adoption of the final Rule, whichever shall first occur.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 9. Pharmacy Technicians

§905. Pharmacy Technician Certificate

A. - A.3.a. ...

b. For those applicants submitting applications on or after January 1, 2017, the applicant shall demonstrate successful completion of a nationally-accredited and board-approved pharmacy technician training program, as evidenced by a valid and legible copy of the appropriate credential from that program.

A.4. - B.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 30:2486 (November 2004), effective January 1, 2005, amended LR 38:1235 (May 2012), LR 38:1235 (May 2012), LR 39:1777 (July 2013), LR 42:

Malcolm J. Broussard
Executive Director

1604#019

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Disproportionate Share Hospital Payments Louisiana Low-Income Academic Hospitals (LAC 50:V.Chapter 31)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.Chapter 31 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated Emergency Rules which amended the provisions governing disproportionate

share hospital (DSH) payments to hospitals participating in public-private partnerships in the south and north Louisiana areas (*Louisiana Register*, Volume 39, Numbers 7 and 10). As a result of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services' disapproval of the corresponding state plan amendments, the department determined that it was necessary to repeal the provisions of the July 6, 2013 and October 1, 2013 Emergency Rules governing DSH payments to the hospitals participating in the south and north Louisiana area public-private partnerships.

The department promulgated an Emergency Rule which amended the provisions governing DSH payments in order to establish payments to Louisiana low-income academic hospitals (*Louisiana Register*, Volume 40, Number 6). The department subsequently promulgated an Emergency Rule which amended the provisions of the May 24, 2014 Emergency Rule to clarify the provisions governing the payment methodology to Louisiana low-income academic hospitals (*Louisiana Register*, Volume 40, Number 9). This Emergency Rule is being promulgated to continue the provisions of the September 20, 2014 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by maintaining recipient access to much needed hospital services.

Effective May 17, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing DSH payments to low-income academic hospitals.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 31. Louisiana Low-Income Academic Hospitals

§3101. Qualifying Criteria

A. Hospitals Located Outside of the Lake Charles Metropolitan Statistical Area

1. Effective for dates of service on or after May 24, 2014, a hospital may qualify for this category by:

a. being a private acute care general hospital that is located outside of the Lake Charles metropolitan statistical area (MSA);

b. having uninsured patient utilization, as measured by allowable uninsured inpatient and outpatient charges, greater than 20 percent. Qualification shall be based on uninsured utilization data per the prior state fiscal year date of service time period; and

c. maintaining at least 15 unweighted intern and resident full-time equivalent positions, as reported on the Medicare Cost Report Worksheet E-4, line 6.

B. Hospitals Located In the Lake Charles Metropolitan Statistical Area

1. Effective for dates of service on or after May 24, 2014, a hospital may qualify for this category by:

a. being a private acute care general hospital that is located in the Lake Charles MSA;

b. having uninsured patient utilization, as measured by allowable uninsured inpatient and outpatient charges, greater than 10 percent. To determine qualification in state fiscal year 2014, the first six month dates of service time

period (July 1, 2013 through December 31, 2013) shall be used. In subsequent state fiscal years, qualification shall be based on uninsured utilization data per the prior state fiscal year date of service time period; and

c. maintaining at least 20 unweighted intern and resident full-time equivalent positions, as reported on the Medicare Cost Report Worksheet E-4, line 6.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§3103. Payment Methodology

A. Each qualifying hospital shall be paid DSH adjustment payments equal to 100 percent of allowable hospital specific uncompensated care costs subject to the Appropriations Act. DSH payments to qualifying hospitals shall not exceed the disproportionate share limits as defined in section 1923(g)(1) (A) of the Social Security Act for the state fiscal year to which the payment is applicable.

B. Payment Calculation

1. For the initial year's payment calculation, each qualifying hospital shall submit interim actual cost data calculated utilizing Medicaid allowable cost report principles, along with actual Medicaid and uninsured patient charge data. Annual Medicaid costs shortfalls and unreimbursed uninsured patient costs are determined based on review and analysis of these submissions.

2. For subsequent year's payment calculations, the most recent Medicaid filed cost report along with actual Medicaid and uninsured patient charge data annualized from the most recent calendar year completed quarter is utilized to calculate hospital specific uncompensated care costs.

C. The department shall review cost data, charge data, lengths of stay and Medicaid claims data per the Medicaid management and information systems (MMIS) for reasonableness before payments are made.

D. The first payment of each fiscal year will be made by October 15 and will be 80 percent of the annual calculated uncompensated care costs. The remainder of the payment will be made by June 30 of each year.

1. Reconciliation of these payments to actual hospital specific uncompensated care costs will be made when the cost report(s) covering the actual dates of service from the state fiscal year are filed and reviewed.

2. Additional payments or recoupments, as needed, shall be made after the finalization of the Centers for Medicare and Medicaid Services (CMS) mandated DSH audit for the state fiscal year.

E. No payment under this Section is dependent on any agreement or arrangement for providers or related entities to donate money or services to a governmental entity.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to all inquiries regarding this Emergency Rule. A

copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1604#066

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Developmental Disabilities—Licensing Standards (LAC 48:I.8595 and 8599)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.8595 and §8599 in the Medical Assistance Program as authorized by R.S. 36:254. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 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, Bureau of Health Services Financing repealed the provisions governing the minimum licensing standards for intermediate care facilities I and II, community homes and group homes, and adopted provisions to incorporate these facilities under a single comprehensive Rule for intermediate care facilities for persons with developmental disabilities (ICFs/DD) (*Louisiana Register*, Volume 38, Number 12).

Act 540 of the 2006 Regular Session of the Louisiana Legislature amended R.S. 29:726(F) to provide for rapid communications in times of disaster or emergencies. In compliance with Act 540, the department now proposes to amend the provisions governing ICFs/DD to require timely filing of electronic reports related to census information and other needed information during declared disasters or emergencies.

This action is being taken to prevent imminent peril to the health, safety or welfare of Louisiana citizens who are residents of ICFs/DD. It is estimated that implementation of this Emergency Rule will have no programmatic costs for state fiscal year 2015-2016.

Effective April 7, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the licensing standards for intermediate care facilities for persons with developmental disabilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 85. Intermediate Care Facilities for Persons with Developmental Disabilities

Subchapter G. Emergency Preparedness

§8595. Emergency Preparedness Plan

A. - B.15.f. ...

C. An ICF/DD shall electronically enter current facility information into the department's ESF-8 portal or into the current DHH Emergency Preparedness webpage or electronic database for reporting.

1. The following information shall be entered or updated before the fifteenth of each month:

- a. operational status;
- b. census;
- c. emergency contact and destination location information; and
- d. emergency evacuation transportation needs categorized by the following types:
 - i. *red*—high risk residents who will need to be transported by advanced life support ambulance due to dependency on mechanical or electrical life sustaining devices or very critical medical condition;
 - ii. *yellow*—residents who are not dependent on mechanical or electrical life sustaining devices, but cannot be transported using normal means (buses, vans, cars), may need to be transported by an ambulance; however, in the event of inaccessibility of medical transport, buses, vans or cars may be used as a last resort; and
 - iii. *green*—residents who do not need specialized transportation may be transported by car, van, bus or wheelchair accessible transportation.

2. An ICF/DD shall also enter or update the facility's information upon request, or as described per notification of an emergency declared by the secretary. Emergency events may include, but are not limited to:

- a. hurricanes;
- b. floods;
- c. fires;
- d. chemical or biological hazards;
- e. power outages;
- f. tornados;
- g. tropical storms; and
- h. severe weather.

3. Effective immediately, upon notification of an emergency declared by the secretary, all ICFs/DD shall file an electronic report with the ESF-8 portal or into the current DHH Emergency Preparedness webpage or electronic database for reporting.

a. The electronic report shall be filed, as prescribed by department, throughout the duration of the emergency declaration.

b. The electronic report shall include, but is not limited to, the following:

- i. status of operation;
- ii. availability of beds;
- iii. generator status;
- iv. evacuation status;
- v. shelter in place status;
- vi. mobility status of clients;
- vii. range of ages of clients;
- viii. intellectual levels/needs of clients; and
- ix. any other client or facility related information that is requested by the department.

NOTE: The electronic report shall not be used to request resources or to report emergency events.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180-2180.5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3207 (December 2012), amended LR 42:

§8599. Notification of Evacuation, Relocation, or Temporary Cessation of Operations

A. In the event that an ICF/DD evacuates, temporarily relocates or temporarily ceases operations at its licensed location as a result of an evacuation order issued by the state, local or parish OHSEP, the ICF/DD must immediately give notice to the Health Standards Section as well as the Office for Citizens with Developmental Disabilities (OCDD) and OHSEP as directed by filing an electronic report with the ESF-8 portal or into the current DHH Emergency Preparedness webpage or electronic database for reporting:

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180-2180.5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3208 (December 2012), amended LR 42:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello 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.

Rebekah E. Gee MD, MPH
Secretary

1604#031

DECLARATION OF EMERGENCY
Department of Health and Hospitals
Bureau of Health Services Financing

Managed Care for Physical and Basic Behavioral Health
Non-Emergency Medical Transportation
(LAC 50:I.3103)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:I.3103 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing managed care for physical and basic behavioral health in order to reflect the integration of specialized behavioral health services into Bayou Health as a result of the narrowing of the statewide management organization's scope of service administration for certain behavioral health services (*Louisiana Register*, Volume 41, Number 11). The department promulgated an Emergency Rule which amended the provisions governing managed care for physical and basic behavioral health to provide clarification regarding the inclusion of non-emergency medical transportation services

(*Louisiana Register*, Volume 42, Number 1). This Emergency Rule is being promulgated to continue the provisions of the January 1, 2016 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance program and to promote the health and welfare of Medicaid recipients by ensuring continued access to non-emergency medical transportation services.

Effective May 1, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing managed care for physical and basic behavioral health.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Basic Behavioral Health

Chapter 31. General Provisions

§3103. Recipient Participation

A. - B. ...

1. Participation in an MCO for the following participants is mandatory for specialized behavioral health and non-emergency medical transportation (NEMT) services (ambulance and non-ambulance) only, and is voluntary for physical health services:

B.1.a. - D. ...

E. Mandatory MCO Populations—Specialized Behavioral Health Services and Non-Emergency Ambulance Services Only

1. The following populations are mandatory enrollees in Bayou Health for specialized behavioral health services and non-emergency ambulance services only:

a. - b. ...

F. Mandatory MCO Populations—Specialized Behavioral Health and NEMT Services (Ambulance and Non-Ambulance) Only

F.1. - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1573 (June 2011), amended LR 40:310 (February 2014), LR 40:1096 (June 2014), LR 40:2258 (November 2014), LR 41:929 (May 2015), LR 41:2363 (November 2015), LR 42:

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

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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.

Rebekah E. Gee MD, MPH
Secretary

1604#067

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

Medicaid Eligibility
Federally-Facilitated Marketplace Determinations
(LAC 50:III.505)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:III.505 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Patient Protection and Affordable Care Act (ACA) of 2010 requires that all applicants for coverage through the federal health insurance marketplace be assessed for eligibility in other government programs, including Medicaid. States are required to select a marketplace model that is state-based, federally-facilitated or working in partnership with the federal marketplace. States with a federally-facilitated marketplace (FFM), like Louisiana, must elect to either have the FFM make assessments of Medicaid eligibility and transfer the account to the state Medicaid agency for a final determination, or delegate the authority to make Medicaid eligibility determinations to the FFM. Initially, Louisiana elected to become a determination state and accepted eligibility determinations made by the FFM.

In August 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing Medicaid eligibility in order to become an assessment state and only accept eligibility assessments from the FFM (*Louisiana Register*, Volume 41, Number 8).

The department has now determined that it is necessary to amend the provisions governing Medicaid eligibility in order to return to a determination state and accept Medicaid eligibility determinations made by the FFM. This action is being taken to avoid federal sanctions or penalties from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for noncompliance with the federal requirement to provide a quarterly update to the associated federal FFM Data Collection Tool when the state's FFM status has changed. It is anticipated that this Emergency Rule will have no fiscal impact to the Medicaid Program for state fiscal year 2016-2017.

Effective April 20, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing Medicaid eligibility in order to accept Medicaid determinations made by the federally-facilitated marketplace.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility
Subpart 1. General Administration
Chapter 5. Application Processing
§505. Federally-Facilitated Marketplace
Determinations

A. Effective April 20, 2016, Louisiana Medicaid will delegate its Medicaid eligibility determination authority to the federally-facilitated marketplace (FFM) in order to begin accepting eligibility determinations made by the FFM for only those individuals who apply for healthcare coverage through the FFM. This will result in the state becoming a determination state.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1489 (August 2015), amended LR 42:

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

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH
Secretary

1604#065

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Medicaid Eligibility
Medically Needy Program
Behavioral Health Services
(LAC 50:III.2313)

The Department of Health and Hospitals, Bureau of Health Services Financing hereby repeals and replaces all of the Rules governing the Medically Needy Program, and adopts LAC 50:III.2313 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a Rule in order to reinstate the Title XIX Medically Needy Program (MNP) and to establish coverage restrictions (*Louisiana Register*, Volume 24, Number 5). All behavioral

health services are restricted from coverage under the Medically Needy Program.

In February 2012, the department adopted provisions in the Medicaid Program to restructure the existing behavioral health services delivery system into a comprehensive service delivery model called the Louisiana Behavioral Health Partnership (LBHP). Certain recipients enrolled in the Medically Needy Program, whose Medicaid eligibility is based solely on the provisions of §1915(i) of Title XIX of the Social Security Act, are eligible to only receive behavioral health services. These recipients have difficulties accessing behavioral health services through the LBHP due to the service restrictions currently in place in the Medically Needy Program.

Therefore, the department promulgated an Emergency Rule which revised the provisions governing the Medically Needy Program in order to include behavioral health coverage for MNP recipients that qualify for the program under the provisions of §1915(i) of Title XIX of the Social Security Act. This Emergency Rule also repealed and replaced all of the rules governing the Medically Needy Program in order to repromulgate these provisions in a clear and concise manner for inclusion in the *Louisiana Administrative Code* in a codified format (*Louisiana Register*, Volume 38, Number 12).

The department promulgated an Emergency Rule which amended the provisions governing the Medically Needy Program to further clarify the provisions governing covered services (*Louisiana Register*, Volume 39, Number 4). The department promulgated an Emergency Rule which amended the provisions of the April 20, 2013 Emergency Rule in order to further clarify these provisions (*Louisiana Register*, Volume 40, Number 1). The department subsequently promulgated an Emergency Rule which amended the provisions of the January 20, 2014 Emergency Rule in order to further clarify these provisions (*Louisiana Register*, Volume 41, Number 8). The department promulgated an Emergency Rule to amend the provisions of the August 20, 2015 Emergency Rule in order to further clarify the provisions governing allowable medical expenses for spend-down MNP coverage (*Louisiana Register*, Volume 41, Number 9). This Emergency Rule is being promulgated to continue the provisions of the September 20, 2015 Emergency Rule.

This action is being taken to promote the health and welfare of MNP recipients who are in need of behavioral health services, and to assure their continued access to these services.

Effective May 19, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Medically Needy Program.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility
Subpart 3. Eligibility Groups and Factors
Chapter 23. Eligibility Groups and Medicaid
Programs

§2313. Medically Needy Program

A. The Medically Needy Program (MNP) provides Medicaid coverage when an individual's or family's income and/or resources are sufficient to meet basic needs in a

categorical assistance program, but not sufficient to meet medical needs according to the MNP standards.

1. The income standard used in the MNP is the federal medically needy income eligibility standard (MNIES).

2. Resources are not applicable to modified adjusted gross income (MAGI) related MNP cases.

3. MNP eligibility cannot be considered prior to establishing income ineligibility in a categorically related assistance group.

B. MNP Eligibility Groups

1. Regular Medically Needy

a. Prior to the implementation of the MAGI income standards, parents who met all of the parent and caretaker relative (PCR) group categorical requirements and whose income was at or below the MNIES were eligible to receive regular MNP benefits. With the implementation of the MAGI-based methodology for determining income and household composition and the conversion of net income standards to MAGI equivalent income standards, individuals who would have been eligible for the regular Medically Needy Program are now eligible to receive Medicaid benefits under the parent and caretaker relative eligibility group. Regular medically needy coverage is only applicable to individuals included in the MAGI-related category of assistance.

b. Individuals in the non-MAGI [formerly aged (A-), blind (B-), or disability (D-)] related assistance groups cannot receive Regular MNP.

c. The certification period for Regular MNP cannot exceed six months.

2. Spend-Down Medically Needy

a. Spend-Down MNP is considered after establishing financial ineligibility in categorically related Medicaid programs and excess income remains. Allowable medical bills/expenses incurred by the income unit, including skilled nursing facility coinsurance expenses, are used to reduce (spend-down) the income to the allowable MNP limits.

b. The following individuals may be considered for spend-down MNP:

i. individuals who meet all of the parent and caretaker relative group requirements;

ii. non-institutionalized individuals (non-MAGI related); and

iii. institutionalized individuals or couples (non-MAGI-related) with Medicare co-insurance whose income has been spent down.

c. The certification period for spend-down MNP begins no earlier than the spend-down date and shall not exceed three months.

3. Long Term Care (LTC) Spend-Down MNP

a. Individuals residing in Medicaid LTC facilities, not on Medicare-coinsurance with resources within the limits, but whose income exceeds the special income limits (three times the current federal benefit rate), are eligible for LTC Spend-Down MNP.

4. Louisiana Behavioral Health Partnership (LBHP) 1915(i) MNP

a. The LBHP Medically Needy Program is considered only for the individuals who meet the level of need requirements of §1915 of Title XIX of the Social Security Act, and who have been determined to be ineligible

for other full Medicaid programs, including the regular MNP and spend-down MNP.

b. LBHP 1915(i) MNP recipients are only eligible to receive behavioral health services through the LBHP. They do not qualify for other Medicaid covered services.

c. The certification period for LBHP 1915(i) regular MNP recipients cannot exceed six months. For the LBHP 1915(i) spend-down MNP, the certification period begins no earlier than the spend-down date and shall not exceed three months.

C. The following services are covered in the Medically Needy Program for non-1915(i) recipients:

1. inpatient and outpatient hospital services;

2. intermediate care facilities for persons with intellectual disabilities (ICF/ID) services;

3. intermediate care and skilled nursing facility (ICF and SNF) services;

4. physician services, including medical/surgical services by a dentist;

5. nurse midwife services;

6. certified registered nurse anesthetist (CRNA) and anesthesiologist services;

7. laboratory and x-ray services;

8. prescription drugs;

9. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services;

10. rural health clinic services;

11. hemodialysis clinic services;

12. ambulatory surgical center services;

13. prenatal clinic services;

14. federally qualified health center services;

15. family planning services;

16. durable medical equipment;

17. rehabilitation services (physical therapy, occupational therapy, speech therapy);

18. nurse practitioner services;

19. medical transportation services (emergency and non-emergency);

20. home health services for individuals needing skilled nursing services;

21. chiropractic services;

22. optometry services;

23. podiatry services;

24. radiation therapy; and

25. behavioral health services.

D. The following behavioral health services are covered for LBHP 1915(i) MNP recipients:

1. inpatient and outpatient hospital services;

2. emergency medical services;

3. physician/psychiatrist services;

4. treatment by a licensed mental health professional;

5. community psychiatric support and treatment;

6. psychosocial rehabilitation;

7. crisis intervention;

8. case conference [1915(b) services]; and

9. treatment planning [1915(b) 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, Bureau of Health Services Financing, LR 42:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box

91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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.

Rebekah E. Gee MD, MPH
Secretary

1604#068

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Medical Transportation Program
Non-Emergency Medical Transportation
(LAC 50:XXVII.Chapter 5)

The Department of Health and Hospitals, Bureau of Health Services Financing repeals and replaces the provisions of the October 20, 1994 Rule governing non-emergency medical transportation, and amends LAC 50:XXVII.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted provisions governing non-emergency medical transportation (NEMT) (*Louisiana Register*, Volume 20, Number 10). The department promulgated an Emergency Rule which repealed the October 20, 1994 Rule in order to revise the provisions governing NEMT services, and to ensure that these provisions are appropriately promulgated in a codified format for inclusion in the *Louisiana Administrative Code*. This Emergency Rule also amended the provisions governing the reimbursement methodology for NEMT services to replace the monthly payment of capitated rates with a monthly per trip payment methodology (*Louisiana Register*, Volume 40, Number 10). The department promulgated an Emergency Rule which amended the October 1, 2014 Emergency Rule in order to further clarify these provisions to bring the language of this Rule into compliance with the approved Medicaid State Plan, and to incorporate provisions governing appeals rights for denials and partial denials of NEMT services (*Louisiana Register*, Volume 41, Number 5). This Emergency Rule is being promulgated to continue the provisions of the May 20, 2015 Emergency Rule. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to non-emergency medical transportation services, and to avoid federal sanctions from CMS for noncompliance with federal regulations and the approved Medicaid State Plan.

Effective May 17, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-emergency medical transportation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 5. Non-Emergency Medical Transportation

Subchapter A. General Provisions

§501. Introduction

A. Non-emergency medical transportation (NEMT) is non-emergency transportation to and from the providers of routine Medicaid covered services for Medicaid recipients. NEMT is intended to provide transportation only after all reasonable means of free transportation have been explored and found to be unavailable.

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

1. the individual is enrolled in either a full-coverage Medicaid benefit program or a limited-coverage Medicaid benefit program that explicitly includes transportation services; and

2. the recipient or their representative has stated that they have no other means of transportation.

C. The requested destination must be to a medical service provider currently enrolled in the Medicaid Program.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§503. Prior Authorization

A. NEMT services require prior authorization. The department or its designee will authorize transportation after verifying the recipient's Medicaid eligibility and validity of medical appointment(s).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§505. Requirements for Coverage

A. When transportation is not available through family and friends, payment shall be authorized for the least costly means of transportation available. The least costly means of transportation shall be determined by the department and shall be determined according to the following hierarchy:

1. city or parish public transportation;
2. family and friends who meet the state license and insurance requirements and who are willing to:
 - a. enroll in the Medicaid Program; and
 - b. be paid a published rate for providing non-emergency transportation;
3. intrastate public conveyance (such as bus, train or plane);
4. nonprofit agencies and organizations that provide a transportation service and who are enrolled in the Medicaid Program; and
5. for profit providers enrolled in the Medicaid Program.

B. Recipients shall be allowed a choice of providers when the costs of two or more providers are equal.

C. Recipients are encouraged to utilize medical providers of their choice in the community in which they reside when the recipient is also in need of Medicaid reimbursed transportation services. The fact that the department will still pay for the actual medical service received outside the community in which the recipient resides does not obligate

the department to reimburse for transportation to accommodate such a choice.

D. When the recipient chooses to utilize a medical provider outside of the community due to preference and/or history, payment may be authorized only for the cost of transportation to the nearest available provider.

E. The recipient may be responsible for securing any agreements with family and friends, nonprofit or profit providers to make the longer trip for the payment authorized. If the recipient needs help with making such arrangements, the department will help but the help given will imply no obligation to provide a greater reimbursement.

F. When specialty treatment required by the recipient necessitates travel over extended distances, authorization for payment for intrastate transportation shall be determined according to the following criteria.

1. Intrastate transportation reimbursement shall be authorized when medical services are not available to the recipient in his/her community.

2. Payment shall be authorized when free transportation is not available.

3. The department shall still authorize payment only for the most economical means of transportation. This may be through negotiating payment for transportation with family and or friends or through accessing the public conveyance systems such as bus, train or plane.

4. The determination as to use of public conveyance shall be based on least cost, medical condition of the recipient to be transported, and availability of public conveyance.

G. When it has been verified that public conveyance is unavailable or inappropriate for intrastate transportation the recipient shall solicit transportation from family and friends. The department will authorize payment to assist the family in accessing the needed medical services.

1. Payment will be based on distance to be traveled to the nearest available similar or appropriate medical services, parking and tolls. In determining the amount of payment the cost of the least costly public conveyance shall be used as the base cost to be paid to the family. Payment shall not be available for room and board or meals.

H. When no other means of transportation is available through family and friends or public conveyance, the department will solicit intrastate transportation through a nonprofit provider.

1. The nonprofit provider will be paid a fee based on the current fee schedule.

2. If the nonprofit provider cannot accept the trip then the department will reimburse for-profit providers based on the current fee schedule.

I. The department will not authorize "same day" trips except in the instance of need for immediate medical care due to injury or illness. Same day trips will not be authorized for scheduled appointments for predictable or routine medical care. Recipients will be asked to reschedule the appointment and make the subsequent request for transportation timely.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Subchapter B. Recipient Participation

§521. General Provisions

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

B. When the recipient alleges that public conveyance cannot be used due to medical reasons, then verification shall be provided by giving the department a written statement from a doctor that includes the specific reason(s) that the use of public conveyance is contraindicated by the medical condition of the recipient. In no case can preference of the recipient be the sole determining factor in excluding use of public conveyance.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§523. Recipient Appeals

A. Recipients shall have a right to request a fair hearing for the denial of NEMT services in full or in part. This includes requests for a fair hearing for denial of meals and lodging expenses associated with authorized trips.

B. Recipients shall be provided written notice of the service denial (including denials for meals and/or lodging expenses) and given the opportunity to request a fair hearing to appeal the department's decision.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Subchapter C. Provider Responsibilities

§541. Provider Enrollment

A. All transportation providers must comply with the published rules and regulations governing the Medicaid Transportation Program, all state laws, and the regulations of any other governing state agency or commission or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid Program.

B. Non-emergency medical transportation profit providers shall have a minimum liability insurance coverage of \$100,000 per person and \$300,000 per accident or a \$300,000 combined service limits policy.

1. The liability policy shall cover any and all:

- a. autos;
- b. hired autos; and
- c. non-owned autos.

2. Premiums shall be prepaid for a period of six months. Proof of prepaid insurance must be a true and correct copy of the policy issued by the home office of the insurance company. Statements from the agent writing the policy will not be acceptable. Proof must include the dates of coverage and a 30-day cancellation notification clause. Proof of renewal must be received by the department no later than 48 hours prior to the end date of coverage. The policy must provide that the 30-day cancellation notification be issued to the Bureau of Health Services Financing.

3. Upon notice of cancellation or expiration of the coverage, the department will immediately cancel the provider agreement for participation. The ending date of participation shall be the ending date of insurance coverage. Retroactive coverage statements will not be accepted. Providers who lose the right to participate due to lack of

prepaid insurance may re-enroll in the transportation program and will be subject to all applicable enrollment procedures, policies, and fees for new providers.

C. As a condition of reimbursement for transporting Medicaid recipients to medical services, family and friends must maintain the state minimum automobile liability insurance coverage, a current state inspection sticker, and a current valid driver's license. No special inspection by the department will be conducted. Proof of compliance with the three listed requirements for this class of provider must be submitted when enrollment in the department is sought. Proof shall be the sworn and notarized statement of the individual enrolling for payment, certifying that all three requirements are met. Family and friends shall be enrolled and shall be allowed to transport up to three specific Medicaid recipients or all members of one Medicaid assistance unit. The recipients to be transported by each such provider will be noted in the computer files of the department. Individuals transporting more than three Medicaid recipients shall be considered profit providers and shall be enrolled as such.

D. As a condition of participation for out-of-state transport, providers of transportation to out-of-state medical services must be in compliance with all applicable federal intrastate commerce laws regarding such transportation, including but not limited to, the \$1,000,000 insurance requirement. Proof of compliance with all interstate commerce laws must be submitted when enrollment in the Medicaid Program is sought or prior to providing any out-of-state Medicaid transportation.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§543. Trip Coordination

A. Dispatch personnel will coordinate to the extent possible, trips for family members so that all recipients in a family are transported as a unit at one time to the same or close proximity providers.

B. Providers must submit a signed affidavit with claims certifying that a true and correct bill is being submitted.

C. If the provider has declined to accept a trip on a particular day the dispatch personnel will not assign additional trips to that provider for that same day.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§545. Provider Suspension and Termination

A. Providers are subject to suspension from the NEMT Program upon department documentation of inappropriate billing practices or other practices that egregiously violate Medicaid Program policy.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§547. Audits

A. The department shall conduct regular audits of service authorization, reimbursement, service delivery and

documentation in order to ensure compliance with published rules and regulations.

B. Lack of compliance on the part of transportation providers shall be addressed as described in the provider policy manual.

C. Lack of compliance on the part of department contractors shall be met with corrective action as described in contract 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, Bureau of Health Services Financing, LR 42:

Subchapter D. Reimbursement

§565. General Provisions

A. Reimbursement for NEMT services shall be based upon the current fee schedule. An additional per-mile rate may be included when the department determines that a provider requires compensation for travelling far outside of their service areas. This additional payment shall be made when there are no providers in the recipient's service area

B. Reimbursement for NEMT to regular, predictable and continuing medical services, such as hemodialysis, chemotherapy or rehabilitation therapy, as determined by the department, shall be based on a capitated rate paid by individual trip.

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

D. An individual provider will be reimbursed for a trip to the nearest facility that will meet the recipient's medical needs. However, the individual provider may transport the recipient to a more distant facility if the individual provider will accept reimbursement from the department to the nearest facility and assumes responsibility for additional expenses incurred.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§573. Non-Emergency, Non-Ambulance Transportation

A. - F.5. ...

G. Effective for dates of service on or after October 1, 2014, the monthly payment of capitated rates shall be replaced with a per trip payment methodology.

1. Payments previously made using the monthly capitated rate shall be made by dividing the monthly rate by the number of authorized trips within a given month. Each trip will then be reimbursed separately.

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 33:462 (March 2007), LR 34:878 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2564 (November 2010), LR 37:3030 (October 2011), amended LR 38:3214 (December 2012), LR 42:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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.

Rebekah E. Gee MD, MPH
Secretary

1604#069

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Nursing Facilities
Licensing Standards
(LAC 48:I.9704, 9707, and Chapter 99)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.9704, §9707 and Chapter 99 in the Medical Assistance Program as authorized by R.S. 36:254. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 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, Bureau of Health Services Financing promulgated an Emergency Rule which amended the licensing standards governing nursing facilities in order to clarify the provisions for Alzheimer's special care disclosure, and to revise the provisions governing approval of plans and physical environment (*Louisiana Register*, Volume 40, Number 5). This Emergency Rule is being promulgated to continue the provisions of the May 20, 2014 Emergency Rule. This action is being taken to promote the health and well-being of Louisiana residents in nursing facilities.

Effective May 15, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the licensing standards for nursing facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 97. Nursing Facilities

Subchapter A. General Provisions

§9704. Alzheimer's Special Care Disclosure

A. - D.5. ...

E. The provider's Alzheimer's special care disclosure documentation shall contain the following information:

1. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1300.121-1300.125.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 27:312 (March 2001), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9707. Approval of Plans

A. Plans and specifications for new construction of, or to, a nursing facility, and for any major alterations or renovations to a nursing facility, shall be submitted for

approval to the Department of Public Safety, Office of the State Fire Marshal for review in accordance with R.S. 40:1563(L), R.S. 40:1574 and LAC 55:V.Chapter 3.

1. Plans and specifications for new construction, major alterations, and major renovations shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer where required by the Louisiana architecture and engineering licensing laws of R.S. 37:141 et seq., R.S. 37:681 et seq., and respective implementing regulations.

2. No residential conversions shall be considered for a nursing facility license.

B. The plans and specifications shall comply with all of the following:

1. DHH nursing facility licensing requirements and the Office of Public Health's (OPH) nursing home regulations (see LAC 51:XX); and

2. the Office of the State Fire Marshal's requirements for plan submittals and compliance with all codes required by that office.

2.a. - 3. Repealed.

C. Notice of satisfactory review from the department and the Office of the State Fire Marshal constitutes compliance with this requirement, if construction begins within 180 days of the date of such notice. This approval shall in no way permit and/or authorize any omission or deviation from the requirements of any restrictions, laws, regulations, ordinances, codes, or rules of any responsible agency.

C.1. - E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:46 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2630 (September 2011), LR 42:

Chapter 99. Nursing Facilities

Subchapter A. Physical Environment

§9901. General Provisions

A. The nursing facility shall be designed, constructed, equipped, and maintained to protect the health and safety of residents, personnel, and the public.

B. The nursing facility shall provide a safe, clean, orderly, homelike environment.

C. If the nursing facility determines that a licensing provision of this Subchapter A prohibits the provision of a culture change environment, the nursing facility may submit a written waiver request to the Health Standards Section (HSS) of the Department of Health and Hospitals, asking that the provision be waived and providing an alternative to the licensing provision of this Subchapter. The department shall consider such written waiver request, shall consider the health and safety concerns of such request and the proposed alternative, and shall submit a written response to the nursing facility within 60 days of receipt of such waiver request.

D. Any construction-related waiver or variance request of any provision of the LAC Title 51, *Public Health—Sanitary Code* shall be submitted in writing to the state health officer for his/her consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9903. Nurse/Care Team Work Areas

A. Each floor and/or household of a nursing facility shall have a nurse/care team work area in locations that are suitable to perform necessary functions. These nurse/care team work areas may be in centralized or decentralized locations, as long as the locations are suitable to perform necessary functions.

1. Each centralized nurse/care team area shall be equipped with working space and accommodations for recording and charting purposes by nursing facility staff with secured storage space for in-house resident records.

a. Exception. Accommodations for recording and charting are not required at the central work area where decentralized work areas are provided.

2. Each decentralized work area, where provided, shall contain working space and accommodations for recording and charting purposes with secured storage space for administrative activities and in-house resident records.

3. The nurse/care team work areas shall be equipped to receive resident calls through a communication system from resident rooms, toileting and bathing facilities.

a. In the case of an existing centralized nurse/care team work area, this communication may be through audible or visible signals and may include wireless systems.

b. In those facilities that have moved to decentralized nurse/care team work areas, the facility may utilize other electronic systems that provide direct communication from the resident to the staff.

B. There shall be a medicine preparation room or area. Such room or area shall contain a work counter, preparation sink, refrigerator, task lighting and lockable storage for controlled drugs.

C. There shall be a clean utility room on each floor designed for proper storage of nursing equipment and supplies. Such room shall contain task lighting and storage for clean and sterile supplies.

D. There shall be a separate soiled utility room designed for proper cleansing, disinfecting and sterilizing of equipment and supplies. At a minimum, it shall contain a clinical sink or equivalent flushing-rim sink with a rinsing hose or bed pan sanitizer, hand washing facilities, soiled linen receptacles and waste receptacle. Each floor of a nursing facility shall have a soiled utility room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9905. Resident Rooms

A. ...

B. Each resident's bedroom shall have a floor at or above grade level, shall accommodate a maximum of two residents, and be so situated that passage through another resident's bedroom is unnecessary.

1. Exception. Resident bedrooms in existing nursing facilities shall be permitted to accommodate no more than four residents unless the cost of renovations to the existing nursing facility exceeds the values stipulated by R.S. 40:1574.

C. Private resident bedrooms shall measure at least 121 square feet of bedroom area, exclusive of wardrobes, closet space, vestibules or toilet rooms, and shall have a clear width of not less than 11 feet.

D. Double occupancy resident bedrooms containing two beds shall measure at least 198 square feet of bedroom area, exclusive of wardrobes, closet space, vestibules or toilet rooms, and shall have a clear width of not less than 11 feet.

E. In existing nursing facilities, or portions thereof, where plans were approved by the department and the Office of State Fire Marshal prior to January 20, 1998, there shall be at least three feet between the sides and foot of the bed and any wall, other fixed obstruction, or other bed, unless the furniture arrangement is the resident's preference and does not interfere with service delivery.

F. Each resident's bedroom shall have at least one window to the outside atmosphere with a maximum sill height of 36 inches. Windows with sills less than 30 inches from the floor shall be provided with guard rails.

1. Each resident's bedroom window shall be provided with shades, curtains, drapes, or blinds.

2. Operable windows shall be provided with screens.

G - H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:62 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9907. Resident Room Furnishings

A. ...

1. a clean supportive frame in good repair;

2. - 5. ...

B. Screens or noncombustible ceiling-suspended privacy curtains which extend around the bed shall be provided for each bed in multi-resident bedrooms to assure resident privacy. Total visual privacy without obstructing the passage of other residents either to the corridor, closet, lavatory, or adjacent toilet room nor fully encapsulating the bedroom window shall be provided.

C. Each resident shall be provided with a call device located within reach of the resident.

D. Each resident shall be provided a bedside table with at least two drawers. As appropriate to resident needs, each resident shall have a comfortable chair with armrests, waste receptacle, and access to mirror unless medically contraindicated.

1. Each resident who has tray service to his/her room shall be provided with an adjustable overbed table positioned so that the resident can eat comfortably.

E. Each resident shall be provided an individual closet that has minimum dimensions of 1 foot 10 inches in depth by 2 feet 6 inches in width. A clothes rod and shelf shall be provided that is either adjustable or installed at heights accessible to the resident. Accommodations shall be made for storage of full-length garments. The shelf may be omitted

if the closet provides at least two drawers. The following exceptions may apply.

1. Individual wardrobe units having nominal dimensions of 1 foot 10 inches in depth by 2 feet 6 inches in width are permitted. A clothes rod and shelf shall be provided that is either adjustable or installed at heights accessible to the resident. Accommodations shall be made for storage of full-length garments. The shelf may be omitted if the unit provides at least two drawers.

2. In existing nursing facilities, or portions thereof, where plans were approved by the department and the state fire marshal prior to January 20, 1998, each resident shall be provided an individual wardrobe or closet that has nominal dimensions of 1 foot 10 inches in depth by 2 feet in width.

F. Each resident shall be provided with a bedside light or over-the-bed light capable of being operated from the bed.

1. Nursing facilities, or portions thereof, where plans were approved by the department and the state fire marshal prior to May 1, 1997 shall be exempt from this provision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9909. Locked Units, Restraints and Seclusion

A. Locked Units

1. Nursing facilities may have specific locked units for housing residents suffering from severe dementia or Alzheimer's disease. The locked units may only house, limit and restrict free access of those residents suffering from severe dementia or Alzheimer's who may be a danger to themselves or others.

2. Nursing facilities providing locked units shall develop admission criteria. There shall be documentation in the resident's record to indicate the unit is the least restrictive environment possible, and placement in the unit is needed to facilitate meeting the resident's needs.

3. Guidelines for admission shall be provided to the resident, his/her family and his/her authorized representative.

4. Locked units are designed and staffed to provide the care and services necessary for the resident's needs to be met.

a. The locked unit shall have designated space for dining and/or group and individual activities that is separate and apart from the resident bedrooms and bathrooms.

b. The dining space shall contain tables for eating within the locked unit.

c. The activities area(s) shall contain seating, and be accessible to the residents within the locked unit.

5. There shall be sufficient staff to respond to emergency situations in the locked unit at all times.

6. The resident on the locked unit has the right to exercise those rights which have not been limited as a result of admission to the unit.

7. Care plans shall address the reasons for the resident being in the unit and how the nursing facility is meeting the resident's needs.

8. All staff designated to provide care and services on locked units shall have training regarding unit policies and

procedures, admission and discharge criteria, emergency situations and the special needs of the residents on the unit.

9. Admission to a locked unit shall be in compliance with R.S. 40:1299.53 and 40:2010.8.

B. Restraints. The resident has the right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat the resident's medical symptoms.

C. Seclusion. The resident has the right to be free from verbal, sexual, physical and mental abuse, corporal punishment, and involuntary seclusion.

D. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9911. Hand-Washing Stations, Toilet Rooms and Bathing Facilities

A. A hand-washing station shall be provided in each resident room.

1. Omission of this station shall be permitted in a single-bed or two-bed room when a hand-washing station is located in an adjoining toilet room that serves that room only.

B. Each resident shall have access to a toilet room without having to enter the corridor area. In nursing facilities built prior to August 26, 1958, each floor occupied by residents shall be provided with a toilet room and hand-washing station.

1. One toilet room shall serve no more than two residents in new construction or no more than two resident rooms in renovation projects. In nursing facilities built prior to August 26, 1958, toilets and hand-washing stations shall each be provided at a rate of 1 per 10 beds or fraction thereof.

2. Toilet rooms shall be easily accessible, conveniently located, well lighted and ventilated to the outside atmosphere. Fixtures shall be of substantial construction, in good repair and of such design to enable satisfactory cleaning.

3. Separate male and female toilet rooms for use by staff and guests shall be provided.

4. Each toilet room shall contain a toilet, hand-washing station and mirror.

5. Doors to single-use resident toilet rooms shall swing out of the room.

6. Doors to single-use resident toilet rooms shall be permitted to utilize privacy locks that include provisions for emergency access.

7. In multi-use toilet rooms provisions shall be made for resident privacy.

C. Each floor occupied by residents shall be provided with a bathing facility equipped with a toilet, hand-washing station, and bathing unit consisting of a bathtub, shower, or whirlpool unit.

Table. Repealed.

1. A minimum of one bathtub, shower, or whirlpool unit shall be provided for every 10 residents, or fraction thereof, not otherwise served by bathing facilities in resident

rooms. In nursing facilities built prior to August 26, 1958, showers or tubs shall each be provided at a rate of 1 per 15 beds or fraction thereof.

2. Bathing facilities shall be easily accessible, conveniently located, well lighted and ventilated to the outside atmosphere. Fixtures shall be of substantial construction, in good repair, and of such design to enable satisfactory cleaning.

3. Tub and shower bottoms shall be of nonslip material. Grab bars shall be provided to prevent falling and to assist in maneuvering in and out of the tub or shower.

4. Separate bathing facilities shall be provided for employees who live on the premises.

5. In multi-use bathing facilities provisions shall be made for resident privacy.

6. Wall switches for controlling lighting, ventilation, heating or any other electrical device shall be so located that they cannot be reached from a bathtub, shower, or whirlpool.

D. - H. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:63 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9913. Dining and Resident Activities

A. The nursing facility shall provide one or more areas designated for resident dining and activities.

B. Smoking is not permitted in the dining room and other public areas as specified by R.S. 40:1300.256(B)(11).

C. Dining room(s) or dining area(s) shall be sufficient in space and function to accommodate the needs of the residents without restriction. Dining areas shall be adequately furnished, well lighted, and well ventilated. Dining areas shall be sufficient in space to comfortably accommodate the persons who usually occupy that space, including persons who utilize walkers, wheelchairs and other ambulating aids or devices.

D. There shall be at least one well lighted and ventilated living/community room with sufficient furniture.

E. There shall be sufficient space and equipment to comfortably accommodate the residents who participate in group and individual activities. These areas shall be well lighted and ventilated and be adequately furnished to accommodate all activities.

F. Areas used for corridor traffic or for storage of equipment shall not be considered as areas for dining or activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9915. Linen and Laundry

A. The nursing facility shall have available, at all times, a quantity of bed and bath linen essential for proper care and comfort of residents.

B. - G. ...

H. Clean linen shall be transported and stored in a manner to prevent its contamination.

I. Nursing facilities providing in-house laundry services shall have a laundry system designed to eliminate crossing of soiled and clean linen.

J. Nursing facilities that provide in house laundry services and/or household washers and dryers shall have policies and procedures to ensure safety standards, infection control standards and manufacturer's guidelines are met.

K. There shall be hand washing facilities available for use in any designated laundry area.

L. Provisions shall be made for laundering personal clothing of residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9917. Equipment and Supplies

A. The nursing facility shall maintain all essential mechanical, electrical, and resident care equipment in safe operating condition.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§9919. Other Environmental Conditions

A. A hard surfaced off-the-road parking area to provide parking for one car per five licensed beds shall be provided. This is a minimum requirement and may be exceeded by local ordinances. Where this requirement would impose an unreasonable hardship, a written request for a lesser amount may be submitted to the department for waiver consideration.

B. The nursing facility shall make arrangements for an adequate supply of safe potable water even when there is a loss of normal water supply. Service from a public water supply must be used, if available. Private water supplies, if used, shall meet the requirements of the LAC Title 51, *Public Health—Sanitary Code*.

C. An adequate supply of hot water shall be provided which shall be adequate for general cleaning, washing and sanitization of cooking and food service dishes and other utensils and for bathing and laundry use. Hot water supply to the hand washing and bathing faucets in the resident areas shall have automatic control to assure a temperature of not less than 100 degrees Fahrenheit, nor more than 120 degrees Fahrenheit, at the faucet outlet. Supply system design shall comply with the Louisiana state *Plumbing Code* and shall be based on accepted engineering procedures using actual number and types of fixtures to be installed.

D. The nursing facility shall be connected to the public sewerage system, if such a system is available. Where a public sewerage is not available, the sewerage disposal system shall conform to the requirements of the LAC Title 51, *Public Health—Sanitary Code*.

E. The nursing facility shall maintain a comfortable sound level conducive to meeting the need of the residents.

F. All plumbing shall be properly maintained and conform to the requirements of the LAC Title 51, *Public Health—Sanitary Code*.

G. All openings to the outside atmosphere shall be effectively screened. Exterior doors equipped with closers in air conditioned buildings need not have screens.

H. Each room used by residents shall be capable of being heated to a minimum of 71 degrees Fahrenheit in the coldest weather and capable of being cooled to a maximum of 81 degrees Fahrenheit in the warmest weather.

I. Lighting levels in all areas shall be adequate to support task performance by staff personnel and independent functioning of residents. A minimum of 6 feet to 10 feet candelas over the entire stairway, corridors, and resident rooms measured at an elevation of 30 inches above the floor and a minimum of 20 feet to 30 feet candelas over areas used for reading or close work shall be available.

J. Corridors used by residents shall be equipped on each side with firmly secured handrails, affixed to the wall. Handrails shall comply with the requirements of the state adopted accessibility guidelines.

K. There shall be an effective pest control program so that the nursing facility is free of pest and rodent infestation.

L. - R. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:64 (January 1998), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello 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.

Rebekah E. Gee MD, MPH
Secretary

1604#070

DECLARATION OF EMERGENCY

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

Commercial Large Coastal Shark Closure

In accordance with the emergency provisions of R.S. 49:953, the Administrative Procedure Act, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in its action at the December 2015 meeting and in its rule LAC 76:VII.357.M.2 which allows the secretary authority to modify seasons to maintain consistency with the adjacent federal waters, and that such closure order shall close the season until the date projected for the re-opening of that fishery in the adjacent

federal waters, the secretary of the Department of Wildlife and Fisheries hereby declares:

Effective 11:30 p.m., March 15, 2016, the commercial fishery for large coastal sharks in Louisiana waters, as described in LAC 76:VII.357.B.2, (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark and tiger shark) will close and remain closed until January 1, 2017, at which time the season is scheduled to reopen. This closure will not pertain to persons holding a federal shark research permit issued by NOAA Fisheries Service, when those persons are legally fishing under the regulations promulgated for that permit including that a NMFS-approved observer is aboard the vessel. Nothing herein shall preclude the legal harvest of large coastal sharks by legally licensed recreational fishermen during the open season for recreational harvest. Effective with this closure, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell or attempt to purchase, exchange, barter, trade or sell large coastal sharks, whether taken from within or without Louisiana waters, except for a federal shark research permit holder, when legally operating under that permit. Also effective with the closure, no person shall possess large coastal sharks in excess of a daily bag limit whether taken from within or without Louisiana waters, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure, or from federal shark research permit holders, provided that all commercial dealers possessing large coastal sharks taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by NOAA Fisheries Service that the harvest of large coastal sharks in the federal waters of the Gulf of Mexico closed at 11:30 p.m. local time on March 12, 2016, and will be closed until January 1, 2017, at which time the season is scheduled to reopen. Establishing this closure is necessary to ensure that compatible regulations are in effect, and to increase effectiveness of enforcement operations.

Charlie Melancon
Secretary

1604#018

DECLARATION OF EMERGENCY

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

Grassy Lake Wildlife Management Area
Closure—Turkey Hunting

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopt the following Emergency Rule:

Currently, due to high water levels associated with excessive rainfall in North and Central Louisiana, Grassy Lake wildlife management area is inundated with floodwater

and water levels are continuing to rise. This combined with the forecasted river levels will contribute to additional inundation. The WMA is almost completely inundated when the river stages reach 47.55' at the Black River—Acme Gauge, and 41.10' at the Atchafalaya River—Simmesport Gauge. Presently forecasts predict river stage levels of 52.0' at the Black River—Acme Gauge on March 21, 2016 and 36.6' at the Atchafalaya River—Simmesport Gauge on March 21, 2016.

Such inundation constitutes a period of high stress and mortality for turkey. Turkey will be confined to trees with the entire area inundated, making them subject to excessive harvest and harassment during a high stress period. Pursuit and harvest during such an event will adversely impact the resource and sustainability of population levels in subsequent years. Therefore, it is deemed appropriate to close the wildlife management area to turkey hunting to eliminate hunter harvest that would contribute to increased mortality rates from prolonged flooding.

In accordance with the provisions of 56:6.1, use of the Grassy Lake wildlife management area shall be as follows: Closed to all turkey hunting. This Declaration of Emergency shall become effective March 17, 2016, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until rescinded by the secretary.

Charles J. Melancon
Secretary

1604#017

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

North Louisiana Wildlife Management Area Closures

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopt the following Emergency Rule:

Currently, due to high water levels associated with excessive rainfall in North Louisiana, Bayou Pierre, Big Lake, Boeuf, Loggy Bayou, and Russell Sage wildlife management areas are inundated with floodwater and water levels are continuing to rise. These areas are nearly completely inaccessible by vehicle and hazardous conditions exist on the areas due to such water levels. Such conditions constitute a public safety hazard. Additionally, many wildlife species are stressed and displaced by such events, and public access to and use of the areas during this time will adversely impact such. Therefore, until the high water recedes, it is deemed necessary to close these wildlife management areas to all use.

In accordance with the provisions of 56:6.1, public access to and use of the above mentioned wildlife management areas shall be as follows: closed to all use. This Declaration of Emergency shall become effective March 17, 2016, and shall remain in effect for the maximum period allowed under

the Administrative Procedure Act or until rescinded by the secretary.

Charles J. Melancon
Secretary

1604#016

DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Public Oyster Seed Reopening

In accordance with the emergency provisions of *Louisiana Revised Statutes* (R.S.) 49:953, under the authority of R.S. 56:433, and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on September 3, 2015 which authorized the secretary of the Department of Wildlife and Fisheries to take emergency action to re-open public oyster seed grounds and reservations if sufficient quantities of oysters are available, and to adjust sack limits and sacking-only areas, notice is hereby given that the secretary of Wildlife and Fisheries hereby declares that a portion of the public oyster seed grounds in Mississippi Sound and Lake Borgne shall re-open at one half hour before sunrise on Friday, April 1, 2016 and shall close at one-half hour after sunset on Thursday, April 14, 2016. This re-opening is for the purpose of conducting a permitted transplant, or relay, of live oysters for bedding purposes only from waters within the public oyster seed grounds further described below which are currently classified as "closed" by the Louisiana Department of Health and Hospitals (LDHH). All individuals found harvesting in this area must possess a valid LDHH oyster transplant permit.

The area to be re-opened is further described below within the following coordinates:

1. 30 degrees 04 minutes 33 seconds N latitude
89 degrees 41 minutes 07 seconds W longitude
2. 30 degrees 06 minutes 14 seconds N latitude
89 degrees 40 minutes 49 seconds W longitude
3. 30 degrees 06 minutes 28 seconds N latitude
89 degrees 40 minutes 43 seconds W longitude
4. 30 degrees 08 minutes 14 seconds N latitude
89 degrees 38 minutes 30 seconds W longitude
5. 30 degrees 08 minutes 32 seconds N latitude
89 degrees 38 minutes 06 seconds W longitude
6. 30 degrees 08 minutes 55 seconds N latitude
89 degrees 37 minutes 38 seconds W longitude
7. 30 degrees 09 minutes 21 seconds N latitude
89 degrees 37 minutes 19 seconds W longitude
8. 30 degrees 10 minutes 40 seconds N latitude
89 degrees 31 minutes 56 seconds W longitude
9. 30 degrees 10 minutes 06 seconds N latitude
89 degrees 31 minutes 21 seconds W longitude
10. 30 degrees 09 minutes 39 seconds N latitude
89 degrees 31 minutes 00 seconds W longitude
11. 30 degrees 09 minutes 33 seconds N latitude
89 degrees 30 minutes 40 seconds W longitude
12. 30 degrees 09 minutes 40 seconds N latitude
89 degrees 29 minutes 26 seconds W longitude

13. 30 degrees 09 minutes 46 seconds N latitude
89 degrees 28 minutes 10 seconds W longitude
14. 30 degrees 09 minutes 46 seconds N latitude
89 degrees 28 minutes 11 seconds W longitude
15. 30 degrees 10 minutes 18 seconds N latitude
89 degrees 25 minutes 58 seconds W longitude
16. 30 degrees 10 minutes 37 seconds N latitude
89 degrees 24 minutes 54 seconds W longitude
17. 30 degrees 09 minutes 30 seconds N latitude
89 degrees 25 minutes 46 seconds W longitude
18. 30 degrees 08 minutes 36 seconds N latitude
89 degrees 26 minutes 28 seconds W longitude
19. 30 degrees 07 minutes 50 seconds N latitude
89 degrees 26 minutes 41 seconds W longitude
20. 30 degrees 07 minutes 31 seconds N latitude
89 degrees 28 minutes 03 seconds W longitude
21. 30 degrees 07 minutes 08 seconds N latitude
89 degrees 29 minutes 36 seconds W longitude
22. 30 degrees 06 minutes 47 seconds N latitude
89 degrees 31 minutes 18 seconds W longitude
23. 30 degrees 06 minutes 20 seconds N latitude
89 degrees 33 minutes 10 seconds W longitude
24. 30 degrees 05 minutes 53 seconds N latitude
89 degrees 35 minutes 08 seconds W longitude
25. 30 degrees 05 minutes 27 seconds N latitude
89 degrees 37 minutes 11 seconds W longitude
26. 30 degrees 05 minutes 00 seconds N latitude
89 degrees 39 minutes 05 seconds W longitude

The secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close this area if it is found that excessive amounts of non-living reef material is present in transplant loads.

Notice of any opening, delaying, or closing of a season will be provided by public notice at least 72 hours prior to such action, unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns.

Charles J. Melancon
Secretary

1604#033

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Sister Lake Public Oyster Seed Opening

In accordance with the emergency provisions of *Louisiana Revised Statutes* (R.S.) 49:953, under the authority of R.S. 56:433, and under the authority of a Declaration of Emergency passed by the Wildlife and Fisheries Commission on September 3, 2015 which authorized the secretary of the Department of Wildlife and Fisheries to take emergency action to re-open public oyster seed grounds and reservations if sufficient quantities of oysters are available, and to adjust sack limits and sacking-only areas, notice is hereby given that the secretary of Wildlife and Fisheries hereby declares that a portion of the Sister Lake Public

Oyster Seed Reservation shall re-open at one half hour before sunrise on Monday, April 4, 2016 for the purpose of market oyster harvest only and shall close at one-half hour after sunset on April 14, 2016.

The portion of the Sister Lake Public Oyster Seed Reservation to be re-opened shall be the area west of a line of longitude at 90 degrees 55 minutes 25.907 seconds W. The daily and possession sack limit is set at 25, and the following conditions shall also apply.

1. All oysters aboard a vessel harvesting on the Sister Lake Public Oyster Seed Reservation are deemed to have been taken from the Sister Lake Public Oyster Seed Reservation.

2. Prior to leaving the Sister Lake Public Oyster Seed Reservation, all oysters must be sacked, the number of sacks harvested shall be recorded in a log book, and each sack shall be properly tagged.

3. All vessels located in the Sister Lake Public Oyster Seed Reservation during those times between one-half hour after sunset and one-half hour before sunrise shall have all oyster dredges unshackled.

Notice of any opening, delaying, or closing of a season will be provided by public notice at least 72 hours prior to such action, unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns.

Charles J. Melancon
Secretary

1604#032

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Wildlife Management Area Reopening

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act, and under authority of R.S. 56:115, the secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopt the following emergency rule:

Currently, due to recent high water levels associated with excessive rainfall in North Louisiana, Bayou Pierre and Loggy Bayou Wildlife Management Areas (WMAs) are closed to all activities. Water has now receded on these areas, staff have inspected the WMAs' roads and deemed the WMAs suitable and safe for public access. Therefore, it is deemed appropriate to reopen these areas to all activities.

In accordance with the provisions of R.S. 56:6.1, public access to and use of the above mentioned Wildlife Management Areas shall be as follows: Open to all activities. This Declaration of Emergency shall become effective April 8, 2016.

Charles J. Melancon
Secretary

1604#062

Rules

RULE

Department of Agriculture and Forestry Office of Forestry

Logos for State Products (LAC 7:V.2901-2913)

Editor's Note: The following Rule is being repromulgated to correct a codification error. The original Rule can be viewed in the March 20, 2016 edition of the *Louisiana Register* on pages 393-394.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through authority granted in R.S. 3:4271, the Department of Agriculture and Forestry ("department"), has adopted LAC 7:V.2901-2913 in order to create standards for use of a department-adopted logo for certain products.

Title 7

AGRICULTURE AND ANIMALS

Part V. Advertising, Marketing and Processing

Chapter 29. Logos for State Products

§2901. Purpose; Definitions

A. This Chapter is adopted pursuant to R.S. 3:4271 and shall govern eligibility and rules to participate in the department's logo program.

B. For purposes of this Chapter, the following terms shall have the meaning hereafter ascribed to them, unless the context clearly indicates otherwise.

Commissioner—the commissioner of the Louisiana Department of Agriculture and Forestry.

Department—the Louisiana Department of Agriculture and Forestry.

License—written authorization from the Louisiana Department of Agriculture and Forestry for the non-exclusive use of the logo.

Licensee—applicant who applied to the department for a license to use the logo(s) and whose application was approved.

Logo—the logos adopted by the department pursuant to R.S. 3:4271 to promote products made, grown, manufactured, processed, produced or substantially transformed in the state of Louisiana. The logos include certified Louisiana, certified Louisiana Cajun, certified Louisiana Creole, and certified Louisiana farm to table restaurant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:393 (March 2016), repromulgated LR 42:540 (April 2016).

§2903. Eligibility

A. The department shall have sole discretion to determine whether a product, restaurant or agritourism activity is eligible to be labeled with one of the certified logos. To be eligible, a company must possess and be in compliance with all other state and federal permits, licenses and laws.

B. In order for a product to be eligible for inclusion in the logo program, it must be made, grown, manufactured, processed, produced or substantially transformed in the state of Louisiana.

C. In order for a product to be eligible to use the certified Louisiana Creole logo, at least 50 percent of the product must be made, grown, produced, manufactured, processed or packed in Louisiana and the owner shall be of Creole decent and/or product(s) being of Creole heritage.

D. In order for a product to be eligible to use the certified Louisiana Cajun logo, at least 50 percent of the product must be made, grown, produced, manufactured, processed or packed in Louisiana and the owner shall be of Cajun decent and/or product(s) being of Cajun heritage.

E. In order for a restaurant to be eligible to use the certified farm to table logo, a majority of the restaurant's raw and value added products shall produced and sourced as locally as possible, within Louisiana and or less than 200 miles from its origin, which means going directly from the farm to the table.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:393 (March 2016), repromulgated LR 42:540 (April 2016).

§2905. Application Process and Product Verification

A. Applications for use of the logos shall be made in writing on a form prescribed by the department. All applications must be signed and notarized. Applications which are not signed and notarized will be returned to the applicant.

B. Each application shall be accompanied by a non-refundable \$25 application fee. Applications which do not include the application fee will be returned to the applicant.

C. Applicant's proposed use of the logo shall be included in the application and is subject to review and acceptance by the department.

D. Within 30 days of receipt of the application by department, the department shall make a determination of whether such registration permission is granted or denied and shall notify the applicant of same in writing or by electronic mail. A site visit may be required to help determine the eligibility of the registrant to participate in the program. Applicants agree to allow a representative from the department to visit the production and/or processing facilities to verify compliance with guidelines established by the department.

E. Upon approval of the application, a registration fee of \$30 per logo shall be paid to the department. Upon receipt of the registration payment, the department shall provide the registrant a certificate of registration, which will expire on December 31 unless timely renewed, and a digital jpeg and/or eps copies of the logo(s) suitable for reproduction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:393 (March 2016), repromulgated LR 42:540 (April 2016).

§2907. Denial of Registration

A. Applications for use of the logo(s) may be denied if:

1. The product or activity falls outside of the definition as prescribed by law.

2. The product is of a quality markedly inferior to that representative of similar products produced in Louisiana;

3. The applicant has misused the logo(s) prior to the date of application; or the applicant has used the logo(s) without permission of the department;

4. The applicant's use of the logos would, in the department's opinion, either:

a. Impair or frustrate the department's efforts to expand or encourage development of the markets for Louisiana agricultural and other products; or

b. Fail to enhance the integrity and image of the program, as determined by the department; or

c. it has been determined not to be in accordance with department policy.

B. Any applicant whose request to use the logo(s) is denied may protest the department's decision by filing a notice of protest with the department within 15 days of receipt by the applicant of notice of denial. A notice of protest which has been timely filed shall be administered as a contested case as provided for the Administrative Procedure Act. If notice of protest has not been filed with the department within 15 days of receipt by the applicant of notice of denial, such denial shall become final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:393 (March 2016), repromulgated LR 42:541 (April 2016).

§2909. Renewal of Registration

A. All licenses expire December 31 of each year. Licensee's right to use logo(s) will cease at 12:01 a.m. on January 1 unless an application for renewal has been timely submitted to and approved by department.

B. Applications for renewal of registration shall be made in writing on a form prescribed by the department. The fee for renewal of registration is \$30.

C. Applicant's application for renewal of registration and \$30 renewal fee must be received on or before the close of business on December 31. Upon receipt of the renewal application and annual fee, the department will send an approved registrant a certificate of registration.

D. Failure to remit the annual registration fee by December 31 shall result in the registrant being designated as inactive. Failure to timely remit the renewal application and renewal fee within by January 10 shall result in the expiration of the registration and the licensee will be treated as a new applicant and must follow the procedure set forth in rule 105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:394 (March 2016), repromulgated LR 42:541 (April 2016).

§2911. Use of Logo

A. No person shall, in commerce, advertise, sell, offer or expose for sale, distribute, package or in any other manner

identify any services or goods with the logo affixed to such service or good, unless the logo use has been previously approved by the department.

B. Any permission granted by the department to licensee for use of the logo shall be nonexclusive and nontransferable to another person or another product. The logo may only be used on the product(s) set forth in the application and listed on the registration certificate.

C. Licensee's authorization to use the logo(s) shall not be construed to grant or assign any right, title or interest in or to the logo(s) or the goodwill attached thereto.

D. Licensee shall not alter the appearance of the logo(s) in any manner. Licensee may use the logo in any color he desires, but logo wording may not be altered.

E. Other than the authorized use of the logo(s), no licensee shall use any statement of affiliation or endorsement by the state of Louisiana or the department in the selling, advertising, marketing, packaging, or other commercial handling of products and services, or restaurants.

F. The following shall constitute misuse of the logo:

1. using the logo(s) on any product for which use has not been granted by the department;

2. using the logo(s) on a product that is not in compliance with state or federal law;

3. using the logo(s) in a manner that is disparaging to the department;

4. using the logo(s) in violation of any rule promulgated by the department;

5. using the logo(s) without a valid registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:394 (March 2016), repromulgated LR 42:541 (April 2016).

§2913. Enforcement

A. In the event that the department determines that a licensee has misused the logo(s), the department shall conduct an adjudicatory hearing in accordance with the Administrative Procedure Act in order to determine whether to suspend or revoke the licensee's permission to use the logo(s).

B. All hearings conducted pursuant to this section shall be heard by a three person hearing panel appointed by the commissioner. The commissioner may appoint a hearing officer to conduct the hearing.

C. At the conclusion of the administrative hearing, the hearing panel may recommend that the licensee's permission to use the logo(s) be suspended or revoked. The hearing panel's recommendation shall be submitted to the commissioner for his determination.

D. The department may pursue other civil or injunctive remedies against any person or company misusing the logo. All proceedings shall be brought in the 19th Judicial District in East Baton Rouge Parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4271.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, LR 42:394 (March 2016), repromulgated LR 42:541 (April 2016).

Mike Strain, DVM
Commissioner

1604#037

RULE

Department of Children and Family Services Division of Programs Licensing Section

Child Day Care Centers (LAC 67:III.Chapter 73)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) has repealed the *Louisiana Administrative Code*, Title 67, Part III, Subpart 21, Chapter 73, Sections 7301-7399.

The Rule repeals the child day care regulations under the Department of Children and Family Services due to the transfer of authority to the Louisiana Department of Education.

Pursuant to R.S. 17:407.32, the authority to license child care centers transferred from the Department of Children and Family Services to the Department of Education, effective October 1, 2014. Additionally, pursuant to R.S. 17:407.38, until such time as rules were promulgated by the Board of Elementary and Secondary Education to implement type I, type II, and type III child day care center licenses, child care centers were to continue to follow the rules promulgated by DCFS for the licensure of class A and class B child care centers. The Board of Elementary and Secondary Education promulgated such rules effective July 1, 2015; therefore the rules previously referenced in Sections 7301-7399 are hereby repealed.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 21. Child Care Licensing

Chapter 73. Day Care Centers

Subchapter A. Licensing Class "A" Regulations for Child Care Centers

§7301. Purpose

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1107 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2755 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:542 (April 2016).

§7302. Authority

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1107 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2755 (December 2007), amended LR 36:332 (February 2010), LR 36:847 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:811 (March 2011),

amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013), LR 40:243 (February 2014), effective March 1, 2014, LR 40:1674 (September 2014), repealed LR 42:542 (April 2016).

§7303. Procedures

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1108 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2756 (December 2007), amended LR 36:333 (February 2010), LR 36:832 (April 2010), repromulgated LR 36:1272 (June 2010), amended LR 36:1279 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2521 (November 2010), repromulgated 37:513 (February 2011), amended by the Department of Children and Family Services, Division of Programs, LR 37:812 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:247 (February 2014), effective March 1, 2014, repealed LR 42:542 (April 2016).

§7304. Definitions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1111 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2758 (December 2007), amended LR 36:848 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:470 (March 2013), LR 40:249 (February 2014), effective March 1, 2014, repealed LR 42:542 (April 2016).

§7305. General Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1112 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2759 (December 2007), amended LR 36:333 (February 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:812 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:249 (February 2014), effective March 1, 2014, repealed LR 42:542 (April 2016).

§7306. Policies and Procedures Related to Children

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December

1998), LR 29:1112 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2760 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:542 (April 2016).

§7307. Children's Records

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:543 (April 2016).

§7308. Retention of Records

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:543 (April 2016).

§7309. Required Staff

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1113 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2761 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:543 (April 2016).

§7310. Director Qualifications

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2762 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:543 (April 2016).

§7311. Personnel Records

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of

Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2762 (December 2007), amended by the Department of Children and Family Services, Division of Programs, LR 37:813 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:250 (February 2014), effective March 1, 2014, repealed LR 42:543 (April 2016).

§7312. Staff Development and Training

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1114 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2763 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:981 (April 2012), repealed LR 42:543 (April 2016).

§7313. Water Activities

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1115 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2763 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:543 (April 2016).

§7315. Required Child/Staff Ratios

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2764 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:252 (February 2014), effective March 1, 2014, LR 42:543 (April 2016).

§7317. Supervision

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2764 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:252 (February 2014), effective March 1, 2014, LR 40:1674 (September 2014), repealed LR 42:543 (April 2016).

§7319. Food Service and Nutrition

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1116 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2764 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:544 (April 2016).

§7321. Health Service to the Child

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1117 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2765 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:544 (April 2016).

§7323. Physical Environment

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1118 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2766 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:544 (April 2016).

§7325. Furnishings and Equipment

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1118 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2766 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:470 (March 2013), repealed LR 42:544 (April 2016).

§7327. Safety Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December

1998), LR 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:981 (April 2012), repealed LR 42:544 (April 2016).

§7328. Emergency Preparedness and Evacuation Planning

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:981 (April 2012), repealed LR 42:544 (April 2016).

§7329. Non-Vehicular Excursions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:544 (April 2016).

§7331. General Transportation (Contract, Center-Provided, Parent-Provided)

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1119 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2767 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1207 (May 2012), LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:544 (April 2016).

§7333. Field Trips (Contract, Center-Provided, Parent Provided)

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2768 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:544 (April 2016).

§7335. Daily Transportation (Contract or Center-Provided)

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2768 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:253 (February 2014), effective March 1, 2014, repealed LR 42:544 (April 2016).

§7337. Contract Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1120 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:545 (April 2016).

§7339. Care for Children during Nighttime Hours

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:450 (April 1994), LR 24:2345 (December 1998), LR 29:1121 (July 2003), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:545 (April 2016).

§7350. Disclosure of Information as Specified under

R.S. 46:1426

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1426

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 25:1130 (December 1999), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2769 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:545 (April 2016).

Subchapter B. Licensing Class “B” Regulations for Child Care Centers

§7355. Authority

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1635 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2770 (December 2007), amended LR 36:333 (February 2010), LR 36:849 (April 2010), amended by the Department of Children and Family Services, Division of

Programs, Licensing Section, LR 39:66 (January 2013), LR 40:254 (February 2014), effective March 1, 2014, LR 40:1674 (September 2014), repealed LR 42:545 (April 2016).

§7357. Definitions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1636 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2770 (December 2007), amended LR 36:334 (February 2010), LR 36:850 (April 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:471 (March 2013), LR 40:257 (February 2014), effective March 1, 2014, repealed LR 42:545 (April 2016).

§7359. Procedures

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1636 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2771 (December 2007), amended LR 36:335 (February 2010), LR 36:833 (April 2010), repromulgated LR 36:1273 (June 2010), amended LR 36:1279 (June 2010), amended by the Department of Children and Family Services, Child Welfare Section and Economic Stability and Self-Sufficiency Section, LR 36:2521 (November 2010), repromulgated LR 37:513 (February 2011), amended by the Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:258 (February 2014), effective March 1, 2014, repealed LR 42:545 (April 2016).

§7361. General Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1638 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2773 (December 2007), amended LR 36:335 (February 2010), amended by the Department of Children and Family Services, Division of Programs, LR 37:814 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:259 (February 2014), effective March 1, 2014, repealed LR 42:545 (April 2016).

§7363. Transportation

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 26:1638 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2773 (December 2007), amended by the Department of Children and Family Services, Division of

Programs, Licensing Section, LR 38:1207 (May 2012), LR 40:260 (February 2014), effective March 1, 2014, repealed LR 42:545 (April 2016).

§7365. Center Staff

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1639 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2774 (December 2007), amended by the Department of Children and Family Services, Division of Programs, LR 37:815 (March 2011), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:982 (April 2012), LR 40:260 (February 2014), effective March 1, 2014, repealed LR 42:546 (April 2016).

§7367. Childrens' Records

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1640 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:546 (April 2016).

§7369. Personnel

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:2010 (September 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:546 (April 2016).

§7371. Required Child/Staff Ratios

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1641 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2775 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:263 (February 2014), effective March 1, 2014, repealed LR 42:546 (April 2016).

§7372. Supervision

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1430 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 40:263 (February 2014), effective March 1, 2014, amended LR 40:1674 (September 2014), repealed LR 42:546 (April 2016).

§7373. Physical Plant and Equipment

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1641 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2776 (December 2007), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:982 (April 2012), amended LR 39:471 (March 2013), repealed LR 42:546 (April 2016).

§7375. Admission of Children

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1642 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2776 (December 2007), repealed LR 42:546 (April 2016).

§7377. Care of Children

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1642 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2777 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:546 (April 2016).

§7378. Emergency Preparedness and Evacuation Planning

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:983 (April 2012), repealed LR 42:546 (April 2016).

§7379. Care for Children during Nighttime Hours

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1643 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:546 (April 2016).

§7381. Discipline

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by

the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1644 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:546 (April 2016).

§7383. Abuse and Neglect

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 13:246 (April 1987), amended by the Department of Social Services, Office of the Secretary, LR 18:970 (September 1992), LR 26:1644 (August 2000), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2778 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

Subchapter C. Licensing Class "A" Regulations for Day Care Centers Caring for Sick Children

§7387. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1130 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7388. Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1130 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7389. Personnel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7390. Training

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7391. Staffing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7392. Plant Equipment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1132 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:962 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7393. Admission Policies and Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1132 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2781 (December 2007), amended LR 35:963 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7394. Physical Assessment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1133 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2781 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7395. Care of Children

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1133 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2782 (December 2007), amended LR 35:963 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7396. Infectious/Medical Waste Disposal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1134 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2783 (December 2007), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:547 (April 2016).

§7399. Appendix A: Child and Adult Care Food Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 35:963 (May 2009), repealed by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 42:548 (April 2016).

Marketa Garner Walters
Secretary

1604#034

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System
(LAC 28:LXXXIII.405, 409, 705, 707, and 1107)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 111—The Louisiana School, District, and State Accountability System*: §405, Calculating a K-8 Assessment Index; §409, Calculating a 9-12 Assessment Index; §705, AMO; §707, Safe Harbor; and §1107, Unknown School and District Performance Due to Nonparticipation in State Assessments (2014-2015 Only). The policy revisions ensure that combination schools earn the same rewards as traditional high schools for students participating in high school exams while still in middle school; award points for student performance on ACT and WorkKeys, whichever is higher, within the ACT index of high school performance scores; ensures a steady formula while a statewide social studies field test is conducted for grades 3 through 8; and address participation concerns for grades 3 through 8 English language arts and mathematics exams for spring 2015 testing.

**Title 28
EDUCATION**

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

Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

§405. Calculating a K-8 Assessment Index

A. - E. ...

F. When middle schools students participate only in an EOC exam and not also the grade-level assessment in a given subject, EOC test results shall be used in the middle school's assessment index (100 for "good" and 150 for "excellent") and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all EOC scores of "good" or "excellent" earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:
 - a. excellent = 50;
 - b. good = 25.

G. The policy, as outlined in Subsection F of this Section, shall also apply to combination schools. The EOC score will be used in middle school results for the year in

which the EOC is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in 9th grade, as outlined in §409.A.3.

H. In the 2015-2016 school year, the social studies test will be administered as a field test only. When calculating the K-8 assessment index for the 2015-2016 school year, either the 2013-2014 or 2014-2015 social studies assessment index, whichever yields the higher school performance score, shall be used as the social studies component of the overall assessment index.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016).

§409. Calculating a 9-12 Assessment Index

A. - A.4. ...

B.1. The ACT composite score will be used in the calculation of the ACT assessment index as described in the chart below. To the extent practicable, a student's highest earned score for any ACT administration shall be used in the calculation.

ACT Composite	Index Pts
0-17	0
18	100
19	102.8
20	105.6
21	108.4
22	111.2
23	114
24	116.8
25	119.6
26	122.4
27	125.2
28	128
29	130.8
30	133.6
31	136.4
32	139.2
33	142
34	144.8
35	147.6
36	150.4

2.a. Starting in the 2015-16 school year, student performance on the WorkKeys shall be included within the ACT index, where a student takes both assessments and earns a greater number of index points for WorkKeys than for ACT.

b. The concordance table below shall be used to award points beginning in the 2015-16 school performance score results and shall be reevaluated annually for continued alignment with ACT performance.

WorkKeys Level	Index Points
Platinum	136.4
Gold	116.8
Silver	100

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:548 (April 2016).

Chapter 7. Subgroup Component

§705. Annual Measurable Objective

A. The annual measurable objective (AMO) is the percent of students required to reach the proficient level in a given year on the standards-based assessments. Beginning in 2015, English language arts and mathematics test results from grades 3-8 LEAP, iLEAP, high school EOC algebra I and English II, and LAA 1 will be used to calculate the percent proficient for the subgroup component (for schools and districts).

1. At the middle school level, if a student takes algebra 1, then the algebra 1 score shall be used for AMO calculations.

2. At the high school level, if the algebra I score was used at the middle school level, the geometry score shall be used for AMO calculations.

B. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 33:253 (February 2007), LR 38:2357 (September 2012), LR 40:2508 (December 2014), LR 42:549 (April 2016).

§707. Safe Harbor

A. - D. ...

E. English language arts and mathematics test results from grades 3-8, EOC, and LAA 1 will be used to calculate the reduction of non-proficient students in safe harbor.

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 32:1025 (June 2006), LR 33:253 (February 2007), LR 33:2594 (December 2007), LR 38:1213 (May 2012), LR 38:2357 (September 2012), LR 38:3110 (December 2012), LR 40:2508 (December 2014), LR 42:549 (April 2016).

Chapter 11. School Performance Categories

§1107. Unknown School and District Performance Due to Nonparticipation in State Assessments (2014-2015 Only)

A. For the 2014-2015 school year only, if the number of nonparticipants (see §4101.B of this bulletin) in grades 3 to 8 English language arts and mathematics is greater than 10 percent of all testers for that school, then the LDE shall carry forward the 2013-2014 school performance score and letter grade of said school as the 2014-2015 annual school performance score and letter grade, and shall clearly note the use of the 2013-2014 result, due to nonparticipation, on the annual public report card.

1. If a school meets the criteria outlined in Subsection A of this Section but did not have a letter grade or SPS from the year prior, then a letter grade of "U" (unknown) shall be awarded for the 2014-2015 school year.

B. For the 2014-2015 school year only, if the number of nonparticipants (see §4101.B of this bulletin) in grades 3 to 8 English language arts and mathematics is less than or equal to 10 percent of all testers for that school, then the LDE shall include in the calculation of the school or district performance score results from the 2013-2014 Louisiana state assessments in English language arts or mathematics for such students, where available. Where no such 2013-2014 English language arts and/or mathematics results are available for nonparticipants, nonparticipation shall be addressed by using the average assessment index points earned for the specific school, grade level and subject. For students with partial scores in 2014-2015, the LDE shall use the higher of the student's two results, 2013-2014 or 2014-2015; if students with partial scores do not have a score from 2013-2014, then the LDE shall use either the 2014-2015 partial score or the average 2014-2015 assessment index points earned for the specific school, grade level and subject, whichever is higher.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:549 (April 2016).

Shan N. Davis
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1604#011

RULE

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
(LAC 28:CXXXIX.2301, 2713, and 2801)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 126—Charter Schools*: §2301, State Funding; §2713, At-Risk Students; and §2801, Transportation Requirements. The revisions are required by Act 421 of the 2015 Regular Legislative Session. These revisions also incorporate language newly amended by Act 467 of the 2015 Regular Legislative Session to weight Minimum Foundation Program (MFP) funding for charter schools.

Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 23. Charter School Funding

§2301. State Funding

A. Unless otherwise provided by law, the per pupil amount provided to a type 1, 1B, 2, 3, 3B, or 4 charter school shall be computed at least annually and shall be equal to the per pupil amount provided through the Minimum Foundation Program formula, determined by the allocation weights in the formula based upon student characteristics or needs, received by the school district in which the student resides, as determined by the weighted differentiated funding formula based upon individual student characteristics or needs that is provided through the Minimum Foundation Program, except as provided in Subsection E of this Section.

1. The state-funded per pupil allocation shall be based upon the weighted student membership count received by the district pursuant to the most recent legislatively approved Minimum Foundation Program formula, and include all levels and allocation weights based upon student characteristics or needs as provided in the formula except any supplementary allocations for specific purposes. Supplementary allocations for specific purposes shall be provided to charter schools based solely on the funds generated by the charter school within each specific allocation.

B. ...

C. For the purposes of funding, each type 1, type 3, and type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement.

D. - G.2. ...

3. Local charter authorizers shall also submit the reports required in this Subsection to the LDE according to the timelines provided for in this Subsection.

4. The LDE may withhold and retain from state funds otherwise allocated to a local public school system through the Minimum Foundation Program an amount equal to 1 quarter of 1 percent of the fee amount charged to a type 3B charter school for administrative costs incurred by the LDE for providing financial oversight and monitoring of a type 3B charter school acting as its own LEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3995, and R.S. 17:3981.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 39:3250 (December 2013), LR 40:1324 (July 2014), LR 42:549 (April 2016).

Chapter 27. Charter School Recruitment and Enrollment

§2713. At-Risk Students

A. Charter schools shall maintain required student enrollment percentages as provided in this Section, based on the demographic information collected in the February 1 pupil membership count for students who were enrolled at the school the previous October 1 according to the October 1 pupil membership count.

B. The following definitions shall apply in this Section.

Students from Local Public School Districts—public school students who reside within the geographic boundaries of the local city or parish school board's district where a particular charter school is located.

Students with Exceptionalities—students identified as having one or more exceptionalities, as defined in R.S. 17:1942, not including gifted and talented.

C. Unless otherwise explicitly stated in the charter school's contract, or otherwise provided by charter law, each type 1B or type 2 charter school created as the result of a conversion, type 3 charter school, and type 4 charter school shall maintain the following student enrollment percentages:

1. the charter school's percentage of free- or reduced-price lunch eligible students shall be greater than or equal to the percentage of free- or reduced-price lunch eligible students enrolled at the school in the school year prior to the establishment of the charter school; and

2. the charter school's percentage of students with exceptionalities shall be greater than or equal to the percentage of students with exceptionalities enrolled at the school in the school year prior to the establishment of the charter school.

D. Except as otherwise provided by charter law, each type 1, type 1B, or type 2 charter school created as a new school shall maintain the following student enrollment percentages:

1. the charter school's percentage of free- or reduced-price lunch eligible students shall be greater than or equal to 85 percent of the percentage of free- or reduced-price lunch eligible students from local public school districts. The remaining number of students enrolled in the charter school which would be required to have the same percentage of free- or reduced-price lunch eligible students from local public school districts shall be comprised of students who are otherwise at-risk as defined in §103 of this bulletin; and

2. the charter school's percentage of students with exceptionalities shall be greater than or equal to 85 percent of the percentage of students with exceptionalities from the local public school districts. The remaining number of students enrolled in the charter school which would be required to have the same percentage of students with exceptionalities from the local public school districts shall be comprised of students who are otherwise at-risk as defined in §103 of this bulletin.

E. For the purpose of Subsection D of this Section, the LDE shall determine the percentages of free or reduced-price lunch eligible students and students with exceptionalities from local public school districts as follows.

1. For charter schools in operation prior to July 1, 2016, the student enrollment percentages shall be based on the February 1, 2015 pupil membership count and shall remain fixed until the charter school's contract is renewed, unless otherwise provided for in existing charter contracts.

2. For charter schools beginning an initial or renewal charter contract term on or after July 1, 2016, the student enrollment percentages shall be based on the pupil membership counts from the school year immediately preceding the beginning of the charter contract term and shall remain fixed during the charter contract term, unless the charter contract specifies that the percentages shall be required to reflect the current year's percentages.

F. The LDE shall perform all calculations necessary to implement this Section.

G. Annually, the LDE shall make a report to BESE on the student enrollment percentages detailed in this Section for all public schools and local education agencies.

H. Each charter authorizer shall hold its authorized charter schools accountable for meeting the required student enrollment percentages in this Section in accordance with state law by taking the following actions for each charter school that fails to meet required enrollment percentages:

1. conducting an inquiry to determine all actions taken by the charter school to attempt to meet the requirements and the reasons for such failure; and

2. providing a written notice to the charter school that provides specific annual enrollment percentage targets the

charter school must meet to demonstrate progress toward meeting the required enrollment percentages, and details how the charter authorizer will hold the charter school accountable, including any potential consequences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 40:1325 (July 2014), LR 42:550 (April 2016).

Chapter 28. Transportation

§2801. Transportation Requirements

A. - D. ...

E. No later than the beginning of the 2016-2017 school year, each type 5 charter school located in Orleans Parish shall provide free transportation services for all students enrolled in the charter school who reside within Orleans Parish and more than 1 mile from the charter school's location, which shall include, at a minimum:

1. whatever transportation is necessary to implement any individualized education plan (IEP) for a child with an identified exceptionality, without regard to how far the child resides from the charter school;

2. free transportation by a vehicle approved for student transportation in accordance with BESE *Bulletin 119—Louisiana School Transportation Specifications and Procedures*, for students enrolled in grade 6 or below who reside more than 1 mile from the charter school; and

3. free transportation, free public transportation payments and/or reimbursements for all other students not included in Paragraphs 1 and 2 of this Subsection who reside more than 1 mile from the school.

F. Each charter school operator shall adopt policies and procedures or shall make provision in its bus transportation service agreement to do all of the following:

1. prohibit a bus driver from loading or unloading students at school while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder, in a school parking lot, or at other appropriate off-road location at the school as determined by the school governing authority. The requirements of this Paragraph shall not apply if the shoulder of a municipal road is the only available alternative and the municipality has not made the shoulder available by designating that area for loading and unloading students during designated school zone hours;

2. prohibit a bus driver from loading or unloading students at or near their homes while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder unless the governing authority determines that loading or unloading on a shoulder is less safe for the student. However, if there is no shoulder or if the shoulder is determined to be less safe, a bus driver may load and unload a student while the bus is in a lane of traffic but only if the bus is in the lane farthest to the right side of the road so that there is not a lane of traffic between the bus and the right-side curb or other edge of the road;

3. prohibit a bus driver from loading or unloading a student in a location on a divided highway such that a student, in order to walk between the bus and his home or

school, would be required to cross a roadway of the highway on which traffic is not controlled by the visual signals on the school bus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:158, R.S. 17:3981, and 17:3996(B)(37).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1266 (July 2015), amended LR 42:551 (April 2016).

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1604#012

RULE

Board of Elementary and Secondary Education

Bulletin 129—The Recovery School District
(LAC 28:CXLV.505, 1103, and 1105)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 129—The Recovery School District*: §505, Return of Schools to Local School Board; §1103, Annual Budget; and §1105, Budget Planning, Preparation, and Schedules. Previous policy detailed a process for the Recovery School District (RSD) to return an RSD charter school to the former local school board when the charter school has earned a school performance score of 54.0 or above for two consecutive school years. The revisions to this Section simplify the process of returning schools to the RSD by clarifying terms and existing processes, deleting unnecessary language, and aligning the policy with yearly accountability timelines for letter grade release and charter renewals. Additional revisions ensure that the policy aligns to the appropriate BESE meetings and budgetary timelines each year.

Title 28

EDUCATION

Part CXLV. Bulletin 129—The Recovery School District Chapter 5. Failed Schools

§505. Return of Schools to Local School Board

A. Schools transferred to the jurisdiction of RSD shall remain with the RSD for a period of not less than five years.

1. A school that has been under the jurisdiction of the RSD for a minimum of five years as either a direct-run RSD school or a type 5 charter school may be returned to the jurisdiction of its former local school board based upon the RSD's report and recommendation to BESE. The RSD's report shall include the following:

a. the status of the school, the nature of its faculty and administration, the demographics and size of the student body, its organizational and management structure, whether student academic performance has improved, the amount of any improvement, an explanation of why student academic performance has or has not improved, and to what extent performance targets were achieved;

b. the RSD report shall also include a recommendation as to whether the school should:

i. remain within the RSD in the same operational status;

- ii. remain within the RSD in a new operational status;
- iii. close, with the reasons why it should close; or
- iv. return to the jurisdiction of its former local school board, with proposed stipulations and conditions for the return.

B. Eligible Type 5 Charter Schools

1. An eligible type 5 charter school board may elect to transfer from the RSD and return to the jurisdiction of its former local school board as a type 3b charter school. If the charter school board chooses not to transfer to its former local school board, it will automatically remain within the RSD for an additional school year. The charter school board shall have the opportunity to choose to return to its former local school board every year the charter school continues to meet eligibility criteria, in accordance with the procedures outlined below.

2. A non-failing charter school is eligible for transfer from the jurisdiction of the recovery school district provided it meets all of the following.

a. The charter school will have been under the jurisdiction of the recovery school district for a minimum of five year. A charter school shall be considered to have been under the jurisdiction of the RSD for five years when five complete school years have passed since the approval of the transfer to the RSD by BESE under R.S. 17:10.5 or 17:10.7, regardless of changing operators or site codes for the charter school since that time. The decision to transfer will be considered at the earliest during the charter school's fifth year under the jurisdiction of the RSD, with the proposed transfer occurring at the conclusion of that same school year.

b. The charter school has earned for the past two consecutive years a school performance score (SPS) of 54.0 or above. If the academically unacceptable school (AUS) bar is raised above 50.0, then the charter school must have earned for the past two consecutive years a school performance score that is at least 4.0 points above the AUS bar as established by BESE pursuant to the statewide school and district accountability system. Should the charter school change operators, an SPS of 54.0 or above under the final year of the former operator and an SPS of 54.0 or above under the new operator the next consecutive year shall still meet this requirement.

i. In order to be eligible to choose to transfer from the jurisdiction of the RSD, charter schools comprised entirely of grades below ninth grade shall have two consecutive school performance scores of 54.0 or above based on test data from students actually attending that charter school, rather than test data from a paired school. For charter schools comprised entirely of grades above eighth grade, both consecutive school performance scores of 54.0 or above shall include ACT data for students actually attending the charter school, and at least one of the school performance scores shall include graduation index and graduation rate data for students actually attending the charter school.

c. In order for a charter school in the final year of its current charter contract term to be eligible to choose to transfer from the jurisdiction of the RSD, the charter school must be renewed for the upcoming school year by BESE pursuant to the charter renewal process in Bulletin 126. The

charter school board may still take official board action to seek to return to the local school board prior to being renewed by BESE, but final eligibility to return shall be contingent upon BESE approving a renewal for the charter school.

d. The charter school board elects to seek transfer from the RSD and has notified BESE in writing, no later than the deadline set by the RSD each year preceding the effective date of the proposed transfer.

e. The charter school board shall take official board action based on a vote of its membership, at a charter school board meeting in accordance with its by-laws and state open meetings law to provide BESE with written notification of desire to transfer the charter school from the jurisdiction of the RSD to the jurisdiction of its former local school board as a type 3B charter school. Such notice shall state whether the charter school desires to remain an independent local education agency (LEA) or have the former local school board serve as the charter school's LEA.

3. The transfer of a type 5 charter school from the RSD shall become effective on July 1 of the year following BESE's approval of such transfer.

4. Upon receiving notice from an eligible type 5 charter school board of its desire to seek to transfer the charter school to its former local school board by a deadline set each year by the RSD, BESE shall consider the transfer request for approval. BESE may require additional transfer conditions to be completed by the charter school prior to approval of the transfer at a later BESE meeting preceding the proposed transfer.

5. BESE shall only approve a charter school board request to transfer to the charter school to the jurisdiction to the local school board if the following requirements are met:

a. the local school board provides BESE with written notice, in accordance with the deadlines established by the RSD, that official board action has been taken to accept jurisdiction of the charter school as a type 3B charter school, pending approval of the transfer by BESE; and

b. the charter school board submits a copy of the type 3B charter contract signed by the local school board and the charter operator to BESE prior to approval of the transfer. In order for BESE to grant approval of the transfer, new charter contract, to be effective on the date of transfer (July 1), and any subsequent renewal charter contracts must:

i. be consistent with all state and federal laws governing charter school authorization;

ii. contain academic performance standards for the initial and first renewal term lengths that are equal to or greater than type 5 charter school performance standards as enumerated in BESE Bulletin 126, §519;

iii. comply with any transfer conditions previously specified by BESE;

iv. permit the charter school to remain in its facility or designate an alternative facility for use by the charter school;

v. prohibit the charter school from establishing admissions requirements; and

vi. require any charter school that participated as a type 5 charter school in unified processes common to other public schools located in the same parish or school district boundaries that are critical to providing equity and access to

students and families to continue to participate in such processes. At a minimum, the contract shall require the charter school to:

(a). continue to participate in any unified enrollment system and expulsion process established by the RSD for the parish or region where the charter school is located. The charter school shall follow all policies and procedures applicable to type 5 charter schools participating in the enrollment system and expulsion process; and

(b). continue to provide transportation services for students who reside more than one mile from the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), R.S. 17:1990(A)(2), R.S. 17:10.5(C), and R.S. 17:10.7(C).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:878 (March 2011), amended LR 38:354 (February 2012), LR 38:1396 (June 2012), LR 39:82 (January 2013), LR 39:1022 (April 2013), LR 39:3255 (December 2013), LR 42:551 (April 2016).

Chapter 11. Fiscal Management

§1103. Annual Budget

A. ...

B. The RSD's budget must be approved by BESE. The RSD shall present a proposed operational budget to BESE for review in June and for approval in August of each year. The RSD direct-operated and charter-operated schools shall budget on a fiscal year basis, July 1 through June 30.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:310 (January 2011), amended LR 42:553 (April 2016).

§1105. Budget Planning, Preparation, and Schedules

A. The RSD shall present a proposed operational budget to BESE for review in June and for approval in August of each year.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:311 (January 2011), amended LR 42:553 (April 2016).

Shan N. Davis
Executive Director

1604#013

RULE

Board of Elementary and Secondary Education

Bulletin 133—Scholarship Programs (LAC 28:CLIII.1305)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 133—Scholarship Programs*: §1305, Accountability System for Participating Nonpublic Schools. The revisions allow the state superintendent to align future scholarship school participation and enrollment decisions to the transition policies for new assessments.

Title 28 EDUCATION

Part CLIII. Bulletin 133—Scholarship Programs Chapter 13. Criteria for School Participation in the Student Scholarships for Educational Excellence Program

§1305. Accountability System for Participating Nonpublic Schools

A. - E.2.b. ...

c. The state superintendent may waive either or both of the above provisions for a given school if the school received a score higher than an equivalent school performance score correlating to a letter grade of an "F" according to the school performance score formula outlined in *Bulletin 111—the Louisiana School, District, and State Accountability System*.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:83 (January 2013), amended LR 42:553 (April 2016).

Shan N. Davis
Executive Director

1604#014

RULE

Board of Elementary and Secondary Education

Bulletin 134—Tuition Donation Rebate Program
(LAC 28:CLV.103 and 303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 134—Tuition Donation Rebate Program*: §103, Definitions; and §303, Awarding of Scholarships. The revisions are required to ensure alignment with state law (R.S. 47:6301).

Title 28 EDUCATION

Part CLV. Bulletin 134—Tuition Donation Rebate Program

Chapter 1. General Provisions

§103. Definitions

A. - A.2. ...

* * *

Qualified Student—a child who is a member of a family that resides in Louisiana with a total household income that does not exceed an amount equal to 250 percent of the federal poverty level based on the federal poverty guidelines established by the federal Office of Management and Budget and is a student who:

- i. is entering kindergarten for the first time;
- ii. was enrolled in a public school in Louisiana on October 1 and February 1 of the most recent school year; or
- iii. received a scholarship from a school tuition organization or the Student Scholarships for Educational Excellence Program for the previous school year.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1024 (April 2013), amended LR 41:41 (January 2015), LR 42:553 (April 2016).

Chapter 3. School Tuition Organizations

§303. Awarding of Scholarships

A. No scholarship shall be designated, referred to, or in any way named after a private entity, nor shall any donation be earmarked by a donor to provide a scholarship for a particular qualified student or a particular qualified school; however, this Subsection shall not prohibit a donation being earmarked for a student with a disability, students with a particular type of disability, or students with any disability.

B. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 39:1025 (April 2013), amended LR 40:499 (March 2014), LR 41:41 (January 2015), LR 42:554 (April 2016).

Shan N. Davis
Executive Director

1604#015

RULE

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center Licensing Regulations (LAC 28:CLXI.709, 905, 1303, 1307, 1713, 1719, 1721, 1901, and 2103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*: §709, Validity of Licenses; §905, Change in License Type; §1303, Notice of Denial, Revocation or Refusal to Renew; §1307, Appeal of Denial, Revocation or Refusal to Renew; §1713, Supervision; §1719, Orientation Training; §1721, Continuing Education; §1901, General Safety Requirements; and §2103, Daily Transportation (Contract or Center Provided). The policy revisions add a requirement to surrender invalid licenses when a center has closed or has had its license revoked, and allow the Louisiana Department of Education (LDE) to immediately close a center upon revocation and prohibit continued operation during the appeals process if the LDE determines that the health and safety of children are at issue. Other revisions simplify the process for changing license types, clarify policy and remove duplicate information.

Title 28

EDUCATION

Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations

Chapter 7. Licensing Process and Procedures

§709. Validity of Licenses

A. - B. ...

C. When a business is sold, discontinued, the operation has moved to a new location, or the license has been revoked, the existing license immediately becomes null and void and the licensee shall surrender the existing license to the Licensing Division.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39(C) and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016).

Chapter 9. Changes Requiring a New License **§905. Change in License Type**

A. ...

B. To change license type, an early learning center shall submit a written request to change its license type and a \$25 change fee to the Licensing Division.

C. Upon receipt of the written request and fee, and verification of substantial compliance with the applicable licensing regulations, the Licensing Division shall issue a replacement license of the new type to the center and the center shall surrender its existing license to the Licensing Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.36 and R.S. 17:407.38-39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:625 (April 2015), effective July 1, 2015, amended LR 42:554 (April 2016).

Chapter 13. Denial, Revocation or Non-Renewal of License

§1303. Notice of Denial, Revocation or Refusal to Renew

A. ...

B. The denial, revocation or refusal to renew shall be effective when notice is given and the center shall surrender its existing license to the Licensing Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 42:554 (April 2016).

§1307. Appeal of Denial, Revocation or Refusal to Renew

A. - B. ...

C. A center may continue to operate during the appeals unless the Licensing Division determines that the health, safety or welfare of children in care imperatively requires immediate closure of the center and incorporates that finding in its notice of revocation.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 42:554 (April 2016).

Chapter 17. Minimum Staffing Requirements and Standards

§1713. Supervision

A. - F. ...

G. Restrooms

1. Children who are developmentally able may be permitted to go to the restroom independently at an early learning center, provided that:

a. a staff member is in proximity to and can see the children to ensure immediate intervention to safeguard a child from harm while in the restroom; and

b. individuals who are not staff members may not enter the center restroom area while in use by any child other than their own child.

2. A child age four and older may be permitted to go and return from the restroom without staff.

H. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:634 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 42:554 (April 2016).

§1719. Orientation Training

A. - A.4. ...

B. Within 30 calendar days of date of hire, each staff member shall receive orientation to the additional policies and practices of the center that at a minimum shall include:

B.1. - C.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016).

§1721. Continuing Education

A. Early learning centers shall provide opportunities for continuing education of staff members who are left alone with children, or who have supervisory or disciplinary authority over children.

1. Such staff members of type II and type III centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.

2. Such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of three clock hours of continuing education per center anniversary year.

a. Beginning July 1, 2015, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 6 clock hours of continuing education per center anniversary year.

b. Beginning July 1, 2016, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 9 clock hours of continuing education per center anniversary year.

c. Beginning July 1, 2017, such staff members of type I centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.

B. Staff members of type I, type II and type III centers who are neither left alone with children, nor have supervisory or disciplinary authority over children, shall obtain a minimum of three clock hours of continuing education in job related topics per center's anniversary year.

C. Continuing education for all types of centers shall be conducted by trainers approved by the Licensing Division. The Licensing Division shall keep a registry of approved trainers.

D. Continuing education hours shall be in the areas of:

1. child development;
2. child guidance;
3. child abuse prevention;
4. emergency preparation;

5. licensing regulations;
6. learning activities;
7. health and safety;
8. shaken baby prevention;
9. CPR;
10. first aid; and
11. management/administrative education.

E. The three hours of training by a child care health consultant on infectious diseases, health and safety, and/or food service preparation required in LAC 51:XXI.301.A.9 shall not count towards continuing education hours for staff members.

F. Pediatric first aid training and infant/child/adult CPR training may count as continuing education in the anniversary year in which it is taken.

G. Medication administration training by a child care health consultant may count as continuing education in the anniversary year in which it is taken.

H. Copies of certificates of completion or attendance records shall be maintained at the center and available for inspection by the Licensing Division upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016).

Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

§1901. General Safety Requirements

A. - A.4. ...

B. Lighting. Areas used by children shall be lighted in such a way as to allow visual supervision of the children at all times.

C. End-of-Day Check. The entire center and play yard shall be checked after the last child departs to ensure that no child is left at the center and this check shall be documented. Documentation shall include date, time of visual check, and signature of the staff conducting the visual check.

D. Sex Offender Registry. An early learning center shall register with the Louisiana State Police sex offender registry at www.lsp.org to receive updates when a sex offender moves within two miles of the center.

E. Centers shall not permit any individual convicted of a sex offense as defined in R.S. 15:541 to have physical access to the center.

F. The owner or director of an early learning center shall immediately notify law enforcement personnel and the Licensing Division if they have knowledge that a registered sex offender is on the premises of the center. The verbal report shall be followed by a written report to the Licensing Division within 24 hours.

G. All equipment used by children shall be maintained in a clean and safe condition and in good repair.

H. Moveable equipment shall be secured and supported so that it shall not fall or tip over.

I. Microwave ovens, bottle warming devices and crock pots are prohibited in areas accessible to children.

J. Items that can be harmful to children, such as medications, poisons, cleaning supplies and chemicals, and

equipment, tools, knives and other potentially dangerous utensils, shall be kept in a locked cabinet or other secure place that ensures they are inaccessible to children.

K. Plastic bags, when not in use, regardless of purpose or use, shall be made inaccessible to children.

L. Construction, remodeling, and alterations of structures shall be done in such a manner so as to prevent hazards or unsafe conditions, such as fumes, dust and safety hazards.

M. Strings and cords, including but not limited to those found on equipment, window coverings, televisions and radios, shall be inaccessible to children under age four.

N. First aid supplies shall be kept at the center and shall be easily accessible to employees but not accessible to children.

O. The center shall prohibit the use of alcohol and tobacco and the use or possession of illegal substances, unauthorized potentially toxic substances, fireworks and firearms, and pellet and BB guns on the center premises and notice to this effect shall be posted.

P. The personal belongings of center staff members shall be inaccessible to children.

Q. The center shall post a copy of the current "The Safety Box" newsletter issued by the Louisiana Office of the Attorney General and shall immediately remove from the early learning premises any items listed as recalled.

R. Lawn cutting services shall not occur while children are on the playground or outside the early learning center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 42:555 (April 2016).

Chapter 21. Minimum Transportation Requirements and Standards

§2103. Daily Transportation (Contract or Center Provided)

A. - C. ...

D. Vehicle Staff

1. A driver and at least one staff member must be in a contracted or center-provided vehicle at all times when transporting children, and minimum child to staff ratios must be met. However, when transporting children ages four and older only, if the vehicle has a communication device that allows the driver to contact emergency personnel, and the driver does not leave the vehicle while children are present in the vehicle, only the driver is required to be present in the vehicle and minimum child to staff ratios are not required to be met.

2. A contracted driver shall be considered a staff member for purposes of this Subsection if the driver is in compliance with the transportation regulations in Chapter 21 of this bulletin, including but not limited to maintaining a daily passenger log in compliance with §2103.F, and completing and documenting a visual passenger check of the vehicle at the end of each route in compliance with §2107.A.

E. - F.3.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:642 (April 2015), effective July 1, 2015, amended LR 42:556 (April 2016).

Shan N. Davis
Executive Director

1604#006

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Instructional Support
(LAC 28:CXV.1703 and 1707)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §1703, Textbooks; and §1707, Disposal of Library Books and Textbooks. The policy revisions are required to implement Act 389 of the 2015 Regular Legislative Session which revises procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 17. Instructional Support

§1703. Textbooks

A. ...

B. The governing authority of each public elementary and secondary school shall adopt policies and regulations for the adoption and use of textbooks and other instructional materials that sufficiently support the needs of all students in meeting state content standards.

1. The LDE shall utilize a transparent process to review textbooks and other instructional materials in the core subjects of English language arts, mathematics, science, and social studies to determine the degree to which each aligns with state content standards.

a. The state review process shall be conducted entirely online and every aspect of the review process including the textbooks and instructional materials under review and any comments submitted by reviewers, parents and other members of the public, and publishers and other content providers, shall be posted online and made readily accessible to all interested parties.

b. All print textbooks and print instructional materials purchased shall be supplied in an electronic format that meets federal requirements consistent with the Individuals with Disabilities Education Act (IDEA), and can be converted in to specialized formats for children with disabilities.

c. The LDE shall provide each school governing authority with a list of all textbooks and other instructional materials reviewed by LDE which includes information

indicating the degree to which each aligns with state content standards.

2. For the adoption of textbooks and other instructional materials that have not been reviewed by the LDE, the policy of the school governing authority shall provide for the establishment of review committees composed of classroom teachers and other educators, all of whom shall be employees of Louisiana public schools, parents of students enrolled in Louisiana public schools, and other educational stakeholders in Louisiana who have interest in or knowledge of curriculum and the subject matter under consideration.

3. Parents and other members of the public shall be afforded the opportunity to review and provide input relative to the textbooks and instructional materials under review prior to final adoption.

4. The purchase of electronic textbooks, instructional materials, and other media or content shall be maximized to the extent possible.

5. Each school governing authority may purchase textbooks and other instructional materials through a state contract or through the central depository or may contract directly with a publisher or other content provider.

C. Textbooks and instructional materials adopted for use in public schools shall accurately reflect the contributions and achievements of people of differing races and promote and understanding of the history and values of the people of the United States and Louisiana, including the free enterprise system, private property, constitutional liberties, democratic value and traditional standards of moral values.

D. Each school governing authority shall provide textbooks and other instructional materials, as available, to students enrolled in a state-approved home study program. The following procedures shall be used for loaning textbooks to be used in approved home study programs. Parents or guardians must proceed through the following steps in order to access textbooks for students in home study:

1. submit an application to the LDE and obtain approval for participation in the Home Study Program;

2. present a copy of the approved home-study application form to the LEA textbook supervisor or designee;

3. select the textbooks and/or materials needed from the listing as available, from the LEA; and

4. provide a deposit equal to 100 percent of the replacement cost. Such deposit will be returned when the books are returned. If books are not returned or paid for, the parent or legal guardian shall not be eligible to continue participation in the textbook rental program until all textbooks debts have been cleared.

E. Each LEA may establish the price and sell any textbook or library book no longer in use to any person or entity for private use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(4), R.S. 17:8.3, R.S. 17:22, R.S. 17:351 et seq, R.S. 17:356, R.S. 1970.4, and R.S. 17:1970.24.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), amended LR 37:1141 (April 2011), LR 38:2365 (September 2012), LR 39:2212 (August 2013), LR 42:556 (April 2016).

§1707. Disposal of Library Books and Textbooks

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:8.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1286 (June 2005), repealed LR 42:557 (April 2016).

Shan N. Davis
Executive Director

1604#008

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for
School Administrators—Scheduling (LAC 28:CXV.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §901, Scheduling. The policy revisions seek to increase student access to state and federal financial aid by requiring that students graduating spring 2018 and beyond complete an application for financial aid or submit a request to waive that requirement.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 9. Scheduling

§901. Scheduling

A. - B.4. ...

5. By the end of the tenth grade, each student's individual graduation plan or the student's IEP, if applicable, shall outline the school graduation requirements relevant to the student's chosen postsecondary goals based on the student's academic record, talents, and interests. Using information provided by the LDE and the Office of Student Financial Assistance, LEAs shall provide the student and the student's parent or legal custodian information regarding state and federal need-based and merit-based financial aid programs to support postsecondary education and training. The LEA shall ensure that each student receives adequate support in completing and submitting an application for financial aid.

6. Each student, with the assistance of his parent or other legal custodian and school counselor shall choose the high school curriculum framework and related graduation requirements that best meet his postsecondary goals.

7. The individual graduation plan or the IEP, if applicable, shall be reviewed annually and updated as necessary to identify the courses to be taken each year until all required courses are completed.

C. Student scheduling shall be individually appropriate and flexible to allow entry into and exit from courses and course sequences that are available for meeting curricular requirements.

D. Beginning with the 2017-2018 school year, each graduating senior shall, as part of his individual graduation

plan and as a requirement for graduation, complete at least one of the following steps to support a successful transition to postsecondary education or training:

1. complete and submit to the Office of Student Financial Assistance an application for a Taylor Opportunity Program for Students (TOPS) award;

2. complete and submit to the U.S. Department of Education a free application for federal student aid; or

3. a parent or legal custodian, or a student legally emancipated or of the legal age of majority, may certify a waiver in writing to the LEA if he refuses to complete such an application;

4. if a graduating senior is not able to fulfill the requirements of Subsection D of this Section due to extenuating circumstances, the LEA may apply for a waiver to be approved by the state superintendent of education to waive the student of this requirement for graduation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:175 and R.S. 17:183.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005), amended LR 36:1498 (July 2010), LR 39:2204 (August 2013), LR 40:2522 (December 2014), LR 42:557 (April 2016).

Shan N. Davis
Executive Director

1604#007

RULE

Board of Elementary and Secondary Education

Bulletin 1794—State Textbook Adoption
Policy and Procedure Manual
(LAC 28:XXXIII.Chapters 1-21)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has repealed *Bulletin 1794—State Textbook Adoption Policy and Procedure Manual*. This action was required because the laws on which the policies are based were repealed by Act 389 of the 2015 Regular Legislative Session.

Title 28

EDUCATION

Part XXXIII. Bulletin 1794—State Textbook Adoption Policy and Procedure Manual

Chapter 1. Purpose

§101. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1436 (August 1999), repromulgated LR 26:991 (May 2000), amended LR 32:1030 (June 2006), repealed LR 42:558 (April 2016).

Chapter 3. General Provisions

§301. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1436 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 32:1030 (June 2006), LR 33:636 (April 2007), repromulgated LR 34:64 (January 2008), amended LR 35:646 (April 2009), repealed LR 42:558 (April 2016).

§303. Textbook Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S.17:8(A)(B); R.S. 17: 351(A)(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 33:636 (April 2007), repealed LR 42:558 (April 2016).

§303. Textbook Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S.17:8(A)(B); R.S. 17: 351(A)(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 33:636 (April 2007), repealed LR 42:558 (April 2016).

§305. Textbooks and Materials of Instruction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), amended LR 29:124 (February 2003), LR 32:1031 (June 2006), repealed LR 42:558 (April 2016).

§307. Louisiana State Adoption Cycle and Time Lines

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351 -353; 361-365; 415.1; 463.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1437 (August 1999), repromulgated LR 26:992 (May 2000), repealed LR 42:558 (April 2016).

§309. Funding for Textbooks

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1439 (August 1999), repromulgated LR 26:993 (May 2000), repealed LR 42:558 (April 2016).

§311. Invitation Circular Letter

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:995 (May 2000), amended LR 29:124 (February 2003), LR 35:647 (April 2009), repealed LR 42:558 (April 2016).

§313. Establish State Textbook Adoption Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), repealed LR 42:558 (April 2016).

§315. Establish Criteria and Procedure for Evaluation and Selection of Textbooks and Materials of Instruction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), amended LR 32:1031 (June 2006), repealed LR 42:559 (April 2016).

§317. Provide for a Publishers' Orientation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), repealed LR 42:559 (April 2016).

§319. Establish Procedures for Concerned Citizens' Involvement in the Review Process and a Procedure for Response by Textbook Publishers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1440 (August 1999), repromulgated LR 26:996 (May 2000), amended LR 33:637 (April 2007), repealed LR 42:559 (April 2016).

§321. Role and Responsibilities of the State Textbook Adoption Committee

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1441 (August 1999), repromulgated LR 26:997 (May 2000), repealed LR 42:559 (April 2016).

§325. Adopting Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1441 (August 1999), repromulgated LR 26:997 (May 2000), repealed LR 42:559 (April 2016).

Chapter 5. Local School System Responsibilities

§501. Local Planning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 33:637 (April 2007), repealed LR 42:559 (April 2016).

§503. Formal Adoption

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 29:124 (February 2003), repealed LR 42:559 (April 2016).

§505. Local Implementation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1442 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 32:1031 (June 2006), repealed LR 42:559 (April 2016).

§507. Local Adoption Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1443 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 29:124 (February 2003), LR 32:1031 (June 2006), LR 33:2067 (October 2007), repealed LR 42:559 (April 2016).

§509. Ordering

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1443 (August 1999), repromulgated LR 26:999 (May 2000), repealed LR 42:559 (April 2016).

§511. Direct Order of Textbooks

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000), repealed LR 42:559 (April 2016).

§513. Waivers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000), amended LR 35:1878 (September 2009), repealed LR 42:559 (April 2016).

§515. Records and Reporting Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1444 (August 1999), repromulgated LR 26:1000 (May 2000), repealed LR 42:559 (April 2016).

§517. Textbooks for Home Study Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13 (A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236-236.1; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000), amended LR 30:780 (April 2004), repealed LR 42:560 (April 2016).

§519. Report on Status of Local Ordering—Late Delivery by Publishers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000), repealed LR 42:560 (April 2016).

§521. Sale of Textbooks No Longer in Use

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1445 (August 1999), repromulgated LR 26:1001 (May 2000), repealed LR 42:560 (April 2016).

§523. Reasonable and Proper Care for and Control over Textbooks and Other Materials of Instruction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1001 (May 2000), amended LR 28:2329 (November 2002), repealed LR 42:560 (April 2016).

§525. Ongoing Inventory System

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1002 (May 2000), repealed LR 42:560 (April 2016).

Chapter 7. Publishers' Responsibilities

§701. Requirements for Publishers' Participation in State Textbook Adoption

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1002 (May 2000), amended LR 29:125 (February 2003), LR 32:1031 (June 2006), LR 33:2067 (October 2007), repealed LR 42:560 (April 2016).

§703. Publishers' Formal State Textbook and Materials of Instruction Submission

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), repealed LR 42:560 (April 2016).

§705. Notification of Required Hardware, Software, Special Equipment Needed by State Textbook Adoption Committee Members to Review Textbooks and Materials Submitted by Publishers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), repealed LR 42:560 (April 2016).

§707. Submission of Correlations to State-Approved Content Standards/Curriculum Guides

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), amended LR 32:1032 (June 2006), repealed LR 42:560 (April 2016).

§709. Textbook Samples for Review by State Textbook Adoption Committee Members and State Citizens

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1447 (August 1999), repromulgated LR 26:1003 (May 2000), repealed LR 42:560 (April 2016).

§711. Submission of Galley Proofs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), repealed LR 42:560 (April 2016).

§713. Samples for Public Review

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), repealed LR 42:560 (April 2016).

§715. Role of the Publisher during State Committee Review

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), repealed LR 42:560 (April 2016).

§717. Written Questions and Responses to Questions Regarding Textbooks under Consideration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1448 (August 1999), repromulgated LR 26:1004 (May 2000), amended LR 32:1032 (June 2006), repealed LR 42:561 (April 2016).

§719. Publisher Conduct during the State Caravan

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the state Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000), repealed LR 42:561 (April 2016).

§721. Obligations to Provide Textbooks and Materials of Instruction within Prescribed Time Periods

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000), repealed LR 42:561 (April 2016).

§723. Braille Accessibility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1449 (August 1999), repromulgated LR 26:1005 (May 2000), amended LR 33:637 (April 2007), repealed LR 42:561 (April 2016).

Chapter 9. Appendix A

§901. Adoption Cycle

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1450 (August 1999), repromulgated LR 26:1005 (May 2000), amended LR 32:1032 (June 2006), repealed LR 42:561 (April 2016).

Chapter 11. Appendix B

§1101. Publisher Affidavit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1451 (August 1999), repromulgated LR 26:1006 (May 2000), repealed LR 42:561 (April 2016).

Chapter 13. Appendix C

§1301. State Adoption Committee Affidavit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1452 (August 1999), repromulgated LR 26:1007 (May 2000), repealed LR 42:561 (April 2016).

Chapter 15. Appendix

§1501. Local Adoption Subcommittee Affidavit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1453 (August 1999), repromulgated LR 26:1008 (May 2000), repealed LR 42:561 (April 2016).

Chapter 17. Appendix E

§1701. Public Comment Form

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1453 (August 1999), repromulgated LR 26:1009 (May 2000), repealed LR 42:561 (April 2016).

Chapter 19. Appendix F

§1901. Notice of Publisher's Failure to Deliver

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1454 (August 1999), repromulgated LR 26:1010 (May 2000), repealed LR 42:561 (April 2016).

Chapter 20. Appendix G

§2001. National Instructional Materials Accessibility Standard (NIMAS)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:637 (April 2005), repealed LR 42:561 (April 2016).

Chapter 21. Appendix, State Laws

§2101. Free School Books

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1454 (August 1999), repromulgated LR 26:1010 (May 2000), repealed LR 42:561 (April 2016).

§2103. Duties, Functions, and Responsibilities of Board [R.S. 17:7(4)]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1455 (August 1999), repromulgated LR 26:1010 (May 2000), repealed LR 42:561 (April 2016).

§2105. School Books Prescribed By Board; Contracts with Publishers [R.S. 17:8]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1455 (August 1999), repromulgated LR 26:1010 (May 2000), repealed LR 42:562 (April 2016).

§2107. Sale of Schoolbooks No Longer in Use [R.S. 17.8.]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1011 (May 2000), repealed LR 42:562 (April 2016).

§2109. Operation of Public Elementary and Secondary Schools in Accordance with State Law or Policy: Penalties for Violation [R.S. 17:172]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000), repealed LR 42:562 (April 2016).

§2111. Free School Books and other Materials of Instruction [R.S. 17:351]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000), repealed LR 42:562 (April 2016).

§2113. Books, Films, Other School Materials; Screening Required [R.S. 17:352]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1012 (May 2000), repealed LR 42:562 (April 2016).

§2115. Costs of Administration; Textbooks and Instructional Material Distribution to Nonpublic School Students [R.S. 17:353]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1456 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:562 (April 2016).

§2117. Required Reports and Records; Cost Reimbursement to Approved Nonpublic Schools (Reimbursement of Required Costs) [R.S. 17:361]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:562 (April 2016).

§2119. Applications for Reimbursement [R.S. 17:362]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:562 (April 2016).

§2121. Maintenance of Records [R.S. 17:363]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 72; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:562 (April 2016).

§2123. Payment [R.S. 17:364]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:562 (April 2016).

§2125. Audit [R.S. 17:365]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:562 (April 2016).

§2127. Materials; Adoption Procedures [R.S. 17:415.1]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1013 (May 2000), repealed LR 42:562 (April 2016).

§2129. SCR 15 of 1997, Regular Session

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1457 (August 1999), repromulgated LR 26:1014 (May 2000), repealed LR 42:562 (April 2016).

§2131. SCR 149 of 1997, Regular Session

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 25:1458 (August 1999), repromulgated LR 26:1014 (May 2000), repealed LR 42:563 (April 2016).

§2132. R.S. 39:1615 Multi-Year Contracts

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of State Elementary and Secondary Education, LR 26:1014 (May 2000), repealed LR 42:563 (April 2016).

§2133. Books for School; Special Plates [R.S. 47:463.46]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1458 (August 1999), repromulgated LR 26:1014 (May 2000), repealed LR 42:563 (April 2016).

Shan N. Davis
Executive Director

1604#009

RULE

Board of Elementary and Secondary Education

Organization—Advisory Councils (LAC 28:I.503)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Louisiana Administrative Code*, Title 28, Part I, §503, Advisory Councils, to repeal the Textbook/Media/Library Advisory Council from the BESE code pursuant to Act 389 of the 2015 Regular Legislative Session. The changes repeal a policy creating the Textbook/Media/Library Advisory Council (TMLAC) and establishing its membership and operations. These revisions have been made in response to Act 389 of the 2015 Regular Legislative Session, which revised procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools. The Act specifically repealed statutes authorizing the TMLAC, instead requiring BESE to prescribe a process for textbook review, adoption, procurement, and distribution. As a part of this process, members of the public will have the opportunity to view textbooks under review and submit comments during the review period and prior to final adoption (R.S. 17:351.1).

Title 28

EDUCATION

**Part I. Board of Elementary and Secondary Education
Chapter 5. Organization**

§503. Advisory Councils

A. - C.3.d.ii. ...

4. - 4.c.ii. Repealed.

D. - G.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:6(A)(15), R.S. 17:24.4, and R.S. 17:11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR 42:563 (April 2016).

Shan N. Davis
Executive Director

1604#010

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Division**

**Definitions of Major Source and
Major Stationary Source Relative to Greenhouse Gases
(LAC 33:III.502 and 509)(AQ358)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.502.A and 509.B (AQ358).

This Rule deletes the major source threshold for greenhouse gases (GHGs) (i.e., 100,000 tons per year of carbon dioxide equivalents, or CO₂e) from the definitions of "major source" in LAC 33:III.502.A and "major stationary source" in LAC 33:III.509.B. These definitions are used to determine applicability of the part 70 (title V) operating permits and prevention of significant deterioration (PSD) programs under LAC 33:III.507 and 509, respectively. In *Utility Air Regulatory Group v. EPA*, decided June 23, 2014, the U.S. Supreme Court found that:

EPA exceeded its statutory authority when it interpreted the Clean Air Act to require PSD and Title V permitting for stationary sources based on their greenhouse gas emissions. Specifically, the Agency may not treat greenhouse gases as a pollutant for purposes of defining a "major emitting facility" (or a "modification" thereof) in the PSD context or a "major source" in the Title V context. To the extent its regulations purport to do so, they are invalid.

In sum, the court held that a stationary source could not be considered a major source for title V or PSD purposes based solely on its emissions of GHGs. The basis and rationale for this Rule are to delete the major source threshold for GHGs from the definitions of major source in LAC 33:III.502.A and major stationary source in LAC 33:III.509.B consistent

with the aforementioned Supreme Court decision. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY**

Part III. Air

Chapter 5. Permit Procedures

§502. Definitions

A. Except where specifically provided in another Section herein, the following definitions apply to terms used in this Chapter. Except as provided in this Chapter, terms used in this Chapter retain the definition provided them in LAC 33:III.111 or the Louisiana air quality regulations. Wherever provisions related to the Acid Rain Program are concerned, the definitions provided in 40 CFR part 72 shall apply.

* * *

Major Source—for the purposes of determining the applicability of 40 CFR part 70 or of LAC 33:III.507, any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties, that are under common control of the same person (or persons under common control), and that are described in Subparagraph a, b, or c of this definition:

a. - b.ii. ...

c. any major stationary source as defined in part D (nonattainment) of title I of the Clean Air Act, including any source defined as a major stationary source under LAC 33:III.504.K.

d. Repealed.

* * *

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 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:1950 (September 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 36:2553 (November 2010), LR 37:1148 (April 2011), LR 37:1391 (May 2011), amended by the Office of the Secretary, Legal Division, LR 41:2608 (December 2015), LR 42:564 (April 2016).

§509. Prevention of Significant Deterioration

A. - A.5. ...

B. Definitions. For the purpose of this Section, the terms below shall have the meaning specified herein as follows.

* * *

Major Stationary Source—

a. - b. ...

c. any physical change that would occur at a source not otherwise qualifying as a major stationary source under Subparagraphs a or b of this definition if the change would constitute a major source by itself;

d. a major source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone;

e. the fugitive emissions of a stationary source shall not be included in determining for any of the purposes of

this Section whether it is a major stationary source, unless the source is listed in Table A of this definition or, as of August 7, 1980, is being regulated under section 111 or 112 of the Clean Air Act.

Table A—Stationary Sources of Air Pollutants	
1	Fossil fuel-fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input
2	Coal cleaning plants (with thermal dryers)
3	Kraft pulp mills
4	Portland cement plants
5	Primary zinc smelters
6	Iron and steel mill plants
7	Primary aluminum ore reduction plants
8	Primary copper smelters
9	Municipal incinerators capable of charging more than 250 tons of refuse per day
10	Hydrofluoric, sulfuric, and nitric acid plants
11	Petroleum refineries
12	Lime plants
13	Phosphate rock processing plants
14	Coke oven batteries
15	Sulfur recovery plants
16	Carbon black plants (furnace process)
17	Primary lead smelters
18	Fuel conversion plants
19	Sintering plants
20	Secondary metal production plants
21	Chemical process plants
22	Fossil fuel boilers (or combinations thereof) totaling more than 250 million Btu per hour heat input.
23	Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
24	Taconite ore processing plants
25	Glass fiber processing plants
26	Charcoal production plants

* * *

C. - AA.15.b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135, 3156 (December 2005), LR 32:1600 (September 2006), LR 32:1843 (October 2006), LR 36:2556 (November 2010), LR 37:1148 (April 2011), repromulgated LR 37:1389 (May 2011), amended LR 37:1570 (June 2011), repromulgated LR 37:2146 (July 2011), amended by the Office of the Secretary, Legal Division, LR 38:3163 (December 2012), LR 39:1280 (May 2013), LR 42:402 (March 2016), LR 42:564 (April 2016).

Herman Robinson
General Counsel

1604#048

RULE

Department of Environmental Quality Office of the Secretary Legal Division

Hazardous Waste Electronic Manifest (LAC 33:V.109, 1107, 1301, 1307 and 1516)(HW117ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.109, 1107, 1301, 1307 and 1516 (Log #HW117ft).

This Rule is identical to federal regulations found in 79 FR 26, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule adopts the federal electronic manifest system for tracking shipments of hazardous waste in Louisiana. Louisiana's hazardous waste program operates under a federal grant from the U.S. EPA. In order to maintain this grant, the state's hazardous waste regulations are required to be equivalent to or more stringent than the corresponding federal regulations. The basis and rationale of this Rule are to mirror the federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Electronic Manifest (or *e-Manifest*)—the electronic format of the hazardous waste manifest that is obtained from EPA's national e-manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700-22 (manifest) and 8700-22A (continuation sheet).

Electronic Manifest System (or *e-Manifest System*)—EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

* * *

Manifest—the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A), or the

electronic manifest, originated and signed by the generator or offeror in accordance with the instructions in the appendix to 40 CFR part 262 and the applicable requirements of 40 CFR parts 262-265.

* * *

User of the Electronic Manifest System—a hazardous waste generator; a hazardous waste transporter; an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility; or any other person that:

1. is required to use a manifest to comply with:

a. any federal or state requirement to track the shipment, transportation, and receipt of hazardous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling, or disposal; or

b. any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

2. elects to use the system to obtain, complete, and transmit an electronic manifest format supplied by the EPA electronic manifest system; or

3. elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with LAC 33:V.1516.B.1.e.

[NOTE: These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.]

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March

2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016).

Chapter 11. Generators

Subchapter A. General

§1107. The Manifest System

A. - A.8. ...

9. Electronic Manifest. In lieu of using the manifest form specified in Paragraph A.1 of this Section, a person required to prepare a manifest under Paragraph A.1 of this Section may prepare and use an electronic manifest, provided that the person:

a. complies with the requirements in LAC 33:V.1107.F for use of electronic manifests; and

b. complies with the requirements of 40 CFR 3.10 for the reporting of electronic documents to EPA.

B. - E.2. ...

F. Use of the Electronic Manifest

1. Legal Equivalence to Paper Manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and used in accordance with this Section in lieu of EPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

a. Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of LAC 33:V.1107.G

b. Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the system.

c. Any requirement in these regulations for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

d. No generator may be held liable for the inability to produce an electronic manifest for inspection under this Section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

2. A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.

3. Restriction on Use of Electronic Manifests. A generator may prepare an electronic manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the electronic manifest system.

4. Requirement for One Printed Copy. To the extent the Hazardous Materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, a generator originating an electronic manifest must also provide the initial transporter with one printed copy of the electronic manifest.

5. Special Procedures when Electronic Manifest is Unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions in the appendix to 40 CFR part 262, and use these paper forms from this point forward in accordance with the requirements of LAC 33:V.1107.D.

6. Special Procedures for Electronic Signature Methods Undergoing Tests. If a generator has prepared an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator shall also sign with an ink signature the generator/offoror certification on the printed copy of the manifest provided under LAC 33:V.1107.F.4.

7. Imposition of User Fee. A generator who is a user of the electronic manifest may be assessed a user fee by EPA for the origination of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR part 262.

G. Electronic Manifest Signatures

1. Electronic signature methods for the e-Manifest system shall be a:

a. legally valid and enforceable signature under applicable EPA and other federal requirements pertaining to electronic signatures; and

b. method that is designed and implemented in a manner that EPA considers to be as cost effective and practical as possible for the users of the manifest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281

(February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:566 (April 2016).

Chapter 13. Transporters

§1301. Applicability

A. The revised manifest form and procedures in 40 CFR 260.10, 261.7, 263.20, and 263.21, had an effective date of September 5, 2006. The manifest form and procedures in 40 CFR 260.10, 261.7, 263.20, and 263.21, contained in 40 CFR parts 260 to 265, edition revised as of July 1, 2004, were applicable until September 5, 2006. This Chapter establishes standards that apply to persons transporting hazardous waste within the state of Louisiana if the transportation requires a manifest under LAC 33:V.1516.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 38:789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016).

§1307. The Manifest System

A. A transporter may not accept hazardous waste from a generator or another transporter unless it is accompanied by a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A), signed by the generator in accordance with the provisions of LAC 33:V.1107, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and signed with a valid and enforceable electronic signature as described in LAC 33:V.1107.G. The transportation of any hazardous wastes without a manifest shall be deemed a violation of these regulations and the Act. In the case of exports other than those subject to LAC 33:V.1125, a transporter may not accept such waste from a primary exporter or other person:

1. ...

2. unless, in addition to a manifest signed by the generator, such waste is also accompanied by an EPA acknowledgment of consent which, except for shipments by rail, is attached to the manifest, or shipping paper for exports by water (bulk shipment). For exports of hazardous waste subject to the requirements of LAC 33:V.1125, a transporter may not accept hazardous waste without a tracking document that includes all information required by LAC 33:V.1127.D.

B. - H.4. ...

I. Use of Electronic Manifest—Legal Equivalence to Paper Forms for Participating Transporters. Electronic manifests that are obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and used in accordance with this Section in lieu of EPA Forms 8700-22 and 8700-22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, carry, provide, give, use, or retain a manifest.

1. Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with, or obtaining a valid and enforceable electronic signature within the meaning of LAC 33:V.1107.G.

2. Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person by submission to the system.

3. Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that the hazardous materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 49 CFR 177.817, a hazardous waste transporter must carry one printed copy of the electronic manifest on the transport vehicle.

4. Any requirement in these regulations for a transporter to keep or retain a copy of a manifest is satisfied by the retention of an electronic manifest in the transporter's account on the e-manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

5. No transporter may be held liable for the inability to produce an electronic manifest for inspection under this Section, if that transporter can demonstrate that the inability to produce the electronic manifest is exclusively due to a technical difficulty with the EPA system for which the transporter bears no responsibility.

J. A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.

K. Special Procedures when Electronic Manifest is not Available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then the following requirements shall be met:

1. the transporter in possession of the hazardous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to LAC 33:V.1307.I.1.c, or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the hazardous waste;

2. on each printed copy, the transporter shall include a notation in the special handling and additional description space (item 14) that the paper manifest is a replacement manifest for a manifest originated in the electronic manifest system, shall include (if not pre-printed on the replacement

manifest) the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically;

3. a transporter signing a replacement manifest to acknowledge receipt of the hazardous waste must ensure that each paper copy is individually signed and that a legible handwritten signature appears on each copy; and

4. from the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

L. Special Procedures for Electronic Signature Methods Undergoing Tests. If a transporter using an electronic manifest signs this manifest electronically using an electronic signature method, which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the transporter shall sign the electronic manifest electronically, and also sign with an ink signature the transporter acknowledgement of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with LAC 33:V.1307.I.1.c. This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner/operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.

M. Imposition of User Fee for Electronic Manifest Use. A transporter who is a user of the electronic manifest may be assessed a user fee by EPA for the origination or processing of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR part 262.

N. Electronic Manifest Signatures. Electronic manifest signatures shall meet the criteria described in LAC 33:V.1107.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016).

Chapter 15. Treatment, Storage, and Disposal Facilities

§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities

A. - A.2. ...

B. Use of the Manifest System

1. - 1.d. ...

e. within 30 days of delivery, send the top copy (page 1) of the manifest to the e-manifest system for purposes of data entry and processing. In lieu of mailing this paper copy to EPA, the owner or operator may transmit to the EPA system an image file of page 1 of the manifest, or both a data string file and the image file corresponding to page 1 of the manifest. Any data or image files transmitted to EPA under this Subparagraph must be submitted in data file and image file formats that are acceptable to EPA and that are supported by EPA's electronic reporting requirements and by the electronic manifest system; and

f. retain at the facility a copy of each manifest for at least three years from the date of delivery.

B.2. - D.7. ...

* * *

E. Reserved.

F. Legal Equivalence to Paper Manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with LAC 33:V.1107.A.9, and used in accordance with this section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.

1. Any requirement in these regulations for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25.

2. Any requirement in these regulations to give, provide, send, forward, or to return to another person a copy of the manifest is satisfied when a copy of an electronic manifest is transmitted to the other person.

3. Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment.

4. Any requirement in these regulations for an owner or operator to keep or retain a copy of each manifest is satisfied by the retention of the facility's electronic manifest copies in its account on the e-manifest system, provided that such copies are readily available for viewing and production if requested by any EPA or authorized state inspector.

5. No owner or operator may be held liable for the inability to produce an electronic manifest for inspection under this Section if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the owner or operator bears no responsibility.

G. An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

H. Special Procedures Applicable to Replacement Manifests. If a facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures shall apply to the delivery of the hazardous waste by the final transporter.

1. Upon delivery of the hazardous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in item 20 (designated facility certification of receipt) and note any discrepancies in item 18 (discrepancy indication space) of the paper replacement manifest.

2. The owner or operator of the facility must give one copy of the paper replacement manifest back to the final transporter.

3. Within 30 days of delivery of the waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system.

4. The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least three years from the date of delivery.

I. Special Procedures Applicable to Electronic Signature Methods Undergoing Tests. If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method, which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall retain this original copy among its records for at least three years from the date of delivery of the waste.

J. Imposition of User Fee for Electronic Manifest Use. An owner or operator who is a user of the electronic manifest format may be assessed a user fee by EPA for the origination or processing of each electronic manifest. An owner or operator may also be assessed a user fee by EPA for the collection and processing of paper manifest copies that owners or operators must submit to the electronic manifest system operator under LAC 33:V.1516.B.1.e. EPA shall maintain and update from time-to-time the current schedule of electronic manifest system user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR part 262.

K. Electronic Manifest Signatures. Electronic manifest signatures shall meet the criteria described in 40 CFR 262.25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:568 (April 2016).

Herman Robinson
General Counsel

1604#049

RULE

Office of the Governor Crime Victims Reparations Board

Compensation to Victims (LAC 22:XIII.103, 303, and 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 promulgates 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 1. Authority and Definitions

§103. Definitions

A. ...

* * *

Claimant—a victim or a dependent of a deceased victim, or the legal representative of either, an intervenor, the healthcare provider who provides healthcare services associated with a forensic medical examination as defined in R.S. 15:622, or in the event of a death, a person who legally assumes the obligation or who voluntarily pays the medical or the funeral or burial expenses incurred as a direct result of the crime.

* * *

Healthcare Provider—either of the following:

a. a physician or other healthcare practitioner licensed, certified, registered or otherwise authorized to perform specified healthcare services consistent with state law;

b. a facility or institution providing healthcare services, including but not limited to a hospital or other licensed inpatient center, ambulatory surgical or treatment center, skilled nursing facility, inpatient hospice facility, residential treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other therapeutic health setting.

Healthcare Services—means services, including but not limited to items, supplies, or drugs for the diagnosis, prevention, treatment, cure, or relief of a health condition,

illness, injury, or disease ancillary to a sexually-oriented offense.

Pecuniary Loss—amount of expense reasonably and necessarily incurred by reason of personal injury as a consequence of death, or a catastrophic property loss, and includes:

- a. for personal injury:
 - i. ...
 - ii. actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury; or the receipt of medically indicated services for a victim related to the personal injury.
 - a.iii. - d. ...

* * *

Sexually-Oriented Criminal Offense—includes any offense listed as a sexual offense in R.S. 15:541(24).

Victim—

a. Any person who suffers personal injury, death, or catastrophic property loss as a result of a crime committed in this state and covered by this Chapter. This includes any person who is a victim of human trafficking as defined by R.S. 14:46.2, a victim of trafficking of children for sexual purposes as defined by R.S. 14:46.3, or a victim of any offense involving commercial sexual exploitation including but not limited to R.S. 14:81.1, 81.3, 82, 82.1, 82.2, 83, 83.1, 83.2, 83.3, 83.4, 84, 85, 86, 89.2, 194.1, 95 and 282.

- b. - c. ...

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 31:1330 (June 2005), LR 32:242 (February 2006), LR 35:65 (January 2009), LR 37:1605 (June 2011), LR 42:569 (April 2016).

Chapter 3. Eligibility and Application Process

§303. Application Process

A. Claimant Responsibility

1. Applications for reparations must be submitted to the sheriff's office in the parish where the crime occurred except for claims involving an adult victim of a sexually-oriented criminal offense. Applications involving an adult victim of a sexually-oriented criminal offense are sent directly to the board office;

2. - 2.b.

c. Reserved.

d. An adult victim of sexually-oriented criminal offense is not required to report the crime to any law enforcement officer in order to file an application. However, if the victim chooses to report the sexually-oriented criminal offense, then the victim may take up to a year from the date of the crime to report it.

e. If a victim chooses not to report the crime to a law enforcement officer, he or she must submit a certification from a healthcare provider or coroner that a forensic medical examination of the victim was conducted.

3. - 4. ...

5. All invoices, bills, etc. must indicate the victim/claimant as the guarantor, except for victims of a sexually-oriented criminal offense. Victims of a sexually-oriented criminal offense cannot be billed for costs associated with a forensic medical exam.

A.6. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended by the Office of the Governor, Crime Victims Reparations Board, LR 42:570 (April 2016).

Chapter 5. Awards

§503. Limits on Awards

A. General

1. - 2. ...

3. Forensic medical examinations shall not exceed \$1,000 for each case.

B. - O.3.b. ...

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 31:1330 (June 2005), LR 32:242 (February 2006), LR 35:65 (January 2009), LR 37:1605 (June 2011), LR 39:1042 (April 2013), LR 42:570 (April 2016).

Lamarr Davis
Chairman

1604#036

RULE

Department of Health and Hospitals Board of Medical Examiners

General Information; Complaints and Investigations;
Adjudication (LAC 46:XLV.8315, 9707, 9709, and 9711)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1261-1292, the board has adopted an organizational Rule and amended its rules on investigations and complaints of physicians. The changes are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 4. Administrative Provisions

Chapter 83. General Information

Subchapter B. Board Organization

§8315. Executive Director; Director of Investigations

A. No individual shall simultaneously hold the positions of executive director and director of investigations for the board nor shall the executive director serve as an investigator on any complaint received or initiated by the board with respect to a physician. Each of these positions may be filled by the board on an interim basis; however, if a position remains vacant for a period of six months, the board shall notify its legislative oversight committees of such fact and its plans and anticipated time frame within which to fill the position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 1261-1292.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 42:570 (April 2016).

Subpart 5. Rules of Procedure

Chapter 97. Complaints and Investigations

§9707. Complaint Processing

A. - B. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended LR 42:571 (April 2016).

§9709. Preliminary Review

A. ...

B. During a review such action may be initiated and taken as deemed necessary or appropriate and additional information may be obtained to assist in the determination. As part of the preliminary review:

1. documents and information which may be needed to determine if the complaint is jurisdictional and whether sufficient cause exist to warrant formal investigation may be gathered and secured. To assist in a review a designee authorized by the board is authorized to issue, as necessary or upon request of board staff, subpoenas to obtain medical, hospital and pharmacy records and records from law enforcement, state and federal agencies. Affidavits may be obtained to preserve the testimony of a complainant and complaint witnesses;

B.2. - E. ...

F. At the conclusion of a preliminary review a determination shall be made as to whether the complaint is jurisdictional and there is sufficient cause for investigation. If the complaint:

1. is not jurisdictional or there is insufficient cause for investigation, a report and recommendation shall be submitted to the board to close the complaint without investigation. If approved by the board, the complainant and the licensee, if the licensee was notified of the preliminary review, shall be notified of the disposition. If not approved by the board, the board shall direct the board's staff to undertake such additional review as may be necessary or indicated within a specified period of time. A complaint closed after preliminary review shall not be considered an investigation by the board and need not be reported as such by a licensee on subsequent renewal applications to the board;

2. - 2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended LR 42:571 (April 2016).

§9711. Formal Investigation

A. - B. ...

C. Once a formal investigation is initiated by the board, an investigation shall be undertaken to determine whether or not there is sufficient information and evidence to indicate that a violation of the law has occurred. To assist in a formal investigation subpoenas may be issued in the same manner as set forth in §9709.B to obtain any of the items listed

therein and any other documents and other information, the appearance of witnesses and sworn testimony.

D. - F. ...

G. If the investigation provides sufficient information and evidence to indicate that a violation of the law has occurred, an administrative complaint may be filed with the board, pursuant to Chapter 99 of these rules, provided one or more of the following conditions exist:

1. a draft administrative complaint, in the form and content specified in §9903.B of these rules, has been mailed or provided to the licensee accompanied by a letter providing a reasonable opportunity for a conference to show compliance with all lawful requirements for the retention of the license without restriction, or to show that the complaint is unfounded as contemplated by R.S. 49:961(C); however, the licensee fails to respond to the complaint and letter, waives the opportunity, or the response does not satisfactorily demonstrate lawful compliance or that the complaint is unfounded. Such conference shall be attended only by the board's director of investigations or the investigator assigned to the matter and legal counsel, if any, and by the physician and the physician's counsel, if any;

2. - 3. ...

H. Formal investigations shall be completed within 24 months after initiated by the board. However, this period may be increased by the board for satisfactory cause and no complaint shall be dismissed solely because a formal investigation was not completed within this period. This period shall also not apply to any investigation pending on July 1, 2015.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2629 (December 2015), amended LR 42:571 (April 2016).

Eric D. Torres
Executive Director

1604#055

RULE

Department of Health and Hospitals Board of Nursing

Advanced Practice Registered Nurse Authorized Practice
(LAC 46:XLVII.4513)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Louisiana State Board of Nursing (LSBN) is amending regulations regarding LAC 46:XLVII.4513. The Notice of Intent for Title 46, Professional and Occupational Standards, Part XLVII, Nurses: Practical Nurses and Registered Nurses, Subpart 2, Registered Nurses, Chapter 45, Advanced Practice Registered Nurses, was published in the October 20, 2015 issue of the *Louisiana Register* and a Potpourri notice was provided in the December 20, 2015 issue. The revision allows LSBN to clarify the exemption of CRNAs from the requirement to have a collaborative

practice agreement to provide anesthesia care and ancillary services to patients in a hospital or other licensed surgical facility

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 45. Advanced Practice Registered Nurses

§4513. Authorized Practice

A. - D.10. ...

11. Limitation

a. - b. ...

c. Exclusion. Nothing herein shall require a CRNA to have a collaborative practice agreement to provide anesthesia care and ancillary services to patients in a hospital or other licensed surgical facility.

i. Anesthesia care includes modalities associated with the delivery of anesthesia. Anesthesia care provided by a CRNA shall be in accord with the educational preparation of that CRNA in compliance with R.S. 37:930(A)(3) and includes:

(a). the administration, selection, and prescribing of anesthesia related drugs or medicine during the perioperative period necessary for anesthesia care; and

(b). prescribing diagnostic studies, legend and controlled drugs, therapeutic regimens, and medical devices and appliances necessary for anesthesia care.

ii. Ancillary services provided by CRNAs shall be in accordance with R.S. 37:930(A)(3):

(a). shall include services provided by a CRNA in accord with the educational preparation of that CRNA;

(b). shall be pursuant to a consult for the service by a licensed prescriber if the services are not directly related to anesthesia care; and

(c). may include prescribing diagnostic studies, legend and controlled drugs, therapeutic regimens, and medical devices and appliances for assessment, administration or application while the patient is in the hospital or other licensed surgical facility in the state of Louisiana.

iii. Nothing herein shall provide for services by a CRNA which are otherwise prohibited by law.

11.d. - 14.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K) and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:598 (August 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 22:283 (April 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 22:981 (October 1996), LR 25:1245 (July 1999), LR, amended by the Department of Health and Hospitals, Board of Nursing, 27:727 (May 2001), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 28:487 (March 2002), repromulgated LR 28:1205 (June 2002), amended by the Department of Health and Hospitals, Board of Nursing, LR

31:2023 (August 2005), LR 33:1870 (September 2007), LR 40:63 (January 2014), LR 40:2249 (November 2014), LR 42:572 (April 2016).

Karen C. Lyon
Executive Director

1604#042

RULE

Department of Health and Hospitals Bureau of Health Services Financing

Early and Periodic Screening, Diagnosis and Treatment
Durable Medical Equipment—Cochlear Devices
(LAC 50:XV.8717 and 8719)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 50:XV.8717 and 8719 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 87. Durable Medical Equipment—Hearing Devices

Subchapter B. Cochlear Device

§8717. Eligibility and Prior Authorization

A. Coverage is available for cochlear implantation for recipients 1 year of age through 20 years of age with profound bilateral sensorineural hearing loss.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 24:1300 (July 1998), repromulgated LR 29:181 (February 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:572 (April 2016).

§8719. Recipient Criteria

A. Recipient Criteria (General). The following criteria apply to all candidates. Recipient must:

1. ...

2. be a profoundly deaf child, age 1 year or older or be a post-linguistically deafened adult through the age of 20 years;

3. - 8. ...

B. Recipient Criteria (Specific)

1. Children 1 Year through 9 Years. In addition to documentation that candidates meet general criteria, the requestor shall provide documentation that:

1.a. - 4. ...

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 24:1300 (July 1998), repromulgated LR+

29:181 (February 2003), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:572 (April 2016).

Rebekah E. Gee MD, MPH
Secretary

1604#075

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

Inpatient Hospital Services
Public-Private Partnerships
Reimbursement Methodology
(LAC 50:V.1703)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:V.1703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospital Services

Chapter 17. Public-Private Partnerships

§1703. Reimbursement Methodology

A. Reserved.

B. Effective for dates of service on or after April 15, 2013, a major teaching hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to provide acute care hospital services to Medicaid and uninsured patients and which assumes providing services that were previously delivered and terminated or reduced by a state-owned and operated facility shall be reimbursed as follows.

1. The inpatient reimbursement shall be reimbursed at 95 percent of allowable Medicaid costs. The interim per diem reimbursement may be adjusted not to exceed the final reimbursement of 95 percent of allowable Medicaid costs.

C. - E.3. Reserved.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:573 (April 2016).

Rebekah E. Gee MD, MPH
Secretary

1604#076

RULE

**Department of Health and Hospitals
Bureau of Health Services Financing**

Outpatient Hospital Services
Public-Private Partnerships
Reimbursement Methodology
(LAC 50:V.6703)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:V.6703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 67. Public-Private Partnerships

§6703. Reimbursement Methodology

A. Payments to qualifying hospitals shall be made on a quarterly basis in accordance with 42 CFR 447.321.

B. Effective for dates of service on or after April 15, 2013, a major teaching hospital that enters into a cooperative endeavor agreement with the Department of Health and Hospitals to provide acute care hospital services to Medicaid and uninsured patients, and which assumes providing services that were previously delivered and terminated or reduced by a state owned and operated facility shall be reimbursed as follows.

1. Outpatient Surgery. The reimbursement amount for outpatient hospital surgery services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost.

2. Clinic Services. The reimbursement amount for outpatient clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost.

3. Laboratory Services. The reimbursement amount for outpatient clinical diagnostic laboratory services shall be the Medicaid fee schedule amount on file for each service.

4. Rehabilitative Services. The reimbursement amount for outpatient clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost.

5. Other Outpatient Hospital Services. The reimbursement amount for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries, rehabilitation services and outpatient hospital facility fees shall be an interim payment equal to 95 percent of allowable Medicaid cost.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:573 (April 2016).

Rebekah E. Gee MD, MPH
Secretary

1604#077

RULE

Department of Public Safety and Corrections Gaming Control Board

Application and License (LAC 42:XI.2405)

The Department of Public Safety and Corrections, Louisiana Gaming Control Board, in accordance with R.S. 27:15 and 24 and with the Administrative Procedure Act, R.S. 49:950 et seq., has amended LAC 42:XI.2405, Application and License.

Title 42

LOUISIANA GAMING

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2405. Application and License

A.1. - B.9. ...

10. Non-Force Majeure Surrender of License. All licensees shall continue to operate the business described in the application during the term of the license. In the event the business is not in operation for a period of 30 consecutive calendar days during which the business would normally operate, for any reason other than damage caused by a force majeure event, the licensee and device owner shall immediately notify the division of such fact and the licensee shall immediately surrender its license.

a. If surrendered in accordance with Paragraph B.10 of this Section, no video draw poker gaming devices may be operated at the premises unless and until the license is returned to the licensee.

b. The license may be returned to the licensee when business operations are resumed for the unexpired term of the license provided that the license has not been revoked and is not under suspension and further provided that no more than 180 days has elapsed from the date the license was surrendered.

c. Licenses surrendered in accordance with Paragraph B.10 of this Section shall not be subject to renewal unless the license has been returned to the licensee.

d. Failure to surrender the license as provided in Paragraph B.10 of this Section shall constitute grounds for revocation, suspension or non-renewal of the license.

11. Force Majeure. Within 15 days following a force majeure event which has damaged the licensed establishment and/or affected the operation of the business or its criteria or amenities, the licensee shall notify the division in writing of the event and resulting damage to the licensed establishment. The determination of whether the damage to the licensed establishment was the result of a force majeure event shall be solely within the discretion of the division.

a. All Licensed Establishments—Inability to Operate Business—Temporary Surrender

i. Within 30 days following a force majeure event which has affected the ability to operate the business described in the application, the licensee shall temporarily surrender its license.

ii. The license shall be eligible for renewal during the period of temporary surrender if a complete renewal application with required fees is submitted timely.

iii. No video draw poker gaming devices may be operated at the licensed establishment during the period of temporary surrender.

iv. When business operations resume, the licensee shall immediately notify the division in writing and request a compliance inspection.

v. Within 10 days following the compliance inspection, the license will be returned to the licensee if, following an on-site inspection of the licensed establishment, the division determines that the licensee is in compliance with all applicable physical amenities and permit requirements.

vi. A license may be revoked or suspended or a renewal application denied for reasons other than the inability to operate the business described in the application during the period of temporary surrender, including, without limitation, the failure to provide the notifications or surrender the license as required by Paragraph B.11 of this Section.

b. Truck Stop Facilities Only—Fuel Facility Operational—Waiver of Surrender Requirement

i. A licensed truck stop facility may be granted a 60-day waiver from the surrender provisions of Subparagraph B.11.a of this Section following a force majeure event which has not affected the operation of the fuel facility, but has resulted in the inability of the licensee to maintain and operate the on-site restaurant, the stable parking area, the onsite repair service, or any of its required amenities, provided that the licensee notifies the division in writing of the damage to the licensed establishment in accordance with the notification requirement in Paragraph B.11 of this Section and the division determines, following an on-site inspection of the licensed establishment, that the damage was in fact the result of a force majeure event.

ii. The division may grant one 60-day extension if it determines that the licensee has made substantial progress towards completing the necessary repairs within the original 60-day waiver period and the licensee can demonstrate a reasonable likelihood of completing the necessary repairs within the next 60 days.

iii. No waiver shall be granted if the force majeure event has affected the ability of the licensee to operate the fuel facility.

iv. Under no circumstances shall a licensee continue video poker operations after the expiration of the 60-day waiver or any extension thereof granted by the division without completing the necessary repairs and resuming normal operations. If the licensee has not completed necessary repairs and resumed normal operations, it shall immediately surrender the license upon the expiration of the 60-day waiver or any extension granted by the division.

v. When business operations resume, the licensee shall immediately notify the division in writing and request a compliance inspection.

vi. The license shall be eligible for renewal during the period of waiver if a complete renewal application with required fees is submitted timely.

vii. During the period of waiver, a license may be revoked or suspended or a renewal application denied, for reasons other than failure to operate that portion(s) of the business operations, criteria, and/or amenities for which the waiver was granted, including, without limitation, the failure to provide the notifications required in Paragraph B.11 of this Section.

C. - D.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:955 (May 1998), LR 26:346 (February 2000), LR 26:2322 (October 2000), LR 27:61 (January 2001), LR 29:362 (March 2003), LR 30:267 (February 2004), repromulgated LR 30:439 (March 2004), amended LR 34:1037 (June 2008), LR 35:82 (January 2009), repromulgated LR 35:490 (March 2009), amended LR 36:2045 (September 2010), LR 38:2935 (November 2012), LR 40:1105, 1109 (June 2014), repromulgated LR 40:1382 (July 2014), amended LR 40:1384 (July 2014), LR 41:1498 (August 2015), LR 42:574 (April 2016).

Ronnie Jones
Chairman

1604#040

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

Application and Reporting Forms (LAC 42:III.120)

The Department of Public Safety and Corrections, Louisiana Gaming Control Board, in accordance with R.S. 27:15 and 24 and with the Administrative Procedure Act, R.S. 49:950 et seq., has amended LAC 42:III.120, Application and Reporting Forms.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 1. General Provisions

§120. Application and Reporting Forms

- A. - A.3.i. ...
- j. multiple use reporting form, DPSSP 6600;
- k. - u. ...
- v. video draw poker associated business entity form, DPSSP 6504;
- w. application withdrawal/license surrender form, LGCBVP 0100;
- x. surrender waiver request form, LGCBVP 0101.
- 4. - 6.a. ...
- b. labor organization registration statement, LGCBGEN 0100.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:340 (February 2000), amended LR 40:1379 (July 2014), LR 41:2176 (October 2015), LR 42:575 (April 2016).

Ronnie Jones
Chairman

1604#041

RULE

**Workforce Commission
Plumbing Board**

Plumbing (LAC 46:LV.101, Chapter 3 and 1005)

The Louisiana State Plumbing Board (board), pursuant to R.S. 37:1366(I), which authorizes the board to establish and determine by rule minimum requirements relative to continuing professional development for the renewal or reinstatement of any license or special endorsement issued by the board, has amended the plumbing regulations, LAC 46:LV. 101, 301, 303, 304, 305, 306, 307, 310, 312, 313, and 1005, in accordance with the Administrative Procedure Act. The Rule change allows the board to direct individuals to the appropriate industry guidelines indicated for licensing and recertification for medical gas piping installers, medical gas and vacuum systems verifiers and water supply protection specialists, effective upon publication in the *Louisiana Register*.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LV. Plumbers

NOTE: All references of the "latest edition" to the ASSE and NFPA refer to the latest editions as adopted by the Department of Health and Hospitals, Office of Public Health in LAC 51:XIV.

Chapter 1. Introductory Information

§101. Definitions

* * *

Backflow Prevention Device—an assembly that has been investigated and approved by the American Society of Sanitary Engineering International (ASSE), and, if applicable, by the Louisiana Department of Health and Hospitals.

* * *

Medical Gas and Vacuum System Verification—the work or business of testing and verifying medical gas piping installations and systems. Medical gas piping systems include vacuum piping. The medical gas piping systems subject to this definition include facilities and laboratories within the scope of National Fire Protection Association (NFPA) *NFPA 99 Health Care Facilities Code*, latest edition. It shall include a person's ability to understand and apply NFPA 99, as well as standards listed in section 1.4 of the *Professional Qualifications Standard for Medical Gas Systems Installers, Inspectors and Verifiers, ASSE-Series 6000, Standard 6030*, latest edition, and to properly document findings to be kept as a permanent record for

review by the Louisiana State Fire Marshal or other governmental agencies with compliance and enforcement authority.

Medical Gas and Vacuum Systems Verifier—a natural person who possesses the necessary qualifications and knowledge to test and verify the operation of medical gas and vacuum piping systems, subject to the professional qualification standards established by the American Society of Sanitary Engineering International (ASSE) *Series 6000, Standard 6030*, (latest edition), and who is licensed as such by the board.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:575 (April 2016).

Chapter 3. Licenses

§301. Licenses Required

A. - K. ...

L. Repealed.

M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board LR 19:897 (July 1993), LR 19:1593 (December 1993), LR 21:1348 (December 1995), LR 25:1857 (October 1999), amended by the Workforce Commission, Plumbing Board, LR 42:576 (April 2016).

§303. Application for License

A. - D. ...

E. An application for a water supply protection specialist endorsement to a master or journeyman plumber license shall be completed and sworn to before a notary public by the applicant. The applicant must submit proof that he is licensed by the board at the time of application as a master or journeyman plumber. The applicant must submit proof that he has completed a course of training described in §310.C of these regulations. He must furnish whatever other information relevant to his experience that is requested in the application form or specifically requested by the board.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:50 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:576 (April 2016).

§304. Medical Gas Piping Installer License

A. - B. ...

1. The program is open to those members of the public that meet the requirements of American Society of

Sanitary Engineering International (ASSE) *Professional Qualifications Standard for Medical Gas Systems Personnel Series 6000, Standard 6010*, latest edition.

2. The program meets criteria prescribed by the board and compliant with the guidelines of the *ASSE International Series 6000, Standard 6010*, latest edition.

a. - q. Repealed.

3. ...

4. The program must be conducted at a facility capable of housing brazing qualification procedures administered to trainees in accordance with either section IX, "Welding and Brazing Qualifications" of the American Society of Mechanical Engineers (ASME) *Boiler and Pressure Code* or AWS B2.2, standard for brazing procedure and performance qualification, as modified by National Fire Protection Association (NFPA) *NFPA 99 Health Care Facilities Code*, latest edition. Such brazing training must be performed and qualified on 1 1/2 inch nominal type "L" copper tubing in compliance with section IX of the *ASME Boiler and Pressure Vessel Code*, latest edition, *NFPA 99, Health Care Facilities Code*, latest edition and *ASSE International Series 6000, Standard 6010*, latest edition.

5. Courses of instruction defined in §304.B must be provided by a person or persons possessing a current medical gas system instructor certification compliant with the guidelines of *ASSE International Series 6000, Standard 6050*, latest edition.

C. - E. ...

F. A medical gas piping installer license application must be submitted to the office of the state Plumbing Board of Louisiana not less than 30 days before any scheduled examination. Failure to report for the examination will result in the forfeiture of the applicant's fee. This forfeiture may be reversed by the board upon a showing of good cause by the applicant explaining his failure to attend the scheduled examination.

G. ...

H. The board may accept, in lieu of an examination directly administered by the board to any applicant, the verifiable results of an examination administered by an organization meeting the criteria of *ASSE Series 6000, Standard 6010* §10-3.2.3, latest edition and certified pursuant to R.S. 37:1368(G) as evidence of successful completion of the examination referred to in R.S. 37:1368(G). Any papers from such examinations must be available for inspection and the board may require notarized affidavits from the applicant and the administering organization representative attesting to the accuracy of the examination results and the scope of any such examination, which must minimally include the subject areas of the practical examination described in §304.B.4 of the regulations.

I. ...

J. A medical gas piping installer shall, as a condition of licensing under these regulations, maintain his brazer performance qualification in accordance with *NFPA 99 Health Care Facilities Code*, latest edition.

K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D) and R.S. 37:1368(G).

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 21:1349 (December 1995), amended LR 25:1858 (October 1999), amended by the Workforce Commission, Plumbing Board, LR 42:576 (April 2016).

§305. Requirements to take Exam for Journeyman Plumber's License

A. - A.3. ...

4. He shall submit his application and required documents to the office of the state Plumbing Board of Louisiana not less than 30 days before any scheduled examination. The board shall inform all interested persons of the examination schedule.

A.5. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(A) and (D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated LR 14:440 (July 1988), amended LR 15:1088 (December 1989), amended and repromulgated by the Department of Employment and Training, Plumbing Board, LR 17:51 (January 1991), amended by the Department of Labor, Plumbing Board, LR 24:1948 (October 1998), LR 25:1857 (October 1999), amended by the Workforce Commission, Plumbing Board, LR 42:577 (April 2016).

§306. Requirements to take Exam for Master Plumber License

A. - A.4. ...

5. He shall submit his application and required documents to the office of the state Plumbing Board of Louisiana not less than 30 days before any scheduled examination. The board shall inform all interested persons of the examination schedule.

A.6. - G. ...

AUTHORITY NOTE: Adopted in accordance with R.S. 37:1377 and R.S. 37:1366.

HISTORICAL NOTE: Adopted by the Department of Labor, state Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, State Plumbing Board, LR 17:52 (January 1991), amended by the Department of Labor, Plumbing Board, LR 25:1858 (October 1999), amended by the Workforce Commission, Plumbing Board, LR 42:577 (April 2016).

§307. Renewals

A. - D. ...

E. To be considered timely filed, any renewal application under §307 must actually be received at the office of the state Plumbing Board of Louisiana within the time specified for filing or be sent to that office by first-class mail, postage prepaid, and bearing a postmark showing that the application was mailed on or before the last day for filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, promulgated LR 2:419 (December 1976), amended LR 7:588 (November 1981), amended by Department of Employment and Training, Plumbing Board, LR 17:52 (January 1991), LR 18:30 (January 1992), amended by the Department of Labor, Plumbing Board, LR 21:1350 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:577 (April 2016).

§310. Water Supply Protection Specialist Endorsement

A. - B. ...

C. As authorized by R.S. 37:1368(H), the board shall recognize and certify certain programs of education and training of water supply protection offered by private or public organizations or institutions compliant with ASSE

International, Cross-Connection Control Professional Qualifications Standard ASSE Series 5000. A journeyman or master plumber licensed by this board who successfully completes any such program shall qualify for admission to an examination offered under §310.A of these regulations. Any such organization must satisfy the board that its program or programs includes training and testing as specified in the *ASSE Series 5000, Standard 5110, Professional Qualifications for Backflow Prevention Assembly Testers.*

1. - 15. Repealed.

D. Courses of instruction defined in §310.C must be provided by a person or persons meeting the credentials and requirements of *ASSE Series 5000, Standard 5110, Professional Qualifications Standard for Backflow Prevention Assembly Testers and ASSE International Guidelines for Cross-Connection Control Certification.*

E. - H. ...

I. A water supply protection specialist endorsement application must be submitted to the office of the state Plumbing Board of Louisiana not less than 30 days before any scheduled examination.

J. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D) and R.S. 37:1368(H).

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 21:1350 (December 1995), amended by the Department of Labor, Plumbing Board, LR 25:1859 (October 1999), amended by the Workforce Commission, Plumbing Board, LR 42:577 (April 2016).

§312. Medical Gas and Vacuum Systems Verifier

A. - B. ...

1. The program is conducted at a training facility and given to those persons that meet the requirements of American Society of Sanitary Engineering (ASSE) *Professional Qualifications Standard for Medical Gas Systems Personnel Series 6000, Standard 6030*, latest edition.

2. The program meets criteria prescribed by the board and American Society of Sanitary Engineering (ASSE), *Series 6000, Standard 6030*, latest edition.

a. - k. Repealed.

3. Courses of instruction defined in §312.B must be provided by a person or persons possessing a current medical gas system instructor certification in compliance with *ASSE Series 6000, Standard 6050*, latest edition.

C. - D. ...

E. The board may accept, in lieu of an examination directly administered by the board to any applicant, the verifiable results of an examination administered by an organization meeting the criteria of *ASSE Series 6000, Standard 6030*, §30-3.2.3, latest edition and certified pursuant to R.S. 37:1368(I), as evidence of successful completion of the examination necessary for the issuance of a license for medical gas and vacuum systems verifier. Any papers from such examinations must be available for inspection and the board may require notarized affidavits from the applicant and the administering organization representative attesting to the accuracy of the examination results and the scope of any such examination, which must minimally include the subject areas described in *ASSE Series 6000, Standard 6030*, latest edition.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:577 (April 2016).

§313. Standards for Medical Gas and Vacuum Systems Verifier

A. - C.2. ...

3. documentation of each board-licensed medical gas piping installer's braze performance qualification in accordance with *NFPA 99, Health Care Facilities Code* latest edition;

4. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1336(D).

HISTORICAL NOTE: Promulgated by the Department of Labor, Plumbing Board, LR 26:330 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:578 (April 2016).

Chapter 10. Continuing Professional Education Programs

§1005. Medical Gas Piping Installers and Medical Gas Verifiers

A. CPE Requirement

1. Effective January 1, 2016, in addition to the yearly renewal of their license, all persons seeking to renew a medical gas piping installer or medical gas verifier license

issued by the Louisiana state Plumbing Board are required to show proof of attendance at a board-approved industry related recertification program, every NFPA 99 code cycle, compliant with the guidelines of the American Society of Sanitary Engineering International (ASSE) *Professional Qualification Standards Series 6000/6010 for Medical Gas Systems Installers* or *6030 for Medical Gas Systems Verifiers* or its equivalent as defined in §304 and §312. Such recertification shall satisfy the endorsee's obligation to maintain continuing professional education relative to the medical gas systems installer and medical gas systems verifier, but shall not diminish or affect licensee's obligation to fulfill continuing professional education requirements for journeyman or master plumbing licenses or water supply protection specialist endorsement, if applicable.

B. - E.6. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(I).

HISTORICAL NOTE: Promulgated by the Department of Labor, State Plumbing Board, LR 30:2074 (September 2004), amended LR 37:905 (March 2011), LR 37:2441 (August 2011), amended by the Workforce Commission, Plumbing Board, LR 42:578 (April 2016).

John Barker
Executive Director

1604#025

Notices of Intent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII.613)

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 the revision of *Bulletin 111—The Louisiana School, District, and State Accountability System*: §613, Calculating a Graduation Index. In April 2015, BESE approved policy that created a pathway to a diploma for students assessed on the Louisiana Alternate Assessment Level 1 (LAA 1). This proposed change updates language regarding the graduation index calculation to include high school diplomas earned through the pathway for students assessed on the LAA 1, awarding accountability points to schools and districts whose students are successful in earning these diplomas.

Title 28 EDUCATION

Part LXXXIII. Bulletin 111—The Louisiana School, District, and State Accountability System Chapter 6. Graduation Cohort, Index, and Rate §613. Calculating a Graduation Index

A. - B. ...

* * *

C. Beginning in 2016-2017 (2015-2016 graduates), points shall be assigned for each member of a cohort according to the following table.

Student Result	Points
HS Diploma plus (a). AP score of 3 or higher, IB Score of 4 or higher, or CLEP score of 50 or higher OR (b). Advanced statewide Jump Start credential *Students achieving both (a) and (b) will generate 160 points.	150
HS Diploma plus (a). At least one passing course grade for TOPS core curriculum credit of the following type: AP**, college credit, dual enrollment, or IB** OR (b). Basic statewide Jump Start credential *Students achieving both (a) and (b) will generate 115 points. **Students must take the AP/IB exam and pass the course to earn 110 points.	110
Four-year graduate (includes Career Diploma student with a regional Jump Start credential)	100
HS Diploma earned through pathway for students assessed on the LAA1	100
Five-year graduate with any diploma *Five-year graduates who earn an AP score of 3 or higher, an IB score of 4 or higher, or a CLEP score of 50 or higher will generate 140 points.	75
Six-year graduate with any diploma	50
HiSET	25
Non-graduate without HiSET	0

D. The graduation index of a school shall be the average number of points earned by cohort members, except that students assessed using the LAA 1 shall be included in the graduation index for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

1. Starting with the graduating class of 2017-2018 (2019 SPS), only WIC-approved industry based certifications (IBCs) will be included as basic statewide credentials.

E.1. The diploma must be earned no later than the third administration of the summer retest following the fourth year of high school of the students' cohort.

a. For example, a student who finishes the fourth year of high school in 2012 must complete the assessment requirements before or during the 2014 summer test administration.

2. When related to awarding fifth-year graduate points, the enrollment must be continuous and consist of at least 45 calendar days.

F. To ensure the accuracy of data used to calculate the graduation index, the calculation shall lag one year behind the collection of the data. (The index earned by the graduating class of 2012 will be used for 2013 accountability calculations.)

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 37:3201 (November 2011), LR 38:1391 (June 2012), LR 38:3109 (December 2012), LR 39:306 (February 2013), LR 39:2444 (September 2013), LR 40:1317 (July 2014), LR 41:615 (April 2015), LR 42:

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 111—The Louisiana School,
District, and State Accountability System**

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

The proposed policy revisions will have no effect on costs or savings to state or local governmental units.

In April 2015, BESE approved policy that created a pathway to a diploma for students assessed on the Louisiana Alternate Assessment Level 1 (LAA 1). This proposed change updates language regarding the graduation index calculation to include high school diplomas earned through the pathway for students assessed on the LAA 1, awarding accountability points to schools and districts whose students are successful in earning these diplomas.

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

This policy change will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#020

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools—Definitions;
Charter School Recruitment and Enrollment
(LAC 28:CXXXIX.103 and 2701)

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 the revision of *Bulletin 126—Charter Schools*: §103, Definitions; and §2701, Students Eligible to Attend. The proposed revisions provide for the implementation of a uniform policy to require type 2 charter schools to collect and verify student residency information. Additionally, the proposed revisions contain a list of documents that will be acceptable as evidence of residency.

Title 28

EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 1. General Provisions

§103. Definitions

A. The words defined in this Section shall have the meanings set forth below whenever they appear in this policy, unless:

1. the context in which they are used clearly requires a different meaning; or

2. a different definition is prescribed for a particular provision.

* * *

Domicile—the place where the student predominantly sleeps, takes meals, and maintains personal belongings.

* * *

Legal Custody—the legal status created by a court order which establishes in a custodian the right to have physical custody of the child. Custody for educational

purposes only or provisional custody by mandate will not be accepted.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3973.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1357 (July 2008), amended LR 37:867 (March 2011), LR 37:2383 (August 2011), LR 38:37 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 39:3062 (November 2013), LR 40:1321 (July 2014), LR 42:

Chapter 27. Charter School Recruitment and Enrollment

§2701. Students Eligible to Attend

A. Type 2 Charter Schools. Students meeting residency requirements established in a type 2 charter school's charter are eligible to attend a type 2 charter school. A type 2 charter school may establish residency requirements for students living within the state or may establish residency requirements restricted to a particular parish or parishes.

1. Type 2 charter schools shall collect and verify documents substantiating the residency of each student prior to submitting residency information to statewide student information system. Acceptable documents shall be as follows:

- a. mortgage (if owned);
- b. tax assessor's bill (if owned);
- c. homestead exemption bill (if owned);
- d. current lease of residence for the school year (if leased);
- e. current rent receipt (if leased);
- f. previous two months utility bill (Disconnect notices are not acceptable:
 - i. gas;
 - ii. water or sewer;
 - iii. telephone (land line only);
 - iv. cable or satellite television bill;
 - v. internet service;
- g. current driver's license or government-issued identification;
- h. current official letter from a government agency such as Department of Children and Family Services or Department of Health and Hospitals regarding services provided; or
- i. current bank statements.

2. The name of the parent or legal custodians must appear on each document and the addresses must match on all documents. The residency information must be updated annually prior to the start of school for the student to be enrolled in that school year.

3. If the parent or legal custodian neither owns nor rents a residence and is therefore living with another individual, the parent or legal custodian must provide a notarized affidavit of residency signed by the parent or legal custodian of the student as well as the individual with whom the parent or legal custodian is living. The affidavit of residency must attest to the following:

- a. student's name;
- b. name of parent or legal custodian;
- c. address of parent or legal custodian;
- d. name of the person with whom the parent or legal custodian is living;

e. a statement of attestation by the parent or legal custodian that the student is living with him at the address recorded on the affidavit and that the student has no other residence or domicile; and

f. a statement of attestation by the person with whom the parent or legal custodian is living that these persons in fact live with the individual listed.

4. The person with whom the parent or legal custodian and student are living (who has signed the notarized affidavit) must provide three forms of evidence of residency from the acceptable list of documents outlined above.

5. If parents are separated, divorced or if the legal custodian is other than the biological parents, legal custody documents, signed by a judge with a docket number, indicating the legal custodian or domiciliary parent must be provided.

6. The residency requirements must also be included in the application requirements section contained in exhibit D of the type 2 charter school contracts.

7. Nothing in this policy shall prohibit the admission or readmission to school of a student who meets the definition of homeless under the Federal McKinney-Vento Act (42 U.S.C. 11431 et seq.).

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:10.5, R.S. 17:10.7, and R.S. 17:1990.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 37:875 (March 2011), LR 37:2390 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 42:

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 126—Charter Schools** **Definitions; Charter School Recruitment and Enrollment**

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

The proposed policy revision may impact enrollment at some charter schools as well as the distribution of Minimum Foundation Program (MFP) formula funding for students who cannot verify residency status.

The proposed revisions provide for the implementation of a uniform policy to require Type 2 charter schools to collect and verify student residency information. Additionally, the proposed revisions contain a list of documents that will be acceptable as evidence of residency.

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

This policy change will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#027

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools—State Funding
(LAC 28:CXXXIX.2301)

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 the revision of *Bulletin 126—Charter Schools: §2301, State Funding*. This action removes language that was deleted by Act 467 of the 2015 Regular Legislative Session and references the policy containing requirements related to allocation of funds for certain charter schools.

Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools Chapter 23. Charter School Funding §2301. State Funding

A. - D. ...

E. Beginning on July 1, 2016, for allocations in a school district with one or more Type 3B charter schools in a parish that contains a municipality with a population of 300,000 or more persons according to the latest federal decennial census, refer to Bulletin 129—*The Recovery School District*, §1111.

F. - G4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 39:3250 (December 2013), LR 40:1324 (July 2014), LR 42:

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 126** **Charter Schools—State Funding**

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

The proposed policy revisions will impact state authorized Type 4 and Type 5 charter schools located in Orleans Parish. Fiscal Impacts are discussed in the proposed rule changes for Bulletin 129 which contains the specific distribution language.

The proposed changes remove language that was deleted by Act 467 of the 2015 Regular Legislative Session and reference the policy containing the requirements related to allocation of funds for certain charter schools.

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

This policy change will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#028

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 129—The Recovery School District
(LAC 28:CXLV.1111)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has approved for advertisement the revision of *Bulletin 129—The Recovery School District*: §1111, Allocation of Funds. This action is required by Act 467 of the 2015 Regular Legislative Session which directs BESE to determine the student characteristics or needs used for the district-level allocation policy in Orleans Parish.

Title 28

EDUCATION

Part CXLV. Bulletin 129—The Recovery School District Chapter 11. Fiscal Management

§1111. Allocation of Funds

A. - F. ...

G. District-Level Allocations Provided by Statute

1. For allocations in a school district with one or more type 3B charter schools in a parish that contains a municipality with a population of 300,000 or more persons according to the latest federal decennial census, the total amount of minimum foundation program formula funds

allocated to the local school board and to type 1, 1B, 3, 3B, 4, and 5 charter schools that are located within the district shall be allocated using a district-level computation based on student characteristics or needs as determined by BESE.

2. The LDE shall facilitate a collaborative process that includes representatives from the RSD, the Louisiana Association of Public Charter Schools, any affected local school board and any organization representing its authorized charter schools, and advocates for students with disabilities in the development of the district-level allocation policy that shall take effect on July 1, 2016.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), R.S. 17:1990(A)(2), and 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:311 (January 2011), amended LR 42:

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 129 The Recovery School District

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

The proposed revisions will have no impact on the cost of the Minimum Foundation Program (MFP) formula, however, it will result in the redistribution of funds to certain local school districts and charter schools located within Orleans Parish. The policy changes determine the student characteristics or needs on which the formula for the district level allocation of the MFP funds in Orleans parish will be based. The formula is determined by stakeholders through a collaborative process required in state law.

These policy changes are required by Act 467 of the 2015 Regular Legislative Session which directs BESE to determine the student characteristics or needs used for the district-level allocation policy in Orleans Parish.

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

This policy change will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#029

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 141—Louisiana Student Standards for English Language Arts (LAC 28:CLXIX.Chapters 1-23)

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 (BESE) approved for advertisement to adopt *Bulletin 141—Louisiana Student Standards for English Language Arts*. R.S. 17:24.4 requires BESE to develop state content standards for required subjects to be taught in the public elementary and secondary schools of this state. State content standards are statements that define what a student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. Act 329 of the 2015 Regular Session provided for the review and development of state content standards for English language arts (ELA) and mathematics. This bulletin contains the revised Louisiana student standards for English language arts.

Title 28

EDUCATION

Part CLXIX. Bulletin 141—Louisiana Student Standards for English Language Arts

Chapter 1. Introduction

§101. Introduction

A. The Louisiana student standards define what a public school student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. They represent the knowledge and skills needed for students to successfully transition from each grade and ultimately to postsecondary education and the workplace, as determined by content experts, elementary and secondary educators and school leaders, postsecondary education leaders, and business and industry leaders. The standards set forth what learning should be taught; local education agencies, their school leaders and classroom educators should determine how the standards should be taught, including the curricula and instructional materials that should be used to meet students' individual needs in mastering the standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 3. Kindergarten

§301. Reading Literature

A. With prompting and support, ask and answer questions about key details in a text.

B. With prompting and support, retell familiar stories, including key details.

C. With prompting and support, identify characters, settings, and major events in a story.

D. Ask and answer questions about unknown words in a text.

E. Recognize common types of texts (e.g., storybooks, poems).

F. With prompting and support, define the role of the author and the illustrator of a story in telling the story.

G. With prompting and support, make connections between the illustrations in the story and the text.

H. With prompting and support, compare and contrast the adventures and experiences of characters in familiar stories.

I. Actively engage in group reading activities with purpose and understanding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§303. Reading Informational Text

A. With prompting and support, ask and answer questions about key details in a text.

B. With prompting and support, identify the main topic and retell key details of a text.

C. With prompting and support, describe the connection between two individuals, events, ideas, or pieces of information in a text.

D. With prompting and support, ask and answer questions about unknown words in a text.

E. Identify the front cover, back cover, and title page of a book.

F. With prompting and support, define the role of the author and the illustrator of a text and present the ideas or information in a text.

G. With prompting and support, make connections between the illustrations and the text.

H. With prompting and support, identify the reason(s) an author gives to support point(s) in a text.

I. With prompting and support, identify similarities and differences between two texts on the same topic.

J. Actively engage in group reading activities with purpose and understanding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§305. Reading Foundations

A. Demonstrate understanding of the organization and basic features of print.

1. Follow words from left to right, top to bottom, and page by page.

2. Recognize that spoken words are represented in written language by specific sequences of letters.

3. Understand that words are separated by spaces in print.

4. Recognize and name all upper- and lowercase letters of the alphabet.

B. Demonstrate understanding of spoken words, syllables, and sounds (phonemes).

1. Recognize and produce rhyming words.

2. Count, pronounce, blend, and segment syllables in spoken words.

3. Blend and segment onsets and rimes of single-syllable spoken words.

4. Isolate and pronounce the initial, medial vowel, and final sounds (phonemes) in three-phoneme (consonant-vowel-consonant, or CVC) words. (This does not include CVCs ending with /l/, /t/, or /x/.)

5. Add or substitute individual sounds (phonemes) in simple, one-syllable words to make new words.

C. Know and apply grade-level phonics and word analysis skills in decoding words.

1. Demonstrate basic knowledge of one-to-one letter-sound correspondences by producing the primary or many of the most frequent sounds for each consonant.

2. Associate the long and short sounds with common spellings (graphemes) for the five major vowels.

3. Read common high-frequency words by sight (e.g., the, of, to, you, she, my, is, are, do, does).

4. Distinguish between similarly spelled words by identifying the sounds of the letters that differ.

D. Read emergent-reader texts with purpose and understanding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§307. Writing

A. Use a combination of drawing, dictating, and writing to compose opinion pieces in which they tell a reader the topic or the name of the book they are writing about and state an opinion or preference about the topic or book (e.g., My favorite book is ...).

B. Use a combination of drawing, dictating, and writing to compose informative/explanatory texts in which they name what they are writing about and supply some information about the topic.

C. Use a combination of drawing, dictating, and writing to narrate a single event or several loosely linked events, tell about the events in the order in which they occurred, and provide a reaction to what happened.

D. With guidance and support, orally respond to questions and suggestions from adults and peers and add details to strengthen writing as needed.

E. With guidance and support from adults and peers, explore a variety of digital tools by participating in the production of a published writing.

F. With guidance and support from adults, participate in shared research and writing projects (e.g., explore a number of books by a favorite author and express opinions about them).

G. With guidance and support from adults, recall information from experiences or gather information from provided sources to answer a question.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§309. Speaking and Listening

A. Participate in collaborative conversations with diverse partners about kindergarten topics and texts with peers and adults in small and larger groups.

1. Follow agreed-upon rules for discussions (e.g., listening to others and taking turns speaking about the topics and texts under discussion).

2. Continue a conversation through multiple exchanges.

B. Confirm understanding of a text read aloud or information presented orally or through other media by asking and answering questions about key details and requesting clarification if something is not understood.

C. Ask and answer questions in order to seek help, get information, or clarify something that is not understood.

D. Describe familiar people, places, things, and events and, with prompting and support, provide additional detail.

E. Add drawings or other visual displays to descriptions as desired to provide additional detail.

F. Speak audibly and express thoughts, feelings, and ideas clearly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§311. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Print many upper and lowercase letters.

2. Use frequently occurring nouns and verbs.

3. Form regular plural nouns orally by adding /s/ or /es/ (e.g., dog, dogs; wish, wishes).

4. Understand and use question words (interrogatives) (e.g., who, what, where, when, why, how).

5. Use the most frequently occurring prepositions (e.g., to, from, in, out, on, off, for, of, by, with).

6. Produce and expand complete sentences in shared language activities.

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Capitalize the first word in a sentence and the pronoun I.

2. Recognize and name end punctuation.

3. Write a letter or letters for most consonant and short-vowel sounds (phonemes).

4. Spell simple words phonetically, drawing on knowledge of sound-letter relationships.

C. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on kindergarten reading and content.

1. With guidance and support, identify new meanings for familiar words and apply them accurately (e.g., knowing a duck is a bird and learning the verb to duck).

2. With guidance and support, use the most frequently occurring inflections and affixes as a clue to the meaning of an unknown word (e.g., /-ed/, /-s/, /re-/, /un-/, /pre-/, /-ful/, /-less/).

D. With guidance and support from adults, explore word relationships and nuances in word meanings.

1. Sort common objects into categories (e.g., shapes, foods) to gain a sense of the concepts the categories represent.

2. Demonstrate understanding of frequently occurring verbs and adjectives by relating them to their opposites (antonyms).

3. Identify real-life connections between words and their use (e.g., note places at school that are colorful).

4. Distinguish shades of meaning among verbs describing the same general action (e.g., walk, march, strut, prance) by acting out the meanings.

E. Use words and phrases acquired through conversations, reading and being read to, and responding to texts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 5. Grade 1

§501. Reading Literature

- A. Ask and answer questions about key details in a text.
- B. Retell stories, including key details.
- C. Recognize and understand the central message or lesson.
- D. Describe characters, settings, and major events in a story, using key details.
- E. Identify words and phrases in stories or poems that suggest feelings or appeal to the senses.
- F. Explain major differences between books that tell stories and books that give information, drawing on a wide reading of a range of text types.
- G. Identify who is telling the story at various points in a text.
- H. Use illustrations and details in a story to describe its characters, setting, or events.
- I. Compare and contrast the adventures and experiences of characters in stories.
- J. With prompting and support, read prose and poetry of appropriate complexity for grade 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§503. Reading Informational Text

- A. Ask and answer questions about key details in a text.
- B. Identify the main topic and retell key details of a text.
- C. Describe the connection between two individuals, events, ideas, or pieces of information in a text.
- D. Ask and answer questions to help determine or clarify the meaning of words and phrases in a text.
- E. Know and use various text features (e.g., headings, tables of contents, glossaries, electronic menus, icons) to locate key facts or information in a text.
- F. Distinguish between information provided by pictures or other illustrations and information provided by the words in a text.
- G. Use the illustrations and details in a text to describe its key ideas.
- H. Identify the reasons an author gives to support points in a text.
- I. Identify basic similarities in and differences between two texts on the same topic (e.g., in illustrations, descriptions, or procedures).
- J. With prompting and support, read informational texts appropriately complex for grade 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§505. Reading Foundations

- A. Demonstrate understanding of the organization and basic features of print.
 1. Recognize the distinguishing features of a sentence (e.g., first word, capitalization, ending punctuation).

B. Demonstrate understanding of spoken words, syllables, and sounds (phonemes).

1. Distinguish long from short vowel sounds in spoken single-syllable words.
2. Orally produce single-syllable words by blending sounds (phonemes), including consonant blends.
3. Isolate and pronounce initial, medial vowel, and final sounds (phonemes) in spoken single-syllable words.
4. Segment spoken single-syllable words into their complete sequence of individual sounds (phonemes).
- C. Know and apply grade-level phonics and word analysis skills in decoding words.
 1. Know the spelling-sound correspondences for common consonant digraphs.
 2. Decode regularly spelled one-syllable words.
 3. Know final /-e/ and common vowel team conventions for representing long vowel sounds.
 4. Use knowledge that every syllable must have a vowel sound to determine the number of syllables in a printed word.
 5. Decode two-syllable words following basic patterns by breaking the words into syllables.
 6. Read words with inflectional endings.
 7. Recognize and read grade-appropriate irregularly spelled words.
- D. Read with sufficient accuracy and fluency to support comprehension.

1. Read on-level text with purpose and understanding.
2. Read on-level text orally with accuracy, appropriate rate, and expression on successive readings.
3. Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§507. Writing

- A. Write opinion pieces in which they introduce the topic or name the book they are writing about, state an opinion, supply a reason for the opinion, and provide some sense of closure.
- B. Write informative/explanatory texts in which they name a topic, supply some facts about the topic, and provide some sense of closure.
- C. Write narratives in which they recount two or more appropriately sequenced events, include some details regarding what happened, use temporal words to signal event order, and provide some sense of closure.
- D. With guidance and support from adults, focus on a topic, respond to questions and suggestions from peers, and add details to strengthen writing as needed.
- E. With guidance and support from adults, use a variety of digital tools to produce and publish writing, including in collaboration with peers.
- F. Participate in shared research and writing projects (e.g., explore a number of how-to books on a given topic and use them to write a sequence of instructions).
- G. With guidance and support from adults, recall information from experiences or gather information from provided sources to answer a question.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§509. Speaking and Listening

A. Participate in collaborative conversations with diverse partners about grade 1 topics and texts with peers and adults in small and larger groups.

1. Follow agreed-upon rules for discussions (e.g., listening to others with care, speaking one at a time about the topics and texts under discussion).

2. Build on others' talk in conversations by responding to the comments of others through multiple exchanges.

3. Ask questions to clear up any confusion about the topics and texts under discussion.

B. Ask and answer questions about key details in a text read aloud or information presented orally or through other media.

C. Ask and answer questions about what a speaker says in order to gather additional information or clarify something that is not understood.

D. Describe people, places, things, and events with relevant details, expressing ideas and feelings clearly.

E. Add drawings or other visual displays to descriptions when appropriate to clarify ideas, thoughts, and feelings.

F. Produce complete sentences when appropriate to task, audience, and situation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§511. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Legibly print all upper- and lowercase letters.

2. Use common, proper, and possessive nouns.

3. Use singular and plural nouns with matching verbs in basic sentences (e.g., He hops; We hop).

4. Use personal and possessive pronouns (e.g., I, me, my; they, them, their).

5. Use verbs to convey a sense of past, present, and future (e.g., Yesterday I walked home; Today I walk home; Tomorrow I will walk home).

6. Use frequently occurring adjectives.

7. Use frequently occurring conjunctions (e.g., and, but, or, so, because).

8. Use determiners (e.g., articles, demonstratives).

9. Use frequently occurring prepositions (e.g., during, beyond, toward).

10. Produce and expand complete simple and compound declarative, interrogative, imperative, and exclamatory sentences in response to prompts.

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Capitalize dates and names of people.

2. Use end punctuation for sentences.

3. Use commas in dates and to separate single words in a series.

4. Use conventional spelling for words with common spelling patterns and for frequently occurring irregular words.

5. Spell untaught words phonetically, drawing on phonemic awareness and spelling conventions.

C. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 1 reading and content, choosing flexibly from an array of strategies.

1. Use sentence-level context as a clue to the meaning of a word or phrase.

2. Use knowledge of frequently occurring affixes (prefixes and suffixes) to interpret meaning of a word.

3. Identify frequently occurring root words (e.g., look) and their inflectional forms (e.g., looks, looked, looking).

D. With guidance and support from adults, demonstrate understanding of word relationships and nuances in word meanings.

1. Sort words into categories (e.g., colors, clothing) to gain a sense of the concepts the categories represent.

2. Define words by category and by one or more key attributes (e.g., a duck is a bird that swims; a tiger is a large cat with stripes).

3. Identify real-life connections between words and their use (e.g., note places at home that are cozy).

4. Distinguish shades of meaning among verbs differing in manner (e.g., look, peek, glance, stare, glare, scowl) and adjectives differing in intensity (e.g., large, gigantic) by defining or choosing them or by acting out the meanings.

E. Use words and phrases acquired through conversations, reading and being read to, and responding to texts, including using frequently occurring conjunctions to signal simple relationships (e.g., because).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 7. Grade 2

§701. Reading Literature

A. Ask and answer such questions as who, what, where, when, why, and how to demonstrate understanding of key details in a text.

B. Recount stories, including fables and folktales from diverse culture; determine their central message, lesson, or more.

C. Describe how characters in a story respond to major events and challenges.

D. Describe how words and phrases supply rhythm and rhyme in a poem or song; determine the meaning of words and phrases as they are used in text.

E. Describe the overall structure of a story, including describing how the beginning introduces the story and the ending concludes the action.

F. Acknowledge differences in the points of view of characters, including by speaking in a different voice for each character when reading dialogue aloud.

G. Use information gained from the illustrations and words in a print or digital text to demonstrate understanding of its characters, setting, or plot.

H. Compare and contrast two or more versions of the same story (e.g., Cinderella stories) by different authors or from different cultures.

I. By the end of the year, read and comprehend literature, including stories and poetry, in the grades 2-3 text complexity band proficiently, with scaffolding as needed at the high end of the range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§703. Reading Informational Text

A. Ask and answer such questions as who, what, where, when, why, and how to demonstrate understanding of key details in a text.

B. Identify the main topic of a multi-paragraph text as well as the focus of specific paragraphs within the text.

C. Describe the connection between a series of historical events, scientific ideas or concepts, or steps in technical procedures in a text.

D. Determine the meaning of words and phrases in a text relevant to a grade 2 topic or subject area.

E. Know and use various text features (e.g., captions, bold print, subheadings, glossaries, indexes, electronic menus, icons) to locate key facts or information in a text efficiently.

F. Identify the main purpose of a text, including what the author wants to answer, explain, or describe.

G. Explain how specific images (e.g., a diagram showing how a machine works) contribute to and clarify a text.

H. Describe how reasons or evidence support specific points the author makes in a text.

I. Compare and contrast the most important points presented by two texts on the same topic.

J. By the end of year, read and comprehend informational texts, including history/social studies, science, and technical texts, in the grades 2-3 text complexity band proficiently, with scaffolding as needed at the high end of the range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§705. Reading Foundations

A. Know and apply grade-level phonics and word analysis skills in decoding words.

1. Distinguish long and short vowels when reading regularly spelled one-syllable words.

2. Know spelling-sound correspondences for additional common vowel teams.

3. Decode regularly spelled two-syllable words with long vowels.

4. Decode words with common prefixes and suffixes.

5. Identify words with inconsistent but common spelling-sound correspondences.

6. Recognize and read grade-appropriate irregularly spelled words.

B. Read with sufficient accuracy and fluency to support comprehension.

1. Read on-level text with purpose and understanding.

2. Read on-level text orally with accuracy, appropriate rate, and expression on successive readings.

3. Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§707. Writing

A. Write opinion pieces in which they introduce the topic or book they are writing about, state an opinion, supply reasons that support the opinion, use linking words (e.g., because, and, also) to connect opinion and reasons, and provide a concluding statement or section.

B. Write informative/explanatory texts in which they introduce a topic, use facts and definitions to develop points, and provide a concluding statement or section.

C. Write narratives in which they recount a well-elaborated event or short sequence of events, include details to describe actions, thoughts, and feelings, use temporal words to signal event order, and provide a sense of closure.

D. With guidance and support from adults and peers, focus on a topic and strengthen writing as needed by revising and editing.

E. With guidance and support from adults, use a variety of digital tools to produce and publish writing, including in collaboration with peers.

F. Participate in shared research and writing projects (e.g., read a number of books on a single topic to produce a report; record science observations).

G. Recall information from experiences or gather information from provided sources to answer a question.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§709. Speaking and Listening

A. Participate in collaborative conversations with diverse partners about grade 2 topics and texts with peers and adults in small and larger groups.

1. Follow agreed-upon rules for discussions (e.g., gaining the floor in respectful ways, listening to others with care, speaking one at a time about the topics and texts under discussion).

2. Build on others' talk in conversations by linking their comments to the remarks of others.

3. Ask for clarification and further explanation as needed about the topics and texts under discussion.

B. Recount or describe key ideas or details from a text read aloud or information presented orally or through other media.

C. Ask and answer questions about what a speaker says in order to clarify comprehension, gather additional information, or deepen understanding of a topic or issue.

D. Tell a story or recount an experience with appropriate facts and relevant, descriptive details, speaking audibly in coherent sentences.

E. Create audio recordings of stories or poems with guidance and support from adults and/or peers; add drawings or other visual displays to stories or recounts of experiences when appropriate to clarify ideas, thoughts, and feelings.

F. Produce complete sentences when appropriate to task, audience, and situation in order to provide requested detail or clarification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§711. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Use collective nouns (e.g., group).
2. Form and use frequently occurring irregular plural nouns (e.g., feet, children, teeth, mice, fish).
3. Use reflexive pronouns (e.g., *myself*, *ourselves*) and indefinite pronouns (e.g., anyone, everything).
4. Form and use the past tense of frequently occurring irregular verbs (e.g., sat, hid, told).
5. Use adjectives and adverbs, and choose between them depending on what is to be modified.
6. Produce, expand, and rearrange complete simple and compound sentences (e.g., The boy watched the movie; The little boy watched the movie; The action movie was watched by the little boy).

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Capitalize holidays, product names, and geographic names.
2. Use commas in greetings and closings of letters.
3. Use an apostrophe to form contractions and frequently occurring possessives.
4. Generalize learned spelling patterns when writing words (e.g., cage → badge; boy → boil).
5. Consult reference materials, including beginning dictionaries, as needed to check and correct spellings.

C. Use knowledge of language and its conventions when writing, speaking, reading, or listening.

1. Compare formal and informal uses of English.

D. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 2 reading and content, choosing flexibly from an array of strategies.

1. Use sentence-level context as a clue to the meaning of a word or phrase.
2. Determine the meaning of the new word formed when a known prefix is added to a known word (e.g., happy/unhappy, tell/retell).
3. Use a known root word as a clue to the meaning of an unknown word with the same root (e.g., addition, additional).
4. Use knowledge of the meaning of individual words to predict the meaning of compound words (e.g., birdhouse, lighthouse, housefly; bookshelf, notebook, bookmark).
5. Use glossaries and beginning dictionaries, both print and digital, to determine or clarify the meaning of words and phrases.

E. Demonstrate understanding of word relationships and nuances in word meanings.

1. Identify real-life connections between words and their use (e.g., describe foods that are spicy or juicy).
2. Distinguish shades of meaning among closely related verbs (e.g., toss, throw, hurl) and closely related adjectives (e.g., thin, slender, skinny, scrawny).

F. Use words and phrases acquired through conversations, reading and being read to, and responding to texts, including using adjectives and adverbs to describe (e.g., When other kids are happy that makes me happy).

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 9. Grade 3

§901. Reading Literature

A. Ask and answer questions to demonstrate understanding of a text, referring explicitly to the text as the basis for the answers.

B. Recount stories, including fables, folktales, and myths from diverse cultures; determine the central message, lesson, or moral and explain how it is conveyed through key details in the text.

C. Describe characters in a story (e.g., their traits, motivations, or feelings) and explain how their actions contribute to the sequence of events.

D. Determine the meaning of words and phrases as they are used in a text, distinguishing literal from nonliteral language.

E. Refer to parts of stories, dramas, and poems when writing or speaking about a text, using terms such as chapter, scene, and stanza; describe how each successive part builds on earlier sections.

F. Distinguish the student's point of view from that of the narrator or those of the characters.

G. Explain how specific aspects of a text's illustrations contribute to what is conveyed by the words in a story (e.g., create mood, emphasize aspects of a character or setting).

H. Compare and contrast the themes, settings, and plots of stories written by the same author about the same or similar characters (e.g., in books from a series).

I. By the end of the year, read and comprehend literature, including stories, dramas, and poetry, at the high end of the grades 2-3 text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§903. Reading Informational Text

A. Ask and answer questions to demonstrate understanding of a text, referring explicitly to the text as the basis for the answers.

B. Determine the main idea of a text; recount the key details and explain how they support the main idea.

C. Describe the relationship between a series of historical events, scientific ideas or concepts, or steps in technical procedures in a text, using language that pertains to time, sequence, and cause/effect.

D. Determine the meaning of general academic and domain-specific words and phrases in a text relevant to a grade 3 topic or subject area.

E. Use text features and search tools (e.g., key words, sidebars, hyperlinks) to efficiently locate information relevant to a given topic.

F. Distinguish the student's point of view from that of the author of a text.

G. Use information gained from illustrations (e.g., maps, photographs) and the words in a text to demonstrate understanding of the text (e.g., where, when, why, and how key events occur).

H. Describe the logical connection between particular sentences and paragraphs in a text (e.g., comparison, cause/effect, first/second/third in a sequence).

I. Compare and contrast the most important points and key details presented in two texts on the same topic.

J. By the end of the year, read and comprehend informational texts, including history/social studies, science, and technical texts, at the high end of the grades 2-3 text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§905. Reading Foundations

A. Know and apply grade-level phonics and word analysis skills in decoding words.

1. Identify and know the meaning of the most common prefixes and derivational suffixes.

2. Decode words with common Latin suffixes.

3. Decode multisyllable words.

4. Read grade-appropriate irregularly spelled words.

B. Read with sufficient accuracy and fluency to support comprehension.

1. Read on-level text with purpose and understanding.

2. Decode words with common Latin suffixes.

3. Decode multisyllable words.

4. Read grade-appropriate irregularly spelled words.

C. Read with sufficient accuracy and fluency to support comprehension.

1. Read on-level text with purpose and understanding.

2. Read on-level prose and poetry orally with accuracy, appropriate rate, and expression on successive readings.

3. Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§907. Writing

A. Write opinion pieces on topics or texts, supporting a point of view with reasons.

1. Introduce the topic or text they are writing about, state an opinion, and create an organizational structure that lists reasons.

2. Provide reasons that support the opinion.

3. Use linking words and phrases (e.g., because, therefore, since, for example) to connect opinion and reasons.

4. Provide a concluding statement or section.

B. Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

1. Introduce a topic and group related information together; include illustrations when useful to aiding comprehension.

2. Develop the topic with facts, definitions, and details.

3. Use linking words and phrases (e.g., also, another, and, more, but) to connect ideas within categories of information.

4. Provide a concluding statement or section.

C. Write narratives to develop real or imagined experiences or events using effective technique, descriptive details, and clear event sequences.

1. Establish a situation and introduce a narrator and/or characters; organize an event sequence that unfolds naturally.

2. Use dialogue and descriptions of actions, thoughts, and feelings to develop experiences and events or show the response of characters to situations.

3. Use temporal words and phrases to signal event order.

4. Provide a sense of closure.

D. With guidance and support from adults, produce writing in which the development and organization are appropriate to task and purpose.

E. With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, and editing.

F. With guidance and support from adults, produce and publish grade-appropriate writing using technology, either independently or in collaboration with others.

G. Conduct short research projects that build knowledge about a topic.

H. Recall information from experiences or gather information from print and digital sources; take brief notes on sources and sort evidence into provided categories.

I. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§909. Speaking and Listening

A. Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 3 topics and texts, building on others' ideas and expressing their own clearly.

1. Come to discussions prepared, having read or studied required material; explicitly draw on that preparation and other information known about the topic to explore ideas under discussion.

2. Follow agreed-upon rules for discussions (e.g., gaining the floor in respectful ways, listening to others with care, speaking one at a time about the topics and texts under discussion).

3. Ask questions to check understanding of information presented, stay on topic, and link their comments to the remarks of others.

4. Explain their own ideas and understanding in light of the discussion.

B. Determine the main ideas and supporting details of a text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.

C. Ask and answer questions about information from a speaker, offering appropriate elaboration and detail.

D. Report on a topic or text, tell a story, or recount an experience with appropriate facts and relevant, descriptive details, speaking clearly at an understandable pace.

E. Create engaging audio recordings of stories or poems that demonstrate fluid reading at an understandable pace; add visual displays when appropriate to emphasize or enhance certain facts or details.

F. Speak in complete sentences when appropriate to task, audience, and situation in order to provide requested detail or clarification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§911. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Explain the function of nouns, pronouns, verbs, adjectives, and adverbs in general and their functions in particular sentences.

2. Form and use regular and irregular plural nouns.

3. Use abstract nouns (e.g., childhood).

4. Form and use regular and irregular verbs.

5. Form and use the simple verb tenses (e.g., I walked; I walk; I will walk).

6. Ensure subject-verb and pronoun-antecedent agreement.

7. Form and use comparative and superlative adjectives and adverbs, and choose between them depending on what is to be modified.

8. Use coordinating and subordinating conjunctions.

9. Produce simple, compound, and complex sentences.

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Capitalize appropriate words in titles.

2. Use commas in addresses.

3. Use commas and quotation marks in dialogue.

4. Form and use possessives.

5. Use conventional spelling for high-frequency and other studied words and for adding suffixes to base words (e.g., sitting, smiled, cries, happiness).

6. Use spelling patterns and generalizations (e.g., word families, position-based spellings, syllable patterns, ending rules, meaningful word parts) in writing words.

7. Consult reference materials, including beginning dictionaries, as needed to check and correct spellings.

C. Use knowledge of language and its conventions when writing, speaking, reading, or listening.

1. Choose words and phrases for effect.

2. Recognize and observe differences between the conventions of spoken and written standard English.

D. Determine or clarify the meaning of unknown and multiple-meaning word and phrases based on grade 3 reading and content, choosing flexibly from a range of strategies.

1. Use sentence-level context as a clue to the meaning of a word or phrase.

2. Determine the meaning of the new word formed when a known affix is added to a known word (e.g., agreeable/disagreeable, comfortable/uncomfortable, care/careless, heat/preheat).

3. Use a known root word as a clue to the meaning of an unknown word with the same root (e.g., company, companion).

4. Use glossaries or beginning dictionaries, both print and digital, to determine or clarify the precise meaning of key words and phrases.

E. Demonstrate understanding of word relationships and nuances in word meanings.

1. Distinguish the literal and nonliteral meanings of words and phrases in context (e.g., take steps).

2. Identify real-life connections between words and their use (e.g., describe people who are friendly or helpful).

3. Distinguish shades of meaning among related words that describe states of mind or degrees of certainty (e.g., knew, believed, suspected, heard, wondered).

F. Acquire and use accurately grade-appropriate conversational, general academic, and domain-specific words and phrases, including those that signal spatial and temporal relationships (e.g., After dinner that night we went looking for them).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 11. Grade 4

§1101. Reading Literature

A. Refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text.

B. Determine a theme of a story, drama, or poem from details in the text; summarize the text.

C. Describe in-depth a character, setting, or event in a story or drama, drawing on specific details in the text (e.g., a character's thoughts, words, or actions).

D. Determine the meaning of words and phrases as they are used in a text, including figurative language such as metaphors and similes.

E. Explain major differences between poems, drama, and prose, and refer to the structural elements of poems (e.g., verse, rhythm, meter) and drama (e.g., casts of characters, settings, descriptions, dialogue, stage directions) when writing or speaking about a text.

F. Compare and contrast the point of view from which different stories are narrated, including the difference between first- and third-person narrations.

G. Make connections between the text of a story or drama and a visual or oral presentation of the text.

H. Compare and contrast the treatment of similar themes and topics (e.g., opposition of good and evil) and patterns of events (e.g., the quest) in stories, myths, and traditional literature from different cultures.

I. By the end of the year, read and comprehend literature, including stories, dramas, and poetry, in the grades 4-5 text complexity band proficiently, with scaffolding as needed at the high end of the range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1103. Reading Informational Text

A. Refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text.

B. Determine the main idea of a text and explain how it is supported by key details; summarize the text.

C. Explain events, procedures, ideas, or concepts in a historical, scientific, or technical text, including what happened and why, based on specific information in the text.

D. Determine the meaning of general academic and domain-specific words or phrases in a text relevant to a grade 4 topic or subject area.

E. Describe the overall structure (e.g., chronology, comparison, cause/effect, problem/solution) of events, ideas, concepts, or information in a text or part of a text.

F. Compare and contrast a firsthand and secondhand account of the same event or topic; describe the differences in focus and the information provided.

G. Interpret information presented visually, orally, or quantitatively (e.g., in charts, graphs, diagrams, timelines, animations, or interactive elements on Web pages) and explain how the information contributes to an understanding of the text in which it appears.

H. Explain how an author uses reasons and evidence to support particular points in a text.

I. Integrate information from two texts on the same topic in order to write or speak about the subject knowledgeably.

J. By the end of year, read and comprehend informational texts, including history/social studies, science, and technical texts, in the grades 4-5 text complexity band proficiently, with scaffolding as needed at the high end of the range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1105. Reading Foundations

A. Know and apply grade-level phonics and word analysis skills in decoding words.

1. Use combined knowledge of letter-sound correspondences, syllabication patterns, and morphology (e.g., roots and affixes) to read accurately unfamiliar multisyllabic words in context and out of context.

B. Read with sufficient accuracy and fluency to support comprehension.

1. Read on-level text with purpose and understanding.

2. Read on-level prose and poetry orally with accuracy, appropriate rate, and expression on successive readings.

3. Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1107. Writing

A. Write opinion pieces on topics or texts, supporting a point of view with reasons and information.

1. Introduce a topic or text clearly, state an opinion, and create an organizational structure in which related ideas are grouped to support the writer's purpose.

2. Provide reasons that are supported by facts and details.

3. Link opinion and reasons using words and phrases (e.g., for instance, in order to, in addition).

4. Provide a concluding statement or section related to the opinion presented.

B. Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

1. Introduce a topic clearly and group related information in paragraphs and sections; include formatting (e.g., headings), illustrations, and multimedia when useful to aiding comprehension.

2. Develop the topic with facts, definitions, concrete details, quotations, or other information and examples related to the topic.

3. Link ideas within categories of information using words and phrases (e.g., another, for example, also, because).

4. Use precise language and domain-specific vocabulary to inform about or explain the topic.

5. Provide a concluding statement or section related to the information or explanation presented.

C. Write narratives to develop real or imagined experiences or events using effective technique, descriptive details, and clear event sequences.

1. Orient the reader by establishing a situation and introducing a narrator and/or characters; organize an event sequence that unfolds naturally.

2. Use dialogue and description to develop experiences and events or show the responses of characters to situations.

3. Use a variety of transitional words and phrases to manage the sequence of events.

4. Use concrete words and phrases and sensory details to convey experiences and events precisely.

5. Provide a conclusion that follows from the narrated experiences or events.

D. Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience.

E. With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, and editing.

F. With guidance and support from adults, produce and publish grade-appropriate writing using technology, either independently or in collaboration with others.

G. Conduct short research projects that build knowledge through investigation of different aspects of a topic.

H. Recall relevant information from experiences or gather relevant information from print and digital sources; take notes and categorize information, and provide a list of sources.

I. Draw relevant evidence from grade-appropriate literary or informational texts to support analysis, reflection, and research.

1. Apply grade 4 reading standards to literature (e.g., "Describe in-depth a character, setting, or event in a story or drama, drawing on specific details in the text [e.g., a character's thoughts, words, or actions]").

2. Apply grade 4 reading standards to informational texts (e.g., "Explain how an author uses reasons and evidence to support particular points in a text").

J. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

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§1109. Speaking and Listening

A. Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 4 topics and texts, building on others' ideas and expressing their own clearly.

1. Come to discussions prepared, having read or studied required material; explicitly draw on that preparation and other information known about the topic to explore ideas under discussion.

2. Follow agreed-upon rules for discussions and carry out assigned roles.

3. Pose and respond to specific questions to clarify or follow up on information, and make comments that contribute to the discussion and link to the remarks of others.

4. Review the key ideas expressed and explain their own ideas and understanding in light of the discussion.

B. Paraphrase portions of a text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.

C. Identify the reasons and evidence a speaker provides to support particular points.

D. Report on a topic or text, tell a story, or recount an experience in an organized manner, using appropriate facts and relevant, descriptive details to support main ideas or themes; speak clearly at an understandable pace.

E. Add audio recordings and visual displays to presentations when appropriate to enhance the development of main ideas or themes.

F. Differentiate between contexts that call for formal English (e.g., presenting ideas) and situations where informal discourse is appropriate (e.g., small-group discussion); use formal English when appropriate to task, audience, and situation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1111. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Use relative pronouns (who, whose, whom, which, that) and relative adverbs (where, when, why).

2. Form and use the progressive verb tenses (e.g., I was walking; I am walking; I will be walking).

3. Use modal auxiliaries (e.g., can, may, must) to convey various conditions.

4. Order adjectives within sentences according to conventional patterns (e.g., a small red bag rather than a red small bag).

5. Form and use prepositional phrases.

6. Produce complete sentences, recognizing and correcting inappropriate fragments and run-ons.

7. Correctly use frequently confused words (e.g., to, too, two; there, their).

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Use correct capitalization.

2. Use commas and quotation marks to mark direct speech and quotations from a text.

3. Use a comma before a coordinating conjunction in a compound sentence.

4. Spell grade-appropriate words correctly, consulting references as needed.

C. Use knowledge of language and its conventions when writing, speaking, reading, or listening.

1. Choose words and phrases to convey ideas precisely.

2. Choose punctuation for effect.

3. Differentiate between contexts that call for formal English (e.g., presenting ideas) and situations where informal discourse is appropriate (e.g., small-group discussions).

D. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 4 reading and content, choosing flexibly from a range of strategies.

1. Use context (e.g., definitions, examples, or restatements in text) as a clue to the meaning of a word or phrase.

2. Use common, grade-appropriate Greek and Latin affixes and roots as clues to the meaning of a word (e.g., telegraph, photograph, autograph).

3. Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation and determine or clarify the precise meaning of key words and phrases.

E. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

1. Explain the meaning of simple similes and metaphors (e.g., as pretty as a picture) in context.

2. Recognize and explain the meaning of common idioms, adages, and proverbs.

3. Demonstrate understanding of words by relating them to their opposites (antonyms) and to words with similar but not identical meanings (synonyms).

F. Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases, including those that signal precise actions, emotions, or states of being (e.g., quizzed, whined, stammered) and that are basic to a particular topic (e.g., wildlife, conservation, and endangered when discussing animal preservation).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 13. Grade 5

§1301. Reading Literature

A. Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

B. Determine a theme of a story, drama, or poem from details in the text, including how characters in a story or drama respond to challenges or how the speaker in a poem reflects upon a topic; summarize the text.

C. Compare and contrast two or more characters, settings, or events in a story or drama, drawing on specific details in the text (e.g., how characters interact).

D. Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings.

E. Explain how a series of chapters, scenes, or stanzas fits together to provide the overall structure of a particular story, drama, or poem.

F. Describe how a narrator’s or speaker’s point of view influences how events are described.

G. Analyze how visual and multimedia elements contribute to the meaning, tone, or aesthetics of a text (e.g., graphic novel, multimedia presentation of fiction, folktale, myth, poem).

H. Compare and contrast stories in the same genre (e.g., mysteries and adventure stories) on their approaches to similar themes and topics.

I. By the end of the year, read and comprehend literature, including stories, dramas, and poetry, at the high end of the grades 4-5 text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1303. Reading Informational Text

A. Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

B. Determine two or more main ideas of a text and explain how they are supported by key details; summarize the text.

C. Explain the relationships or interactions between two or more individuals, events, ideas, or concepts in a historical, scientific, or technical text based on specific information in the text.

D. Determine the meaning of general academic and domain-specific words and phrases in a text relevant to a grade 5 topic or subject area.

E. Compare and contrast the overall structure (e.g., chronology, comparison, cause/effect, problem/solution) of events, ideas, concepts, or information in two texts.

F. Analyze multiple accounts of the same event or topic, noting important similarities and differences in the point of view they represent.

G. Utilize information from multiple print or digital sources, demonstrating the ability to locate an answer to a question or to solve a problem efficiently.

H. Explain how an author uses reasons and evidence to support particular points in a text, identifying which reasons and evidence support which point(s).

I. Integrate information from several texts on the same topic in order to write or speak about the subject knowledgeably.

J. By the end of the year, read and comprehend informational texts, including history/social studies, science, and technical texts, at the high end of the grades 4-5 text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1305. Reading Foundations

A. Know and apply grade-level phonics and word analysis skills in decoding words.

B. Use combined knowledge of letter-sound correspondences, syllabication patterns, and morphology (e.g., roots and affixes) to read accurately unfamiliar multisyllabic words in context and out of context.

C. Read with sufficient accuracy and fluency to support comprehension.

1. Read on-level text with purpose and understanding.
2. Read on-level prose and poetry orally with accuracy, appropriate rate, and expression on successive readings.

3. Use context to confirm or self-correct word recognition and understanding, rereading as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1307. Writing

A. Write opinion pieces on topics or texts, supporting a point of view with reasons and information.

1. Introduce a topic or text clearly, state an opinion, and create an organizational structure in which ideas are logically grouped to support the writer’s purpose.

2. Provide logically ordered reasons that are supported by facts and details.

3. Link opinion and reasons using words, phrases, and clauses (e.g., consequently, specifically).

4. Provide a concluding statement or section related to the opinion presented.

B. Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

1. Introduce a topic clearly, provide a general observation and focus, and group related information logically; include formatting (e.g., headings), illustrations, and multimedia when useful to aiding comprehension.

2. Develop the topic with facts, definitions, concrete details, quotations, or other information and examples related to the topic.

3. Link ideas within and across categories of information using words, phrases, and clauses (e.g., in contrast, especially).

4. Use precise language and domain-specific vocabulary to inform about or explain the topic.

5. Provide a concluding statement or section related to the information or explanation presented.

C. Write narratives to develop real or imagined experiences or events using effective technique, descriptive details, and clear event sequences.

1. Orient the reader by establishing a situation and introducing a narrator and/or characters; organize an event sequence that unfolds naturally.

2. Use narrative techniques, such as dialogue, description, and pacing, to develop experiences and events or show the responses of characters to situations.

3. Use a variety of transitional words, phrases, and clauses to manage the sequence of events.

4. Use concrete words and phrases and sensory details to convey experiences and events precisely.

5. Provide a conclusion that follows from the narrated experiences or events.

D. Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience.

E. With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a different approach.

F. With guidance and support from adults, produce and publish grade-appropriate writing using technology, either independently or in collaboration with others.

G. Conduct short research projects that use several sources to build knowledge through investigation of different aspects of a topic.

H. Recall relevant information from experiences or gather relevant information from print and digital sources; summarize or paraphrase information in notes and finished work, and provide a list of sources.

I. Draw relevant evidence from grade-appropriate literary or informational texts to support analysis, reflection, and research.

1. Apply grade 5 reading standards to literature (e.g., “Compare and contrast two or more characters, settings, or events in a story or a drama, drawing on specific details in the text [e.g., how characters interact]”).

2. Apply grade 5 reading standards to informational texts (e.g., “Explain how an author uses reasons and evidence to support particular points in a text, identifying which reasons and evidence support which point[s]”).

J. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1309. Speaking and Listening

A. Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 5 topics and texts, building on others’ ideas and expressing their own clearly.

1. Come to discussions prepared, having read or studied required material; explicitly draw on that preparation and other information known about the topic to explore ideas under discussion.

2. Follow agreed-upon rules for discussions and carry out assigned roles.

3. Pose and respond to specific questions by making comments that contribute to the discussion and elaborate on the remarks of others.

4. Review the key ideas expressed and draw conclusions in light of information and knowledge gained from the discussions.

B. Summarize a written text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.

C. Summarize the points a speaker makes and explain how each claim is supported by reasons and evidence.

D. Report on a topic or text or present an opinion, sequencing ideas logically and using appropriate facts and relevant, descriptive details to support main ideas or themes; speak clearly at an understandable pace.

E. Include multimedia components (e.g., graphics, sound) and visual displays in presentations when appropriate to enhance the development of main ideas or themes.

F. Adapt speech to a variety of contexts and tasks, using formal English when appropriate to task, audience, and situation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1311. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Explain the function of conjunctions, prepositions, and interjections in general and their function in particular sentences.

2. Form and use the perfect verb tenses (e.g., I had walked; I have walked; I will have walked).

3. Use verb tense to convey various times, sequences, states, and conditions.

4. Recognize and correct inappropriate shifts in verb tense.

5. Use correlative conjunctions (e.g., either/or, neither/nor).

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Use punctuation to separate items in a series.

2. Use a comma to separate an introductory element from the rest of the sentence.

3. Use a comma to set off the words *yes* and *no* (e.g., *Yes, thank you*), to set off a tag question from the rest of the sentence (e.g., *It’s true, isn’t it?*), and to indicate direct address (e.g., *Is that you, Steve?*).

4. Use underlining, quotation marks, or italics to indicate titles of works.

5. Spell grade-appropriate words correctly, consulting references as needed.

C. Use knowledge of language and its conventions when writing, speaking, reading, or listening.

1. Expand, combine, and reduce sentences for meaning, reader/listener interest, and style.

2. Compare and contrast the varieties of English (e.g., dialects, registers) used in stories, dramas, or poems.

D. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 5 reading and content, choosing flexibly from a range of strategies.

1. Use context (e.g., cause/effect relationships and comparisons in text) as a clue to the meaning of a word or phrase.

2. Use common, grade-appropriate Greek and Latin affixes and roots as clues to the meaning of a word (e.g., *photograph*, *photosynthesis*).

3. Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation and determine or clarify the precise meaning of key words and phrases.

E. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

1. Interpret figurative language, including similes and metaphors, in context.

2. Recognize and explain the meaning of common idioms, adages, and proverbs.

3. Use the relationship between particular words (e.g., synonyms, antonyms, homographs) to better understand each of the words.

4. Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases, including those that signal contrast, addition, and other logical relationships (e.g., *however*, *although*, *nevertheless*, *similarly*, *moreover*, *in addition*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 15. Grade 6

§1501. Reading Literature

A. Cite relevant textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

B. Determine a theme or central idea of a text and how it is conveyed through particular details; provide a summary of the text distinct from personal opinions or judgments.

C. Describe how a particular story or drama's plot unfolds in a series of episodes as well as how the characters respond or change as the plot moves toward a resolution.

D. Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings; analyze the impact of a specific word choice on meaning and tone.

E. Analyze how a particular sentence, chapter, scene, or stanza fits into the overall structure of a text and contributes to the development of the theme, setting, or plot.

F. Compare and contrast the experience of reading a story, drama, or poem to listening to or viewing an audio, video, or live version of the text, including contrasting what they "see" and "hear" when reading the text to what they perceive when they listen or watch.

G. Compare and contrast texts in different forms or genres (e.g., stories and poems; historical novels and fantasy stories) in terms of their approaches to similar themes and topics.

H. By the end of the year, read and comprehend literature, including stories, dramas, and poems, in the grades 6-8 text complexity band proficiently, with scaffolding as needed at the high end of the range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1503. Reading Informational Text

A. Cite relevant textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

B. Determine a central idea of a text and how it is conveyed through particular details; provide a summary of the text distinct from personal opinions or judgments.

C. Analyze in detail how a key individual, event, or idea is introduced, illustrated, and elaborated in a text (e.g., through examples or anecdotes).

D. Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings.

E. Analyze how a particular sentence, paragraph, chapter, or section fits into the overall structure of a text and contributes to the development of the ideas.

F. Determine an author's point of view or purpose in a text and explain how it is conveyed in the text.

G. Integrate information presented in different media or formats (e.g., visually, quantitatively) as well as in words to develop a coherent understanding of a topic or issue.

H. Trace and evaluate the argument and specific claims in a text, distinguishing claims that are supported by reasons and evidence from claims that are not.

I. Compare and contrast one author's presentation of events with that of another (e.g., a memoir written by and a biography on the same person).

J. By the end of the year, read and comprehend literary nonfiction in the grades 6-8 text complexity band proficiently, with scaffolding as needed at the high end of the range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1505. Writing

A. Write arguments to support claims with clear reasons and relevant evidence.

1. Introduce claim(s) and organize the reasons and evidence clearly.

2. Support claim(s) with clear reasons and relevant evidence, using credible sources and demonstrating an understanding of the topic or text.

3. Use words, phrases, and clauses to clarify the relationships among claim(s) and reasons.

4. Establish and maintain a formal style.

5. Provide a concluding statement or section that follows from the argument presented.

B. Write informative/explanatory texts to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.

1. Introduce a topic; organize ideas, concepts, and information, using strategies such as definition, classification, comparison/contrast, and cause/effect; include formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.

2. Develop the topic with relevant facts, definitions, concrete details, quotations, or other information and examples.

3. Use appropriate transitions to clarify the relationships among ideas and concepts.

4. Use precise language and domain-specific vocabulary to inform about or explain the topic.

5. Establish and maintain a formal style.

6. Provide a concluding statement or section that follows from the information or explanation presented.

C. Write narratives to develop real or imagined experiences or events using effective technique, relevant descriptive details, and well-structured event sequences.

1. Engage and orient the reader by establishing a context and introducing a narrator and/or characters; organize an event sequence that unfolds naturally and logically.

2. Use narrative techniques, such as dialogue, pacing, and description, to develop experiences, events, and/or characters.

3. Use a variety of transition words, phrases, and clauses to convey sequence and signal shifts from one time frame or setting to another.

4. Use precise words and phrases, relevant descriptive details, and sensory language to convey experiences and events.

5. Provide a conclusion that follows from the narrated experiences or events.

D. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

E. With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a different approach.

F. Produce and publish grade-appropriate writing using technology, either independently or in collaboration with others.

G. Conduct short research projects to answer a question, drawing on several sources and refocusing the inquiry when appropriate.

H. Gather relevant information from multiple print and digital sources; assess the credibility of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and providing basic bibliographic information for sources.

I. Draw relevant evidence from grade-appropriate literary or informational texts to support analysis, reflection, and research.

1. Apply grade 6 reading standards to literature (e.g., “Compare and contrast texts in different forms or genres [e.g., stories and poems; historical novels and fantasy stories] in terms of their approaches to similar themes and topics”).

2. Apply grade 6 reading standards to literary nonfiction (e.g., “Trace and evaluate the argument and specific claims in a text, distinguishing claims that are supported by reasons and evidence from claims that are not”).

J. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1507. Speaking and Listening

A. Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 6 topics, texts, and issues, building on others’ ideas and expressing their own clearly.

1. Come to discussions prepared, having read or studied required material; explicitly draw on that preparation by referring to evidence on the topic, text, or issue to probe and reflect on ideas under discussion.

2. Follow rules for collegial discussions, set specific goals and deadlines, and define individual roles as needed.

3. Pose and respond to specific questions with elaboration and detail by making comments that contribute to the topic, text, or issue under discussion.

4. Review the key ideas expressed and demonstrate understanding of multiple perspectives through reflection and paraphrasing.

B. Interpret information presented in diverse media and formats (e.g., visually, quantitatively, orally) and explain how it contributes to a topic, text, or issue under study.

C. Delineate a speaker’s argument and specific claims, distinguishing claims that are supported by reasons and evidence from claims that are not.

D. Present claims and findings, sequencing ideas logically and using pertinent descriptions, facts, and details to accentuate

E. Include multimedia components (e.g., graphics, images, music, sound) and visual displays in presentations to clarify information.

F. Adapt speech to a variety of contexts, audiences, and tasks, demonstrating command of formal English when indicated or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1509. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Ensure that pronouns are in the proper case (subjective, objective, possessive).

2. Use intensive pronouns (e.g., myself, ourselves).

3. Recognize and correct inappropriate shifts in pronoun number and person.

4. Recognize and correct vague pronouns (i.e., ones with unclear or ambiguous antecedents).

5. Recognize variations from standard English in their own and others’ writing and speaking, and identify and use strategies to improve expression in conventional language.

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Use punctuation (commas, parentheses, dashes) to set off nonrestrictive/parenthetical elements.

2. Spell correctly.

C. Use knowledge of language and its conventions when writing, speaking, reading, or listening.

1. Vary sentence patterns for meaning, reader/listener interest, and style.

2. Maintain consistency in style and tone.

D. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 6 reading and content, choosing flexibly from a range of strategies.

1. Use context (e.g., the overall meaning of a sentence or paragraph; a word’s position or function in a sentence) as a clue to the meaning of a word or phrase.

2. Use common, grade-appropriate Greek or Latin affixes and roots as clues to the meaning of a word (e.g., audience, auditory, audible).

3. Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning or its part of speech.

4. Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

E. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

1. Interpret figures of speech (e.g., personification) in context.

2. Use the relationship between particular words (e.g., cause/effect, part/whole, item/category) to better understand each of the words.

3. Distinguish among the connotations (associations) of words with similar denotations (definitions) (e.g., stingy, scrimping, economical, unwasteful, thrifty).

F. Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 17. Grade 7

§1701. Reading Literature

A. Cite several pieces of relevant textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

B. Determine a theme or central idea of a text and analyze its development over the course of the text; provide an objective summary of the text.

C. Analyze how particular elements of a story or drama interact (e.g., how setting shapes the characters or plot).

D. Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings; analyze the impact of rhymes and other repetitions of sounds (e.g., alliteration) on a specific verse or stanza of a poem or section of a story or drama.

E. Analyze how the overall form or structure of a text (e.g., drama, poetry, narrative, short story) contributes to its meaning.

F. Analyze how an author develops and contrasts the points of view of different characters or narrators in a text.

G. Compare and contrast a written story, drama, or poem to its audio, filmed, staged, or multimedia version, analyzing the effects of techniques unique to each medium (e.g., lighting, sound, color, or camera focus and angles in a film).

H. Compare and contrast a fictional portrayal of a time, place, or character and a historical account of the same period as a means of understanding how authors of fiction use or alter history.

I. By the end of the year, read and comprehend literature, including stories, dramas, and poems, in the grades 6-8 text complexity band proficiently, with scaffolding as needed at the high end of the range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1703. Reading Informational Text

A. Cite several pieces of relevant textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

B. Determine two or more central ideas in a text and analyze their development over the course of the text; provide an objective summary of the text.

C. Analyze the interactions between individuals, events, and ideas in a text (e.g., how ideas influence individuals or events, or how individuals influence ideas or events).

D. Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the impact of a specific word choice on meaning and tone.

E. Analyze the structure an author uses to organize a text, including how the major sections contribute to the whole and to the development of the ideas.

F. Determine an author's point of view or purpose in a text and analyze how the author distinguishes his or her position from that of others.

G. Compare and contrast a text to an audio, video, or multimedia version of the text, analyzing each medium's portrayal of the subject (e.g., how the delivery of a speech affects the impact of the words).

H. Trace and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient to support the claims.

I. Analyze how two or more authors writing about the same topic shape their presentations of key information by emphasizing different evidence or advancing different interpretations of facts.

J. By the end of the year, read and comprehend literary nonfiction in the grades 6-8 text complexity band proficiently, with scaffolding as needed at the high end of the range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1705. Writing

A. Write arguments to support claims with clear reasons and relevant evidence.

1. Introduce claim(s), acknowledge alternate or opposing claims, and organize the reasons and evidence logically.

2. Support claim(s) with logical reasoning and relevant evidence, using accurate, credible sources and demonstrating an understanding of the topic or text.

3. Use words, phrases, and clauses to create cohesion and clarify the relationships among claim(s), reasons, and evidence.

4. Establish and maintain a formal style.

5. Provide a concluding statement or section that follows from and supports the argument presented.

B. Write informative/explanatory texts to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.

1. Introduce a topic clearly, previewing what is to follow; organize ideas, concepts, and information, using strategies such as definition, classification, comparison/contrast, and cause/effect; include formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.

2. Develop the topic with relevant facts, definitions, concrete details, quotations, or other information and examples.

3. Use appropriate transitions to create cohesion and clarify the relationships among ideas and concepts.

4. Use precise language and domain-specific vocabulary to inform about or explain the topic.

5. Establish and maintain a formal style.

6. Provide a concluding statement or section that follows from and supports the information or explanation presented.

C. Write narratives to develop real or imagined experiences or events using effective technique, relevant descriptive details, and well-structured event sequences.

1. Engage and orient the reader by establishing a context and point of view and introducing a narrator and/or characters; organize an event sequence that unfolds naturally and logically.

2. Use narrative techniques, such as dialogue, pacing, and description, to develop experiences, events, and/or characters.

3. Use a variety of transition words, phrases, and clauses to convey sequence and signal shifts from one time frame or setting to another.

4. Use precise words and phrases, relevant descriptive details, and sensory language to capture the action and convey experiences and events.

5. Provide a conclusion that follows from and reflects on the narrated experiences or events.

D. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

E. With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a different approach, focusing on how well purpose and audience have been addressed.

F. Use technology, including the Internet, to produce and publish writing and link to and cite sources as well as to interact and collaborate with others, including linking to and citing sources.

G. Conduct short research projects to answer a question, drawing on several sources and generating additional related, focused questions for further research and investigation.

H. Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.

I. Draw relevant evidence from grade-appropriate literary or informational texts to support analysis, reflection, and research.

1. Apply grade 7 reading standards to literature (e.g., “Compare and contrast a fictional portrayal of a time, place, or character and a historical account of the same period as a means of understanding how authors of fiction use or alter history”).

2. Apply grade 7 reading standards to literary nonfiction (e.g., “Trace and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient to support the claims”).

3. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1707. Speaking and Listening

A. Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 7 topics, texts, and issues, building on others’ ideas and expressing their own clearly.

1. Come to discussions prepared, having read or researched material under study; explicitly draw on that preparation by referring to evidence on the topic, text, or issue to probe and reflect on ideas under discussion.

2. Follow rules for collegial discussions, track progress toward specific goals and deadlines, and define individual roles as needed.

3. Pose questions that elicit elaboration, and respond to others’ questions and comments with relevant observations and ideas that bring the discussion back on topic as needed.

4. Acknowledge new information expressed by others and, when warranted, modify their own views.

B. Analyze the main ideas and supporting details presented in diverse media and formats (e.g., visually, quantitatively, orally) and explain how the ideas clarify a topic, text, or issue under study.

C. Delineate a speaker’s argument and specific claims, evaluating the soundness of the reasoning and the relevance and sufficiency of the evidence.

D. Present claims and findings, emphasizing salient points in a focused, coherent manner with pertinent descriptions, facts, details, and examples; use appropriate eye contact, adequate volume, and clear pronunciation.

E. Include multimedia components and visual displays in presentations to clarify claims and findings and emphasize salient points.

F. Adapt speech to a variety of contexts, audiences, and tasks, demonstrating command of formal English when indicated or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1709. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Explain the function of phrases and clauses in general and their function in specific sentences.

2. Choose among simple, compound, complex, and compound-complex sentences to signal differing relationships among ideas.

3. Place phrases and clauses within a sentence, recognizing and correcting misplaced and dangling modifiers.

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Use a comma to separate coordinate adjectives (e.g., “It was a fascinating, enjoyable movie”, but not “He wore an old[,] green shirt”).

2. Spell correctly.

C. Use knowledge of language and its conventions when writing, speaking, reading, or listening.

1. Choose language that expresses ideas precisely and concisely, recognizing and eliminating wordiness and redundancy.

D. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 7 reading and content, choosing flexibly from a range of strategies.

1. Use context (e.g., the overall meaning of a sentence or paragraph; a word's position or function in a sentence) as a clue to the meaning of a word or phrase.

2. Use common, grade-appropriate Greek or Latin affixes and roots as clues to the meaning of a word (e.g., belligerent, bellicose, rebel).

3. Consult general and specialized reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning or its part of speech.

4. Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

E. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

1. Interpret figures of speech (e.g., literary, biblical, and mythological allusions) in context.

2. Use the relationship between particular words (e.g., synonym/antonym, analogy) to better understand each of the words.

3. Distinguish among the connotations (associations) of words with similar denotations (definitions) (e.g., refined, respectful, polite, diplomatic, condescending).

F. Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 19. Grade 8

§1901. Reading Literature

A. Cite the relevant textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences drawn from the text.

B. Determine a theme or central idea of a text and analyze its development over the course of the text, including its relationship to the characters, setting, and plot; provide an objective summary of the text.

C. Analyze how particular lines of dialogue or incidents in a story or drama propel the action, reveal aspects of a character, or provoke a decision.

D. Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings; analyze the impact of specific word choices on meaning and tone, including analogies or allusions to other texts.

E. Compare and contrast the structure of two or more texts and analyze how the differing structure of each text contributes to its meaning and style.

F. Analyze how differences in the points of view of the characters and the audience or reader (e.g., created through the use of dramatic irony) create such effects as suspense or humor.

G. Analyze the extent to which non-print media (e.g., film, drama, live production, art) connects to or departs from the text or script, evaluating artistic choices.

H. Analyze how a modern work of fiction draws on themes, patterns of events, or character types from myths, traditional stories, or foundational religious works; describe how the material is rendered new.

I. By the end of the year, read and comprehend literature, including stories, dramas, and poems, at the high end of grades 6-8 text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1903. Reading Informational Text

A. Cite the relevant textual evidence that most strongly supports an analysis of what the text says explicitly as well as inferences drawn from the text.

B. Determine a central idea of a text and analyze its development over the course of the text, including its relationship to supporting ideas; provide an objective summary of the text.

C. Analyze how a text makes connections among and distinctions between individuals, ideas, or events (e.g., through comparisons, analogies, or categories).

D. Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the impact of specific word choices on meaning and tone, including analogies or allusions to other texts.

E. Analyze in detail the structure of a specific paragraph in a text, including the role of particular sentences in developing and refining a key concept.

F. Determine an author's point of view or purpose in a text and analyze how the author acknowledges and responds to conflicting evidence or viewpoints.

G. Evaluate the advantages and disadvantages of using different mediums (e.g., print or digital text, video, multimedia) to present a particular topic or idea.

H. Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient; recognize when irrelevant evidence is introduced.

I. Analyze a case in which two or more texts provide conflicting information on the same topic, and identify where the texts disagree on matters of fact or interpretation.

J. By the end of the year, read and comprehend literary nonfiction at the high end of the grades 6-8 text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1905. Writing

A. Write arguments to support claims with clear reasons and relevant evidence.

1. Introduce claim(s), acknowledge and distinguish the claim(s) from alternate or opposing claims, and organize the reasons and evidence logically.

2. Support claim(s) with logical reasoning and relevant evidence, using accurate, credible sources and demonstrating an understanding of the topic or text.

3. Use words, phrases, and clauses to create cohesion and clarify the relationships among claim(s), counterclaims, reasons, and evidence.

4. Establish and maintain a formal style.

5. Provide a concluding statement or section that follows from and supports the argument presented.

B. Write informative/explanatory texts to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.

1. Introduce a topic clearly, previewing what is to follow; organize ideas, concepts, and information into broader categories; include formatting (e.g., headings), graphics (e.g., charts, tables), and multimedia when useful to aiding comprehension.

2. Develop the topic with relevant, well-chosen facts, definitions, concrete details, quotations, or other information and examples.

3. Use appropriate and varied transitions to create cohesion and clarify the relationships among ideas and concepts.

4. Use precise language and domain-specific vocabulary to inform about or explain the topic.

5. Establish and maintain a formal style.

6. Provide a concluding statement or section that follows from and supports the information or explanation presented.

C. Write narratives to develop real or imagined experiences or events using effective technique, relevant descriptive details, and well-structured event sequences.

1. Engage and orient the reader by establishing a context and point of view and introducing a narrator and/or characters; organize an event sequence that unfolds naturally and logically.

2. Use narrative techniques, such as dialogue, pacing, description, and reflection, to develop experiences, events, and/or characters.

3. Use a variety of transition words, phrases, and clauses to convey sequence, signal shifts from one time frame or setting to another, and show the relationships among experiences and events.

4. Use precise words and phrases, relevant descriptive details, and sensory language to capture the action and convey experiences and events.

5. Provide a conclusion that follows from and reflects on the narrated experiences or events.

D. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

E. With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a different approach, focusing on how well purpose and audience have been addressed.

F. Use technology, including the Internet, to produce and publish writing and present the relationships between information and ideas efficiently as well as to interact and collaborate with others.

G. Conduct short research projects to answer a question (including a self-generated question), drawing on several sources and generating additional related, focused questions that allow for multiple avenues of exploration.

H. Gather relevant information from multiple print and digital sources, using search terms effectively; assess the credibility and accuracy of each source; and quote or paraphrase the data and conclusions of others while avoiding plagiarism and following a standard format for citation.

I. Draw relevant evidence from grade-appropriate literary or informational texts to support analysis, reflection, and research.

1. Apply grade 8 reading standards to literature (e.g., “Analyze how a modern work of fiction draws on themes, patterns of events, or character types from myths, traditional stories, historical fiction, or foundational religious works, including describing how the material is rendered new”).

2. Apply grade 8 reading standards to literary nonfiction (e.g., “Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is sound and the evidence is relevant and sufficient; recognize when irrelevant evidence is introduced”).

J. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1907. Speaking and Listening

A. Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 8 topics, texts, and issues, building on others’ ideas and expressing their own clearly.

1. Come to discussions prepared, having read or researched material under study; explicitly draw on that preparation by referring to evidence on the topic, text, or issue to probe and reflect on ideas under discussion.

2. Follow rules for collegial discussions and decision-making, track progress toward specific goals and deadlines, and define individual roles as needed.

3. Pose questions that connect the ideas of several speakers and respond to others’ questions and comments with relevant evidence, observations, and ideas.

4. Acknowledge new information expressed by others, and, when warranted, qualify or justify their own views in light of the evidence presented.

B. Analyze the purpose of information presented in diverse media and formats (e.g., visually, quantitatively, orally) and evaluate the motives (e.g., social, commercial, political) behind its presentation.

C. Delineate a speaker’s argument and specific claims, evaluating the soundness of the reasoning and relevance and sufficiency of the evidence and identifying when irrelevant evidence is introduced.

D. Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

E. Integrate multimedia and visual displays into presentations to clarify information, strengthen claims and evidence, and add interest.

F. Adapt speech to a variety of contexts, audiences, and tasks, demonstrating command of formal English when indicated or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1909. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Explain the function of verbals (gerunds, participles, infinitives) in general and their function in particular sentences.

2. Form and use verbs in the active and passive voice.

3. Form and use verbs in the indicative, imperative, interrogative, conditional, and subjunctive mood.

4. Recognize and correct inappropriate shifts in verb voice and mood.

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Use punctuation (comma, ellipsis, dash) to indicate a pause or break.

2. Use an ellipsis to indicate an omission.

3. Spell correctly.

C. Use knowledge of language and its conventions when writing, speaking, reading, or listening.

1. Use verbs in the active and passive voice and in the conditional and subjunctive mood to achieve particular effects (e.g., emphasizing the actor or the action; expressing uncertainty or describing a state contrary to fact).

D. Determine or clarify the meaning of unknown and multiple-meaning words or phrases based on grade 8 reading and content, choosing flexibly from a range of strategies.

1. Use context (e.g., the overall meaning of a sentence or paragraph; a word's position or function in a sentence) as a clue to the meaning of a word or phrase.

2. Use common, grade-appropriate Greek or Latin affixes and roots as clues to the meaning of a word (e.g., precede, recede, secede).

3. Consult general and specialized reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning or its part of speech.

4. Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

E. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

1. Interpret figures of speech (e.g., verbal irony, puns) in context.

2. Use the relationship between particular words to better understand each of the words.

3. Distinguish among the connotations (associations) of words with similar denotations (definitions) (e.g., bullheaded, willful, firm, persistent, resolute).

F. Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases; gather vocabulary knowledge when considering a word or phrase important to comprehension or expression.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 21. Grades 9 and 10

§2101. Reading Literature

A. Cite relevant and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

B. Determine a theme or central idea of a text and analyze in detail its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.

C. Analyze how complex characters (e.g., those with multiple or conflicting motivations) develop over the course of a text, interact with other characters, and advance the plot or develop the theme.

D. Determine the meaning of words and phrases as they are used in the text, including figurative and connotative meanings; analyze the cumulative impact of specific word choices on meaning and tone (e.g., how the language evokes a sense of time and place; how it sets a formal or informal tone).

E. Analyze how an author's choices concerning how to structure a text, order events within it (e.g., parallel plots), and manipulate time (e.g., pacing, flashbacks) create such effects as mystery, tension, or surprise.

F. Analyze a particular point of view or cultural experience reflected in works of literature, drawing on a wide reading of world literature.

G. Analyze the representation of a subject or a key scene in two different artistic mediums, including what is emphasized or absent in each treatment (e.g., Auden's poem "Musée des Beaux Arts" and Breughel's painting "Landscape with the Fall of Icarus").

H. Analyze how an author draws on and transforms source material in a specific work (e.g., how Shakespeare treats a theme or topic from Ovid or the Bible or how a later author draws on a play by Shakespeare).

I. By the end of grade 9, read and comprehend literature, including stories, dramas, and poems, in the grades 9-10 text complexity band proficiently, with scaffolding as needed at the high end of the range.

J. By the end of grade 10, read and comprehend literature, including stories, dramas, and poems, at the high end of the grades 9-10 text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§2103. Reading Informational Text

A. Determine a central idea of a text and analyze its development over the course of the text, including how it emerges and is shaped and refined by specific details; provide an objective summary of the text.

B. Analyze how the author unfolds an analysis or series of ideas or events, including the order in which the points are made, how they are introduced and developed, and the connections that are drawn between them.

C. Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze the cumulative impact of specific word choices on meaning and tone (e.g., how the language of a court opinion differs from that of a newspaper).

D. Analyze in detail how an author's ideas or claims are developed and refined by particular sentences, paragraphs, or larger portions of a text (e.g., a section or chapter).

E. Determine an author's point of view or purpose in a text and analyze how an author uses rhetoric to advance that point of view or purpose.

F. Analyze various accounts of a subject told in different mediums (e.g., a person's life story in both print and multimedia), determining which details are emphasized in each account.

G. Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is valid and the evidence is relevant and sufficient; identify false statements and fallacious reasoning.

H. Analyze seminal U.S. documents of historical and literary significance (e.g., Washington's Farewell Address, the Gettysburg Address, Roosevelt's Four Freedoms speech, King's "Letter from Birmingham Jail"), including how they address related themes and concepts.

I. By the end of grade 9, read and comprehend literary nonfiction in the grades 9-10 text complexity band proficiently, with scaffolding as needed at the high end of the range.

J. By the end of grade 10, read and comprehend literary nonfiction at the high end of the grades 9-10 text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§2105. Writing

A. Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

1. Introduce precise claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that establishes clear relationships among claim(s), counterclaims, reasons, and evidence.

2. Develop claim(s) and counterclaims fairly, supplying evidence for each while pointing out the strengths and limitations of both in a manner that anticipates the audience's knowledge level and concerns.

3. Use words, phrases, and clauses to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims.

4. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

5. Provide a concluding statement or section that follows from and supports the argument presented.

B. Write informative/explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content.

1. Introduce a topic; organize complex ideas, concepts, and information to make important connections and distinctions; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.

2. Develop the topic with well-chosen, relevant, and sufficient facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.

3. Use appropriate and varied transitions to link the major sections of the text, create cohesion, and clarify the relationships among complex ideas and concepts.

4. Use precise language and domain-specific vocabulary to manage the complexity of the topic.

5. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

6. Provide a concluding statement or section that follows from and supports the information or explanation presented (e.g., articulating implications or the significance of the topic).

C. Write narratives to develop real or imagined experiences or events using effective technique, well-chosen details, and well-structured event sequences.

1. Engage and orient the reader by setting out a problem, situation, or observation, establishing one or multiple point(s) of view, and introducing a narrator and/or characters; create a smooth progression of experiences or events.

2. Use narrative techniques, such as dialogue, pacing, description, reflection, and multiple plot lines, to develop experiences, mood, tone, events, and/or characters.

3. Use a variety of techniques to sequence events so that they build on one another to create a coherent whole.

4. Use precise words and phrases, telling details, and sensory language to convey a vivid picture of the experiences, events, setting, and/or characters.

5. Provide a conclusion (when appropriate to the genre) that follows from and reflects on what is experienced, observed, or resolved over the course of the narrative.

D. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

E. Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a different approach, focusing on addressing what is most significant for a specific purpose and audience.

F. Use technology, including the Internet, to produce, publish, and update individual or shared writing products, taking advantage of technology's capacity to link to other information and to display information flexibly and dynamically.

G. Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

H. Gather relevant information from multiple authoritative sources, using advanced searches effectively; assess the strengths and limitations of each source in terms of the task, purpose, and audience; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and overreliance on any one source and following a standard format for citation.

I. Draw relevant evidence from grade-appropriate literary or informational texts to support analysis, reflection, and research.

1. Apply grades 9-10 reading standards to literature (e.g., "Analyze how an author draws on and transforms source material in a specific work [e.g., how Shakespeare treats a theme or topic from Ovid or the Bible or how a later author draws on a play by Shakespeare]").

2. Apply grades 9-10 reading standards to literary nonfiction (e.g., "Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is

valid and the evidence is relevant and sufficient; identify false statements and fallacious reasoning”).

J. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of tasks, purposes, and audiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§2107. Speaking and Listening

A. Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 9-10 topics, texts, and issues, building on others’ ideas and expressing their own clearly and persuasively.

1. Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.

2. Work with peers to set rules for collegial discussions and decision-making (e.g., informal consensus, taking votes on key issues, presentation of alternate views), clear goals and deadlines, and individual roles as needed.

3. Propel conversations by posing and responding to questions that relate the current discussion to broader themes or larger ideas; actively incorporate others into the discussion; and clarify, verify, or challenge ideas and conclusions.

4. Respond thoughtfully to diverse perspectives, summarize points of agreement and disagreement, and, when warranted, qualify or justify their own views and understanding and make new connections in light of the evidence and reasoning presented.

B. Integrate multiple sources of information presented in diverse media or formats (e.g., visually, quantitatively, orally) evaluating the credibility and accuracy of each source.

C. Evaluate a speaker’s point of view, reasoning, and use of evidence and rhetoric, identifying any fallacious reasoning or exaggerated or distorted evidence.

D. Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning, and the organization, development, substance, and style are appropriate to purpose, audience, and task.

E. Make strategic use of digital media (e.g., textual, graphical, audio, visual, and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest.

F. Adapt speech to a variety of contexts, audiences, and tasks, demonstrating command of formal English when indicated or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§2109. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Use parallel structure.

2. Use various types of phrases (noun, verb, adjectival, adverbial, participial, prepositional, absolute) and clauses (independent, dependent; noun, relative, adverbial) to convey specific meanings and add variety and interest to writing or presentations.

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Use a semicolon (and perhaps a conjunctive adverb) to link two or more closely related independent clauses.

2. Use a colon to introduce a list or quotation.

3. Spell correctly.

C. Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.

1. Write and edit work so that it conforms to the guidelines in a style manual (e.g., *MLA Handbook*, *Publication Manual of the American Psychological Association* (APA), Turabian’s *A Manual for Writers*) appropriate for the discipline and writing type.

D. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grades 9-10 reading and content, choosing flexibly from a range of strategies.

1. Use context (e.g., the overall meaning of a sentence, paragraph, or text; a word’s position or function in a sentence) as a clue to the meaning of a word or phrase.

2. Identify and correctly use patterns of word changes that indicate different meanings or parts of speech (e.g., analyze, analysis, analytical; advocate, advocacy).

3. Consult general and specialized reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning, its part of speech, or its etymology.

4. Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

E. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

1. Interpret figures of speech (e.g., euphemism, oxymoron) in context and analyze their role in the text.

2. Analyze nuances in the meaning of words with similar denotations.

F. Acquire and use accurately general academic and domain-specific words and phrases, sufficient for reading, writing, speaking, and listening at the college- and career-readiness (CCR) level; demonstrate independence in gathering vocabulary knowledge when considering a word or phrase important to comprehension or expression.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 23. Grades 11 and 12

§2301. Reading Literature

A. Cite strong, thorough, and relevant textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

B. Determine two or more themes or central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to produce a complex account; provide an objective summary of the text.

C. Analyze the impact of the author's choices regarding how to develop and relate elements of a story or drama, including how the author develops characters and setting, builds the plot and subplots, creates themes, and develops mood/atmosphere.

D. Determine the meaning of words and phrases as they are used in the text, including figurative and connotative meanings; analyze the impact of specific word choices on meaning and tone, including words with multiple meanings or language that could be considered particularly fresh, engaging, or beautiful.

E. Analyze how an author's choices concerning how to structure specific parts of a text (e.g., the choice of where to begin or end a story, the choice to provide a comedic or tragic resolution) contribute to its overall structure and meaning as well as its aesthetic impact.

F. Analyze a case in which grasping point of view requires distinguishing what is directly stated in a text from what is really meant (e.g., satire, sarcasm, irony, or understatement).

G. Analyze multiple interpretations of a story, drama, or poem (e.g., recorded or live production of a play or recorded novel or poetry), evaluating how each version interprets the source text.

H. Demonstrate knowledge of foundational works of U.S. and world literature, including how two or more texts from the same period treat similar themes or topics.

I. By the end of grade 11, read and comprehend literature, including stories, dramas, and poems, in the grades 11-CCR text complexity band proficiently, with scaffolding as needed at the high end of the range.

J. By the end of grade 12, read and comprehend literature, including stories, dramas, and poems, at the high end of the grades 11-CCR text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§2303. Reading Informational Text

A. Cite strong, thorough, and relevant textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

B. Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text.

C. Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.

D. Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text (e.g., how Madison defines faction in "Federalist No. 10").

E. Analyze and evaluate the effectiveness of the structure an author uses in his or her exposition or argument, including whether the structure makes points clear, convincing, and engaging.

F. Determine an author's point of view or purpose in a text in which the rhetoric is considered particularly effective, analyzing how style and content contribute to the student interpretation of power, persuasiveness, or beauty of the text.

G. Integrate and evaluate multiple sources of information presented in different media or formats (e.g., visually, quantitatively) as well as in words in order to address a question or solve a problem.

H. Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning (e.g., in U.S. Supreme Court majority opinions and dissents) and the premises, purposes, and arguments in works of public advocacy (e.g., *The Federalist*, presidential addresses).

I. Analyze foundational U.S. and world documents of historical and literary significance for their themes, purposes, and rhetorical features.

J. By the end of grade 11, read and comprehend literary nonfiction in the grades 11-CCR text complexity band proficiently, with scaffolding as needed at the high end of the range.

K. By the end of grade 12, read and comprehend literary nonfiction at the high end of the grades 11-CCR text complexity band independently and proficiently.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§2305. Writing Standards

A. Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

1. Introduce precise, knowledgeable claim(s), establish the significance of the claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that logically sequences claim(s), counterclaims, reasons, and evidence.

2. Develop claim(s) and counterclaims fairly and thoroughly, supplying the most relevant evidence for each while pointing out the strengths and limitations of both in a manner that anticipates the audience's knowledge level, concerns, values, and possible biases.

3. Use words, phrases, and clauses as well as varied syntax to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims.

4. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

5. Provide a concluding statement or section that follows from and supports the argument presented.

B. Write informative/explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content.

1. Introduce a topic; organize complex ideas, concepts, and information so that each new element builds

on that which precedes it to create a unified whole; include formatting (e.g., headings), graphics (e.g., figures, tables), and multimedia when useful to aiding comprehension.

2. Develop the topic thoroughly by selecting the most significant and relevant facts, extended definitions, concrete details, quotations, or other information and examples appropriate to the audience's knowledge of the topic.

3. Use appropriate and varied transitions and syntax to link the major sections of the text, create cohesion, and clarify the relationships among complex ideas and concepts.

4. Use precise language, domain-specific vocabulary, and techniques such as metaphor, simile, and analogy to manage the complexity of the topic.

5. Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

6. Provide a concluding statement or section that follows from and supports the information or explanation presented (e.g., articulating implications or the significance of the topic).

C. Write narratives to develop real or imagined experiences or events using effective technique, well-chosen details, and well-structured event sequences.

1. Engage and orient the reader by setting out a problem, situation, or observation and its significance, establishing one or multiple point(s) of view, and introducing a narrator and/or characters; create a smooth progression of experiences or events.

2. Use narrative techniques, such as dialogue, pacing, description, reflection, and multiple plot lines, to develop experiences, mood, tone, events, and/or characters.

3. Use a variety of techniques to sequence events so that they build on one another to create a coherent whole and build toward a particular tone and outcome (e.g., a sense of mystery, suspense, growth, or resolution).

4. Use precise words and phrases, telling details, and figurative and sensory language to convey a vivid picture of the experiences, events, setting, mood, tone and/or characters.

5. Provide a conclusion (when appropriate to the genre) that follows from and reflects on what is experienced, observed, or resolved over the course of the narrative.

D. Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

E. Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

F. Use technology, including the Internet, to produce, publish, and update individual or shared writing products in response to ongoing feedback, including new arguments or information.

G. Conduct short as well as more sustained research projects to answer a question (including a self-generated question) or solve a problem; narrow or broaden the inquiry when appropriate; synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

H. Gather relevant information from multiple authoritative sources, using advanced searches effectively; assess the strengths and limitations of each source in terms

of the task, purpose, and audience; integrate information into the text selectively to maintain the flow of ideas, avoiding plagiarism and overreliance on any one source and following a standard format for citation (e.g., MLA, APA).

I. Draw relevant evidence from grade-appropriate literary or informational texts to support analysis, reflection, and research.

1. Apply grades 11-12 reading standards to literature (e.g., "Demonstrate knowledge of foundational works of literature, including how two or more texts from the same period treat similar themes or topics").

2. Apply grades 11-12 reading standards to literary nonfiction (e.g., "Delineate and evaluate the reasoning in seminal U.S. and world texts, including the application of constitutional principles and use of legal reasoning and the premises, purposes, and arguments in works of public advocacy").

J. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of tasks, purposes, and audiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17: 24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§2307. Speaking and Listening

A. Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

1. Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.

2. Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.

3. Propel conversations by posing and responding to questions that probe reasoning and evidence; ensure a hearing for a full range of positions on a topic or issue; clarify, verify, or challenge ideas and conclusions; and promote divergent and creative perspectives.

4. Respond thoughtfully to diverse perspectives; synthesize comments, claims, and evidence made on all sides of an issue; resolve contradictions when possible; and determine what additional information or research is required to deepen the investigation or complete the task.

B. Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

C. Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis, and tone used.

D. Present information, findings, and supporting evidence, while respecting intellectual property; convey a clear and distinct perspective, such that listeners can follow the line of reasoning; address alternative or opposing perspectives; and use organization, development, substance,

and style that are appropriate to purpose, audience, and a range of formal and informal tasks.

E. Make strategic use of digital media (e.g., textual, graphical, audio, visual, and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest.

F. Adapt speech to a variety of contexts, audiences, and tasks, demonstrating a command of formal English when indicated or appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§2309. Language

A. Demonstrate command of the conventions of standard English grammar and usage when writing or speaking.

1. Apply the understanding that usage is a matter of convention, can change over time, and is sometimes contested.

2. Resolve issues of complex or contested usage, consulting references (e.g., Merriam-Webster's Dictionary of English Usage, Garner's Modern American Usage) as needed.

B. Demonstrate command of the conventions of standard English capitalization, punctuation, and spelling when writing.

1. Observe hyphenation conventions.
2. Spell correctly.

C. Apply knowledge of language to understand how language functions in different contexts, to make effective choices for meaning or style, and to comprehend more fully when reading or listening.

1. Vary syntax for effect, consulting references (e.g., Tufte's Artful Sentences) for guidance as needed; apply an understanding of syntax to the study of complex texts when reading.

D. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grades 11-12 reading and content, choosing flexibly from a range of strategies.

1. Use context (e.g., the overall meaning of a sentence, paragraph, or text; a word's position or function in a sentence) as a clue to the meaning of a word or phrase.

2. Identify and correctly use patterns of word changes that indicate different meanings or parts of speech (e.g., conceive, conception, conceivable).

3. Consult general and specialized reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation of a word or determine or clarify its precise meaning, its part of speech, its etymology, or its standard usage.

4. Verify the preliminary determination of the meaning of a word or phrase (e.g., by checking the inferred meaning in context or in a dictionary).

E. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

1. Interpret figures of speech (e.g., hyperbole, paradox) in context and analyze their role in the text.

2. Analyze nuances in the meaning of words with similar denotations.

F. Acquire and use accurately general academic and domain-specific words and phrases, sufficient for reading,

writing, speaking, and listening at the college and career readiness level; demonstrate independence in gathering vocabulary knowledge when considering a word or phrase important to comprehension or expression.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 141—Louisiana Student Standards for English Language Arts

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

State content standards are statements that define what a student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. Act 329 of the 2015 Regular Session provided for the review and development of state content standards for English language arts (ELA) and mathematics. This bulletin contains the new proposed Louisiana Student Standards for English Language Arts that resulted from the required review and development process.

The proposed standards represent a change in 18 percent of standards as compared to current ELA standards. Out of the 18 percent of revised or new standards, some represent significant adjustments that will require educator training and instructional materials, while others are less significant and will require little if any training or new materials.

The Department of Education (DOE) will provide support for the implementation of these standards in the following areas: curriculum and resources, teacher training and professional development, and state and local assessments. These activities may require some adjustment in the use of existing state general funds and will likely result in an increase in funds spent on professional development, instructional resources and assessments. These activities, however, are funded in large part using federal and statutorily dedicated 8(g) funds. The Department will also work directly with publishers and other content providers whose products are most widely used by Louisiana school systems to update materials to reflect the new standards. Based on preliminary conversations with those publishers and providers, updates to their materials are expected to be made available to local school systems through supplemental materials or addenda, which can be made available at little or no cost.

The proposed action will also result in increased costs and workload adjustments to local school systems. While resources may be made available by the DOE and from some publishers at no or very low cost, not all local school systems use these vendors. Each LEA is required to provide instruction aligned to BESE-approved standards and has the autonomy and flexibility to develop, adopt, and utilize instructional materials that best support their students' achievement of the standards.

Most districts utilize multiple vendors to develop instructional materials, supplements, and curricula guides, as well as benchmark assessments, including those tied to student learning targets for the school and teacher accountability programs, all of which vary across the districts. Some districts develop their own materials and/or assessments. Furthermore, districts may incur costs for teachers attending training provided by the Department and for providing additional training for all other teachers in order to implement the standards successfully.

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

This policy change will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#060

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 142—Louisiana Student Standards for Mathematics
(LAC 28:CLXXI.Chapters 1-25)

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 the adoption of *Bulletin 142—Louisiana Student Standards for Mathematics*. R.S. 17:24.4 requires BESE to develop state content standards for required subjects to be taught in the public elementary and secondary schools of this state. State content standards are statements that define what a student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. Act 329 of the 2015 Regular Session provided for the review and development of state content standards for English language arts (ELA) and mathematics. This bulletin contains the revised Louisiana student standards for mathematics.

Title 28

EDUCATION

Part CLXXI. Bulletin 142—Louisiana Student Standards for Mathematics

Chapter 1. General

§101. Introduction

A. The Louisiana student standards define what a public school student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. They represent the knowledge and skills needed for students to successfully transition from each grade and ultimately to postsecondary education and the workplace, as determined by content experts, elementary and secondary educators and school leaders, postsecondary education leaders, and business and industry leaders. The standards set forth what learning should be taught; local

education agencies, their school leaders and classroom educators should determine how the standards should be taught, including the curricula and instructional materials that should be used to meet students' individual needs in mastering the standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 3. Kindergarten

§301. Counting and Cardinality

- A. Count to 100 by ones and by tens.
- B. Count forward beginning from a given number within the known sequence (instead of having to begin at 1).
- C. Write numbers from 0 to 20. Represent a number of objects with a written numeral 0 - 20 (with 0 representing a count of no objects).
- D. Understand the relationship between numbers and quantities; connect counting to cardinality.
 1. When counting objects in standard order, say the number names as they relate to each object in the group, demonstrating one-to-one correspondence.
 2. Understand that the last number name said tells the number of objects counted. The number of objects is the same regardless of their arrangement or the order in which they were counted.
 3. Understand that each successive number name refers to a quantity that is one larger.
- E. Count to answer "How many?" questions.
 1. Count objects up to 20, arranged in a line, a rectangular array, or a circle.
 2. Count objects up to 10 in a scattered configuration.
 3. When given a number from 1 - 20, count out that many objects.
- F. Identify whether the number of objects in one group is greater than, less than, or equal to the number of objects in another group, e.g., by using matching and counting strategies.
- G. Compare two numbers between 1 and 10 presented as written numerals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§303. Operations and Algebraic Thinking

- A. Represent addition and subtraction with objects, fingers, mental images, drawings, sounds (e.g., claps), acting out situations, verbal explanations, expressions, or equations.
- B. Solve addition and subtraction word problems, and add and subtract within 10 (e.g., by using objects or drawings to represent the problem).
- C. Decompose numbers less than or equal to 10 into pairs in more than one way (e.g., by using objects or drawings), and record each decomposition by a drawing or equation (e.g., $5 = 2 + 3$ and $5 = 4 + 1$).
- D. For any number from 1 to 9, find the number that makes 10 when added to the given number (e.g., by using objects or drawings), and record the answer with a drawing or equation.
- E. Fluently add and subtract within 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§305. Number and Operations in Base Ten

- A. Gain understanding of place value.
 1. Understand that the numbers 11-19 are composed of 10 ones and 1, 2, 3, 4, 5, 6, 7, 8, or 9 ones.
 2. Compose and decompose numbers 11 to 19 using place value (e.g., by using objects or drawings).
 3. Record each composition or decomposition using a drawing or equation (e.g., 18 is 1 ten and 8 ones, $18 = 1 \text{ ten} + 8 \text{ ones}$, $18 = 10 + 8$).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§307. Measurement and Data

- A. Describe measurable attributes of objects, such as length or weight. Describe several measurable attributes of a single object.
- B. Directly compare two objects with a measurable attribute in common to see which object has "more of"/"less of" the attribute, and describe the difference. (For example, directly compare the heights of two children and describe one child as taller/shorter.)
- C. Classify objects into given categories based on their attributes; count the number of objects in each category; sort categories by quantity.

- D. Recognize pennies, nickels, dimes, and quarters by name and value (e.g., This is a nickel and it is worth 5 cents.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§309. Geometry

- A. Describe objects in the environment using names of shapes, and describe the relative positions of these objects using terms such as above, below, beside, in front of, behind, and next to.
- B. Correctly name shapes regardless of their orientations or overall size.
- C. Identify shapes as two-dimensional (lying in a plane, "flat") or three-dimensional ("solid").
- D. Analyze and compare two- and three-dimensional shapes, in different sizes and orientations, using informal language to describe their similarities, differences, parts (e.g., number of sides and vertices/"corners"), and other attributes (e.g., having sides of equal length).
- E. Model shapes in the world by building shapes from components (e.g., sticks and clay balls) and drawing shapes.
- F. Compose simple shapes to form larger shapes. (For example, "Can you join these two triangles with full sides touching to make a rectangle?")

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 5. Grade 1

§501. Operations and Algebraic Thinking

- A. Use addition and subtraction within 20 to solve word problems involving situations of adding to, taking from, putting together, taking apart, and comparing, with unknowns in all positions (e.g., by using objects, drawings,

and equations with a symbol for the unknown number to represent the problem).

B. Solve word problems that call for addition of three whole numbers whose sum is less than or equal to 20, e.g., by using objects, drawings, and equations with a symbol for the unknown number to represent the problem.

C. Apply properties of operations to add and subtract. Examples: If $8 + 3 = 11$ is known, then $3 + 8 = 11$ is also known (commutative property of addition). To add $2 + 6 + 4$, the second two numbers can be added to make a 10, so $2 + 6 + 4 = 2 + 10 = 12$ (associative property of addition).

D. Understand subtraction as an unknown-addend problem. (For example, subtract $10 - 8$ by finding the number that makes 10 when added to 8.)

E. Relate counting to addition and subtraction (e.g., by counting on 2 to add 2).

F. Add and subtract within 20, demonstrating fluency for addition and subtraction within 10. Use mental strategies such as counting on; making ten (e.g., $8 + 6 = 8 + 2 + 4 = 10 + 4 = 14$); decomposing a number leading to a ten (e.g., $13 - 4 = 13 - 3 - 1 = 10 - 1 = 9$); using the relationship between addition and subtraction (e.g., knowing that $8 + 4 = 12$, one knows $12 - 8 = 4$); and creating equivalent but easier or known sums (e.g., adding $6 + 7$ by creating the known equivalent $6 + 6 + 1 = 12 + 1 = 13$).

G. Understand the meaning of the equal sign, and determine if equations involving addition and subtraction are true or false. (For example, which of the following equations are true and which are false? $6 = 6$, $7 = 8 - 1$, $5 + 2 = 2 + 5$, $4 + 1 = 5 + 2$.)

H. Determine the unknown whole number in an addition or subtraction equation relating three whole numbers. (For example, determine the unknown number that makes the equation true in each of the equations $8 + ? = 11$, $5 = \square - 3$, $6 + 6 = \square$)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§503. Number and Operations in Base Ten

A. Count to 120, starting at any number less than 120. In this range, read and write numerals and represent a number of objects with a written numeral.

B. Understand that the two digits of a two-digit number represent amounts of tens and ones. Understand the following as special cases.

1. Ten can be thought of as a bundle of 10 ones, called a “ten.”

2. The numbers from 11 to 19 are composed of a 10 and 1, 2, 3, 4, 5, 6, 7, 8, or 9 ones.

3. The numbers 10, 20, 30, 40, 50, 60, 70, 80, 90 refer to 1, 2, 3, 4, 5, 6, 7, 8, or 9 tens (and 0 ones).

C. Compare two two-digit numbers based on meanings of the tens and ones digits, recording the results of comparisons with the symbols $>$, $=$, and $<$.

D. Add within 100, including adding a two-digit number and a one-digit number, and adding a two-digit number and a multiple of 10.

1. Use concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; relate the

strategy to a number sentence; justify the reasoning used with a written explanation.

2. Understand that in adding two-digit numbers, one adds tens and tens, ones and ones; and sometimes it is necessary to compose a ten.

E. Given a two-digit number, mentally find 10 more or 10 less than the number, without having to count; explain the reasoning used.

F. Subtract multiples of 10 in the range 10-90 from multiples of 10 in the range 10-90 (positive or zero differences), using concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; relate the strategy to a written method and explain the reasoning used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§505. Measurement and Data

A. Order three objects by length; compare the lengths of two objects indirectly by using a third object.

B. Express the length of an object as a whole number of length units, by laying multiple copies of a shorter object (the length unit) end to end; understand that the length measurement of an object is the number of same-size length units that span it with no gaps or overlaps. (Limit to contexts where the object being measured is spanned by a whole number of length units with no gaps or overlaps.)

C. Tell and write time in hours and half-hours using analog and digital clocks.

D. Organize, represent, and interpret data with up to three categories; ask and answer questions about the total number of data points, how many in each category, and how many more or less are in one category than in another.

E. Determine the value of a collection of coins up to \$.50 (pennies, nickels, dimes, and quarters in isolation; not to include a combination of different coins).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§507. Geometry

A. Distinguish between defining attributes (e.g., triangles are closed and three-sided) versus non-defining attributes (e.g., color, orientation, overall size); build and draw shapes that possess defining attributes.

B. Compose two-dimensional shapes (rectangles, squares, trapezoids, triangles, half-circles, and quarter-circles) and three-dimensional shapes (cubes, right rectangular prisms, right circular cones, and right circular cylinders) to create a composite shape, and compose new shapes from the composite shape.

C. Partition circles and rectangles into two and four equal shares, describe the shares using the words halves, fourths, and quarters, and use the phrases half of, fourth of, and quarter of. Describe the whole as two of or four of the shares. Understand for these examples that decomposing into more equal shares creates smaller shares.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 7. Grade 2

§701. Operations and Algebraic Thinking

A. Use addition and subtraction within 100 to solve one- and two-step word problems involving situations of adding to, taking from, putting together, taking apart, and comparing, with unknowns in all positions, e.g., by using drawings and equations with a symbol for the unknown number to represent the problem

B. Fluently add and subtract within 20 using mental strategies. By end of grade 2, know from memory all sums of two one-digit numbers.

C. Determine whether a group of objects (up to 20) has an odd or even number of members, e.g., by pairing objects or counting them by twos; write an equation to express an even number as a sum of two equal addends.

D. Use addition to find the total number of objects arranged in rectangular arrays with up to five rows and up to five columns; write an equation to express the total as a sum of equal addends.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§703. Numbers and Operations in Base Ten

A. Understand that the three digits of a three-digit number represent amounts of hundreds, tens, and ones; e.g., 706 equals 7 hundreds, 0 tens, and 6 ones. Understand the following as special cases.

1. 100 can be thought of as a bundle of 10 tens, called a “hundred.”

2. The numbers 100, 200, 300, 400, 500, 600, 700, 800, 900 refer to 1, 2, 3, 4, 5, 6, 7, 8, or 9 hundreds (and 0 tens and 0 ones).

B. Count within 1000; skip-count by fives, tens, and hundreds.

C. Read and write numbers to 1000 using base-ten numerals, number names, and expanded form.

D. Compare two three-digit numbers based on meanings of the hundreds, tens, and ones digits, using $>$, $=$, and $<$ symbols to record the results of comparisons.

E. Fluently add and subtract within 100 using strategies based on place value, properties of operations, and/or the relationship between addition and subtraction.

F. Add up to four two-digit numbers using strategies based on place value and properties of operations.

G. Add and subtract within 1000 using concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; justify the reasoning used with a written explanation. Understand that in adding or subtracting three-digit numbers, one adds or subtracts hundreds and hundreds, tens and tens, ones and ones; and sometimes it is necessary to compose or decompose tens or hundreds.

H. Mentally add 10 or 100 to a given number 100-900, and mentally subtract 10 or 100 from a given number 100-900.

I. Explain why addition and subtraction strategies work, using place value and the properties of operations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§705. Measurement and Data

A. Measure the length of an object by selecting and using appropriate tools such as rulers, yardsticks, meter sticks, and measuring tapes.

B. Measure the length of an object twice, using length units of different lengths for the two measurements; describe how the two measurements relate to the size of the unit chosen.

C. Estimate lengths using units of inches, feet, centimeters, and meters.

D. Measure to determine how much longer one object is than another, expressing the length difference in terms of a standard length unit.

E. Use addition and subtraction within 100 to solve word problems involving lengths that are given in the same units, e.g., by using drawings (such as drawings of rulers) and equations with a symbol for the unknown number to represent the problem.

F. Represent whole numbers as lengths from 0 on a number line diagram with equally spaced points corresponding to the numbers 0, 1, 2..., and represent whole-number sums and differences within 100 on a number line diagram.

G. Tell and write time from analog and digital clocks to the nearest five minutes, using a.m. and p.m.

H. Solve word problems involving dollar bills, quarters, dimes, nickels, and pennies, using \$ and ¢ symbols appropriately. (Example: If you have 2 dimes and 3 pennies, how many cents do you have?)

I. Generate measurement data by measuring lengths of several objects to the nearest whole unit, or by making repeated measurements of the same object. Show the measurements by making a line plot, where the horizontal scale is marked off in whole-number units.

J. Draw a picture graph and a bar graph (with single-unit scale) to represent a data set with up to four categories. Solve simple put-together, take-apart, and compare problems using information presented in a bar graph.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§707. Geometry

A. Recognize and draw shapes having specified attributes, such as a given number of angles or a given number of equal faces. Identify triangles, quadrilaterals, pentagons, hexagons, and cubes.

B. Partition a rectangle into rows and columns of same-size squares, and count to find the total number of them.

C. Partition circles and rectangles into two, three, or four equal shares, describe the shares using the words halves, thirds, half of, a third of, etc., and describe the whole as two halves, three thirds, four fourths. Recognize that equal shares of identical wholes need not have the same shape.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 9. Grade 3

§901. Operations and Algebraic Thinking

A. Interpret products of whole numbers, e.g., interpret 5×7 as the total number of objects in 5 groups of 7 objects

each. (For example, describe a context in which a total number of objects can be expressed as 5×7 .)

B. Interpret whole-number quotients of whole numbers, e.g., interpret $56 \div 8$ as the number of objects in each share when 56 objects are partitioned equally into 8 shares, or as a number of shares when 56 objects are partitioned into equal shares of 8 objects each. (For example, describe a context in which a number of shares or a number of groups can be expressed as $56 \div 8$.)

C. Use multiplication and division within 100 to solve word problems in situations involving equal groups, arrays, and measurement quantities, e.g., by using drawings and equations with a symbol for the unknown number to represent the problem.

D. Determine the unknown whole number in a multiplication or division equation relating three whole numbers. (For example, determine the unknown number that makes the equation true in each of the equations $8 \times ? = 48$, $5 = \square \div 3$, $6 \times 6 = ?$.)

E. Apply properties of operations as strategies to multiply and divide. Examples: If $6 \times 4 = 24$ is known, then $4 \times 6 = 24$ is also known (commutative property of multiplication). $3 \times 5 \times 2$ can be found by $3 \times 5 = 15$, then $15 \times 2 = 30$, or by $5 \times 2 = 10$, then $3 \times 10 = 30$ (associative property of multiplication). Knowing that $8 \times 5 = 40$ and $8 \times 2 = 16$, one can find 8×7 as $8 \times (5 + 2) = (8 \times 5) + (8 \times 2) = 40 + 16 = 56$ (distributive property).

F. Understand division as an unknown-factor problem. (For example, find $32 \div 8$ by finding the number that makes 32 when multiplied by 8.)

G. Fluently multiply and divide within 100, using strategies such as the relationship between multiplication and division (e.g., knowing that $8 \times 5 = 40$, one knows $40 \div 5 = 8$) or properties of operations. By the end of grade 3, know from memory all products of two one-digit numbers.

H. Solve two-step word problems using the four operations. Represent these problems using equations with a letter standing for the unknown quantity. Assess the reasonableness of answers using mental computation and estimation strategies, including rounding.

I. Identify arithmetic patterns (including patterns in the addition table or multiplication table), and explain them using properties of operations. (For example, observe that 4 times a number is always even, and explain why 4 times a number can be decomposed into two equal addends.)

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§903. Number and Operations in Base Ten

A. Use place value understanding to round whole numbers to the nearest 10 or 100.

B. Fluently add and subtract within 1000 using strategies and algorithms based on place value, properties of operations, and/or the relationship between addition and subtraction.

C. Multiply one-digit whole numbers by multiples of 10 in the range 10-90 (e.g., 9×80 , 5×60) using strategies based on place value and properties of operations.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§905. Number and Operations—Fractions

A. Understand a fraction $1/b$, with denominators 2, 3, 4, 6, and 8, as the quantity formed by 1 part when a whole is partitioned into b equal parts; understand a fraction a/b as the quantity formed by a parts of size $1/b$.

B. Understand a fraction with denominators 2, 3, 4, 6, and 8 as a number on a number line diagram.

1. Represent a fraction $1/b$ on a number line diagram by defining the interval from 0 to 1 as the whole and partitioning it into b equal parts. Recognize that each part has size $1/b$ and that the endpoint of the part based at 0 locates the number $1/b$ on the number line.

2. Represent a fraction a/b on a number line diagram by marking off a lengths $1/b$ from 0. Recognize that the resulting interval has size a/b and that its endpoint locates the number a/b on the number line.

C. Explain equivalence of fractions with denominators 2, 3, 4, 6 and 8 in special cases, and compare fractions by reasoning about their size.

1. Understand two fractions as equivalent (equal) if they are the same size, or the same point on a number line.

2. Recognize and generate simple equivalent fractions, e.g., $1/2 = 2/4$, $4/6 = 2/3$. Explain why the fractions are equivalent, e.g., by using a visual fraction model.

3. Express whole numbers as fractions, and recognize fractions that are equivalent to whole numbers. (Examples: Express 3 in the form $3 = 3/1$; recognize that $6/1 = 6$; locate $4/4$ and 1 at the same point of a number line diagram.)

4. Compare two fractions with the same numerator or the same denominator by reasoning about their size. Recognize that comparisons are valid only when the two fractions refer to the same whole. Record the results of comparisons with the symbols $>$, $=$, or $<$, and justify the conclusions, e.g., by using a visual fraction model.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§907. Measurement and Data

A. Understand time to the nearest minute.

1. Tell and write time to the nearest minute and measure time intervals in minutes, within 60 minutes, on an analog and digital clock.

2. Calculate elapsed time greater than 60 minutes to the nearest quarter and half hour on a number line diagram.

3. Solve word problems involving addition and subtraction of time intervals in minutes, e.g., by representing the problem on a number line diagram.

B. Measure and estimate liquid volumes and masses of objects using standard units of grams (g), kilograms (kg), and liters (l). Add, subtract, multiply, or divide to solve one-step word problems involving masses or volumes that are given in the same units, e.g., by using drawings (such as a beaker with a measurement scale) to represent the problem.

C. Draw a scaled picture graph and a scaled bar graph to represent a data set with several categories. Solve one- and two-step “how many more” and “how many less” problems

using information presented in scaled bar graphs. (For example, draw a bar graph in which each square in the bar graph might represent 5 pets.)

D. Generate measurement data by measuring lengths using rulers marked with halves and fourths of an inch. Show the data by making a line plot, where the horizontal scale is marked off in appropriate units: whole numbers, halves, or quarters.

E. Recognize area as an attribute of plane figures and understand concepts of area measurement.

1. A square with side length 1 unit, called “a unit square,” is said to have “1 square unit” of area, and can be used to measure area.

2. A plane figure that can be covered without gaps or overlaps by n unit squares is said to have an area of n square units.

F. Measure areas by counting unit squares (square cm, square m, square in, square ft, and improvised units).

G. Relate area to the operations of multiplication and addition.

1. Find the area of a rectangle with whole-number side lengths by tiling it, and show that the area is the same as would be found by multiplying the side lengths.

2. Multiply side lengths to find areas of rectangles with whole-number side lengths in the context of solving real-world and mathematical problems, and represent whole-number products as rectangular areas in mathematical reasoning.

3. Use tiling to show in a concrete case that the area of a rectangle with whole-number side lengths a and $b + c$ is the sum of $a \times b$ and $a \times c$. Use area models to represent the distributive property in mathematical reasoning.

H. Solve real-world and mathematical problems involving perimeters of polygons, including finding the perimeter given the side lengths, finding an unknown side length, and exhibiting rectangles with the same perimeter and different areas or with the same area and different perimeters.

I. Solve word problems involving pennies, nickels, dimes, quarters, and bills greater than one dollar, using the dollar and cent symbols appropriately.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§909. Geometry

A. Understand that shapes in different categories (e.g., rhombuses, rectangles, and others) may share attributes (e.g., having four sides), and that the shared attributes can define a larger category (e.g., quadrilaterals). Recognize rhombuses, rectangles, and squares as examples of quadrilaterals, and draw examples of quadrilaterals that do not belong to any of these subcategories.

B. Partition shapes into parts with equal areas. Express the area of each part as a unit fraction of the whole. (For example, partition a shape into 4 parts with equal area, and describe the area of each part as $\frac{1}{4}$ of the area of the shape.)

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 11. Grade 4

§1101. Operations and Algebraic Thinking

A. Interpret a multiplication equation as a comparison and represent verbal statements of multiplicative comparisons as multiplication equations, e.g., interpret $35 = 5 \times 7$ as a statement that 35 is 5 times as many as 7, and 7 times as many as 5.

B. Multiply or divide to solve word problems involving multiplicative comparison, e.g., by using drawings and/or equations with a symbol for the unknown number to represent the problem, distinguishing multiplicative comparison from additive comparison (Example: 6 times as many vs. 6 more than).

C. Solve multistep word problems posed with whole numbers and having whole-number answers using the four operations, including problems in which remainders must be interpreted. Represent these problems using equations with a letter standing for the unknown quantity. Assess the reasonableness of answers using mental computation and estimation strategies including rounding. (Example: Twenty-five people are going to the movies. Four people fit in each car. How many cars are needed to get all 25 people to the theater at the same time?)

D. Using Whole Numbers in the Range 1-100

1. Find all factor pairs for a given whole number.

2. Recognize that a given whole number is a multiple of each of its factors.

3. Determine whether a given whole number is a multiple of a given one-digit number.

4. Determine whether a given whole number is prime or composite.

E. Generate a number or shape pattern that follows a given rule. Identify apparent features of the pattern that were not explicit in the rule itself. (For example, given the rule “Add 3” and the starting number 1, generate terms in the resulting sequence and observe that the terms appear to alternate between odd and even numbers. Explain informally why the numbers will continue to alternate in this way.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1103. Number and Operations in Base Ten

A. Recognize that in a multi-digit whole number less than or equal to 1,000,000, a digit in one place represents 10 times what it represents in the place to its right. (Examples: Recognize that $700 \div 70 = 10$; in the number 7,246, the 2 represents 200, but in the number 7,426 the 2 represents 20, recognizing that 200 is 10 times as large as 20, by applying concepts of place value and division.)

B. Read and write multi-digit whole numbers less than or equal to 1,000,000 using base-ten numerals, number names, and expanded form. Compare two multi-digit numbers less than 1,000,000 based on meanings of the digits in each place, using $>$, $=$, and $<$ symbols to record the results of comparisons.

C. Use place value understanding to round multi-digit whole numbers, less than or equal to 1,000,000, to any place.

D. Fluently add and subtract multi-digit whole numbers with sums less than or equal to 1,000,000, using the standard algorithm.

E. Multiply a whole number of up to four digits by a one-digit whole number, and multiply two two-digit numbers. Illustrate and explain the calculation by using equations, rectangular arrays, and/or area models.

F. Find whole-number quotients and remainders with up to four-digit dividends and one-digit divisors, using strategies based on place value, the properties of operations, and/or the relationship between multiplication and division. Illustrate and explain the calculation by using equations, rectangular arrays, and/or area models.

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§1105. Number and Operations—Fractions

A. Explain why a fraction a/b is equivalent to a fraction $(n \times a)/(n \times b)$ by using visual fraction models, with attention to how the number and size of the parts differ even though the two fractions themselves are the same size. Use this principle to recognize and generate equivalent fractions. (Denominators are limited to 2, 3, 4, 5, 6, 8, 10, 12, and 100.)

B. Compare two fractions with different numerators and different denominators, e.g., by creating common denominators or numerators, or by comparing to a benchmark fraction such as $1/2$. Recognize that comparisons are valid only when the two fractions refer to the same whole. Record the results of comparisons with symbols $>$, $=$, or $<$, and justify the conclusions, e.g., by using a visual fraction model. (Denominators are limited to 2, 3, 4, 5, 6, 8, 10, 12, and 100.)

C. Understand a fraction a/b with $a > 1$ as a sum of fractions $1/b$. (Denominators are limited to 2, 3, 4, 5, 6, 8, 10, 12, and 100.)

1. Understand addition and subtraction of fractions as joining and separating parts referring to the same whole (Example: $3/4 = 1/4 + 1/4 + 1/4$).

2. Decompose a fraction into a sum of fractions with the same denominator in more than one way, recording each decomposition by an equation. Justify decompositions, e.g., by using a visual fraction model. (Examples: $3/8 = 1/8 + 1/8 + 1/8$; $3/8 = 1/8 + 2/8$; $2 \frac{1}{8} = 1 + 1 + 1/8 = 8/8 + 8/8 + 1/8$.)

3. Add and subtract mixed numbers with like denominators, e.g., by replacing each mixed number with an equivalent fraction, and/or by using properties of operations and the relationship between addition and subtraction.

4. Solve word problems involving addition and subtraction of fractions referring to the same whole and having like denominators, e.g., by using visual fraction models and equations to represent the problem.

D. Multiply a fraction by a whole number. (Denominators are limited to 2, 3, 4, 5, 6, 8, 10, 12, and 100.)

1. Understand a fraction a/b as a multiple of $1/b$. (For example, use a visual fraction model to represent $5/4$ as the product $5 \times (1/4)$, recording the conclusion by the equation $5/4 = 5 \times (1/4)$.)

2. Understand a multiple of a/b as a multiple of $1/b$, and use this understanding to multiply a fraction by a whole number. (For example, use a visual fraction model to express $3 \times (2/5)$ as $6 \times (1/5)$, recognizing this product as $6/5$. (In general, $n \times (a/b) = (n \times a)/b$.)

3. Solve word problems involving multiplication of a fraction by a whole number, e.g., by using visual fraction models and equations to represent the problem. (For example, if each person at a party will eat $3/8$ of a pound of roast beef, and there will be 5 people at the party, how many pounds of roast beef will be needed? Between what two whole numbers does your answer lie?)

E. Express a fraction with denominator 10 as an equivalent fraction with denominator 100, and use this technique to add two fractions with respective denominators 10 and 100. (For example, express $3/10$ as $30/100$, and add $3/10 + 4/100 = 34/100$.)

F. Use decimal notation for fractions with denominators 10 or 100. (For example, rewrite 0.62 as $62/100$; describe a length as 0.62 meters; locate 0.62 on a number line diagram; represent $62/100$ of a dollar as \$0.62.)

G. Compare two decimals to hundredths by reasoning about their size. Recognize that comparisons are valid only when the two decimals refer to the same whole. Record the results of comparisons with the symbols $>$, $=$, or $<$, and justify the conclusions, e.g., by using a visual model.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1107. Measurement and Data

A. Know relative sizes of measurement units within one system of units, including: ft, in; km, m, cm; kg, g; lb, oz.; l, ml; hr, min, sec. Within a single system of measurement, express measurements in a larger unit in terms of a smaller unit. (Conversions are limited to one-step conversions.) (For example, know that 1 ft is 12 times as long as 1 in. Express the length of a 4 ft snake as 48 in. Generate a conversion table for feet and inches listing the number pairs (1, 12), (2, 24), (3, 36), ...)

B. Use the four operations to solve word problems involving distances, intervals of time, liquid volumes, masses of objects, and money, including problems involving whole numbers and/or simple fractions (addition and subtraction of fractions with like denominators and multiplying a fraction times a fraction or a whole number), and problems that require expressing measurements given in a larger unit in terms of a smaller unit. Represent measurement quantities using diagrams such as number line diagrams that feature a measurement scale.

C. Apply the area and perimeter formulas for rectangles in real-world and mathematical problems. (For example, find the width of a rectangular room given the area of the flooring and the length, by viewing the area formula as a multiplication equation with an unknown factor.)

D. Make a line plot to display a data set of measurements in fractions of a unit ($1/2$, $1/4$, $1/8$). Solve problems involving addition and subtraction of fractions by using information presented in line plots. (For example, from a line plot find and interpret the difference in length between the longest and shortest specimens in an insect collection.)

E. Recognize angles as geometric shapes that are formed wherever two rays share a common endpoint, and understand concepts of angle measurement.

1. An angle is measured with reference to a circle with its center at the common endpoint of the rays, by considering the fraction of the circular arc between the points where two rays intersect the circle.

2. An angle that turns through $1/360$ of a circle is called a “one-degree angle,” and can be used to measure angles.

3. An angle that turns through n one-degree angles is said to have an angle measure of n degrees.

F. Measure angles in whole-number degrees using a protractor. Sketch angles of specified measure.

G. Recognize angle measure as additive. When an angle is decomposed into non-overlapping parts, the angle measure of the whole is the sum of the angle measures of the parts. Solve addition and subtraction problems to find unknown angles on a diagram in real-world and mathematical problems, e.g., by using an equation with a letter for the unknown angle measure.

H. Recognize area as additive. Find areas of rectilinear figures by decomposing them into non-overlapping rectangles and adding the areas of the non-overlapping parts, applying this technique to solve real-world problems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1109. Geometry

A. Draw points, lines, line segments, rays, angles (right, acute, obtuse), and perpendicular and parallel lines. Identify these in two-dimensional figures.

B. Classify two-dimensional figures based on the presence or absence of parallel or perpendicular lines, or the presence or absence of angles of a specified size. Recognize right triangles as a category, and identify right triangles.

C. Recognize a line of symmetry for a two-dimensional figure as a line across the figure such that the figure can be folded along the line into matching parts. Identify line-symmetric figures and draw lines of symmetry.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

Chapter 13. Grade 5

§1301. Operations and Algebraic Thinking

A. Use parentheses or brackets in numerical expressions, and evaluate expressions with these symbols.

B. Write simple expressions that record calculations with whole numbers, fractions, and decimals, and interpret numerical expressions without evaluating them. (For example, express the calculation “add 8 and 7, then multiply by 2” as $2 \times (8 + 7)$. Recognize that $3 \times (18,932 + 9.21)$ is three times as large as $18,932 + 9.21$, without having to calculate the indicated sum or product.)

C. Generate two numerical patterns using two given rules. Identify apparent relationships between corresponding terms. Form ordered pairs consisting of corresponding terms from the two patterns, and graph the ordered pairs on a coordinate plane. (For example, given the rule “Add 3” and the starting number 0, and given the rule “Add 6” and the starting number 0, generate terms in the resulting sequences, and observe that the terms in one sequence are twice the corresponding terms in the other sequence. Explain informally why this is so.)

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§1303. Number and Operations in Base Ten

A. Recognize that in a multi-digit number, a digit in one place represents 10 times as much as it represents in the place to its right and $1/10$ of what it represents in the place to its left.

B. Explain and apply patterns in the number of zeros of the product when multiplying a number by powers of 10. Explain and apply patterns in the values of the digits in the product or the quotient, when a decimal is multiplied or divided by a power of 10. Use whole-number exponents to denote powers of 10. (For example, $10^0 = 1$, $10^1 = 10 \dots$ and $2.1 \times 10^2 = 210$.)

C. Read, write, and compare decimals to thousandths.

1. Read and write decimals to thousandths using base-ten numerals, number names, and expanded form, e.g., $347.392 = 3 \times 100 + 4 \times 10 + 7 \times 1 + 3 \times (1/10) + 9 \times (1/100) + 2 \times (1/1000)$.

2. Compare two decimals to thousandths based on meanings of the digits in each place, using $>$, $=$, and $<$ symbols to record the results of comparisons.

D. Use place value understanding to round decimals to any place.

E. Fluently multiply multi-digit whole numbers using the standard algorithm.

F. Find whole-number quotients of whole numbers with up to four-digit dividends and two-digit divisors, using strategies based on place value, the properties of operations, subtracting multiples of the divisor, and/or the relationship between multiplication and division. Illustrate and/or explain the calculation by using equations, rectangular arrays, area models, or other strategies based on place value.

G. Add, subtract, multiply, and divide decimals to hundredths, using concrete models or drawings and strategies based on place value, properties of operations, and/or the relationship between addition and subtraction; justify the reasoning used with a written explanation.

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§1305. Number and Operations—Fractions

A. Add and subtract fractions with unlike denominators (including mixed numbers) by replacing given fractions with equivalent fractions in such a way as to produce an equivalent sum or difference of fractions with like denominators. (For example, $2/3 + 5/4 = 8/12 + 15/12 = 23/12$. In general, $a/b + c/d = (ad + bc)/bd$.)

B. Solve word problems involving addition and subtraction of fractions.

1. Solve word problems involving addition and subtraction of fractions referring to the same whole, including cases of unlike denominators, e.g., by using visual fraction models or equations to represent the problem.

2. Use benchmark fractions and number sense of fractions to estimate mentally and justify the reasonableness of answers. For example, recognize an incorrect result $2/5 + 1/2 = 3/7$, by observing that $3/7 < 1/2$.

C. Interpret a fraction as division of the numerator by the denominator ($a/b = a \div b$). Solve word problems involving division of whole numbers leading to answers in the form of fractions or mixed numbers, e.g., by using visual fraction models or equations to represent the problem. (For example,

interpret $\frac{3}{4}$ as the result of dividing 3 by 4, noting that $\frac{3}{4}$ multiplied by 4 equals 3, and that when 3 wholes are shared equally among 4 people each person has a share of size $\frac{3}{4}$. If 9 people want to share a 50-pound sack of rice equally by weight, how many pounds of rice should each person get? Between what two whole numbers does your answer lie?)

D. Apply and extend previous understandings of multiplication to multiply a fraction or whole number by a fraction.

1. Interpret the product $(\frac{m}{n}) \times q$ as m parts of a partition of q into n equal parts; equivalently, as the result of a sequence of operations, $m \times q \div n$. (For example, use a visual fraction model to show understanding, and create a story context for $(\frac{m}{n}) \times q$.)

2. Construct a model to develop understanding of the concept of multiplying two fractions and create a story context for the equation. (In general, $(\frac{m}{n}) \times (\frac{c}{d}) = (\frac{mc}{nd})$)

3. Find the area of a rectangle with fractional side lengths by tiling it with unit squares of the appropriate unit fraction side lengths, and show that the area is the same as would be found by multiplying the side lengths.

4. Multiply fractional side lengths to find areas of rectangles, and represent fraction products as rectangular areas.

E. Interpret multiplication as scaling (resizing), by:

1. comparing the size of a product to the size of one factor on the basis of the size of the other factor, without performing the indicated multiplication;

2. explaining why multiplying a given number by a fraction greater than 1 results in a product greater than the given number (recognizing multiplication by whole numbers greater than 1 as a familiar case);

3. explaining why multiplying a given number by a fraction less than 1 results in a product smaller than the given number; and

4. relating the principle of fraction equivalence $\frac{a}{b} = (\frac{n \times a}{n \times b})$ to the effect of multiplying $\frac{a}{b}$ by 1.

F. Solve real-world problems involving multiplication of fractions and mixed numbers, e.g., by using visual fraction models or equations to represent the problem.

G. Apply and extend previous understandings of division to divide unit fractions by whole numbers and whole numbers by unit fractions.

1. Interpret division of a unit fraction by a non-zero whole number, and compute such quotients. (For example, create a story context for $(\frac{1}{3}) \div 4$, and use a visual fraction model to show the quotient. Use the relationship between multiplication and division to explain that $(\frac{1}{3}) \div 4 = \frac{1}{12}$ because $(\frac{1}{12}) \times 4 = \frac{1}{3}$.)

2. Interpret division of a whole number by a unit fraction, and compute such quotients. (For example, create a story context for $4 \div (\frac{1}{5})$, and use a visual fraction model to show the quotient. Use the relationship between multiplication and division to explain that $4 \div (\frac{1}{5}) = 20$ because $20 \times (\frac{1}{5}) = 4$.)

3. Solve real-world problems involving division of unit fractions by non-zero whole numbers and division of whole numbers by unit fractions, e.g., by using visual fraction models and equations to represent the problem. (For example, how much chocolate will each person get if 3

people share $\frac{1}{2}$ lb of chocolate equally? How many $\frac{1}{3}$ -cup servings are in 2 cups of raisins?)

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1307. Measurement and Data

A. Convert among different-sized standard measurement units within a given measurement system, and use these conversions in solving multi-step, real-world problems (e.g., convert 5 cm to 0.05 m; 9 ft to 108 in).

B. Make a line plot to display a data set of measurements in fractions of a unit ($\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$). Use operations on fractions for this grade to solve problems involving information presented in line plots. (For example, given different measurements of liquid in identical beakers, find the amount of liquid each beaker would contain if the total amount in all the beakers were redistributed equally.)

C. Recognize volume as an attribute of solid figures and understand concepts of volume measurement.

1. A cube with side length 1 unit, called a “unit cube,” is said to have “one cubic unit” of volume, and can be used to measure volume.

2. A solid figure which can be packed without gaps or overlaps using n unit cubes is said to have a volume of n cubic units.

D. Measure volumes by counting unit cubes, using cubic cm, cubic in, cubic ft, and improvised units.

E. Relate volume to the operations of multiplication and addition and solve real world and mathematical problems involving volume.

1. Find the volume of a right rectangular prism with whole-number side lengths by packing it with unit cubes, and show that the volume is the same as would be found by multiplying the edge lengths, equivalently by multiplying the height by the area of the base. Represent threefold whole-number products as volumes, e.g., to represent the associative property of multiplication.

2. Apply the formulas $V = l \times w \times h$ and $V = b \times h$ for rectangular prisms to find volumes of right rectangular prisms with whole-number edge lengths in the context of solving real world and mathematical problems.

3. Recognize volume as additive. Find volumes of solid figures composed of two non-overlapping right rectangular prisms by adding the volumes of the non-overlapping parts, applying this technique to solve real-world problems.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1309. Geometry

A. Use a pair of perpendicular number lines, called axes, to define a coordinate system, with the intersection of the lines (the origin) arranged to coincide with the 0 on each line and a given point in the plane located by using an ordered pair of numbers, called its coordinates. Understand that the first number in the ordered pair indicates how far to travel from the origin in the direction of one axis, and the second number in the ordered pair indicates how far to travel in the direction of the second axis, with the convention that the names of the two axes and the coordinates correspond (e.g., x-axis and x-coordinate, y-axis and y-coordinate).

B. Represent real world and mathematical problems by graphing points in the first quadrant of the coordinate plane, and interpret coordinate values of points in the context of the situation.

C. Understand that attributes belonging to a category of two-dimensional figures also belong to all subcategories of that category. (For example, all rectangles have four right angles and squares are rectangles, so all squares have four right angles.)

D. Classify two-dimensional figures in a hierarchy based on properties. (Students will define a trapezoid as a quadrilateral with at least one pair of parallel sides.)

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42

Chapter 15. Grade 6

§1501. Ratios and Proportional Relationships

A. Understand the concept of a ratio and use ratio language to describe a ratio relationship between two quantities. (For example, “The ratio of wings to beaks in the bird house at the zoo was 2:1, because for every 2 wings there was 1 beak.” “For every vote candidate A received, candidate C received nearly three votes.”)

B. Understand the concept of a unit rate a/b associated with a ratio $a:b$ with $b \neq 0$, and use rate language in the context of a ratio relationship. (For example: This recipe has a ratio of 3 cups of flour to 4 cups of sugar, so there is $3/4$ cup of flour for each cup of sugar.” “We paid \$75 for 15 hamburgers, which is a rate of \$5 per hamburger.)

C. Use ratio and rate reasoning to solve real-world and mathematical problems, e.g., by reasoning about tables of equivalent ratios, tape diagrams, double number line diagrams, or equations.

1. Make tables of equivalent ratios relating quantities with whole-number measurements, find missing values in the tables, and plot the pairs of values on the coordinate plane. Use tables to compare ratios.

2. Solve unit rate problems including those involving unit pricing and constant speed. (For example, if it took 7 hours to mow 4 lawns, then at that rate, how many lawns could be mowed in 35 hours? At what unit rate were lawns being mowed?)

3. Find a percent of a quantity as a rate per 100 (e.g., 30 percent of a quantity means $30/100$ times the quantity); solve problems involving finding the whole, given a part and the percent.

4. Use ratio reasoning to convert measurement units; manipulate and transform units appropriately when multiplying or dividing quantities.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1503. The Number System

A. Interpret and compute quotients of fractions, and solve word problems involving division of fractions by fractions, e.g., by using visual fraction models and equations to represent the problem. (For example, create a story context for $(2/3) \div (3/4)$ and use a visual fraction model to show the quotient; use the relationship between multiplication and division to explain that $(2/3) \div (3/4) = 8/9$ because $3/4$ of $8/9$ is $2/3$. (In general, $(a/b) \div (c/d) = ad/bc$.)

How much chocolate will each person get if 3 people share $1/2$ lb of chocolate equally? How many $3/4$ -cup servings are in $2/3$ of a cup of yogurt? How wide is a rectangular strip of land with length $3/4$ mi and area $1/2$ square mi?)

B. Fluently divide multi-digit numbers using the standard algorithm.

C. Fluently add, subtract, multiply, and divide multi-digit decimals using the standard algorithm for each operation.

D. Find the greatest common factor of two whole numbers less than or equal to 100 and the least common multiple of two whole numbers less than or equal to 12. Use the distributive property to express a sum of two whole numbers 1-100 with a common factor as a multiple of a sum of two whole numbers with no common factor. (For example, express $36 + 8$ as $4(9 + 2)$.)

E. Understand that positive and negative numbers are used together to describe quantities having opposite directions or values (e.g., temperature above/below zero, elevation above/below sea level, credits/debits, positive/negative electric charge); use positive and negative numbers to represent quantities in real-world contexts, explaining the meaning of zero in each situation.

F. Understand a rational number as a point on the number line. Extend number line diagrams and coordinate axes familiar from previous grades to represent points on the line and in the plane with negative number coordinates.

1. Recognize opposite signs of numbers as indicating locations on opposite sides of 0 on the number line; recognize that the opposite of the opposite of a number is the number itself, e.g., $-(-3) = 3$, and that 0 is its own opposite.

2. Understand signs of numbers in ordered pairs as indicating locations in quadrants of the coordinate plane; recognize that when two ordered pairs differ only by signs, the locations of the points are related by reflections across one or both axes.

3. Find and position integers and other rational numbers on a horizontal or vertical number line diagram; find and position pairs of integers and other rational numbers on a coordinate plane.

G. Understand ordering and absolute value of rational numbers.

1. Interpret statements of inequality as statements about the relative position of two numbers on a number line diagram. (For example, interpret $-3 > -7$ as a statement that -3 is located to the right of -7 on a number line oriented from left to right.)

2. Write, interpret, and explain statements of order for rational numbers in real-world contexts. (For example, write $-3^{\circ}\text{C} > -7^{\circ}\text{C}$ to express the fact that -3°C is warmer than -7°C .)

3. Understand the absolute value of a rational number as its distance from 0 on the number line; interpret absolute value as magnitude for a positive or negative quantity in a real-world situation. (For example, for an account balance of -30 dollars, write $|-30| = 30$ to describe the size of the debt in dollars.)

4. Distinguish comparisons of absolute value from statements about order. (For example, recognize that an account balance less than -30 dollars represents a debt greater than 30 dollars.)

H. Solve real-world and mathematical problems by graphing points in all four quadrants of the coordinate plane.

Include use of coordinates and absolute value to find distances between points with the same first coordinate or the same second coordinate.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1505. Expressions and Equations

A. Write and evaluate numerical expressions involving whole-number exponents.

B. Write, read, and evaluate expressions in which letters stand for numbers.

1. Write expressions that record operations with numbers and with letters standing for numbers. (For example, express the calculation “Subtract y from 5” as $5 - y$.)

2. Identify parts of an expression using mathematical terms (sum, term, product, factor, quotient, coefficient); view one or more parts of an expression as a single entity. (For example, describe the expression $2(8 + 7)$ as a product of two factors; view $(8 + 7)$ as both a single entity and a sum of two terms.)

3. Evaluate expressions at specific values of their variables. Include expressions that arise from formulas used in real-world problems. Perform arithmetic operations, including those involving whole-number exponents, in the conventional order when there are no parentheses to specify a particular order (order of operations). (For example, use the formulas $V = s^3$ and $A = 6s^2$ to find the volume and surface area of a cube with sides of length $s = 1/2$.)

C. Apply the properties of operations to generate equivalent expressions. (For example, apply the distributive property to the expression $3(2 + x)$ to produce the equivalent expression $6 + 3x$; apply the distributive property to the expression $24x + 18y$ to produce the equivalent expression $6(4x + 3y)$; apply properties of operations to $y + y + y$ to produce the equivalent expression $3y$.)

D. Identify when two expressions are equivalent (i.e., when the two expressions name the same number regardless of which value is substituted into them). (For example, the expressions $y + y + y$ and $3y$ are equivalent because they name the same number regardless of which number y stands for.)

E. Understand solving an equation or inequality as a process of answering a question: which values from a specified set, if any, make the equation or inequality true? Use substitution to determine whether a given number in a specified set makes an equation or inequality true.

F. Use variables to represent numbers and write expressions when solving a real-world or mathematical problem; understand that a variable can represent an unknown number, or, depending on the purpose at hand, any number in a specified set.

G. Solve real-world and mathematical problems by writing and solving equations and inequalities of the form $x + p = q$ and $px = q$ for cases in which p , q , and x are all nonnegative rational numbers. Inequalities will include $<$, $>$, \leq , and \geq .

H. Write an inequality of the form $x > c$ or $x < c$ to represent a constraint or condition in a real-world or mathematical problem. Recognize that inequalities of the form $x > c$ or $x < c$ have infinitely many solutions; represent solutions of such inequalities on number line diagrams.

I. Use variables to represent two quantities in a real-world problem that change in relationship to one another; write an equation to express one quantity, thought of as the dependent variable, in terms of the other quantity, thought of as the independent variable. Analyze the relationship between the dependent and independent variables using graphs and tables, and relate these to the equation. (For example, in a problem involving motion at constant speed, list and graph ordered pairs of distances and times, and write the equation $d = 65t$ to represent the relationship between distance and time.)

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1507. Geometry

A. Find the area of right triangles, other triangles, special quadrilaterals, and polygons by composing into rectangles or decomposing into triangles and other shapes; apply these techniques in the context of solving real-world and mathematical problems.

B. Find the volume of a right rectangular prism with fractional edge lengths by packing it with unit cubes of the appropriate unit fraction edge lengths, and show that the volume is the same as would be found by multiplying the edge lengths of the prism. Apply the formulas $V = lwh$ and $V = bh$ to find volumes of right rectangular prisms with fractional edge lengths in the context of solving real-world and mathematical problems.

C. Draw polygons in the coordinate plane given coordinates for the vertices; use coordinates to find the length of a side joining points with the same first coordinate or the same second coordinate. Apply these techniques in the context of solving real-world and mathematical problems.

D. Represent three-dimensional figures using nets made up of rectangles and triangles, and use the nets to find the surface area of these figures. Apply these techniques in the context of solving real-world and mathematical problems.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1509. Statistics and Probability

A. Recognize a statistical question as one that anticipates variability in the data related to the question and accounts for it in the answers. (For example, “How old am I?” is not a statistical question, but “How old are the students in my school?” is a statistical question because one anticipates variability in students’ ages.)

B. Understand that a set of data collected to answer a statistical question has a distribution that can be described by its center, spread, and overall shape.

C. Recognize that a measure of center for a numerical data set summarizes all of its values with a single number, while a measure of variation describes how its values vary with a single number.

D. Display numerical data in plots on a number line, including dot plots, histograms, and box plots.

E. Summarize numerical data sets in relation to their context, such as by:

1. reporting the number of observations;

2. describing the nature of the attribute under investigation, including how it was measured and its units of measurement;

3. giving quantitative measures of center (median and/or mean) and variability (interquartile range), as well as describing any overall pattern and any striking deviations from the overall pattern with reference to the context in which the data were gathered; and

4. relating the choice of measures of center and variability to the shape of the data distribution and the context in which the data were gathered.

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Chapter 17. Grade 7

§1701. Ratios and Proportional Relationships

A. Compute unit rates associated with ratios of fractions, including ratios of lengths, areas, and other quantities measured in like or different units. (For example, if a person walks $\frac{1}{2}$ mile in each $\frac{1}{4}$ hour, compute the unit rate as the complex fraction $(\frac{1}{2})/(\frac{1}{4})$ miles per hour, equivalently 2 miles per hour.)

B. Recognize and represent proportional relationships between quantities.

1. Decide whether two quantities are in a proportional relationship, e.g., by testing for equivalent ratios in a table or graphing on a coordinate plane and observing whether the graph is a straight line through the origin.

2. Identify the constant of proportionality (unit rate) in tables, graphs, equations, diagrams, and verbal descriptions of proportional relationships.

3. Represent proportional relationships by equations. (For example, if total cost t is proportional to the number n of items purchased at a constant price p , the relationship between the total cost and the number of items can be expressed as $t = pn$.)

4. Explain what a point (x, y) on the graph of a proportional relationship means in terms of the situation, with special attention to the points $(0, 0)$ and $(1, r)$ where r is the unit rate.

C. Use proportional relationships to solve multistep ratio and percent problems of simple interest, tax, markups and markdowns, gratuities and commissions, fees, percent increase and decrease, and percent error.

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§1703. The Number System

A. Apply and extend previous understandings of addition and subtraction to add and subtract rational numbers; represent addition and subtraction on a horizontal or vertical number line diagram.

1. Describe situations in which opposite quantities combine to make 0. (For example, a hydrogen atom has 0 charge because its two constituents are oppositely charged.)

2. Understand $p + q$ as the number located a distance $|q|$ from p , in the positive or negative direction depending on whether q is positive or negative. Show that a number and its opposite have a sum of 0 (are additive inverses). Interpret sums of rational numbers by describing real-world contexts.

3. Understand subtraction of rational numbers as adding the additive inverse, $p - q = p + (-q)$. Show that the distance between two rational numbers on the number line is the absolute value of their difference, and apply this principle in real-world contexts.

4. Apply properties of operations as strategies to add and subtract rational numbers.

B. Apply and extend previous understandings of multiplication and division and of fractions to multiply and divide rational numbers.

1. Understand that multiplication is extended from fractions to rational numbers by requiring that operations continue to satisfy the properties of operations, particularly the distributive property, leading to products such as $(-1)(-1) = 1$ and the rules for multiplying signed numbers. Interpret products of rational numbers by describing real-world contexts.

2. Understand that integers can be divided, provided that the divisor is not zero, and every quotient of integers (with non-zero divisor) is a rational number. If p and q are integers, then $-(p/q) = (-p)/q = p/(-q)$. Interpret quotients of rational numbers by describing real-world contexts.

3. Apply properties of operations as strategies to multiply and divide rational numbers.

4. Convert a rational number to a decimal using long division; know that the decimal form of a rational number terminates in zeros or eventually repeats.

C. Solve real-world and mathematical problems involving the four operations with rational numbers.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1705. Expressions and Equations

A. Apply properties of operations as strategies to add, subtract, factor, and expand linear expressions with rational coefficients to include multiple grouping symbols (e.g., parentheses, brackets, and braces).

B. Understand that rewriting an expression in different forms in a problem context can shed light on the problem and how the quantities in it are related. (For example, $a + 0.05a = 1.05a$ means that “increase by 5 percent” is the same as “multiply by 1.05.”)

C. Solve multistep real-life and mathematical problems posed with positive and negative rational numbers in any form (whole numbers, fractions, and decimals), using tools strategically. Apply properties of operations to calculate with numbers in any form; convert between forms as appropriate; and assess the reasonableness of answers using mental computation and estimation strategies. (For example: If a woman making \$25 an hour gets a 10 percent raise, she will make an additional $\frac{1}{10}$ of her salary an hour, or \$2.50, for a new salary of \$27.50. If you want to place a towel bar $9\frac{3}{4}$ inches long in the center of a door that is $27\frac{1}{2}$ inches wide, you will need to place the bar about 9 inches from each edge; this estimate can be used as a check on the exact computation.)

D. Use variables to represent quantities in a real-world or mathematical problem, and construct simple equations and inequalities to solve problems by reasoning about the quantities.

1. Solve word problems leading to equations of the form $px + q = r$ and $p(x + q) = r$, where p , q , and r are specific rational numbers. Solve equations of these forms fluently. Compare an algebraic solution to an arithmetic solution, identifying the sequence of the operations used in each approach. (For example, the perimeter of a rectangle is 54 cm. Its length is 6 cm. What is its width?)

2. Solve word problems leading to inequalities of the form $px + q > r$, $px + q \geq r$, $px + q < r$, or $px + q \leq r$, where p , q , and r are specific rational numbers. Graph the solution set of the inequality and interpret it in the context of the problem. (For example: As a salesperson, you are paid \$50 per week plus \$3 per sale. This week you want your pay to be at least \$100. Write an inequality for the number of sales you need to make, and describe the solutions.)

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1707. Geometry

A. Solve problems involving scale drawings of geometric figures, such as computing actual lengths and areas from a scale drawing and reproducing a scale drawing at a different scale.

B. Draw (freehand, with ruler and protractor, or with technology) geometric shapes with given conditions. (Focus is on triangles from three measures of angles or sides, noticing when the conditions determine one and only one triangle, more than one triangle, or no triangle.)

C. Describe the two-dimensional figures that result from slicing three-dimensional figures, as in plane sections of right rectangular prisms and right rectangular pyramids.

D. Know the formulas for the area and circumference of a circle and solve problems; give an informal derivation of the relationship between the circumference and area of a circle.

E. Use facts about supplementary, complementary, vertical, and adjacent angles in a multi-step problem to write and use them to solve simple equations for an unknown angle in a figure.

F. Solve real-world and mathematical problems involving area, volume, and surface area of two- and three-dimensional objects composed of triangles, quadrilaterals, polygons, cubes, and right prisms. (Pyramids limited to surface area only.)

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§1709. Statistics and Probability

A. Understand that statistics can be used to gain information about a population by examining a sample of the population; generalizations about a population from a sample are valid only if the sample is representative of that population. Understand that random sampling tends to produce representative samples and support valid inferences.

B. Use data from a random sample to draw inferences about a population with an unknown characteristic of interest. Generate multiple samples (or simulated samples) of the same size to gauge the variation in estimates or predictions. (For example, estimate the mean word length in a book by randomly sampling words from the book; predict the winner of a school election based on randomly sampled

survey data. Gauge how far off the estimate or prediction might be.)

C. Informally assess the degree of visual overlap of two numerical data distributions with similar variabilities using quantitative measures of center (median and/or mean) and variability (interquartile range and/or mean absolute deviation), as well as describing any overall pattern and any striking deviations from the overall pattern with reference to the context in which the data were gathered.

D. Use measures of center and measures of variability for numerical data from random samples to draw informal comparative inferences about two populations. (For example, decide whether the words in a chapter of a seventh-grade science book are generally longer than the words in a chapter of a fourth-grade science book.)

E. Understand that the probability of a chance event is a number between 0 and 1 that expresses the likelihood of the event occurring. Larger numbers indicate greater likelihood. A probability near 0 indicates an unlikely event, a probability around 1/2 indicates an event that is neither unlikely nor likely, and a probability near 1 indicates a likely event.

F. Approximate the probability of a chance event by collecting data on the chance process that produces it and observing its long-run relative frequency, and predict the approximate relative frequency given the probability. (For example, when rolling a number cube 600 times, predict that a 3 or 6 would be rolled roughly 200 times, but probably not exactly 200 times.)

G. Develop a probability model and use it to find probabilities of events. Compare probabilities from a model to observed frequencies; if the agreement is not good, explain possible sources of the discrepancy.

1. Develop a uniform probability model by assigning equal probability to all outcomes, and use the model to determine probabilities of events. (For example, if a student is selected at random from a class, find the probability that Jane will be selected and the probability that a girl will be selected.)

2. Develop a probability model (which may not be uniform) by observing frequencies in data generated from a chance process. (For example, find the approximate probability that a spinning penny will land heads up or that a tossed paper cup will land open-end down. Do the outcomes for the spinning penny appear to be equally likely, based on the observed frequencies?)

H. Find probabilities of compound events using organized lists, tables, tree diagrams, and simulation.

1. Understand that, just as with simple events, the probability of a compound event is the fraction of outcomes in the sample space for which the compound event occurs.

2. Represent sample spaces for compound events using methods such as organized lists, tables, and tree diagrams. For an event described in everyday language (e.g., “rolling double sixes”), identify the outcomes in the sample space that compose the event.

3. Design and use a simulation to generate frequencies for compound events. (For example, use random digits as a simulation tool to approximate the answer to the question: If 40 percent of donors have type A blood, what is the probability that it will take at least 4 donors to find one with type A blood?)

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Chapter 19. Grade 8

§1901. The Number System

A. Know that numbers that are not rational are called irrational. Understand informally that every number has a decimal expansion; for rational numbers, show that the decimal expansion repeats eventually. Convert a decimal expansion that repeats eventually into a rational number by analyzing repeating patterns.

B. Use rational approximations of irrational numbers to compare the size of irrational numbers, locate them approximately on a number line diagram, and estimate the value of expressions (e.g., π^2). (For example, by truncating the decimal expansion of $\sqrt{2}$, show that $\sqrt{2}$ is between 1 and 2, then between 1.4 and 1.5, and explain how to continue on to get better approximations.)

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:

§1903. Expressions and Equations

A. Know and apply the properties of integer exponents to generate equivalent numerical expressions. (For example, $3^2 \times 3^{-5} = 3^{-3} = 1/3^3 = 1/27$.)

B. Use square root and cube root symbols to represent solutions to equations of the form $x^2 = p$ and $x^3 = p$, where p is a positive rational number. Evaluate square roots of small perfect squares and cube roots of small perfect cubes. Know that $\sqrt{2}$ is irrational.

C. Use numbers expressed in the form of a single digit times an integer power of 10 to estimate very large or very small quantities, and to express how many times as much one is than the other. (For example, estimate the population of the United States as 3×10^8 and the population of the world as 7×10^9 , and determine that the world population is more than 20 times larger.)

D. Perform operations with numbers expressed in scientific notation, including problems where both decimal and scientific notation are used. Use scientific notation and choose units of appropriate size for measurements of very large or very small quantities (e.g., use millimeters per year for seafloor spreading). Interpret scientific notation that has been generated by technology.

E. Graph proportional relationships, interpreting the unit rate as the slope of the graph. Compare two different proportional relationships represented in different ways. (For example, compare a distance-time graph to a distance-time equation to determine which of two moving objects has greater speed.)

F. Use similar triangles to explain why the slope m is the same between any two distinct points on a non-vertical line in the coordinate plane; derive the equation $y = mx$ for a line through the origin and the equation $y = mx + b$ for a line intercepting the vertical axis at b .

G. Solve linear equations in one variable.

1. Give examples of linear equations in one variable with one solution, infinitely many solutions, or no solutions. Show which of these possibilities is the case by successively transforming the given equation into simpler forms, until an

equivalent equation of the form $x = a$, $a = a$, or $a = b$ results (where a and b are different numbers).

2. Solve systems of two linear equations in two variables algebraically, and estimate solutions by graphing the equations. Solve simple cases by inspection. (For example, $3x + 2y = 5$ and $3x + 2y = 6$ have no solution because $3x + 2y$ cannot simultaneously be 5 and 6.)

H. Analyze and solve pairs of simultaneous linear equations.

1. Understand that solutions to a system of two linear equations in two variables correspond to points of intersection of their graphs, because points of intersection satisfy both equations simultaneously.

2. Solve systems of two linear equations in two variables algebraically, and estimate solutions by graphing the equations. Solve simple cases by inspection. (For example, $3x + 2y = 5$ and $3x + 2y = 6$ have no solution because $3x + 2y$ cannot simultaneously be 5 and 6.)

3. Solve real-world and mathematical problems leading to two linear equations in two variables. (For example, given coordinates for two pairs of points, determine whether the line through the first pair of points intersects the line through the second pair.)

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§1905. Functions

A. Understand that a function is a rule that assigns to each input exactly one output. The graph of a function is the set of ordered pairs consisting of an input and the corresponding output. (Function notation is not required in this grade level.)

B. Compare properties of two functions each represented in a different way (algebraically, graphically, numerically in tables, or by verbal descriptions). (For example, given a linear function represented by a table of values and a linear function represented by an algebraic expression, determine which function has the greater rate of change.)

C. Interpret the equation $y = mx + b$ as defining a linear function whose graph is a straight line; categorize functions as linear or nonlinear when given equations, graphs, or tables. (For example, the function $A = s^2$ giving the area of a square as a function of its side length is not linear, because its graph contains the points (1,1), (2,4), and (3,9), which are not on a straight line.)

D. Construct a function to model a linear relationship between two quantities. Determine the rate of change and initial value of the function from a description of a relationship or from two (x, y) values, including reading these from a table or from a graph. Interpret the rate of change and initial value of a linear function in terms of the situation it models, and in terms of its graph or a table of values.

E. Describe qualitatively the functional relationship between two quantities by analyzing a graph (e.g., where the function is increasing or decreasing, linear or nonlinear). Sketch a graph that exhibits the qualitative features of a function that has been described verbally.

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§1907. Geometry

A. Verify experimentally the properties of rotations, reflections, and translations.

1. Lines are taken to lines, and line segments to line segments of the same length.

2. Angles are taken to angles of the same measure.

3. Parallel lines are taken to parallel lines.

B. Explain that a two-dimensional figure is congruent to another if the second can be obtained from the first by a sequence of rotations, reflections, and translations; given two congruent figures, describe a sequence that exhibits the congruence between them. (Rotations are only about the origin and reflections are only over the y-axis and x-axis in grade 8.)

C. Describe the effect of dilations, translations, rotations, and reflections on two-dimensional figures using coordinates. (Rotations are only about the origin, dilations only use the origin as the center of dilation, and reflections are only over the y-axis and x-axis in grade 8.)

D. Explain that a two-dimensional figure is similar to another if the second can be obtained from the first by a sequence of rotations, reflections, translations, and dilations; given two similar two-dimensional figures, describe a sequence that exhibits the similarity between them. (Rotations are only about the origin, dilations only use the origin as the center of dilation, and reflections are only over the y-axis and x-axis in grade 8.)

E. Use informal arguments to establish facts about the angle sum and exterior angle of triangles, about the angles created when parallel lines are cut by a transversal, and the angle-angle criterion for similarity of triangles. (For example, arrange three copies of the same triangle so that the sum of the three angles appears to form a line, and give an argument in terms of transversals why this is so.)

F. Explain a proof of the Pythagorean Theorem and its converse using the area of squares.

G. Apply the Pythagorean Theorem to determine unknown side lengths in right triangles in real-world and mathematical problems in two and three dimensions.

H. Apply the Pythagorean Theorem to find the distance between two points in a coordinate system.

I. Know the formulas for the volumes of cones, cylinders, and spheres and use them to solve real-world and mathematical problems.

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§1909. Statistics and Probability

A. Construct and interpret scatter plots for bivariate measurement data to investigate patterns of association between two quantities. Describe patterns such as clustering, outliers, positive or negative association, linear association, and nonlinear association.

B. Know that straight lines are widely used to model relationships between two quantitative variables. For scatter plots that suggest a linear association, informally fit a straight line, and informally assess the model fit by judging the closeness of the data points to the line.

C. Use the equation of a linear model to solve problems in the context of bivariate measurement data, interpreting the slope and intercept. (For example, in a linear model for a

biology experiment, interpret a slope of 1.5 cm/hr as meaning that an additional hour of sunlight each day is associated with an additional 1.5 cm in mature plant height.)

D. Understand that patterns of association can also be seen in bivariate categorical data by displaying frequencies and relative frequencies in a two-way table. Construct and interpret a two-way table summarizing data on two categorical variables collected from the same subjects. Use relative frequencies calculated for rows or columns to describe possible association between the two variables. (For example, collect data from students in your class on whether or not they have a curfew on school nights and whether or not they have assigned chores at home. Is there evidence that those who have a curfew also tend to have chores?)

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Chapter 21. Algebra I

§2101. Number and Quantity

A. Explain why the sum or product of two rational numbers is rational; that the sum of a rational number and an irrational number is irrational; and that the product of a nonzero rational number and an irrational number is irrational.

B. Use units as a way to understand problems and to guide the solution of multi-step problems; choose and interpret units consistently in formulas; choose and interpret the scale and the origin in graphs and data displays.

C. Define appropriate quantities for the purpose of descriptive modeling.

D. Choose a level of accuracy appropriate to limitations on measurement when reporting quantities.

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§2103. Algebra

A. Interpret expressions that represent a quantity in terms of its context.

1. Interpret parts of an expression, such as terms, factors, and coefficients.

2. Interpret complicated expressions by viewing one or more of their parts as a single entity. (For example, interpret $P(1+r)^n$ as the product of P and a factor not depending on P .)

B. Use the structure of an expression to identify ways to rewrite it. (For example, $x^4 - y^4$ as $(x^2)^2 - (y^2)^2$, thus recognizing it as a difference of squares that can be factored as $(x^2 - y^2)(x^2 + y^2)$, or see $2x^2 + 8x$ as $(2x)(x) + (2x)(4)$, thus recognizing it as a polynomial whose terms are products of monomials and the polynomial can be factored as $2x(x+4)$.)

C. Choose and produce an equivalent form of an expression to reveal and explain properties of the quantity represented by the expression.

1. Factor a quadratic expression to reveal the zeros of the function it defines.

2. Complete the square in a quadratic expression to reveal the maximum or minimum value of the function it defines.

3. Use the properties of exponents to transform expressions for exponential functions emphasizing integer exponents. (For example, the growth of bacteria can be

modeled by either $f(t) = 3^{(t+2)}$ or $g(t) = 9(3^t)$ because the expression $3^{(t+2)}$ can be rewritten as $(3^t)(3^2) = 9(3^t)$.

D. Understand that polynomials form a system analogous to the integers, namely, they are closed under the operations of addition, subtraction, and multiplication; add, subtract, and multiply polynomials.

E. Identify zeros of quadratic functions and use the zeros to sketch a graph of the function defined by the polynomial.

F. Create equations and inequalities in one variable and use them to solve problems. (Include equations arising from linear, quadratic, and exponential functions.)

G. Create equations in two or more variables to represent relationships between quantities; graph equations on coordinate axes with labels and scales.

H. Represent constraints by equations or inequalities, and by systems of equations and/or inequalities, and interpret solutions as viable or nonviable options in a modeling context. (For example, represent inequalities describing nutritional and cost constraints on combinations of different foods.)

I. Rearrange formulas to highlight a quantity of interest, using the same reasoning as in solving equations. (For example, rearrange Ohm's law $V = IR$ to highlight resistance R .)

J. Explain each step in solving a simple equation as following from the equality of numbers asserted at the previous step, starting from the assumption that the original equation has a solution. Construct a viable argument to justify a solution method.

K. Solve linear equations and inequalities in one variable, including equations with coefficients represented by letters.

L. Solve quadratic equations in one variable.

1. Use the method of completing the square to transform any quadratic equation in x into an equation of the form $(x - p)^2 = q$ that has the same solutions. Derive the quadratic formula from this form.

2. Solve quadratic equations by inspection (e.g., for $x^2 = 49$), taking square roots, completing the square, the quadratic formula, and factoring, as appropriate to the initial form of the equation. Recognize when the quadratic formula gives complex solutions and write them as "no real solution."

M. Prove that, given a system of two equations in two variables, replacing one equation by the sum of that equation and a multiple of the other produces a system with the same solutions.

N. Solve systems of linear equations exactly and approximately (e.g., with graphs), focusing on pairs of linear equations in two variables.

O. Understand that the graph of an equation in two variables is the set of all its solutions plotted in the coordinate plane, often forming a curve (which could be a line).

P. Explain why the x -coordinates of the points where the graphs of the equations $y = f(x)$ and $y = g(x)$ intersect are the solutions of the equation $f(x) = g(x)$; find the solutions approximately, e.g., using technology to graph the functions, make tables of values, or find successive approximations. Include cases where $f(x)$ and/or $g(x)$ are linear, polynomial, rational, piecewise linear (to include absolute value), and exponential functions.

Q. Graph the solutions to a linear inequality in two variables as a half-plane (excluding the boundary in the case of a strict inequality), and graph the solution set to a system of linear inequalities in two variables as the intersection of the corresponding half-planes.

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§2105. Functions

A. Understand that a function from one set (called the domain) to another set (called the range) assigns to each element of the domain exactly one element of the range. If f is a function and x is an element of its domain, then $f(x)$ denotes the output of f corresponding to the input x . The graph of f is the graph of the equation $y = f(x)$.

B. Use function notation, evaluate functions for inputs in their domains, and interpret statements that use function notation in terms of a context.

C. Recognize that sequences are functions whose domain is a subset of the integers. Relate arithmetic sequences to linear functions and geometric sequences to exponential functions.

D. For linear, piecewise linear (to include absolute value), quadratic, and exponential functions that model a relationship between two quantities, interpret key features of graphs and tables in terms of the quantities, and sketch graphs showing key features given a verbal description of the relationship. (Key features include: intercepts; intervals where the function is increasing, decreasing, positive, or negative; relative maximums and minimums; symmetries; and end behavior.)

E. Relate the domain of a function to its graph and, where applicable, to the quantitative relationship it describes. (For example, if the function $h(n)$ gives the number of person-hours it takes to assemble n engines in a factory, then the positive integers would be an appropriate domain for the function.)

F. Calculate and interpret the average rate of change of a linear, quadratic, piecewise linear (to include absolute value), and exponential function (presented symbolically or as a table) over a specified interval. Estimate the rate of change from a graph.

G. Graph functions expressed symbolically, and show key features of the graph, by hand in simple cases and using technology for more complicated cases.

1. Graph linear and quadratic functions and show intercepts, maxima, and minima.

2. Graph piecewise linear (to include absolute value) and exponential functions.

H. Write a function defined by an expression in different but equivalent forms to reveal and explain different properties of the function.

1. Use the process of factoring and completing the square in a quadratic function to show zeros, extreme values, and symmetry of the graph, and interpret these in terms of a context.

I. Compare properties of two functions (linear, quadratic, piecewise linear [to include absolute value] or exponential) each represented in a different way (algebraically, graphically, numerically in tables, or by verbal descriptions). (For example, given a graph of one

quadratic function and an algebraic expression for another, determine which has the larger maximum.)

J. Write a linear, quadratic, or exponential function that describes a relationship between two quantities.

1. Determine an explicit expression, a recursive process, or steps for calculation from a context.

K. Identify the effect on the graph of replacing $f(x)$ by $f(x) + k$, $k f(x)$, $f(kx)$, and $f(x + k)$ for specific values of k (both positive and negative). Without technology, find the value of k given the graphs of linear and quadratic functions. With technology, experiment with cases and illustrate an explanation of the effects on the graphs that include cases where $f(x)$ is a linear, quadratic, piecewise linear (to include absolute value), or exponential function.

L. Distinguish between situations that can be modeled with linear functions and with exponential functions.

1. Prove that linear functions grow by equal differences over equal intervals, and that exponential functions grow by equal factors over equal intervals.

2. Recognize situations in which one quantity changes at a constant rate per unit interval relative to another.

3. Recognize situations in which a quantity grows or decays by a constant percent rate per unit interval relative to another.

M. Construct linear and exponential functions, including arithmetic and geometric sequences, given a graph, a description of a relationship, or two input-output pairs (include reading these from a table).

N. Observe, using graphs and tables, that a quantity increasing exponentially eventually exceeds a quantity increasing linearly, quadratically, or (more generally) as a polynomial function.

O. Interpret the parameters in a linear, quadratic, or exponential function in terms of a context.

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§2107. Statistics and Probability

A. Use statistics appropriate to the shape of the data distribution to compare center (median, mean) and spread (interquartile range, standard deviation) of two or more different data sets.

B. Interpret differences in shape, center, and spread in the context of the data sets, accounting for possible effects of extreme data points (outliers).

C. Summarize categorical data for two categories in two-way frequency tables. Interpret relative frequencies in the context of the data (including joint, marginal, and conditional relative frequencies). Recognize possible associations and trends in the data.

D. Represent data on two quantitative variables on a scatter plot, and describe how the variables are related.

1. Fit a function to the data; use functions fitted to data to solve problems in the context of the data. (Use given functions or choose a function suggested by the context. Emphasize linear and quadratic models.)

2. Informally assess the fit of a function by plotting and analyzing residuals.

3. Fit a linear function for a scatter plot that suggests a linear association.

E. Interpret the slope (rate of change) and the intercept (constant term) of a linear model in the context of the data.

F. Compute (using technology) and interpret the correlation coefficient of a linear fit.

G. Distinguish between correlation and causation.

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Chapter 23. Algebra II

§2301. Number and Quantity

A. Explain how the definition of the meaning of rational exponents follows from extending the properties of integer exponents to those values, allowing for a notation for radicals in terms of rational exponents. (For example, we define $5^{1/3}$ to be the cube root of 5 because we want $(5^{1/3})^3 = 5^{(1/3)3}$ to hold, so $(5^{1/3})^3$ must equal 5.)

B. Rewrite expressions involving radicals and rational exponents using the properties of exponents.

C. Define appropriate quantities for the purpose of descriptive modeling.

D. Know there is a complex number i such that $i^2 = -1$, and every complex number has the form $a + bi$ with a and b real.

E. Use the relation $i^2 = -1$ and the commutative, associative, and distributive properties to add, subtract, and multiply complex numbers.

F. Solve quadratic equations with real coefficients that have complex solutions.

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§2303. Algebra

A. Use the structure of an expression to identify ways to rewrite it. (For example, see $x^4 - y^4$ as $(x^2)^2 - (y^2)^2$, thus recognizing it as a difference of squares that can be factored as $(x^2 - y^2)(x^2 + y^2)$.)

B. Choose and produce an equivalent form of an expression to reveal and explain properties of the quantity represented by the expression.

1. Use the properties of exponents to transform expressions for exponential functions. (For example the expression 1.15^t can be rewritten as $(1.15^{1/12})^{12t} \approx 1.012^{12t}$ to reveal the approximate equivalent monthly interest rate if the annual rate is 15 percent.)

C. Apply the formula for the sum of a finite geometric series (when the common ratio is not 1) to solve problems. (For example, calculate mortgage payments.)

D. Know and apply the Remainder Theorem: For a polynomial $p(x)$ and a number a , the remainder on division by $x - a$ is $p(a)$, so $p(a) = 0$ if and only if $(x - a)$ is a factor of $p(x)$.

E. Identify zeros of polynomials when suitable factorizations are available, and use the zeros to construct a rough graph of the function defined by the polynomial.

F. Use polynomial identities to describe numerical relationships. (For example, the polynomial identity $(x^2 + y^2)^2 = (x^2 - y^2)^2 + (2xy)^2$ can be used to generate Pythagorean triples.)

G. Rewrite simple rational expressions in different forms; write $a(x)/b(x)$ in the form $q(x) + r(x)/b(x)$, where $a(x)$, $b(x)$, $q(x)$, and $r(x)$ are polynomials with the degree of $r(x)$ less than the degree of $b(x)$, using inspection, long

division, or, for the more complicated examples, a computer algebra system.

H. Create equations and inequalities in one variable and use them to solve problems. (Include equations arising from linear and quadratic functions, and simple rational and exponential functions.)

I. Explain each step in solving an equation as following from the equality of numbers asserted at the previous step, starting from the assumption that the original equation has a solution. Construct a viable argument to justify a solution method.

J. Solve simple rational and radical equations in one variable, and give examples showing how extraneous solutions may arise.

K. Solve quadratic equations in one variable.

1. Solve quadratic equations by inspection (e.g., for $x^2 = 49$), taking square roots, completing the square, the quadratic formula, and factoring, as appropriate to the initial form of the equation. Recognize when the quadratic formula gives complex solutions, and write them as $a \pm bi$ for real numbers a and b .

L. Solve systems of linear equations exactly and approximately (e.g., with graphs), limited to systems of at most three equations and three variables. With graphic solutions, systems are limited to two variables.

M. Solve a simple system consisting of a linear equation and a quadratic equation in two variables algebraically and graphically. (For example, find the points of intersection between the line $y = -3x$ and the circle $x^2 + y^2 = 3$.)

N. Explain why the x -coordinates of the points where the graphs of the equations $y = f(x)$ and $y = g(x)$ intersect are the solutions of the equation $f(x) = g(x)$; find the solutions approximately, e.g., using technology to graph the functions, make tables of values, or find successive approximations. Include cases where $f(x)$ and/or $g(x)$ are linear, polynomial, rational, absolute value, exponential, and logarithmic functions.

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§2305. Functions

A. For a function that models a relationship between two quantities, interpret key features of graphs and tables in terms of the quantities, and sketch graphs showing key features given a verbal description of the relationship. (Key features include: intercepts; intervals where the function is increasing, decreasing, positive, or negative; relative maximums and minimums; symmetries; end behavior; and periodicity.)

B. Calculate and interpret the average rate of change of a function (presented symbolically or as a table) over a specified interval. Estimate the rate of change from a graph.

C. Graph functions expressed symbolically and show key features of the graph, by hand in simple cases and using technology for more complicated cases.

1. Graph square root, cube root, and piecewise-defined functions, including step functions and absolute value functions.

2. Graph polynomial functions, identifying zeros when suitable factorizations are available, and showing end behavior.

3. Graph exponential and logarithmic functions, showing intercepts and end behavior, and trigonometric functions, showing period, midline, and amplitude.

D. Write a function defined by an expression in different but equivalent forms to reveal and explain different properties of the function.

1. Use the properties of exponents to interpret expressions for exponential functions. For example, identify percent rate of change in functions such as $y = (1.02)^t$, $y = (0.97)^t$, $y = (1.01)^{12t}$, $y = (1.2)^{t/10}$ and classify them as representing exponential growth or decay.

E. Compare properties of two functions each represented in a different way (algebraically, graphically, numerically in tables, or by verbal descriptions). (For example, given a graph of one quadratic function and an algebraic expression for another, determine which has the larger maximum.)

F. Write a function that describes a relationship between two quantities.

1. Determine an explicit expression, a recursive process, or steps for calculation from a context.

2. Combine standard function types using arithmetic operations. (For example, build a function that models the temperature of a cooling body by adding a constant function to a decaying exponential, and relate these functions to the model.)

G. Write arithmetic and geometric sequences both recursively and with an explicit formula, use them to model situations, and translate between the two forms.

H. Identify the effect on the graph of replacing $f(x)$ by $f(x) + k$, $k f(x)$, $f(kx)$, and $f(x + k)$ for specific values of k (both positive and negative); find the value of k given the graphs. Experiment with cases and illustrate an explanation of the effects on the graph using technology. Include recognizing even and odd functions from their graphs and algebraic expressions for them.

I. Find inverse functions.

1. Solve an equation of the form $f(x) = c$ for a simple function f that has an inverse, and write an expression for the inverse. (For example, $f(x) = 2x^3$ or $f(x) = (x+1)/(x-1)$ for $x \neq 1$.)

J. Given a graph, a description of a relationship, or two input-output pairs (include reading these from a table), construct linear and exponential functions, including arithmetic and geometric sequences, to solve multistep problems.

K. For exponential models, express as a logarithm the solution to $ab^{(ct)} = d$ where a , c , and d are numbers and the base b is 2, 10, or e ; evaluate the logarithm using technology.

L. Interpret the parameters in a linear, quadratic, or exponential function in terms of a context.

M. Understand radian measure of an angle as the length of the arc on the unit circle subtended by the angle.

N. Explain how the unit circle in the coordinate plane enables the extension of trigonometric functions to all real numbers, interpreted as radian measures of angles traversed counterclockwise around the unit circle.

O. Choose trigonometric functions to model periodic phenomena with specified amplitude, frequency, and midline.

P. Prove the Pythagorean identity $\sin^2(\theta) + \cos^2(\theta) = 1$ and use it find $\sin(\theta)$, $\cos(\theta)$, or $\tan(\theta)$ given $\sin(\theta)$, $\cos(\theta)$, or $\tan(\theta)$ and the quadrant.

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§2307. Statistics and Probability

A. Use the mean and standard deviation of a data set to fit it to a normal distribution and to estimate population percentages. Recognize that there are data sets for which such a procedure is not appropriate. Use calculators, spreadsheets, and tables to estimate areas under the normal curve.

B. Represent data on two quantitative variables on a scatter plot, and describe how the variables are related.

1. Fit a function to the data; use functions fitted to data to solve problems in the context of the data. (Use given functions or choose a function suggested by the context. Emphasize exponential models.)

C. Understand statistics as a process for making inferences to be made about population parameters based on a random sample from that population.

D. Decide if a specified model is consistent with results from a given data-generating process, e.g., using simulation. (For example, a model says a spinning coin falls heads up with probability 0.5. Would a result of 5 tails in a row cause you to question the model?)

E. Recognize the purposes of and differences among sample surveys, experiments, and observational studies; explain how randomization relates to each.

F. Use data from a sample survey to estimate a population mean or proportion; develop a margin of error through the use of simulation models for random sampling.

G. Use data from a randomized experiment to compare two treatments; use simulations to decide if differences between parameters are significant.

H. Evaluate reports based on data.

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Chapter 25. Geometry

§2501. Geometry

A. Know precise definitions of angle, circle, perpendicular line, parallel line, and line segment, based on the undefined notions of point, line, distance along a line, and distance around a circular arc.

B. Represent transformations in the plane using, e.g., transparencies, tracing paper, or geometry software; describe transformations as functions that take points in the plane as inputs and give other points as outputs. Compare transformations that preserve distance and angle to those that do not (e.g., translation versus horizontal stretch).

C. Given a rectangle, parallelogram, trapezoid, or regular polygon, describe the rotations and reflections that carry it onto itself.

D. Develop definitions of rotations, reflections, and translations in terms of angles, circles, perpendicular lines, parallel lines, and line segments.

E. Given a geometric figure and a rotation, reflection, or translation, draw the transformed figure using, e.g., graph

paper, tracing paper, or geometry software. Specify a sequence of transformations that will carry a given figure onto another.

F. Use geometric descriptions of rigid motions to transform figures and to predict the effect of a given rigid motion on a given figure; given two figures, use the definition of congruence in terms of rigid motions to decide if they are congruent.

G. Use the definition of congruence in terms of rigid motions to show that two triangles are congruent if and only if corresponding pairs of sides and corresponding pairs of angles are congruent.

H. Explain how the criteria for triangle congruence (ASA, SAS, and SSS) follow from the definition of congruence in terms of rigid motions.

I. Prove and apply theorems about lines and angles. (Theorems include: vertical angles are congruent; when a transversal crosses parallel lines, alternate interior angles are congruent and corresponding angles are congruent; points on a perpendicular bisector of a line segment are exactly those equidistant from the segment's endpoints.)

J. Prove and apply theorems about triangles. (Theorems include: measures of interior angles of a triangle sum to 180 degrees; base angles of isosceles triangles are congruent; the segment joining midpoints of two sides of a triangle is parallel to the third side and half the length; the medians of a triangle meet at a point.)

K. Prove and apply theorems about parallelograms. (Theorems include: opposite sides are congruent, opposite angles are congruent, the diagonals of a parallelogram bisect each other, and conversely, rectangles are parallelograms with congruent diagonals.)

L. Make formal geometric constructions with a variety of tools and methods, e.g., compass and straightedge, string, reflective devices, paper folding, or dynamic geometric software. (Examples: Copying a segment; copying an angle; bisecting a segment; bisecting an angle; constructing perpendicular lines, including the perpendicular bisector of a line segment; and constructing a line parallel to a given line through a point not on the line.)

M. Construct an equilateral triangle, a square, and a regular hexagon inscribed in a circle.

N. Verify experimentally the properties of dilations given by a center and a scale factor.

1. A dilation takes a line not passing through the center of the dilation to a parallel line, and leaves a line passing through the center unchanged.

2. The dilation of a line segment is longer or shorter in the ratio given by the scale factor.

O. Given two figures, use the definition of similarity in terms of similarity transformations to decide if they are similar; explain using similarity transformations the meaning of similarity for triangles as the equality of all corresponding pairs of angles and the proportionality of all corresponding pairs of sides.

P. Use the properties of similarity transformations to establish the AA criterion for two triangles to be similar.

Q. Prove and apply theorems about triangles. (Theorems include: a line parallel to one side of a triangle divides the other two proportionally, and conversely; the Pythagorean Theorem proved using triangle similarity; SAS similarity criteria; SSS similarity criteria; ASA similarity.)

R. Use congruence and similarity criteria for triangles to solve problems and to prove relationships in geometric figures.

S. Understand that by similarity, side ratios in right triangles, including special right triangles (30-60-90 and 45-45-90), are properties of the angles in the triangle, leading to definitions of trigonometric ratios for acute angles.

T. Explain and use the relationship between the sine and cosine of complementary angles.

U. Use trigonometric ratios and the Pythagorean Theorem to solve right triangles in applied problems.

V. Prove that all circles are similar.

W. Identify and describe relationships among inscribed angles, radii, and chords, including the following: the relationship that exists between central, inscribed, and circumscribed angles; inscribed angles on a diameter are right angles; and a radius of a circle is perpendicular to the tangent where the radius intersects the circle.

X. Construct the inscribed and circumscribed circles of a triangle, and prove properties of angles for a quadrilateral inscribed in a circle.

Y. Use similarity to determine that the length of the arc intercepted by an angle is proportional to the radius, and define the radian measure of the angle as the constant of proportionality; derive the formula for the area of a sector.

Z. Derive the equation of a circle of given center and radius using the Pythagorean Theorem; complete the square to find the center and radius of a circle given by an equation.

AA. Use coordinates to prove simple geometric theorems algebraically. (For example, prove or disprove that a figure defined by four given points in the coordinate plane is a rectangle; prove or disprove that the point $(1, \sqrt{3})$ lies on the circle centered at the origin and containing the point $(0, 2)$.)

BB. Prove the slope criteria for parallel and perpendicular lines, and use them to solve geometric problems (e.g., find the equation of a line parallel or perpendicular to a given line that passes through a given point).

CC. Find the point on a directed line segment between two given points that partitions the segment in a given ratio.

DD. Use coordinates to compute perimeters of polygons and areas of triangles and rectangles, e.g., using the distance formula.

EE. Give an informal argument, e.g., dissection arguments, Cavalieri's principle, or informal limit arguments, for the formulas for the circumference of a circle; area of a circle; volume of a cylinder, pyramid, and cone.

FF. Use volume formulas for cylinders, pyramids, cones, and spheres to solve problems.

GG. Identify the shapes of two-dimensional cross-sections of three-dimensional objects, and identify three-dimensional objects generated by rotations of two-dimensional objects.

HH. Use geometric shapes, their measures, and their properties to describe objects (e.g., modeling a tree trunk or a human torso as a cylinder).

II. Apply concepts of density based on area and volume in modeling situations (e.g., persons per square mile, BTUs per cubic foot).

JJ. Apply geometric methods to solve design problems (e.g., designing an object or structure to satisfy physical constraints or minimize cost; working with typographic grid systems based on ratios).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42;

§2503. Statistics and Probability

A. Describe events as subsets of a sample space (the set of outcomes) using characteristics (or categories) of the outcomes, or as unions, intersections, or complements of other events ("or," "and," "not").

B. Understand that two events A and B are independent if the probability of A and B occurring together is the product of their probabilities, and use this characterization to determine if they are independent.

C. Understand the conditional probability of A given B as $P(A \text{ and } B)/P(B)$, and interpret independence of A and B as saying that the conditional probability of A given B is the same as the probability of A , and the conditional probability of B given A is the same as the probability of B .

D. Construct and interpret two-way frequency tables of data when two categories are associated with each object being classified. Use the two-way table as a sample space to decide if events are independent and to approximate conditional probabilities. (For example, collect data from a random sample of students in your school on their favorite subject among math, science, and English. Estimate the probability that a randomly selected student from your school will favor science, given that the student is in grade 10. Do the same for other subjects, and compare the results.)

E. Recognize and explain the concepts of conditional probability and independence in everyday language and everyday situations. (For example, compare the chance of having lung cancer if you are a smoker with the chance of being a smoker if you have lung cancer.)

F. Find the conditional probability of A given B as the fraction of B 's outcomes that also belong to A , and interpret the answer in terms of the model.

G. Apply the addition rule, $P(A \text{ or } B) = P(A) + P(B) - P(A \text{ and } B)$, and interpret the answer in terms of the model.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42;

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 142—Louisiana Student Standards for Mathematics

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

State content standards are statements that define what a student should know or be able to accomplish at the end of a specific time period or grade level or at the completion of a course. Act 329 of the 2015 Regular Session provided for the review and development of state content standards for English language arts (ELA) and mathematics. This bulletin contains the new proposed Louisiana Student Standards for Mathematics that resulted from the required review and development process.

The proposed standards represent a change in 26 percent of standards as compared to current mathematics standards. Out of the 26 percent of revised or new standards, some represent significant adjustments that will require educator training and instructional materials, while others are less significant and will require little if any training or new materials.

The Department of Education (DOE) will provide support for the implementation of these standards in the following areas: curriculum and resources, teacher training and professional development, and state and local assessments. These activities may require some adjustment in the use of existing state general funds and will likely result in an increase in funds spent on professional development, instructional resources and assessments. These activities, however, are funded in large part using federal and statutorily dedicated 8(g) funds. The Department will also work directly with publishers and other content providers whose products are most widely used by Louisiana school systems to update materials to reflect the new standards. Based on preliminary conversations with those publishers and providers, updates to their materials are expected to be made available to local school systems through supplemental materials or addenda, which can be made available at little or no cost.

The proposed action will also result in increased costs and workload adjustments to local school systems. While resources may be made available by the DOE and from some publishers at no or very low cost, not all local school systems use these vendors. Each LEA is required to provide instruction aligned to BESE-approved standards and has the autonomy and flexibility to develop, adopt, and utilize instructional materials that best support their students’ achievement of the standards. Most districts utilize multiple vendors to develop instructional materials, supplements, and curricula guides, as well as benchmark assessments, including those tied to student learning targets for the school and teacher accountability programs, all of which vary across the districts. Some districts develop their own materials and/or assessments. Furthermore, districts may incur costs for teachers attending training provided by the Department and for providing additional training for all other teachers in order to implement the standards successfully.

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

This policy change will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#061

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.2318 and 2353)

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 741—Louisiana Handbook for School Administrators*: §2318, The TOPS University Diploma; and §2353, Mathematics. The proposed policy revisions add AP computer science as an equivalent advanced mathematics course for the purposes of satisfying high school graduation requirements and for determining student eligibility to receive a Taylor Opportunity Program for Students (TOPS) award.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2318. The TOPS University Diploma

A. - C. ...

1. For incoming freshmen in 2008-2009 through 2013-2014 who are completing the Louisiana basic core curriculum, the minimum course requirements for graduation shall be the following.

* * *

a. - a.iv. ...

b. Mathematics—4 units:

i. all students must complete one of the following:

- (a). algebra I (1 unit);
- (b). applied algebra I (1 unit); or
- (c). algebra I-Pt. 1 and algebra I-Pt. 2 (2 units);

ii. geometry or applied geometry;

iii. the remaining unit(s) shall come from the following:

- (a). algebra II;
- (b). financial mathematics;
- (c). math essentials;
- (d). advanced math—pre-calculus;
- (e). advanced math—functions and statistics;
- (f). pre-calculus*;
- (g). calculus*;
- (h). probability and statistics*;
- (i). discrete mathematics;
- (j). AP computer science A; or
- (k). a locally initiated elective approved by

BESE as a math substitute.

c. - h. ...

2. For incoming freshmen in 2008-2009 through 2013-2014 who are completing the Louisiana Core 4 curriculum, the minimum course requirements shall be the following.

* * *

a. - a.iv. ...

b. Mathematics—4 units:

- i. algebra I, applied algebra I, or algebra I-Pt. 2;
- ii. geometry or applied geometry;

iii. algebra II;

iv. the remaining unit shall come from the following:

- (a). financial mathematics;
- (b). math essentials;
- (c). advanced math—pre-calculus;
- (d). advanced math—functions and statistics;
- (e). pre-calculus*;
- (f). calculus*;
- (g). probability and statistics*;
- (h). discrete mathematics;
- (i). AP calculus BC;
- (j). AP computer science A; or
- (k). a locally initiated elective approved by BESE as a math substitute.

c. - j. ...

3. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements shall be the following:

a. - a .iv.(e). ...

b. mathematics—four units:

- i. algebra I;
- ii. geometry;
- iii. algebra II;

NOTE: Integrated Mathematics I, II, and III may be substituted for the Algebra I, Geometry, and Algebra II sequence.

iv. one of the following:

- (a). algebra III;
- (b). advanced math—functions and statistics;
- (c). advanced math—pre-calculus;
- (d). pre-calculus;
- (e). IB math studies (math methods);
- (f). calculus;
- (g). AP calculus AB;
- (h). IB mathematics SL;
- (i). AP calculus BC;
- (j). AP statistics;
- (k). IB further mathematics HL;
- (l). IB mathematics HL;
- (m). probability and statistics; or
- (n). AP computer science A;

3.c. - 6.a.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:

Subchapter B. Academic Programs of Study §2353. Mathematics

A. The mathematics course offerings for the college diploma shall be as follows.

Course Title(s)	Units
Advanced Math—Pre-Calculus	1
Advanced Math—Functions and Statistics	1
Algebra I, II	1 each
Applied Algebra I	1
Algebra I—Part 1	1
Algebra I—Part 2	1
AP Computer Science A	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics (Literacy)	1
Geometry	1
Applied Geometry	1
Integrated Mathematics I, II, III	1 each
Pre-Calculus	1
Probability and Statistics	1
Math Essentials	1
AP Calculus BC	1
AP Calculus AB	1
AP Statistics	1
IB Math Studies (Math Methods)	1
IB Mathematics SL	1
IB Further Mathematics HL	1
IB Mathematics HL	1

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005), amended LR 33:2605 (December 2007), LR 34:1609 (August 2008), LR 35:2322 (November 2009), LR 36:1493 (July 2010), LR 38:760 (March 2012), LR 40:999 (May 2014), LR 40:2527 (December 2014), LR 42:

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? Yes

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators

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

The proposed policy revision adds an additional course to the Mathematics options for students to earn a TOPS university diploma. There may be costs associated with specialized training for AP courses in public schools which may offer these courses but these are expected to be nominal and included in ongoing training which is funded in part with federal grant funds.

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

This policy will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#021

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.2109 and 2323)

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 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*: §2109, High School Graduation Requirements; and §2323, Mathematics. The proposed policy revisions add AP computer science as an equivalent advanced mathematics course for the purposes of satisfying high school graduation requirements and for determining student eligibility to receive a Taylor Opportunity Program for Students (TOPS) award.

Title 28

EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 21. Curriculum and Instruction

Subchapter C. Secondary Schools

§2109. High School Graduation Requirements

A. ...

B. For incoming freshmen from 2009-2010 to 2013-2014 who are completing the Louisiana Core 4 Curriculum, the minimum course requirements shall be the following:

1. ...

2. mathematics—4 units, shall be:

a. algebra I (1 unit) or algebra I-Pt. 2;

b. geometry;

c. algebra II;

d. the remaining unit shall come from the following: financial mathematics, math essentials, advanced mathematics-pre-calculus, advanced mathematics-functions and statistics, pre-calculus, calculus, probability and statistics, discrete mathematics, AP calculus BC, AP computer science A, or a locally-initiated elective as a math substitute;

3. - 9. ...

C. For incoming freshmen in 2009-2010 through 2013-2014 who are completing the Louisiana Basic Core Curriculum, the minimum course requirements for graduation shall be the following.

1. ...

2. Mathematics—4 units, shall be:

a. algebra I (1 unit) or algebra I-pt. 1 and algebra I-pt. 2 (2 units);

b. geometry;

c. the remaining units shall come from the following:

i. algebra II;

ii. financial mathematics;

iii. math essentials;

iv. advanced mathematics-pre-calculus;

v. advanced mathematics-functions and statistics;

vi. pre-calculus;

vii. calculus;

viii. probability and statistics;

ix. discrete mathematics;

x. AP computer science A; or

xi. a locally initiated elective approved by BESE as a math substitute.

3. - 7. ...

D. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements shall be the following:

1. - 1.d.v. ...

2. mathematics—four units:

a. algebra I;

b. geometry;

c. algebra II;

NOTE: Integrated Mathematics I, II, and III may be substituted for the Algebra I, Geometry, and Algebra II sequence.

d. one of the following:

i. algebra III;

ii. advanced math—functions and statistics;

iii. advanced math—pre-calculus;

iv. pre-calculus;

v. IB math studies (math methods);

vi. calculus;

vii. AP calculus AB;

viii. IB mathematics SL;

ix. AP calculus BC;

x. AP statistics;

xi. IB further mathematics HL;

xii. IB mathematics HL;

xiii. probability and statistics; or

xiv. AP computer science A

D.3. - F.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:

Chapter 23. High School Program of Studies
§2323. Mathematics

A. The mathematics course offerings shall be as follows.

Course Title	Unit(s)
Advanced Mathematics I	1
Advanced Mathematics II	1
Algebra I	1
Algebra I-Part I	1
Algebra I-Part II	1
Algebra II	1
AP Computer Science A	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics (Literacy)	1
Geometry	1
Integrated Mathematics I	1
Integrated Mathematics II	1
Integrated Mathematics III	1
Pre-Calculus	1
Probability and Statistics	1
Math Essentials	1
AP Calculus BC	1
AP Calculus AB	1
AP Statistics	1
IB Math Studies (Math Methods)	1
IB Mathematics SL	1
IB Further Mathematics HL	1
IB Mathematics HL	1

B. Financial mathematics may be taught by the business education department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.1, and R.S. 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 30:2776 (December 2004), LR 31:3086 (December 2005), LR 34:2101 (October 2008), LR 36:2849 (December 2010), LR 38:771 (March 2012), LR 39:1449 (June 2013), LR 40:1685 (September 2014), LR 40:2538 (December 2014), LR 42:

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact

Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
 Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
 FOR ADMINISTRATIVE RULES
 RULE TITLE: Bulletin 741 (Nonpublic)—Louisiana
 Handbook for Nonpublic School Administrators**

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

The proposed policy revision will have no effect on costs or savings to state or local governmental units as it merely adds an additional course option for students to earn a TOPS University diploma.

The proposed policy revisions add AP Computer Science as an optional equivalent advanced mathematics course for the

purposes of satisfying high school graduation requirements and for determining student eligibility to receive a Taylor Opportunity Program for Students (TOPS) award.

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

This policy will have no effect on revenue collections of state or local governmental units.

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

The proposed revision may result in a cost for teacher training. It is highly recommended that teachers of Advanced Placement courses participate in special training. The cost of the training is \$600.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
1604#023

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1955—Louisiana Content Standards,
Benchmarks, and Grade Expectations for Mathematics
(LAC 28: CXIX. Chapters 1-17)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education (BESE) approved for advertisement the repeal of *Bulletin 1955—Louisiana Student Standards for Mathematics*. This action is required because these standards, initially approved by BESE in 2003, are obsolete having been replaced by standards approved by BESE in 2010.

Title 28 EDUCATION

Part CXIX. Bulletin 1955—Louisiana Content Standards, Benchmarks, and Grade Expectations for Mathematics

Chapter 1. General

§101. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2834 (November 2005), repealed LR 42:

§103. Information Literacy Model for Lifelong Learning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2834 (November 2005), repealed LR 42:

§105. Philosophy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2835 (November 2005), repealed LR 42:

§107. Educational Environment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2837 (November 2005), repealed LR 42:

§109. Assessment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2838 (November 2005), repealed LR 42:

§111. Content Strands

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2839 (November 2005), repealed LR 42:

Chapter 3. Strand One: Number and Number Relations

§301. Number and Number Relations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2839 (November 2005), repealed LR 42:

§303. Benchmarks K-4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2839 (November 2005), repealed LR 42:

§305. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2840 (November 2005), repealed LR 42:

§307. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2840 (November 2005), repealed LR 42:

Chapter 5. Strand Two: Algebra

§501. Algebra

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.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), repealed LR 42:

§503. Benchmarks K-4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2841 (November 2005), repealed LR 42:

§505. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2841 (November 2005), repealed LR 42:

§507. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2841 (November 2005), repealed LR 42:

Chapter 7. Strand Three: Measurement

§701. Measurement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2841 (November 2005), repealed LR 42:

§703. Benchmarks K-4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2841 (November 2005), repealed LR 42:

§705. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2842 (November 2005), repealed LR 42:

§707. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2842 (November 2005), repealed LR 42:

Chapter 9. Strand Four: Geometry

§901. Geometry

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2842 (November 2005), repealed LR 42:

§903. Benchmarks K-4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2843 (November 2005), repealed LR 42:

§905. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2843 (November 2005), repealed LR 42:

§907. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2843 (November 2005), repealed LR 42:

Chapter 11. Strand Five: Data Analysis, Probability, and Discrete Math

§1101. Data Analysis, Probability, and Discrete Math

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2843 (November 2005), repealed LR 42:

§1103. Benchmarks K-4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2844 (November 2005), repealed LR 42:

§1105. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2844 (November 2005), repealed LR 42:

§1107. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2844 (November 2005), repealed LR 42:

Chapter 13. Strand Six: Patterns, Relations, and Functions

§1301. Patterns, Relations, and Functions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2844 (November 2005), repealed LR 42:

§1303. Benchmarks K-4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2845 (November 2005), repealed LR 42:

§1305. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2845 (November 2005), repealed LR 42:

§1307. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2845 (November 2005), repealed LR 42:

Chapter 15. Grade Level Expectations

§1501. Prekindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2845 (November 2005), repealed LR 42:

§1503. Kindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2846 (November 2005), repealed LR 42:

§1505. First Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2846 (November 2005), repealed LR 42:

§1507. Second Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2847 (November 2005), repealed LR 42:

§1509. Third Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2848 (November 2005), repealed LR 42:

§1511. Fourth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2849 (November 2005), repealed LR 42:

§1513. Fifth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2850 (November 2005), repealed LR 42:

§1515. Sixth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2851 (November 2005), repealed LR 42:

§1517. Seventh Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2852 (November 2005), repealed LR 42:

§1519. Eighth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2853 (November 2005), repealed LR 42:

§1521. Ninth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2855 (November 2005), repealed LR 42:

§1523. Tenth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2856 (November 2005), repealed LR 42:

§1525. Eleventh and Twelfth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2856 (November 2005), repealed LR 42:

Chapter 17. Glossary and References

§1701. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:2857 (November 2005), repealed LR 42:

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and

kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1955—Louisiana Content Standards, Benchmarks, and Grade Expectations for Mathematics

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

The proposed policy revision will have no effect on costs or savings to state or local governmental units.

This action is required because these standards initially approved in 2003, are obsolete, having been replaced by standards approved by BESE in 2010. Proposed rule changes to Bulletin 142 contain new standards replacing the 2010 standards.

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

This policy will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#022

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1965—Louisiana Content Standards, Benchmarks, and Grade Expectations for English Language Arts (LAC 28:LXIII.Chapters 1-19)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the repeal of *Bulletin 1965—Louisiana Content Standards, Benchmarks, and Grade Expectations for English Language Arts*. This action is required because these standards, initially approved by BESE in 2003, are obsolete having been replaced by standards approved by BESE in 2010.

Title 28 EDUCATION

Part LXIII. Bulletin 1965—Louisiana Content Standards, Benchmarks, and Grade Expectations for English Language Arts

Chapter 1. General

§101. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§103. Louisiana Content Standards Foundation Skills

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§105. Information Literacy Model for Lifelong Learning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§107. Louisiana English Language Arts Content Standards

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1105. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1107. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

Chapter 13. Standard Six

§1301. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1303. Benchmarks K-4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1305. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1307. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

Chapter 15. Standard Seven

§1501. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1503. Benchmarks K-4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1505. Benchmarks 5-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1507. Benchmarks 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

Chapter 17. Grade Level Expectations

§1701. Prekindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1703. Kindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1705. First Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.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 31:2868 (November 2005), repealed LR 42:

§1707. Second Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1709. Third Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1711. Fourth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2873 (November 2005), repealed LR 42:

§1713. Fifth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2875 (November 2005), repealed LR 42:

§1715. Sixth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1717. Seventh Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and R.S. 17:154.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:306 (March 2003), amended LR 31:2880 (November 2005), repealed LR 42:

§1719. Eighth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1721. Ninth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1723. Tenth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

§1725. Eleventh and Twelfth Grade

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

Chapter 19. Glossary and References

§1901. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:24.4, and 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), repealed LR 42:

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? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial security? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 1965—Louisiana Content Standards, Benchmarks, and Grade Expectations for English Language Arts

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed policy revisions will have no effect on costs or savings to state or local governmental units.

This action is required because these standards initially approved in 2003, are obsolete, having been replaced by standards approved by BESE in 2010. Proposed rule changes to Bulletin 141 contain new standards replacing the 2010 standards.

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

This policy will have no effect on revenue collections of state or local governmental units.

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

There will be no estimated cost and/or economic benefit 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.

Beth Scioneaux
Deputy Superintendent
1604#030

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Tuition Trust Authority
Office of Student Financial Assistance**

**START Saving Program and 2015 Interest Rate
(LAC 28:VI.305 and 315)**

The Louisiana Tuition Trust Authority announces its intention to amend its START Saving Program rules (R.S. 17:3091 et seq.).

This rulemaking provides that an account owner may change his investment option twice during each calendar year and adds the applicable interest rates for the 2015 calendar year. (ST16170NI)

Title 28

EDUCATION

**Part VI. Student Financial Assistance—Higher
Education Savings**

Chapter 3. Education Savings Account

§305. Deposits to Education Savings Accounts

A. - D.4.d. ...

e. Beginning the 2015 calendar year and thereafter, the investment option may be changed two times each calendar year.

D.5. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1270 (July 1998), LR 26:2263 (October 2000), LR 27:1880 (November 2001), LR 30:788 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 35:236 (February 2009), LR 35:1234 (July 2009), LR 36:492 (March 2010), LR 36:2550 (November 2010), LR 42:

§315. Miscellaneous Provisions

A. - B.32. ...

33. For the year ending December 31, 2015, the Louisiana Education Tuition and Savings Fund earned an interest rate of 1.67 percent.

34. For the year ending December 31, 2015, the Savings Enhancement Fund earned an interest rate of 1.15 percent.

C. - S.2. ...

AUTHORITY NOTE: Promulgated in accordance with 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:1761 (August 2002), LR 28:2335 (November 2002), LR 29:2038 (October 2003), repromulgated LR 29:2374 (November 2003), amended LR 30:791 (April 2004), LR 30:1472 (July 2004), LR 31:2216 (September 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:2359 (November 2007), LR 34:1886 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013), LR 40:1926 (October 2014), LR 41:1487 (August 2015), LR 42:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

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

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq.

Provider Impact Statement

The proposed Rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments on the proposed changes (ST16170NI) until 4:30 p.m., May 10, 2016, to Sujuan Williams Boutté, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

Robyn Rhea Lively
Senior Attorney

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: START Saving Program
and 2015 Interest Rate**

**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. This proposed change places in rule the actual earnings realized on START accounts which are invested in the Louisiana Principal Protection investment option and the actual earnings realized on the investment of Earnings Enhancements. The increase earned on accounts invested in the Principal Protection investment option is the property of the account owners (it is not State General Fund), and the interest earned on Earning Enhancements is allocated to START accounts and is the property of the account owner upon payment of START account funds for the Qualified Higher Education Expenses (QHEE) of a beneficiary.

This rulemaking also provides that account owners may change their investment option twice each year. There is no cost or savings associated with the implementation of this change.

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)

These changes adopt interest rates for deposits and earnings enhancements for the year ending December 31, 2015. START account holders earned slightly less than in the previous year. This rulemaking also provides that a START account owner may change his investment option twice each year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

Robyn Rhea Lively
Senior Attorney
1604#004

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Division**

**Control of Emissions of Smoke
(LAC 33:III.1105 and 1107)(AQ361)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.1105.A and 1107.A (AQ361).

This Rule will repeal LAC 33:III.1107.A. The relevant part of LAC 33:III.1105 (Smoke from Flaring Shall Not Exceed 20 Percent Opacity) provides that the, "emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases for control over process upsets shall be controlled so that the shade or appearance of the emission does not exceed 20 percent opacity ... for a combined total of 6 hours in any 10 consecutive days."

LAC 33:III.1107.A allows LDEQ to grant an exemption from the provisions of LAC 33:III.1105 "during start-up and shutdown periods if the flaring was not the result of failure to maintain or repair equipment." This exemption was approved by EPA into Louisiana's state implementation plan (SIP) on July 5, 2011 (76 FR 38977).

However, on June 12, 2015, EPA promulgated a Rule* finding that several Louisiana air quality regulations, including LAC 33:III.1107.A, are "substantially inadequate to meet [Clean Air Act] requirements" because they provide "impermissible discretionary exemptions" from "otherwise applicable SIP emission limitations." Consequently, EPA issued a "SIP call" directing affected states to submit corrective SIP revisions by November 22, 2016.

In response to EPA's SIP call, LDEQ will repeal LAC 33:III.1107.A for two primary reasons. One, there is

incongruity between the provisions of LAC 33:III.1105 and LAC 33:III.1107.A. LAC 33:III.1105 applies to flaring in connection with process upsets, whereas §1107.A addresses startup and shutdown periods (not malfunctions or upsets). Two, other standards for flares that are commonly applicable, such as 40 CFR 63.11(b)(4), require the control device to "be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours."

* State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction [80 FR 33840]

The basis and rationale for this Rule are to repeal the exemption provided by LAC 33:III.1107.A in order to comply with EPA's SIP call. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 11. Control of Emissions of Smoke

§1105. Smoke from Flaring Shall Not Exceed 20 Percent Opacity

A. The emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases for control over process upsets shall be controlled so that the shade or appearance of the emission does not exceed 20 percent opacity (LAC 33:III.1503.D.4, Table 4) for a combined total of 6 hours in any 10 consecutive days. If it appears the emergency cannot be controlled in six hours, SPOC shall be notified by the emitter in accordance with LAC 33:I.3923 as soon as possible after the start of the upset period.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 25:656 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2438 (October 2005), LR 33:2084 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:

§1107. Exemptions

A. Reserved.

B. - B.6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2438 (October 2005), LR 33:2084 (October 2007), LR 37:1144 (April 2011), amended by the Office of the Secretary, Legal Division, LR 42:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ361. Such comments must be received no later than June 1, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations 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 AQ361. These proposed regulations are available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on May 25, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Control of Emissions of Smoke

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 as a result of the proposed rule. The proposed rule change repeals an exemption from the flare opacity standard "during start-up and shutdown periods if the flaring was not the result of failure to maintain or repair equipment." The flare opacity rule that mentions the exemption applies to process upsets, not start-ups and shutdowns. The proposed rule change also addresses the U.S. Environmental Protection Agency decision that declared this part of the rule to be an impermissible exemption.

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

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule.

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

Owners/operators of flares that smoke during flaring will no longer be able to apply for an exemption for opacity exceedances during start-up and shutdown periods. The violations of the opacity limit may result in enforcement action. However, the department is not aware of any groups that routinely apply for the exemption.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Herman Robinson
General Counsel
1604#051

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Division

Incorporation by Reference
Federal Air Quality Regulations—2015
(LAC 33:III.506, 507, 2160, 3003,
5116, 5311 and 5901)(AQ359ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.506, 507, 2160, 3003, 5116, 5311 and 5901 (Log #AQ359ft).

This Rule is identical to federal regulations found in 40 CFR part 51, appendix M; 40 CFR part 60; 40 CFR part 61; 40 CFR part 63; 40 CFR part 68; 40 CFR part 70.6(a); 40 CFR part 96, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule incorporates by reference (IBR) into the *Louisiana Administrative Code* (LAC), Title 33, Part III, Air the following federal regulations included in the July 1, 2015 edition of the *Code of Federal Regulations* (CFR); 40 CFR parts 51-appendix M, 60, 61, 63, 68 and 70.6(a). Any exception to the IBR is explicitly listed in the Rule. This updates the references to July 1, 2015, for standard of performance for new stationary sources, 40 CFR part 60. The Rule also updates the references to July 1, 2015, for the national emission standards for hazardous air pollutants (NESHAP) and for NESHAP for source categories, 40 CFR 61 and 63. In order for Louisiana to maintain equivalency with federal regulations, certain regulations in the most current *Code of Federal Regulations*, July 1, 2015, must be adopted into the *Louisiana Administrative Code* (LAC). This rulemaking is also necessary to maintain delegation authority granted to Louisiana by the Environmental Protection Agency. The basis and rationale for this Rule are to mirror the federal regulation as they apply to Louisiana's affected sources. This Rule meets an exception listed in R.S.

30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33 ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§506. Clean Air Interstate Rule Requirements

A. - B.4. ...

C. Annual Sulfur Dioxide. Except as specified in this Section, the federal SO₂ model Rule, published in the *Code of Federal Regulation* at 40 CFR 96, July 1, 2015, is hereby incorporated by reference, except for subpart III-CAIR SO₂ opt-in units and all references to opt-in units.

D. - E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:1597 (September 2006), amended LR 33:1622 (August 2007), LR 33:2083 (October 2007), LR 34:978 (June 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), repromulgated LR 36:2551 (November 2010), amended LR 37:2989 (October 2011), LR 38:1229 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1276 (May 2013), LR 40:1334 (July 2014), LR 42:

§507. Part 70 Operating Permits Program

A. - B.1. ...

2. No part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the part 70 source under this Section shall include the elements required by 40 CFR 70.6. The department hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), July 1, 2015. Upon issuance of the permit, the part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. - J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs

Division, LR 31:2437 (October 2005), LR 32:808 (May 2006), LR 33:1619 (August 2007), LR 33:2083 (October 2007), LR 33:2630 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1229 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1276 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR:42:

Chapter 21. Control of Emission of Organic Compounds

Subchapter N. Method 43—Capture Efficiency Test Procedures

[Editor's Note: This Subchapter was moved and renumbered from Chapter 61 (December 1996).]

§2160. Procedures

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR 51, appendix M, July 1, 2015, are hereby incorporated by reference.

B. - C.2.b.iv. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1277 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR 42:

Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

Subchapter A. Incorporation by Reference

§3003. Incorporation by Reference of 40 *Code of Federal Regulations* (CFR) Part 60

A. Except for 40 CFR 60, subpart AAA, and as modified in this Section, standards of performance for new stationary sources, published in the *Code of Federal Regulations* at 40 CFR 60, July 1, 2015, are hereby incorporated by reference as they apply to the state of Louisiana.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 32:809 (May 2006), LR 32:1596 (September 2006), LR 33:1620 (August 2007), LR 33:2092 (October 2007), LR 33:2626 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012), LR 39:1039 (April

2013), LR 39:1277 (May 2013), LR 40:1335 (July 2014), LR 40:2540 (December 2014), LR 41:1274 (July 2015), LR 42:

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR

Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants, published in the *Code of Federal Regulations* at 40 CFR 61, July 1, 2015, and specifically listed in the following table, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

40 CFR Part 61	Subpart/Appendix Heading

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 33:2094 (October 2007), LR 34:1391 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1277 (May 2013), LR 40:1335 (July 2014), LR 41:1274 (July 2015), LR 42:

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants for source categories, published in the *Code of Federal Regulations* at 40 CFR 63, July 1, 2015, are hereby incorporated by reference as they apply to major sources in the state of Louisiana.

B. - C.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December

2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 31:3115 (December 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2095 (October 2007), LR 33:2627 (December 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1335 (July 2014), LR 41:1275 (July 2015), LR 42:

Chapter 53. Area Sources of Toxic Air Pollutants
Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants for source categories, published in the *Code of Federal Regulations* at 40 CFR 63, July 1, 2015, are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2096 (October 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012), LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter A. General Provisions

§5901. Incorporation by Reference of Federal Regulations

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR 68, July 1, 2015.

B. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Division

VOC Emissions—Industrial Wastewater (LAC 33:III.2153)(AQ362)

29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:810 (May 2006), LR 33:1621 (August 2007), LR 34:1392 (July 2008), LR 35:1109 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Providers Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ359ft. Such comments must be received no later than May 25, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for this Rule ends on the same date as the public hearing. 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 AQ359ft. This regulation is available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on May 25, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

1604#047

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2153.B.1.i (AQ362).

This Rule will repeal LAC 33:III.2153.B.1.i. Due to LAC 33:III.2153 (Limiting VOC Emissions from Industrial Wastewater), “affected VOC wastewater streams” are required to be controlled. More specifically, LAC 33:III.2153.B.1.d.i requires vents on covers and certain junction box covers to be, “equipped with either a control device or a vapor recovery system that maintains a minimum control efficiency of 90 percent VOC removal or a VOC concentration of less than or equal to 50 parts per million by volume.”

LAC 33:III.2153.B.1.i provides that the aforementioned control device or recovery device is, “not ... required to meet the 90 percent removal efficiency or 50 ppmv concentration during periods of malfunction or maintenance on the devices for periods not to exceed 336 hours per year.” This exemption was approved by EPA into Louisiana’s state implementation plan (SIP) on July 5, 2011 (76 FR 38977).

However, on June 12, 2015, EPA promulgated a Rule* finding that several Louisiana air quality regulations, including LAC 33:III.2153.B.1.i, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “automatic exemptions for excess emissions from otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

An LDEQ query of effective air permits returned no documents identifying LAC 33:III.2153.B.1.i as an applicable requirement. Moreover, LDEQ reached out to the regulated community, inquiring if any affected source relied upon this exemption as a means to comply with LAC 33:III.2153. No affirmative responses were received. Therefore, in response to EPA’s SIP call, LDEQ will repeal LAC 33:III.2153.B.1.i.

* State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction [80 FR 33840]

The basis and rationale for this Rule are to repeal the exemption provided by LAC 33:III.2153.B.1.i in order to comply with EPA’s SIP call. This Rule meets an exception

listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter M. Limiting Volatile Organic Compound (VOC) Emissions from Industrial Wastewater

§2153. Limiting VOC Emissions from Industrial Wastewater

A. - B. ...

1. The wastewater component shall meet the following requirements:

a. - h.iii. ...

i. Repealed.

B.2. - I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:936 (September 1995), amended LR 22:1212 (December 1996), LR 24:26 (January 1998), LR 25:850 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:747 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2087 (October 2007), LR 37:3232 (November 2011), amended by the Office of the Secretary, Legal Division, LR 38:2752 (November 2012), LR 42:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ362. Such comments must be received no later than June 1, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations 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 AQ362. These proposed regulations are available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on May 25, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are

allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: VOC Emissions—Industrial Wastewater

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 as a result of the proposed rule. The proposed rule change repeals the exemption for certain wastewater tanks during malfunction or maintenance periods. The rule was determined to be an impermissible exemption by the U.S. Environmental Protection Agency. The Department of Environmental Quality (DEQ) surveyed the regulated community and did not find any permits that mentioned the exemption as a means to comply to the rule limiting volatile organic compound emissions from industrial wastewater.

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

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule.

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

There are no estimated costs or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule. DEQ has not been able to identify any facility that relies upon this exemption as a means to comply with LAC 33:III.2153.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Herman Robinson
General Counsel
1604#052

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Pardons

Clemency Consideration Eligibility and
Application Filing (LAC 22:V.Chapter 2)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Board of Pardons hereby gives notice of its intent to amend its rules in LAC 22:V.203, 205, and 211. These proposed rule changes revise application filing procedures and eligibility for clemency

reconsideration. Section 203 provides that an incarcerated applicant must be free of disciplinary reports for a period of 24 months prior to submitting an application for clemency and for the 24-month period prior to a clemency hearing. Section 205 establishes procedures for an applicant to request reconsideration when notified by the board that no action was taken by the governor on their initial application.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part V. Board of Pardons

Chapter 2. Clemency

§203. Eligibility for Clemency Consideration

A. - C.2.a. ...

b. must have been disciplinary report free for a period of at least 24 months prior to the date of the application or at the time of the hearing (if a hearing is granted); and

C.2.c. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:573.1, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2255 (August 2013), amended LR 42:

§205. Application Filing Procedures

A. - D.4. ...

5. Denial/No Action Taken by Governor after Favorable Recommendation. The board shall notify an applicant after its receipt of notification from the governor that the board's favorable recommendation was denied or no action was taken.

a. If the applicant is notified of denial by the governor, the applicant may not reapply for clemency for at least four years from the date of the denial. The application filing procedures in Subsections A-D.3 of this Section shall apply.

b. If the applicant is notified that no action was taken by the governor, the applicant may request reconsideration of the board's favorable recommendation. Applicant must submit a re-application within one year from the date on the board's notification to the applicant of no action taken by the governor.

i. Upon receipt of the re-application in accordance with this section, the board shall set the matter for an administrative review. At least 30 days prior to the scheduled docket date for administrative review, the board shall give written notice of the date, time, and place to the following:

(a). the district attorney and sheriff of the parish in which the applicant was convicted and, in Orleans Parish, the superintendent of police;

(b). the applicant;

(c). the victim who has been physically or psychologically injured by the applicant (if convicted of that offense), and the victim's spouse or next of kin, unless the injured victim 's spouse or next of kin advises the board, in writing, that such notification is not desired;

(d). the spouse or next of kin of a deceased victim when the offender responsible for the death is the applicant (if convicted of that offense), unless the spouse or next of kin advises the board in writing that such notification is not desired;

(e). the Crime Victim Services Bureau of the Department of Public Safety and Corrections; and

(f). any other interested person who has notified the board of pardons, in writing, requesting such notice providing their name and return address.

c. The board shall evaluate the record of the applicant. Action on the re-application may include setting the matter for a clemency hearing, affirming the board's previous favorable recommendation, or denying the re-application.

d. If the applicant does not apply for reconsideration within the one year period, the application filing procedures in Subsections A-D.3 of this Section shall apply.

E. Notice of Action Taken on Application. After review of application for clemency by the board, applicants shall be notified, in writing, of action taken by the board. Action can include granting a hearing before the board or denial of a hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:573.1, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2255 (August 2013), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 41:42 (January 2015), amended by the Office of the Governor, Board of Pardons LR 42:

§211. Hearings before the Pardon Board

A. - F. ...

G. Applicant's failure to attend and/or notify the Board of Pardons office of his/her inability to attend the hearing will result in an automatic denial. The applicant may reapply two years from the date of scheduled hearing. Lifers who fail to attend and/or advise of inability to attend may reapply in five years, and every five years thereafter.

H. Four members of the board shall constitute a quorum for the transaction of business, and all actions of the board shall require the favorable vote of at least four members of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2256 (August 2013), amended LR 42:

Family Impact Statement

Amendment to the rules has no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relations to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Mona Wagner, Corrections Management Officer, Board of Pardons and

Parole, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on May 10, 2016.

Sheryl M. Ranatza
Board Chair

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Clemency Consideration
Eligibility and Application Filing**

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

The purpose of this rule change is to promulgate LAC 22:V:203 and 205. These proposed rule changes revise application filing procedures and eligibility for clemency reconsideration. The proposed rule change establishes guidelines that may reduce the workload of the agency by providing applicants an opportunity to have their requests reconsidered without going through the entire application process again.

LAC 22:V:203 provides that an incarcerated applicant must be free of disciplinary reports for a period of twenty-four months prior to submitting an application for clemency and for the twenty-four month period prior to a clemency hearing.

LAC 22:V:205 establishes procedures for an applicant to request reconsideration when notified by the board that no action was taken by the Governor on their initial application.

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

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule change.

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

To the extent incarcerated individuals may realize a potential increase in opportunity for pardons, they may also realize an economic benefit in potentially entering or returning to the workforce.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Thomas C. Bickham, III
Undersecretary
1604#044

Evan Bresseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Office of Financial Institutions**

**Investment Adviser Registration Procedure
(LAC 10:XIII.Chapter 13)**

In accordance with the Louisiana Securities Law, R.S. 51:701 et seq., and pursuant to the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the commissioner of financial institutions, in his capacity as the commissioner of securities (hereinafter “the commissioner”) hereby gives notice of his intent to amend LAC 10:XIII.1301-1311, a Rule to place a requirement on registered investment adviser firms that in order for such firms to be registered with the commissioner, all of their investment adviser representatives must either satisfy the examination criteria set out in §1303

or qualify for one of the waivers set out in §1305. The Sections below have been amended and adopted to ensure that all investment adviser representatives are properly qualified to provide investment advice to Louisiana citizens.

Title 10

**FINANCIAL INSTITUTIONS, CONSUMER CREDIT,
INVESTMENT SECURITIES AND UCC**

Part XIII. Investment Securities

Subpart 1. Securities

**Chapter 13. Investment Adviser Registration
Procedure**

§1301. Definitions

Third-Party Solicitor—an investment adviser representative who meets all of the following criteria:

1. investment advisory business consists solely of referring individuals to other investment adviser firm(s);
2. provides no advice to individuals regarding specific investments;
3. fees consist entirely of referral fees received from the investment adviser firms to whom the investment adviser representative makes referrals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:703(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 32:2055 (November 2006), effective January 1, 2007, amended LR 34:2125 (October 2008), LR 42:

§1303. Examination Requirements

A. Any investment adviser firm applying for registration under R.S. 51:703(D), or renewal of any such registration, shall provide the commissioner with proof that each of its investment adviser representatives has met one of the two following examination requirements:

1. successfully passed the uniform investment adviser law examination (series 65 examination) after January 1, 2000; or
2. ...
3. successfully passed the general securities representative examination (series 7 examination) and uniform registered investment adviser examination (series 65 examination) prior to January 1, 2000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:703(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 32:2055 (November 2006), effective January 1, 2007, amended LR 42:

§1309. Grandfather Provision

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:703(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 32:2056 (November 2006), effective January 1, 2007, repealed LR 42:

§1311. Exemptions

A. The requirements of this Chapter shall not apply to third-party solicitors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:703(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 32:2056 (November 2006), effective January 1, 2007, amended LR 34:2126 (October 2008), LR 42:

Family Impact Statement

This Rule has no know impact on family formation, stability or autonomy as described in R.S.49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

Other than as described in the Fiscal and Economic Impact Statement, this Rule has no known adverse economic impact on small business as described in R.S. 49:965.5.

Provider Impact Statement

This Rule has no known adverse economic impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments regarding this proposed Rule no later than 4:30 p.m., May 11, 2016, to Rhonda Reeves, Deputy Commissioner of Securities, P.O. Box 94095, Baton Rouge, LA, 70804-9095, or by hand delivery to the Office of Financial Institutions, 8660 United Plaza Boulevard, Second Floor, Baton Rouge, LA 70809-7024.

John Ducrest, CPA
Commissioner of Securities

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Investment Adviser Registration Procedure

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rule will have no implementation costs or savings to the state of Louisiana or any other governmental unit.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no effect on revenue collections for state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change will require representatives of investment adviser firms to pass securities industry examination(s) or obtain an industry certification. The vast majority of current registrants already meet these requirements. Those registrants who do not will be required to pass an examination or obtain a certification. The examinations are administered by the Financial Industry Regulatory Authority (FINRA) and include fees ranging from \$155 to \$305. The certifications are awarded by various organizations and include fees ranging from approximately \$500 to \$1,000. Although the examination and certification requirements are only necessary at the time of initial application, each investment adviser representative must also meet the necessary continuing education or recertification requirements to maintain such examination or professional certification.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Some persons may be unable to pass the examination or obtain the certification required by the proposed rule; therefore,

there may be some effect on employment and competition. However, this impact is expected to be minimal.

John Ducrest, CPA
Commissioner
1604#045

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Behavior Analyst Board

Supervision—State Certified Assistant Behavior Analysts and Registered Line Technicians (LAC 46:VIII.Chapter 5)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq, the Louisiana Behavior Analyst Board intends to repromulgate §501, §502, §503, and §504 and promulgate §509, §511, §513, §515, and §517 under Subchapter B.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part VIII. Behavior Analysts

Chapter 5. Supervision Requirements

Subchapter A. Supervision Requirements for State Certified Assistant Behavior Analysts (SCABA)

§501. Supervision—General

A. A state certified assistant behavior analyst (hereinafter referred to as SCABA) shall assist a licensed behavior analyst (hereinafter referred to as LBA) in the delivery of applied behavior analysis in compliance with all state and federal statutes, regulations, and rules.

B. The SCABA may only perform services under the direct supervision of a LBA as set forth in this Rule.

C. Supervision shall be an interactive process between the LBA and SCABA. It shall be more than peer review or co-signature.

D. There shall be a written supervisory agreement between the LBA and the SCABA that shall address:

1. the domains of competency within which services may be provided by the SCABA; and
2. the nature and frequency of the supervision of the practice of the SCABA by the LBA.

E. A copy of the written supervisory agreement must be maintained by the LBA and the SCABA and made available to the board upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1933 (October 2014), amended LR 42:

§503. Supervision—Requirements [Formerly §502]

A. The manner of supervision shall depend on the treatment setting, patient/client caseload, and the competency of the SCABA. At a minimum, for full-time SCABAs, working at least 30 hours per week, a face-to-face supervisory meeting shall occur not less than once every

four weeks, with each supervisory session lasting no less than one hour for full-time SCABAs. The qualifying supervision activities may include:

1. direct, real-time observation of the SCABA implementing behavior analytic assessment and intervention procedures with clients in natural environments and/or training others to implement them, with feedback from the supervising LBA; and

2. one-to-one real-time interactions between the supervising LBA and the SCABA to review and discuss assessment procedures, assessment outcomes, possible intervention procedures and materials, data collection procedures, intervention outcome data, modifications of intervention procedures, published research, ethical and professional standards and guidelines, professional development needs and opportunities, and relevant laws, regulations, and policies.

B. More frequent supervisory activities may be necessary as determined by the LBA or SCABA dependent on the level of expertise displayed by the SCABA, the practice setting, and/or the complexity of the patient/client caseload. These additional supervisory activities, however, do not qualify towards the once per month requirements. The non-qualifying additional supervision activities may include, but are not limited to:

1. real-time interactions between a supervising LBA and a group of SCABAs to review and discuss assessment and treatment plans and procedures, client assessment and progress data and reports, published research, ethical and professional standards and guidelines, professional development needs and opportunities, and relevant laws, regulations, and policies; and

2. informal interactions between supervising LBAs and SCABAs via telephone, electronic mail, and other written communication.

C. Supervision requirements for part-time practice, less than 30 hours per week, may be modified at the discretion of the board upon approval of the submitted plan. Additional modifications of the format, frequency, or duration of supervision may be submitted for approval by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1933 (October 2014), amended LR 42:

§505. Supervisor Responsibilities [Formerly §503]

A. Qualifying supervision shall ensure that the quality of the services provided by the SCABA to his employer and to consumers is in accordance with accepted standards, including the guidelines for responsible conduct for behavior analysts and professional disciplinary and ethical standards for the Behavior Analyst Certification Board or other nation credentialing bodies as approved by the board.

B. Qualifying supervision shall guide the professional development of the SCABA in ways that improve the practitioner's knowledge and skills.

C. The LBA or the supervisor's alternate LBA designee must be available for immediate consultation with the assistant behavior analyst. The supervisor need not be physically present on the premises at all times.

D. The LBA is ultimately responsible and accountable for client care and outcomes under his clinical supervision. The supervising LBA shall:

1. be licensed by the board as a LBA;
2. not be under restriction or discipline from any licensing board or jurisdiction;

3. not have more than 10 full-time-equivalent SCABAs under his/her supervision at one time without prior approval by the board;

4. provide at least one hour of face-to-face, direct supervision per month per each SCABA.

5. be responsible for all referrals of the patient/client;

6. be responsible for completing the patient's evaluation/assessment. The SCABA may contribute to the screening and/or evaluation process by gathering data, administering standardized tests, and reporting observations. The SCABA may not evaluate independently or initiate treatment before the supervising LBA's evaluation/assessment; and

7. be responsible for developing and modifying the patient's treatment plan. The treatment plan must include goals, interventions, frequency, and duration of treatment. The SCABA may contribute to the preparation, implementation, and documentation of the treatment plan. The supervising behavior analyst shall be responsible for the outcome of the treatment plan and assigning of appropriate intervention plans to the SCABA within the competency level of the SCABA.

E. Be responsible for developing the patient's discharge plan. The SCABA may contribute to the preparation, implementation, and documentation of the discharge plan. The supervising LBA shall be responsible for the outcome of the discharge plan and assigning of appropriate tasks to the SCABA within the competency level of the SCABA.

F. Ensure that all patient/client documentation becomes a part of the permanent record.

G. Conduct at least one on-site observation per client per month.

H. The supervisor shall ensure that the SCABA provides applied behavior analysis as defined in R.S. 37:3702 appropriate to and consistent with his/her education, training, and experience.

I. Inform the board of the termination in a supervisory relationship within 10 calendar days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1934 (October 2014), amended LR 42:

§507. SCABA Responsibilities [Formerly §504]

A. The supervising LBA has the overall responsibility for providing the necessary supervision to protect the health and welfare of the patient/client receiving treatment from an SCABA. However, this does not absolve the SCABA from his/her professional responsibilities. The SCABA shall exercise sound judgment and provide adequate care in the performance of duties. The SCABA shall:

1. not initiate any patient/client treatment program or modification of said program until the behavior analyst has evaluated, established a treatment plan, and consulted with the LBA;

2. not perform an evaluation/assessment, but may assist in the data gathering process and administer specific assessments where clinical competency has been demonstrated, under the direction of the LBA;

3. not analyze or interpret evaluation data;

4. monitor the need for reassessment and report changes in status that might warrant reassessment or referral;

5. immediately suspend any treatment intervention that appears harmful to the patient/client and immediately notify the supervising LBA; and

6. ensure that all patient/client documentation prepared by the SCABA becomes a part of the permanent record;

7. meet these supervision requirements, even if they are not currently providing behavior analysis services. If not currently providing behavior analysis services, supervision from the supervising LBA may focus on guiding the development and maintenance of the SCABA's professional knowledge and skills and remaining current with the professional literature in the field; and

8. inform the board of the termination in a supervisory relationship within 10 calendar days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 40:1934 (October 2014), amended LR 42:

Subchapter B. Supervision Requirements for Registered Line Technicians (RLT)

§509. Supervision—General

A. A registered line technician (hereinafter referred to as RLT) shall be responsible for implementing, not designing, the behavior plans designed by their supervising licensed behavior analyst.

B. The RLT may only perform behavior analytic services under the direct supervision of a LBA as set forth in this rule.

C. Supervision can be conducted by either the LBA or SCABA.

D. Supervision shall be an interactive process between the LBA or SCABA and RLT. It shall be more than peer review or co-signature. The supervisor and supervisee should maintain appropriate documentation on all supervision activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

§511. Supervision Requirements

A. The manner of supervision shall depend on the treatment setting, client caseload, and the competency of the RLT. The qualifying supervision must include the following criteria.

1. The LBA must ensure ongoing supervision for a minimum of 5 percent of the hours the RLT spends providing applied behavior-analytic services per month for the clients under their jurisdiction.

2. Supervision must include:

a. at least two face-to-face contacts per month with at least one being real time 1:1 contact;

b. at least one on-site contact with each RLT/client dyad every two months.

3. The LBA may delegate supervisory responsibilities to a SCABA under their direct supervision.

4. Other supervisory activities may include real-time interactions between a supervising LBA or SCABA and a group of RLTs to review and discuss assessment and treatment plans and procedures, client assessment and progress data and reports, published research, ethical and professional standards and guidelines, professional development needs and opportunities, and relevant laws, regulations, and policies.

5. In the case of multiple supervisors, the RLT must be supervised by the LBA or SCABA for the clients assigned under each supervisor's jurisdiction.

6. RLT's who provide substitute services will not be subject to the twice-monthly on-site contact supervisory contact. Substitute services are defined as eight hours or less per client per month. However, it is expected that the RLT will be provided with essential information and assistance pertinent to the client's case. This does not exempt the RLT from the requirement in Paragraph A.1 of this Section for the 5 percent of monthly supervision time.

B. More frequent supervisory activities may be necessary as determined by the LBA, SCABA, or RLT dependent on the level of expertise displayed by the RLT, the practice setting, and/or the complexity of the client caseload. Supervision should occur at a schedule consistent with evidence-based practice and sufficient to ensure competence in the delivery of each of the client's current treatment programs. These additional supervisory activities, however, do not qualify towards minimum supervision requirements. The non-qualifying additional supervision activities may include, but are not limited to, informal interactions between supervising LBA or SCABA and RLT via telephone, electronic mail, and other written or electronic communications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

§513. Supervision Documentation

A. All supervision should be documented and must contain a minimum of the client's name, RLT's name, date, time, brief description of supervision activities, and initials of both RLT and LBA.

B. All supervision documentation should be kept a minimum of six years.

C. Random audits will be conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

§515. Supervisor Responsibilities

A. Supervision shall ensure that the quality of the services provided by the RLT to his employer and to consumers is in accordance with accepted standards, including the *Professional and Ethical Compliance Code for Behavior Analysts*, adopted by the Behavior Analyst Certification Board (BACB) board of directors on 08/07/14 and effective as of 01/01/16.

B. Supervision shall guide continuing professional development of the RLT in ways that improve the practitioner's knowledge and skills.

C. It is the responsibility of the designated supervisor to determine which tasks an RLT may perform as a function of his or her training, experience, and competence.

D. The LBA, SCABA, or the supervisor's alternate LBA or SCABA designee must be available for immediate consultation with the RLT. The supervisor need not be physically present or on the premises at all times.

E. The LBA is ultimately responsible and accountable for client care and outcomes under his clinical supervision. The supervising LBA shall:

1. be licensed by the board as a LBA;
2. not be under restriction or discipline from any licensing board or jurisdiction;
3. provide the minimum qualifying supervision requirements as stated in section, however more supervision may be necessary and should be conducted on a schedule consistent with evidence-based practice and sufficient to ensure competence in the delivery of each of the client's current treatment programs;
4. be responsible for all referrals of the client;
5. be responsible for completing the client's evaluation/assessment. The RLT may contribute to the screening and/or evaluation process by gathering data and reporting observations. The RLT may not evaluate independently or initiate treatment before the supervising LBA's evaluation/assessment;
6. be responsible for developing and modifying the client's treatment plan. The treatment plan must include goals, interventions, frequency, and duration of treatment. The RLT may contribute to the preparation, implementation, and documentation of the treatment plan. The supervising behavior analyst shall actively review all aspects of the RLTs contributions and be responsible for the outcome of the treatment plan and assigning of appropriate intervention plans to the RLT within the competency level of the RLT;
7. be responsible for developing the client's discharge plan. The RLT may contribute to the preparation, implementation, and documentation of the discharge plan. The supervising LBA shall be responsible for the outcome of the discharge plan and assigning of appropriate tasks to the RLT within the competency level of the RLT;
8. inform the board of the termination in a supervisory relationship within 10 calendar days;
9. ensure that all client documentation becomes a part of the permanent record; and
10. if a RLT is not currently providing behavior analysis services, proper documentation must be maintained on reasons for not meeting qualifying supervision requirements.

F. The LBA is ultimately responsible and accountable for client care and outcomes under his clinical supervision. The supervising LBA shall:

1. be licensed by the board as a LBA;
2. not be under restriction or discipline from any licensing board or jurisdiction;
3. provide the minimum qualifying supervision requirements as stated in section, however more supervision may be necessary and should be conducted on a schedule consistent with evidence-based practice and sufficient to ensure competence in the delivery of each of the client's current treatment programs;

4. ensure that all client documentation becomes a part of the permanent record; and

5. if a RLT is not currently providing behavior analysis services, proper documentation must be maintained on the reasoning for not meeting qualifying supervision requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

§517. RLT Responsibilities

A. The supervising LBA has the overall responsibility for providing the necessary supervision to protect the health and welfare of the client receiving treatment from an RLT. However, this does not absolve the RLT from his/her professional responsibilities. The RLT shall exercise sound judgment and provide adequate care in the performance of duties. The RLT shall:

1. be primarily responsible for the direct implementation of skill acquisition and behavior-reduction plans developed by the supervisor;
2. not initiate any client treatment program or modification of said program until the behavior analyst has evaluated, established a treatment plan, and consulted with the LBA;
3. not perform an evaluation/assessment, but may assist in the data gathering process and administer specific assessments where clinical competency has been demonstrated, under the direction of the LBA;
4. not analyze or interpret evaluation data;
5. immediately contact the supervising LBA or SCABA if any treatment intervention that appears harmful to the client;
6. ensure that all client documentation completed by the RLT becomes a part of the permanent record;
7. if they are not currently providing behavior analysis services, proper documentation must be maintained; and
8. inform the board of the termination in a supervisory relationship within 10 calendar days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analyst Board, LR 42:

Family Impact Statement

The Behavior Analyst Board hereby issues this Family Impact Statement as set forth in R.S.49:972. The proposed Rule and adoption of the Rule related to supervision requirements is being implemented to guarantee the licensing authority can safeguard the public welfare of this state and will have no known foreseeable impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; family earnings and family budget; behavior and personality responsibility of children; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed modifications regulate supervision of state certified assistant behavior analysts and Registered Line Technicians in the interest of health, safety, and the welfare of the public. This Rule does not have any known or foreseeable impact on any child, individual or family as

defined by R.S. 49:973(B). Specifically, there is no known or foreseeable effect on: household income, assets, and financial security; early childhood development and preschool through postsecondary education development; employment and workforce development; taxes and tax credits; or child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Rhonda Boe, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 p.m. on May 10, 2016.

Rhonda Boe
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Supervision—State Certified Assistant Behavior Analysts and Registered Line Technicians

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

Act 351 of the 2013 Legislative Session, effective August 1, 2013, created the Louisiana Behavior Analyst Board and allowed for the establishment of licensure, certification, registration, continuing education, and practice requirements of Behavior Analysts, Assistant Behavior Analysts, and Line Technicians. The proposed rule codifies and establishes requirements pertaining to the supervision of Registered Line Technicians by Licensed Behavior Analysts and/or State Certified Assistant Behavior Analysts. The estimated implementation for this rule is approximately \$275 in FY 16. Those costs are related to publishing the proposed and final rule in the *Louisiana Register*.

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

There is no anticipated impact on revenue collections of state or local government units. This proposed rule does not impose a fee or financial obligations on Licensed Behavior Analysts or Registered Line Technicians.

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

There are currently 143 Licensed Behavior Analysts supervising approximately 700 Registered Line Technicians. The proposed rule establishes the requirements for supervision of Registered Line Technicians. This proposed rule outlines the supervising Licensed Behavior Analyst's responsibilities and those of the Registered Line Technician. Supervision guidelines for Registered Line Technicians may provide economic benefit to individuals practicing in the field of behavior analysis to the degree that such guidelines bolsters public confidence in the area of practice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Individuals and business performing behavioral analysis services will be responsible for adhering to all supervision requirements, maintain proper documentation on all Registered Line Technicians, and be subjected to random audits. Individuals failing to meet proper requirements and/or provide necessary documentation may be unable to continue to work in the field of behavior analysis or may endanger their licensure status.

Rhonda Boe
Executive Director
1604#059

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Medical Examiners

Midwives—Licensure, Certification and Practice
(LAC 46:XLV Chapters 23 and 53)

Notice is hereby given in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., that pursuant to the authority vested in the Louisiana State Board of Medical Examiners (the "Board") by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and the Louisiana Midwife Practitioners Act, R.S. 37:3241 et seq., the Board intends to amend its Rules governing licensure, certification and practice of midwives, LAC 46:XLV Subpart 2, Chapter 23 and Subpart 3, Chapter 53. The proposed amendments conform the Board's rules to various amendments to the Louisiana Midwife Practitioners Act by Act No. 772 of the 2012 session of the Louisiana legislature, update the rules generally for consistency with current standards and make other substantive and technical modifications consistent with or made necessary by the passage of time and current practices.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 23. Licensed Midwives

Subchapter A. General Provisions

§2303. Definitions

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

* * *

Application—a request directed to and received by the board, in a manner specified by the board, for a license or permit to practice midwifery in the state of Louisiana, together with all information, certificates, documents, and other materials required by the board to be submitted with such request.

* * *

Certified Professional Midwife or (*CPM*)—an individual certified by the North American Registry of Midwives (NARM).

* * *

Licensed Midwife Practitioner—an individual who has completed all the requirements of R.S. 37:3247, 3253, and 3255, has successfully completed the examination process, is certified as a midwife by the North American Registry of Midwives (NARM), and is licensed by the board.

Louisiana Advisory Committee on Midwifery—
Repealed.

Low Risk Patient—an individual who is at low or normal risk of developing complications during pregnancy and childbirth as evidenced by the absence of any preexisting maternal disease or disease arising during pregnancy or such other conditions as the board may identify in rules.

Midwife—an individual who gives care and advice to a woman during pregnancy, labor, and the postnatal period who is not a physician or a certified nurse midwife.

* * *

Midwife Practitioners Act or the *Act*—R.S. 37:3240-3259, as may from time to time be amended.

Physician—an individual licensed to practice medicine in this state who is actively engaged in a clinical obstetrical practice and has hospital privileges in obstetrics in a hospital accredited by the Joint Commission.

Physician Evaluation and Examination—physician evaluation and examination as provided in R.S. 37:3244 to determine whether, at the time of such evaluation and examination, the individual is at low or normal risk of developing complications during pregnancy and childbirth.

Practice of Midwifery—holding oneself out to the public as being engaged in the business of attending, assisting, or advising a woman during the various phases of the interconceptional and childbearing periods.

Supervision of a Physician—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:513 (August 1986), amended LR 17:779 (August 1991), LR 42:

Subchapter B. Qualifications for Licensure

§2305. Scope of Subchapter

A. The rules of this Subchapter govern the licensing of midwives.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:513 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2307. Qualifications for License

A. To be eligible for licensure as a licensed midwife, an applicant shall:

1. be at least 21 years of age and shall have graduated from high school or possess a graduate education diploma (GED);

2. ...

3. be currently certified in cardiopulmonary resuscitation (CPR) of the adult and newborn;

4. - 5. ...

6. have met, within four years prior to the date of application, the requirements for practical clinical experience prescribed by §2357 of this Chapter; provided, however, that exceptions to the four year limit may be made at the discretion of the board upon a request submitted in writing identifying a medical or other extenuating

circumstance deemed acceptable to the board. The length of any such exception may be conditioned upon any terms that the board may deem appropriate.

7. have demonstrated professional competence in the practice of midwifery by passing an examination approved by the board; and

A.8. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:513 (August 1986), amended LR 17:779 (August 1991) LR 42:

§2309. Procedural Requirements

A. In addition to the substantive qualifications specified in §2307, to be eligible for a license, an applicant shall satisfy the procedures and requirements for application provided by §§2311 to 2315 of this Chapter and successfully complete the examination identified in §2317 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991), LR 42:

Subchapter C. Application

§2313. Application Procedure

A. Application for licensing shall be made in a format prescribed by the board. Applications and instructions may be obtained from the board's web page or by personal or written request to the board.

B. An application for licensing under this Chapter shall include:

1. proof, documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in this Chapter;

2. a recent photograph of the applicant; and

3. such other information and documentation as the board may require to evidence qualification for licensing.

C. All documents required to be submitted to the board must be the original thereof. For good cause shown, the board may waive or modify this requirement.

D. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 1 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3240-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended 17:779 (August 1991), LR 30:236 (February 2004), LR 42:

§2315. Effect of Application

A. - B. ...

C. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board

from other persons, firms, corporations, associations, or governmental entities pursuant to §2315.A or B to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefore, including, without limitation, the midwife licensing authority of any state; the Federal Drug Enforcement Agency; the Louisiana Board of Pharmacy, the North American Registry of Midwives, the Louisiana Department of Health and Hospitals; and Federal, state, county or parish, and municipal health and law enforcement agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991), LR 42:

Subchapter D. Examination

§2317. Designation of Examination

A. The CPM examination administered by NARM, or such other certifying examination as the board may subsequently approve, shall be accepted by the board as a qualifying examination for purposes of midwifery licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2319. Eligibility for Examination

A. To be eligible for examination an applicant shall make application to NARM in accordance with its procedures and requirements including verification of the applicant's clinical experience and skills essential to the practice of midwifery. Information on the examination process, including fee schedules and application deadlines, must be obtained by each applicant from NARM.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:514 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2321. Dates, Places of Examination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991) repealed, LR 42:

§2323. Administration of Examination

A. The dates and places where the examination for licensure as a midwife are given are scheduled by NARM.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2325. Subversion of Examination Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991), repealed, LR 42:

§2327. Finding of Subversion

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991), repealed, LR 42:

§2329. Sanctions for Subversion of Examination

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991), repealed, LR 42:

§2331. Passing Score

A. The board shall use the criteria for satisfactory passage of the examination adopted by NARM.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2333. Restriction, Limitation on Examinations

A. An applicant who fails the examination on two occasions shall not be considered for licensure until the applicant has completed not less than three months of additional educational or clinical instruction, courses, or programs as prescribed and approved by the board and thereafter successfully passed the examination. For failures beyond three attempts such education or instruction may include, without limitation, repeating all or a portion of any didactic and clinical training required for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:515 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2335. Lost, Stolen, or Destroyed Examinations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991), repealed, LR 42:

Subchapter E. Restricted Licensure, Apprentice Permits

§2339. Apprentice Permits

A. - D. ...

E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991), LR 42:

Subchapter F. License Issuance, Termination, Renewal, Reinstatement

§2341. Issuance of License

A. ...

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2343. Expiration of Licenses and Permits

A. ...

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2345. Renewal of License

A. Every license issued by the board under this Chapter shall be renewed biannually on or before its expiration by renewing on-line or by submitting to the board an application for renewal, together with the renewal fee prescribed in Chapter 1 of these rules.

B. The renewal application and instructions may be obtained from the board's web page or upon personal or written request to the board.

C. Any person who files for renewal of licensure shall present a current certification in cardiopulmonary resuscitation (CPR) of the adult and newborn and document or certify, in a manner prescribed by the board, the completion of 30 contact hours of continuing education as approved by the board, in accordance with §§2361-2364 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3240-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended 17:779 (August 1991), LR 30:236 (February 2004), LR 42:

§2347. License Non-Renewal

A. Any license not renewed on or before its expiration date shall be deemed expired for non-renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2349. Reinstatement of License

A. A license which has expired due to non-renewal may be reinstated by submitting an application for reinstatement in a manner prescribed by the board, together with the renewal fee prescribed by Chapter 1 of these rules.

B. Any person who applies for license reinstatement within 30 days of the date of expiration shall be required to pay a late fee of \$50.

C. Any person who has not filed for renewal or applies for reinstatement more than 30 days but less than one year following the date of expiration shall be required to pay a late fee of \$100 or a fee of \$200 if application for reinstatement is made within two years of the date of expiration, provided that the applicant demonstrates satisfaction of the continuing education requirements prescribed by §§2361-2364 of these rules. A midwife whose license has lapsed and expired for a period in excess of two years may apply to the board for an initial original license pursuant to the applicable rules of this Chapter.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991), LR 42:

Subchapter G. Education

§2353. Basic Sciences

A. Every applicant seeking licensure must, as a condition of eligibility for licensure, demonstrate cognitive competence in the basic sciences of human anatomy, human physiology, biology, psychology, and nutrition by evidencing successful completion of:

1. ...

2. such other educational instruction, courses, or programs in such subjects as may be approved by the board; or

3. satisfaction of the education requirements prerequisite to CPM certification by NARM will be deemed to satisfy the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2355. Theory of Pregnancy and Childbirth

A. The board shall maintain and periodically revise a list of approved courses, texts, and trainers covering the subject matters which shall comprise a course of study in the theory of pregnancy and childbirth. The board may use the list as a guideline in determining the acceptability of a non-listed educational source which an applicant submits as complying with any required subject matter. All or part of the course may be obtained through self-study. Satisfaction of the education requirements prerequisite to CPM certification by NARM will be deemed to satisfy the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:516 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2357. Clinical Experience

A. Clinical experience in midwifery is required of every applicant for licensure and may be obtained in a variety of settings, including medical offices, clinics, hospitals, maternity centers, and in the home. Clinical experience must include instruction in basic nursing skills, including vital signs, perineal preparation, enema, urethral catheterization, aseptic techniques, administration of medication orally and by injection, local infiltration for anesthesia, administration of intravenous fluids, venipuncture, infant and adult resuscitation, fetal heart tones, edema, routine urinalysis, and curetting and repair of episiotomy.

B. The clinical experience requisite to licensure shall include care of women in the antepartum, intrapartum, and postpartum periods. Clinical practice must include at least the following types of numbers of experiences (with out-of-hospital births making up at least one-half of the clinical experience):

1. 75 prenatal visits on at least 25 different women, including 20 initial examinations;

2. attendance at the labor and delivery of at least 10 live births as an observer *and* 20 births as an assistant attendant;

3. management of the labor and delivery of newborn and placenta for at least 25 births as the primary birth attendant;

4. ...

5. 40 postpartum evaluations of mother and baby in home or hospital within 72 hours of delivery;

6. a minimum of five repairs of lacerations or such greater number as necessary to be deemed competent by the clinical supervisor, in addition to any practice on non-human subjects;

7. five observations of in-house hospitalized births involving high-risk obstetric care, provided, however, that this requirement may be waived by the board upon demonstration and documentation by the applicant that opportunity for such observations was not reasonably available to the applicant notwithstanding the applicant's diligent, good faith efforts to obtain opportunity for such observations;

8. observation of one complete series of at least 6 prepared childbirth classes offered by an approved provider; and

9. five continuity of care births, all as primary under supervision, which are to include:

- a. five prenatal visits spanning at least 2 trimesters;
- b. the birth (assumed delivery of placenta and immediate postpartum);
- c. one newborn examination; and
- d. two postpartum examinations (after 24 hours).

C. Satisfaction of the clinical experience requirements requisite to CPM certification by NARM will be deemed to satisfy the requirements of §2357.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2359. Supervision of Clinical Experience

A. Apprentice midwife practitioners must obtain their clinical experience under the immediate personal supervision of a physician, certified nurse-midwife, or a licensed midwife.

B. Senior apprentice midwives may obtain the clinical experience requisite to licensure under the general direction, rather than direct supervision, of a physician, certified nurse-midwife, or licensed midwife.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), LR 42:

Subchapter H. Continuing Education

§2361. Scope of Subchapter; Continuing Education Requirement

A. The rules of this Subchapter provide standards for the continuing education requisite to renewal of any license or permit issued under this Chapter.

B. To be eligible for renewal of licensure or apprentice permit, a licensed midwife or apprentice midwife shall document, in a manner prescribed by the board, the successful completion of not less than 30 contact hours of continuing education obtained since such license or permit was last issued, reinstated, or renewed. As used in this Subchapter, "contact hour" means 60 minutes of

participation in an organized learning experience under responsible sponsorship, capable direction, and qualified instruction, as approved by the board.

C. ...

D. The following programs and activities are illustrative of the types of programs and activities which shall be deemed to be qualifying continuing education activities and programs for purposes of this Subchapter:

1. attendance at or participation in meetings, conferences, workshops, seminars, or courses, such as programs conducted, sponsored, or approved for continuing education credit by the American Medical Association, the American Congress of Obstetricians and Gynecologists, the American Nurse Association, the Association of Certified Nurse Midwives, the Midwives Alliance of North America and the North American Registry of Midwives;

2. - 6. ...

E. - E.3. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), LR 42:

§2362. Documentation Procedure

A. Documentation and/or certification of satisfaction of the continuing professional education requirements prescribed by these rules shall be made in a manner prescribed by the board's renewal application.

B. Certification of continuing education activities that are not presumptively approved under §2361 of these rules shall be referred to the board. If the board determines that an activity certified by an applicant for renewal in satisfaction of continuing education requirements does not qualify for recognition or does not qualify for the number of continuing education contact hours claimed by the applicant, the board shall give notice of such determination to the applicant for renewal and the applicant may file a written appeal with the board within 10 days of such notice. The board's decision with respect to approval and recognition of any such activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), amended, LR 42:

§2364. Waiver of Requirements

A. The board may, in its discretion, waive all or part of the continuing education required by these rules in favor of a licensed midwife or apprentice midwife who makes written request for such waiver to the board and evidences to the satisfaction of the board a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding satisfaction of the continuing education requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), amended, LR 42:

§2365. Unlawful Practice

Repealed—redesignated as §5365.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), repealed LR43:

§2367. Revocation of License

Repealed—redesignated as §5369.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), repealed LR 42:

§2369. Penalties

Repealed—redesignated as §5373.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), repealed LR 42:

§2371. Hearing

Repealed—redesignated as §5371.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:518 (August 1986), amended LR 17:779 (August 1991), repealed LR 42:

§2373. Persons Not Affected

Repealed—redesignated as §5367.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:518 (August 1986), amended LR 17:779 (August 1991), repealed LR 42:

Subpart 3. Practice

Chapter 53. Licensed Midwives

Subchapter A. Standards of Practice

§5301. Scope of Practice

A. Licensed midwife practitioners may provide care only to low risk clients determined by physician evaluation and examination to be normal for pregnancy and childbirth, and at low risk for the development of medical complications. Such care includes prenatal supervision and counseling; preparation for childbirth; and supervision and care during labor and delivery and care of the mother and the newborn in the immediate postpartum period if progress meets criteria generally accepted as normal as defined by the board. Licensed midwives shall refer or consult with a physician when a client's medical condition deviates from normal. Licensed midwives may provide care in hospitals, birth centers, clinics, offices and home birth settings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5303. Definitions

A. The definitions set forth in Chapter 23 of these rules shall equally apply to this Chapter, unless the context clearly states otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 42:

§5305. Skills

[Formerly §5303]

A. All licensed midwives shall have the skills necessary for safe practice, including the ability to assess, monitor, and manage on an ongoing basis, normal antepartum, intrapartum, and postpartum situations; perform newborn evaluations; identify and assess maternal, fetal, and infant deviations from normal; provide effective lifesaving measures, including CPR; manage emergency situations appropriately; establish and maintain aseptic techniques and master basic observational skills and those special observational skills required for out-of-hospital deliveries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR43:

§5307. Screening

[Formerly §5309]

A. All midwives will use risk factor assessments of their clients as identified in §5315 in order to establish their initial and continuing eligibility for midwifery services. Clients will be informed of their risk status. All midwives have the right and responsibility to refuse and discontinue services to clients based on these risk factors and to make appropriate referrals when indicated for the protection of the mother and baby.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5309. Disclosures; Acceptance of Clients

[Formerly §5315]

A. Prior to the acceptance of a client for care, a licensed midwife practitioner shall inform the client orally and in writing of the following disclosures:

1. certain risks and benefits exist for home birth and certain risks and benefits exist for other childbirth alternatives, (including hospital, physician-assisted birth). The midwife is responsible for informing the client of the risks and benefits of all childbirth options to ensure informed consent;

2. regular documented antepartum care by the licensed midwife or another licensed health care provider is required if the midwife is to attend the birth;

3. certain medical conditions and/or client noncompliance with midwife or physician recommendations, as described in §§5315, 5339 and 5353 of this Chapter, may preclude midwife attendance at birth or continued midwife care during any phase of the pregnancy;

4. emergency transport may be required in certain situations; the midwife shall explain what situations warrant emergency transport and the hazards involved;

5. a specific written consent for out-of-hospital birth with the licensed midwife practitioner must be obtained prior to the onset of labor;

6. the client will be provided with a copy of the labor, birth, and newborn record by the midwife;

7. the midwife's agreement can be terminated at any time that the midwife deems it necessary for maintenance of the client's mental and physical safety or for compliance with these rules. When termination occurs, the reasons for termination will be given in writing and an alternative source of care recommended; and

8. the client may terminate the agreement at any time.

B. Prior to accepting care for a client, the midwife shall consult with the physician who performed the physician evaluation and examination to ensure that the client is at low or normal risk for pregnancy.

C. After accepting care, the midwife shall obtain a detailed obstetric and medical history of the client; including the results of all tests conducted during the physician evaluation and examination once available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5311. Advance Preparation for Need [Formerly §5321]

A. The licensed midwife shall, prior to the onset of labor, prepare a written plan or protocol for the transport of mother and infant to a hospital and know the client's contingency arrangements for hospitalization should these needs arise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5313. Informed Consent

A. Prior to providing any services, a licensed midwife shall obtain the written informed consent, in writing, of the client, which shall include but not be limited to the following:

1. the name and license number of the licensed midwife;

2. the client's name, address, telephone number, and the name of the client's primary care provider if the client has one;

3. a statement that the licensed midwife is not an advanced practice registered nurse midwife or physician;

4. a description of the education, training, continuing education, and experience of the licensed midwife;

5. a description of the licensed midwife's philosophy of practice;

6. a statement recognizing the obligation of the licensed midwife to provide the client, upon request, separate documents describing the law and regulations governing the practice of midwifery, including the requirement for an evaluation and examination by a physician, the protocol for transfer or mandatory transfer, and the licensed midwife's personal written practice guidelines;

7. a description of the plan or protocol for transfer to a hospital;

8. a complete and accurate description of the services to be provided to the client;

9. whether the licensed midwife maintains a professional liability policy and if insurance is maintained, a description of the liability conditions and limits of such insurance; and

10. any additional information or requirement which the board deems necessary to protect the health, safety, or welfare of the client.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 42:

§5315. Unapproved Practice [Formerly §5361]

A. The licensed midwife practitioner shall provide care only to clients determined by physician evaluation and examination to be at low or normal risk of developing complications during pregnancy and child birth.

B. The midwife shall not knowingly accept or thereafter maintain responsibility for the prenatal or intrapartum care of a woman who:

1. has had a previous cesarean section or other known uterine surgery such as hysterotomy or myomectomy. This prohibition shall not apply to a midwife's continued perinatal care of a woman who has had no more than one prior cesarean section, provided that arrangements have been made with a physician for a planned hospital delivery at the onset of labor. The midwife shall contact the physician and confirm and document the arrangements for a planned hospital delivery in the client's chart. Within ten days of delivery, a midwife shall report to the board in writing any instance where midwifery services were provided under Section 5315B.1 to a client who delivered outside of a planned hospital delivery;

2. has a history of difficult to control hemorrhage with previous deliveries;

3. has a history of thromboembolus, deep vein thromboembolus, or pulmonary embolism;

4. is prescribed medication for diabetes, or has hypertension, Rh disease isoimmunization with positive titer, active tuberculosis, active syphilis, active gonorrhea, HIV positive or is otherwise immunocompromised, epilepsy, hepatitis, heart disease, kidney disease, or blood dyscrasia;

5. contracts primary genital herpes simplex during the pregnancy or manifests active genital herpes during the last four weeks of pregnancy;

6. has a contracted pelvis;

7. has severe psychiatric illness or a history of severe psychiatric illness in the six month period prior to pregnancy;

8. has been prescribed narcotics in excess of three months or is addicted to narcotics or other drugs;

9. ingests more than 2 ounces of alcohol or 24 ounces of beer a day on a regular day or participates in binge drinking;

10. smokes 20 cigarettes or more per day, and is not likely to cease in pregnancy;

11. has a multiple gestation;

12. has a fetus of less than 37 weeks gestation at the onset of labor;

13. has a gestation beyond 42 weeks by dates and examination;

14. has a fetus in any presentation other than vertex at the onset of labor;

15. is a primigravida with an unengaged fetal head in active labor, or any woman who has rupture of membranes with unengaged fetal head, with or without labor;

16. has a fetus with suspected or diagnosed congenital anomalies that may require immediate medical intervention;

17. has preeclampsia;

18. has a parity greater than five with poor obstetrical history; or

19. is younger than 16 or a primipara older than 40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:521 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5317. Initial Physician Evaluation and Examination **[Formerly §5311]**

A. The licensed midwife practitioner must require that the client have a physician evaluation and examination and be found to be essentially normal or at low risk of developing complications during pregnancy and childbirth before her care can be assumed. The initial physician evaluation and examination shall include the physical assessment procedures which meet current standards of care set forth by the American Congress of Obstetricians and Gynecologists (ACOG).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR

§5319. Required Components of Initial Physician Evaluation and Examination **[Formerly §5313]**

A. Laboratory and diagnostic testing and screening obtained in connection with the physician evaluation and examination shall include clinical pelvimetry, and any other laboratory and diagnostic testing and screening which the physician considers appropriate. Due consideration shall be given to the then-current recommendations of ACOG.

B. The midwife shall ensure that all women she plans to deliver have received required testing and screening and shall secure and review a copy of all such results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5321. Community Resources **[Formerly §5305]**

A. The licensed midwife practitioner must be familiar with community resources for pregnant women such as prenatal classes, the parish health unit and supplemental food programs. The client shall be referred to such resources

as appropriate and encouraged to take a prepared childbirth class, preferably one oriented toward home birth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5323. Appropriate Equipment **[Formerly §5307]**

A. All licensed midwife practitioners shall have available, for their immediate use, appropriate birthing equipment, including equipment to assess maternal, fetal, and newborn well-being, maintain aseptic technique and to perform emergency adult and new born resuscitation, and accomplish all permitted emergency procedures. All equipment used in the practice of midwifery shall be maintained in an aseptic manner, and be in good working order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5325. Medications **[Formerly §5333]**

A. A licensed midwife may administer the following medications under the conditions indicated:

1. oxygen for fetal or maternal distress and infant resuscitation;

2. local anesthetic, by infiltration, only for the purpose of postpartum repair of tears, lacerations, or episiotomy (no controlled substances);

3. vitamin K, by injection, for control of bleeding in the newborn;

4. oxytocin (pitocin) by injection or methergine orally, only for postpartum control of non-emergent maternal hemorrhage;

5. intravenous fluids for maternal hydration with additional medications as provided by a physician's order or protocol for the purpose of controlling maternal hemorrhage or for prophylactic treatment where the client has tested positive for Group B. Strep;

6. prenatal Rh immunoglobulin (Rhlg) for Rh negative clients and post-partum for Rh positive newborns.

7. benadryl;

8. penicillin-G, unless patient is allergic, then consult with the physician.

B. A licensed midwife may lawfully obtain and have possession of small quantities of the above-named medications and the equipment normally required for administration. Each use of medication shall be recorded by the midwife in the client's chart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5327. Initiation of Physical Care
[Formerly §5353]

A. At the visit when physical care of the client is initiated, the licensed midwife practitioner shall review the results of the physician evaluation and examination to ensure that the client has received a general physical examination which included the taking of a comprehensive medical, obstetrical, and nutritional history sufficient to identify potentially dangerous conditions that might preclude midwife care. The midwife shall make an initial nutritional assessment, counsel the client as to the nutritional needs of mother and fetus during pregnancy and develop a comprehensive plan of care for the client which identifies all problems and need for consultation and establish realistic health care goals.

B. If the client's health status, as determined by medical history, physician evaluation and examination, and the laboratory results is determined not to be low risk as outlined in §5317 of these rules, the client shall be referred to a physician for management of the client's pregnancy, labor and delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:520 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR

§5329. Routine Antepartum Care
[Formerly §5355.A]

A. At each prenatal visit, the midwife will check the client's weight, blood pressure, fundal height, urinalysis (protein and glucose), and general health, including checking for pain, bleeding, headaches, edema, dizziness, and other symptoms of preeclampsia. The midwife shall monitor uterine measurements, fetal heart tones, and fetal activity and shall obtain a medical and nutritional history since the last visit. The midwife shall provide or arrange for the administration of prenatal Rh immunoglobulin (Rhlg) for Rh negative clients in compliance with current practice standards and for additional laboratory tests as indicated, including but not limited to serum antibody screening, blood sugar screening, genital cultures, and periodic hematocrit or hemoglobin screening. Additionally, the midwife shall assure that:

1. a quad screen test or maternal serum alpha fetal protein ("MSAFP") shall be offered at the appropriate gestational age between 15-20 weeks gestation;

2. at 28 weeks gestation hematocrit or hemoglobin shall be rechecked and a glucose tolerance test and a repeat antibody screen shall be performed;

3. at 36 weeks gestation a group B beta hemolytic streptococci ("GBBS") culture and repeat hemoglobin or hematocrit shall be performed, along with HIV and RPR testing.

B. The midwife shall ensure that all women she plans to deliver have received the state required tests and have obtained copies of all laboratory results.

C. A midwife may order laboratory testing as required for maternal care and newborn care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:520 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5331. Prenatal Visits
[Formerly §5317 and §5323.B]

A. Prenatal visits should be every four weeks until 28 weeks gestation, every two weeks from 28 until 35 weeks gestation, and weekly from 36 weeks until delivery.

B. For home birth, the licensed midwife practitioner will make a home visit three to five weeks prior to the Estimated Date of Confinement (EDC) to assess the physical environment, including the availability of telephone and transportation, and to ascertain whether the client has all the necessary supplies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5319. Physician Visit

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:518 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), repealed, LR 42:

§5333. Examination and Labor
[Formerly §5329 and §5355.B - C]

A. The licensed midwife practitioner will not perform any vaginal examinations on a woman with ruptured membranes and no labor, other than an initial examination to be certain that there is no prolapsed cord. Once active labor is assured and in progress, exams may be made as necessary.

B. A record of maternal vital signs shall be recorded at the initial evaluation of labor. Maternal vital signs shall be recorded every 3-4 hours unless otherwise indicated by maternal instability or increased maternal risk factors. Maternal stability is defined as a firmly contracted uterus without excessive vaginal bleeding and stable blood pressure. Risk factors are identified in §§5315, 5339 and 5353 of this Chapter.

C. A record of fetal heart rate tones shall be made and recorded at least every 30 minutes in the first stage and every 15 minutes in the second stage of labor. Fetal heart tones shall also be recorded immediately after rupture of membranes.

D. During labor and delivery, the licensed midwife practitioner is responsible for monitoring the condition of mother and fetus; assisting with the delivery; coaching labor; repairing minor tears as necessary, however, any third degree tear or greater should be referred to a physician; examining and assessing the newborn; inspecting the placenta, membranes, and cord vessels; inspecting the cervix and upper vaginal vault, if indicated; and managing any third-stage maternal bleeding.

E. Water births. A licensed midwife practitioner shall adhere to the then-current recommendations of ACOG for emersion in water during labor and delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519, 520 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5335. Correction of Presentation
[Formerly §5335]

A. The licensed midwife practitioner will not attempt to correct fetal presentations by external or internal version nor will the midwife use any artificial, forcible, or mechanical means to assist the birth, e.g. no forceps or vacuum extractors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5337. Operative Procedures
[Formerly §5331]

A. The licensed midwife practitioner will not perform, routinely, an operative procedure other than artificial rupture of membranes when the head is well engaged or at zero station, clamping and cutting the umbilical cord, repair of first or second degree perineal lacerations, or repair of episiotomy, if done.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5339. Required Physician Consultation, Antepartum and Intrapartum Periods
[Formerly §5363.A - B]

A. The midwife shall obtain medical consultation or refer for medical care any woman who during the antepartum period:

1. develops edema of the face and hands;
2. develops severe, persistent headaches, epigastric pain, or visual disturbances;
3. develops a blood pressure of 140/90 or greater;
4. does not gain 14 pounds by 30 weeks gestation or at least 4 pounds a month in the last trimester or gains more than 6 pounds in two weeks in any trimester;
5. develops greater than trace glucosuria or greater than trace proteinuria on two consecutive separate visits;
6. has abnormal vaginal discharge with no signs of improvement with medication;
7. has symptoms of urinary tract infection;
8. has vaginal bleeding before onset of labor;
9. has rupture of membranes prior to 37 weeks gestation;
10. has marked decrease in or cessation of fetal movement;
11. has inappropriate gestational size;

12. has demonstrated anemia by blood test (hematocrit less than 30 percent);

13. has a fever of equal or greater than 100.4°F or 38°C for 24 hours;

14. has polyhydramnios or oligohydramnios;

15. has excessive vomiting or continued vomiting after 24 weeks gestation;

16. has severe, protruding varicose veins of extremities or vulva;

17. has known structural abnormalities of the reproductive tract;

18. has a history of stillbirth from any cause;

19. has an abnormal Pap smear;

20. reaches a gestation of 41 weeks, 3 days by dates and examination.

B. The midwife shall obtain medical consultation or refer for medical care any woman who during the intrapartum period:

1. develops a blood pressure of 140/90 or greater;
2. develops severe headache, epigastric pain, or visual disturbance;
3. develops proteinuria;
4. develops a fever over 100.4°F or 38°C;
5. develops respiratory distress;
6. has persistent or recurrent fetal heart tones below 100 or above 160 beats per minute between or during contractions, or a fetal heart rate that is irregular;
7. has ruptured membranes without onset of labor after 12 hours;
8. has bleeding prior to delivery (other than bloody show);
9. has meconium or blood stained amniotic fluid with abnormal fetal heart tones;
10. has an abnormal presentation other than vertex;
11. does not progress in effacement, dilation, or station in accordance with practice standards ;
12. does not show continued progress to deliver in second stage labor in accordance with practice standards;
13. does not deliver the placenta within one hour if there is no bleeding and the fundus is firm;
14. has a partially separated placenta during the third stage of labor with bleeding;
15. has a blood pressure below 100 systolic if the pulse rate exceeds 100 beats per minute or who is weak and dizzy;
16. bleeds more than 500 cc with or after the delivery of the placenta;
17. has retained placental fragment or membranes; or
18. desires medical consultation or transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:521 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5341. Emergency Measures
[Formerly §5337]

A. The following measures are permissible in an emergency situation:

1. cardiopulmonary-resuscitation;
2. episiotomy;

3. intramuscular or intravenous administration of pitocin or intramuscular administration of methergine for the control of postpartum hemorrhage;

4. intravenous (IV) fluids and medications

B. When any of the above measures is utilized, it will be charted on the birth record with detail describing the emergency situation, the measure taken, and the outcome.

C. When an emergency measure is taken the physician (or hospital) with whom the client has made contingency arrangements for care and delivery shall be contacted by the midwife immediately upon control of the emergency situation, and the midwife shall then transfer care of the client to such physician (or hospital) as he may direct or request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5343. Transfer of Care

[Formerly §5323.A]

A. The licensed midwife practitioner shall accompany to the hospital any mother or infant requiring hospitalization, giving any pertinent written records and verbal report to the physician assuming care. If possible, she should remain with the mother and/or infant to ascertain outcome. In those instances where it is necessary to continue providing necessary care to the party remaining in the home, the midwife may turn over the care of the transport of mother or child to qualified emergency or hospital personnel. All necessary written records shall be forwarded with such personnel and a verbal report must be given.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), repromulgated, LR 42:

§5345. Postpartum Care

[Formerly §5327 and §5357]

A. The licensed midwife practitioner shall remain with the mother and infant for at least two hours postpartum, or until the mother's condition is stable and the infant's condition is stable, whichever is longer. Maternal stability is evidenced by normal blood pressure, normal pulse, normal respirations, firm fundus, and normal lochia. Infant stability is evidenced by established respirations, normal temperature, strong sucking and normal heart rate.

B. Immediately following delivery of the placenta, the midwife must determine that the uterus is firmly contracted without excessive bleeding. The uterus should be massaged firmly to stimulate contraction if relaxation is noted.

C. In case of an unsensitized Rh negative mother, the midwife shall obtain a sample of cord blood from the placenta and arrange for testing within 24 hours of the birth and ensure referral to a physician so that the mother receives Rh immunoglobulin (Rhlg) as indicated within 72 hours of delivery.

D. The midwife shall provide the client with information concerning routine postpartum care of the mother and infant,

including information on breast-feeding, care of the infant's umbilical cord, and perinatal care.

E. The midwife shall recommend that the parents immediately contact the pediatrician or primary care physician who will be assuming care for the infant to arrange for a neonatal examination within 72 hours or sooner if it becomes apparent that the newborn requires medical attention for problems associated with, but not limited to, congenital or other anomalies. The midwife shall provide the doctor with her written summary of labor, delivery, and assessment of the newborn and shall be available to consult with the doctor concerning the infant's condition.

F. The midwife shall make a postpartum visit within 36 hours of birth, with further visits as necessary. The purpose of these contacts is to ascertain that the infant is alert, has good color, is breathing well, and is establishing a healthy pattern of waking, feeding, and sleeping and that the mother is not bleeding excessively, has a firm fundus, does not have a fever or other signs of infection, is voiding properly, and is establishing successful breastfeeding. In the event that any complications arise, the midwife shall consult with a physician or other appropriate health care provider or shall ensure that the client contacts her own physician.

G. The midwife may conduct a postpartum office visit not later than six weeks postpartum, to include a recommendation for rubella vaccine if indicated, counseling concerning contraception and answering any other questions that have arisen. Alternatively, the client may be referred back to her primary care physician or other health care provider for this care.

H. The midwife shall encourage the mother to have a postpartum evaluation conducted by a physician within two to six weeks after delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519, 520 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5345. Postpartum Visits

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), repealed, LR 42:

§5347. Required Newborn Care

[Formerly §5359]

A. The licensed midwife practitioner shall be responsible for care immediately following the delivery only. Subsequent infant care should be managed by a pediatrician or primary care physician. This does not preclude the midwife from providing counseling regarding routine newborn care and breastfeeding and arranging for the neonatal tests required by state law. If any abnormality is suspected, the newborn must be sent for medical evaluation as soon as possible.

B. Immediately following delivery the midwife shall:

1. wipe face, then suction (with bulb syringe) mouth and nose if necessary;

2. prevent heat loss by the neonate;
3. determine Apgar scores at one and five minutes after delivery;
4. observe and record: skin color and tone, heart rate and rhythm, respiration rate and character, estimated gestational age (premature, term, or post-mature), weight, length, and head circumference.

C. The midwife shall insure that Vitamin K is available at the time of delivery and take appropriate measures designed to prevent neonatal hemorrhage.

D. The midwife is responsible for obtaining a PKU test and all other neonatal tests required by state law, including all required metabolic newborn screens, between 24 hours and no later than 14 days after birth. If the parents object to such tests being performed on the infant, the midwife shall document this objection and notify and refer the newborn to the infant's pediatrician or primary care physician and notify appropriate authorities.

E. The midwife shall leave clear instructions for follow-up care including signs and symptoms of conditions that require medical evaluation, especially fever, irritability, generalized rash and lethargy.

F. The midwife is responsible for performing a glucose check for a newborn if weight is greater than 9 pounds, 4 ounces.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:520 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5349. Prevention of Infant Blindness

[Formerly §5339]

A. Within one hour of birth, the licensed midwife practitioner shall administer two drops of 1.0 percent solution of silver nitrate or other agent of equal effectiveness and harmlessness into the eyes of the infant in accordance with applicable state laws and regulations governing the prevention of infant blindness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5351. Physician Evaluation of Newborn

[Formerly §5343]

A. The licensed midwife practitioner shall recommend that any infant delivered by the midwife be evaluated by a pediatrician or primary care physician within three days of age or sooner if it becomes apparent that the newborn needs medical attention for problems associated with, but not limited to, congenital or other anomalies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5353. Required Physician Consultation, Postpartum Period

[Formerly §5363.C - D]

A. The midwife shall obtain medical consultation or refer for medical care any woman who, during the postpartum period:

1. has a third or fourth degree laceration;
2. has uterine atony;
3. bleeds in an amount greater than normal lochial flow;
4. does not void within 2 hours of birth;
5. develops a fever greater than 100.4°F or 38°C on any two of the first 10 days postpartum excluding the first 24 hours;
6. develops foul smelling lochia;
7. develops blood pressure below 100/50 if pulse exceeds 100, pallor, cold clammy skin, and/or weak pulse.

B. The midwife shall obtain medical consultation or refer for medical care any infant who:

1. has an Apgar score of 7 or less at 5 minutes;
2. has any obvious anomaly;
3. develops grunting respirations, retractions, or cyanosis;
4. has cardiac irregularities;
5. has a pale, cyanotic, or grey color;
6. develops jaundice within 48 hours of birth;
7. has an abnormal cry;
8. weighs less than 5 pounds or weighs more than 10 pounds;
9. shows signs of prematurity, dysmaturity, or postmaturity;
10. has meconium staining of the placenta, cord, and/or infant with signs or symptoms of aspiration pneumonia;
11. does not urinate or pass meconium in the first 24 hours after birth;
12. is lethargic or does not feed well;
13. has edema;
14. appears weak or flaccid, has abnormal feces, or appears not to be normal in any other respect;
15. has persistent temperature below 97°F;
16. has jitteriness not resolved after feeding; or
17. has a blood glucose level of less than 30mg/dL.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:521 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5355. Record Keeping

[Formerly §5347]

A. All midwives shall keep accurate and complete records of all care provided and data gathered for each client.

B. The midwife shall maintain an individual client chart for each woman under her care. The chart shall include results of laboratory tests, observations from each prenatal visit, records of consultations with physicians or other health care providers, and a postpartum report concerning labor, delivery, and condition of the newborn child. The chart shall be made available to the client upon request, and with the

client's consent, to any physician or health care provider who is called in as a consultant or to assist in the client's care. This chart shall be kept on standard obstetric forms, or other forms approved by the board. Inactive records shall be maintained no less than 6 years. All records are subject to review by the board.

C. Evidence of the required physician evaluation and examination shall be maintained in the client's records.

D. The attending midwife shall prepare a summary of labor, delivery, and assessment of the newborn, using the Hollister form, or an alternate form containing substantially similar information. One copy of each summary shall be retained with the client's chart and one copy transmitted to the pediatrician or primary care physician.

E. Copies of the disclosure and consent forms required by this Chapter shall be maintained in the client's record.

F.-G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR

§5357. Birth Registration [Formerly §5341]

A. All licensed midwife practitioners shall request copies of printed instructions relating to completion of birth certificates from the Louisiana State Registrar of Vital Records. The licensed midwife practitioner must complete a birth certificate in accordance with these instructions and file it with the registrar within five days of the birth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), repromulgated, LR 42:

§5359. Notification of Maternal or Fetal Demise

[Formerly §5347.G]

A. A licensed midwife shall immediately report to the parish coroner any maternal mortality or morbidity or the demise of a fetus in excess of 350 grams or as applicable with state law, in clients for whom care has been given.

B. A licensed midwife shall report within 48 hours to the board any maternal, fetal, or neonatal mortality or morbidity in clients for who care has been given. The report shall include the sex, weight, date and place of delivery, method of delivery, congenital anomalies of the fetus, and if maternal, fetal, or neonatal death occurred, cause of death.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:519 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), LR 42:

§5361. Annual Reporting

A. Every licensed midwife shall report to the board annually in a manner and form prescribed by the board. The report shall be submitted by January thirty-first of each year and shall include all of the following:

1. the licensed midwife's name and license number;
2. the calendar year being reported;

3. the total number of clients served;
4. the total number and parish of live births attended as a primary caregiver;
5. the total number and parish of stillbirths attended as a primary caregiver;
6. the number of patients whose primary care was transferred to another health care provider during the antepartum period and the reason for each transfer;
7. the number, reason, and outcome for each elective hospital transfer;
8. the number, reason, and outcome for each emergency transport of an expectant mother prior to labor;
9. a brief description of any complications resulting in the mortality of a mother or an infant;
10. any other information prescribed by the board through rule or regulation.

B. Any licensed midwife who fails to timely comply with the reporting requirements of this Section shall be subject to a fine, as provided in Section 5373 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, L 43:

§5363. Statistics

[Formerly §5349]

A. The board shall review all reports from licensed midwife practitioners, complete annual midwifery statistics, and make them available to all interested groups or persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:520 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), repromulgated, LR 42:

Subchapter B. Unauthorized Practice, Exemptions

§5351. Scope of Subchapter

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:520 (August 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:779 (August 1991), repealed, LR

§5365. Unlawful Practice

[Formerly §2365]

A. No individual shall engage or attempt to engage in the practice of midwifery in this state, unless he or she holds a current license or a permit to practice as a licensed midwife or apprentice midwife issued by the board under Chapter 23 of these rules.

B. No person shall use in connection with his or her name or place of business the words "licensed midwife," "licensed midwife practitioner," the initials "LM," "LMP" or any other words, letters, or insignia indicating or implying that he or she is a licensed midwife practitioner or represent himself or herself as such in any way orally, in writing, in print, or by sign directly or by implication unless he or she has been licensed as such under the provisions of these regulations.

C. A licensed midwife who is currently certified by and in good standing with NARM may identify such credentials with the licensee's name or title "Licensed Midwife-

Certified" or "Licensed Certified Professional Midwife" or the letters "LM-C" or "LCPM," respectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), LR 42:

§5367. Persons Not Affected

[Formerly §2373]

A. Any person authorized by the Louisiana State Board of Nursing to practice as a certified nurse-midwife in the state shall not be affected by the provisions of these regulations.

B. Any student pursuing a course of study in an accredited midwifery education program that is approved by NARM or by the board who provides midwifery services, provided that such services are an integral part of the student's course of study and are performed under the direct supervision of a physician, certified nurse midwife, or a licensed midwife, and the student is designated by a title which clearly indicates the status as a student or trainee, shall not be affected by the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:518 (August 1986), amended LR 17:779 (August 1991), LR 42:

Subchapter C. Grounds for Administrative Action

§5369. Causes for Administrative Action

[Formerly §2367]

A. The board may refuse to issue, suspend for a definite period, revoke or impose probationary terms, conditions and restrictions on a license or permit for any of the following causes:

1. dereliction of any duty imposed by law;
2. incompetence as determined by standards of care for obstetrical providers;
3. conviction of a felony;
4. inability to practice with reasonable skill or safety to clients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or, excessive use or abuse of drugs, including alcohol;
5. practicing under a false name or alias;
6. violation of any of the standards of practice set forth herein;
7. obtaining any fee by fraud or misrepresentation;
8. knowingly employing, supervising, or permitting, directly or indirectly, any person or persons not an apprentice or licensed midwife to perform any work covered by these regulations;
9. using or causing or promoting the use of any advertising matter, promotional literature, testimonial, or any other representation, however disseminated or published, which is misleading or untruthful;
10. representing that the service or advice of a person licensed to practice medicine will be used or made available when that is not true or using the words "doctor," or similar words, abbreviations, or symbols so as to connote the medical profession, when such is not the case;
11. permitting another to use the license;

12. delinquency in submission of application and supporting documents for license renewal of 30 days or more;

13. obtaining licensure by means of fraud, misrepresentation, or concealment of material facts;

14. fraud or deceit in connection with services rendered;

15. violating any lawful order, rule, or regulation rendered or adopted by the board; or

16. unprofessional conduct, which has endangered or is likely to endanger the health, welfare or safety of the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), LR 42:

§5371. Hearing

[Formerly §2371]

A. Any person who is disciplined or denied a license or permit or has a license or permit suspended or revoked or is otherwise penalized under these regulations will be notified in writing and afforded the opportunity of a hearing conducted pursuant to the Louisiana Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:518 (August 1986), amended LR 17:779 (August 1991), repromulgated, LR 42:

§5373. Penalties

[Formerly §2369]

A. If a person licensed to practice midwifery under the provisions of these regulations is found guilty of violating any provisions of the Act or these regulations, the board may fine the midwife a sum of not more than \$1,000 and may suspend or revoke the license of the licensed midwife practitioner.

B. The board may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provisions of the Act or of these regulations. In a suit for injunction, the court may issue a fine of not less than \$100 against any person found in violation of the provisions of these regulations plus court costs and attorney's fees.

C. A licensed midwife who fails to timely file the annual report required by §5361 of this Chapter shall be subject to a fine not to exceed one hundred dollars each day the report is filed late. In no case shall the fine exceed five hundred dollars.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 12:517 (August 1986), amended LR 17:779 (August 1991), LR 42:

Subchapter D. Professional Liability

§5375. Professional liability

A. Physician evaluation and examination as provided in R.S. 37:3244 shall be deemed to constitute a risk assessment. A physician performing a risk assessment is responsible only for determining that at the time of the risk assessment the individual is at low or normal risk of

developing complications during pregnancy and childbirth. For any physician performing a physician risk assessment, the physician-patient relationship shall only exist for the purposes of the risk assessment and shall not continue after the conclusion of the physician risk assessment.

B. Physician risk assessment as defined in this Section shall not create either of the following:

1. any legal duty, responsibility, or obligation by the physician to provide continuing care after the conclusion of the physician risk assessment; or

2. a legal relationship between the physician and the licensed midwife or any duty, responsibility, or obligation by the physician to supervise, collaborate, back-up, or oversee the licensed midwife's care of the patient.

C. No physician or other health care provider as defined in R.S. 40:1299.41, no hospital as defined in R.S. 40:2102, or no institution, facility, or clinic licensed by the department shall be:

1. deemed to have established a legal relationship with a licensed midwife solely by providing a risk assessment as defined in this Section or accepting a transfer of a patient from a licensed midwife; or

2. liable for civil damages arising out of the negligent, grossly negligent, or wanton or willful acts or omissions of the licensed midwife solely for providing a risk assessment as defined in this Section or accepting a transfer of a patient from a licensed midwife.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:3241-3259.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with development disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Rita Arceneaux, Confidential Executive

Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4:00 p.m., May 20, 2016.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on May 25, 2016 at 9:30 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Eric D. Torres
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Midwives—Licensure, Certification and Practice

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

Other than the rule publication costs during FY 16, it is not anticipated that the proposed rule changes will impact costs or savings to the Board of Medical Examiners or any state or local governmental unit. Publication costs associated with such notice (\$2,982) and promulgation (\$2,769) are estimated at a combined total of \$5,751 in FY 16. The Board of Medical Examiners proposes to amend its rules governing the licensing, certification, and practice of midwives (LAC 46:XLV.Chapters 23 and 53) to conform them to Act No. 772 of the 2012 legislative session, which amended the Louisiana Midwife Practitioners Act, R.S. 37:3241 et seq.; update the rules generally as made necessary by the passage of time; and reform them to policies and practices currently administered by the Board. The proposed amendments update nearly all section of its existing rules, incorporate certain revised modification consistent with the controlling law, R.S. 37:3241-3259.

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

There is no anticipated effect on the revenue collections of the Board of Medical Examiners or any state or local governmental unit.

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

The proposed rule changes increase the continuing professional education requirement from twenty to thirty hours for biannual license or permit renewal and reinstatement (2345, 2349, 2361), for consistency with the law. Due to the varying costs for obtaining continuing education program credits, the Board is not in a position to estimate the cost attributable to the proposed changes. The proposed rule changes also incorporate changes in the law that require licensed midwives to report annually to the Board (5361) and a fine of up to \$500 for failure to do so (5373). It is not anticipated that the proposed rule changes will affect the paperwork or workload of applicants for midwife licensure and/or income of applicants, licensees or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment in either the public or private sector.

Eric D. Torres
Executive Director
1604#054

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

Controlled Substance Prescriptions (LAC 46:LIII.2525 and 2745)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend Chapter 25, Prescriptions, Drugs, and Devices as well as Chapter 27, Controlled Dangerous Substances, of its rules. In particular, the board intends to amend §2525, relative to the expiration date of prescriptions for controlled substances, in compliance with Act 865 of the 2014 Legislature, as well as §2745 to amend the list of practitioners authorized to prescribe controlled substances, in compliance with Act 453 of the 2015 Legislature.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter B. Prescriptions

§2525. Prescription Expiration

A. ...

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

1. 90 days after the date of issue if the drug is listed in schedule II; or

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

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, LR 42:

Chapter 27. Controlled Dangerous Substances

Subchapter F. Production, Distribution, and Utilization

§2745. Prescriptions

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

d. a physician assistant;

e. an advanced practice registered nurse;

f. an optometrist; or

A.1.g. - C.7.a.ii. ...

iii. The prescription form shall contain no more than four prescription drug or device orders. While nothing in these rules shall prohibit the pre-printing of any number of prescription drugs or devices on the prescription form, no prescription form issued by a prescriber shall identify more than four prescription drugs or devices to be dispensed.

iv. For each prescription drug or device ordered on a prescription form, there shall be a pre-printed check box labeled "Dispense as Written", or "DAW", or both.

v. For each prescription drug or device ordered on a prescription form, there shall be a refill instruction, if any.

vi. The prescription form shall bear a single printed signature line, and the prescriber shall manually sign the prescription.

C.7.b. - G.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 34:2149 (October 2008), amended LR 41:685 (April 2015), LR 42:

Family Impact Statement

In accordance with section 953 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment. The following statements are published in the *Louisiana Register* with the proposed agency Rule.

1. The effect on the stability of the family. We anticipate 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. We anticipate 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. We anticipate no effect on the functioning of the family.

4. The effect on family earnings and family budget. We anticipate no effect on family earnings and the family budget.

5. The effect on the behavior and personal responsibility of children. We anticipate 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. We anticipate no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on household income, assets, and financial security. We anticipate no impact on household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development. We anticipate no impact early childhood development or preschool through postsecondary education development.

3. The effect on employment and workforce development. We anticipate no positive impact on employment and workforce development.

4. The effect on taxes and tax credits. We anticipate no impact on taxes or tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. We anticipate no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with section 965 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses.

1. The establishment of less stringent compliance or reporting requirements for small businesses. The proposed Rule does not exempt small businesses from compliance with any of the requirements.

2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses. There are no reporting deadlines in the proposed Rule.

3. The consolidation or simplification of compliance or reporting requirements for small businesses. There are no reporting requirements in the proposed Rule.

4. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed Rule. The proposed Rule sets expiration dates for certain prescriptions, and further, identifies those practitioners eligible to prescribe certain prescriptions. The law did not provide for alternative options for small businesses.

5. The exemption of small businesses from all or any part of the requirements contained in the proposed Rule. There are no exemptions for small businesses.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a Provider Impact Statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities.

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. We anticipate no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service. We anticipate minimal costs to the provider to implement the requirements of the proposed Rule.

3. The overall effect on the ability of the provider to provide the same level of service. We anticipate no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, May 25, 2016 at 9 a.m. in the board office. 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 comments is 12 p.m. that same day.

Malcolm J Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Controlled Substance Prescriptions**

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

The proposed rule change will amend the expiration dates for certain prescriptions, and further, identify the practitioners eligible to prescribe controlled substances. The proposed rule change will result in a cost of approximately \$2,000 for printing costs. This includes \$1,000 for the proposed rule change in FY 16 and \$1,000 for the final rule in FY 17.

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

There will be no impact on revenue collections of state or local governmental units from the proposed rule change.

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

The first section of the proposed rule change will shorten the existing expiration date for prescriptions written for controlled substances listed in Schedule II, from six months to three months. We anticipate no cost or benefit to individuals from that portion of the proposed rule change. The second section of the proposed rule change will remove existing limitations on prescriptions for controlled substances listed in Schedule II written by physician assistants and optometrists. To the extent those practitioners will now be able to write such prescriptions, there may be a positive economic benefit to those practitioners.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no impact on competition or employment.

Malcolm J. Broussard
Executive Director
1604#056

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

Medication Synchronization (LAC 46:LIII.2519)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §2519 of its rules. In particular, the board proposes to allow pharmacists to perform medication synchronization services for their patients.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIII. Pharmacists

Chapter 25. Prescriptions, Drugs, and Devices

Subchapter B. Prescriptions

§2519. Prescription Refills; Medication Synchronization

A. - B.2. ...

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

1. For the performance of this service, the pharmacist may adjust the dispensing quantity and/or refill schedule originally ordered by the prescriber; however, the pharmacist shall not exceed the total quantity prescribed [dispensing quantity multiplied by the total number of fills authorized (original plus refills)], or what is otherwise allowed by law.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2104 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), LR 42:

Family Impact Statement

In accordance with section 953 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or amendment. The following statements are published in the *Louisiana Register* with the proposed agency Rule.

1. The effect on the stability of the family. We anticipate 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. We anticipate 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. We anticipate no effect on the functioning of the family.

4. The effect on family earnings and family budget. We anticipate no effect on family earnings and the family budget.

5. The effect on the behavior and personal responsibility of children. We anticipate 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. We anticipate no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with section 973 of Title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on household income, assets, and financial security. We anticipate no impact on household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development. We anticipate no impact early childhood development or preschool through postsecondary education development.

3. The effect on employment and workforce development. We anticipate no impact on employment and workforce development.

4. The effect on taxes and tax credits. We anticipate no impact on taxes or tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. To the extent a child or other dependent requires multiple prescription medications supplied several times per month at a pharmacy, then medication synchronization services may reduce the number of trips to the pharmacy each month, reducing their transportation costs and possibly improving the benefit received from the medication.

Small Business Analysis

In accordance with section 965 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses.

1. The establishment of less stringent compliance or reporting requirements for small businesses. The proposed Rule does not exempt small businesses from compliance with any of the requirements.

2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses. There are no reporting deadlines in the proposed Rule.

3. The consolidation or simplification of compliance or reporting requirements for small businesses. There are no reporting requirements in the proposed Rule.

4. The establishment of performance standards for small businesses to replace design. There are no design or operational standards required in the proposed Rule.

5. The exemption of small businesses from all or any part of the requirements contained in the proposed Rule. There are no exemptions for small businesses.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a Provider Impact Statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities.

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. We anticipate no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service. To the extent that providers incur costs for multiple trips to a pharmacy each month to obtain multiple prescriptions for the same

patient, then medication synchronization services may result in a reduction in the number of trips to a pharmacy, thereby reducing their operational costs.

3. The overall effect on the ability of the provider to provide the same level of service. We anticipate no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, May 25, 2016 at 9 a.m. in the board office. 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 comments is 12 p.m. that same day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Medication Synchronization

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

The proposed rule change will allow pharmacists to perform medication synchronization services for their patients. The proposed rule change will result in a cost of approximately \$2,000 for printing costs. This includes \$1,000 for the proposed rule change in FY 16 and \$1,000 for the final rule in FY 17.

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

There will be no impact on revenue collections of state or local governmental units from the proposed rule change.

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

The persons directly affected by the proposed rule change are those pharmacists who wish to perform medication synchronization services for their patients. The patients who will best benefit from such services are those taking multiple prescription medications from multiple prescribers requiring multiple visits to the pharmacy each month. The pharmacist will be able to adjust the dispensing quantity and refill schedules for the different prescriptions so that all of the prescriptions can be placed on the same schedule, requiring only one visit to the pharmacy each month. There is evidence that patients with simplified schedules are more likely to adhere to such schedules and derive more benefit from their medications. There is no cost to the pharmacist performing such services. Patients may realize some cost savings to the extent this limits their transportation costs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no impact on competition or employment.

Malcolm J. Broussard
Executive Director
1604#058

Evan Brousseau
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Pharmacy

Pharmacist-in-Charge of Nonresident Pharmacy
(LAC 46:LIII.2307)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend Chapter 23, Out-of-State Pharmacy, of its rules. In particular, the board proposes to amend §2307 relative to the requirements for the pharmacist-in-charge of a nonresident pharmacy. In addition, the board intends to make technical changes in the Chapter title and Section headings to change “out-of-state” to “nonresident.”

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 23. Nonresident Pharmacy

§2307. Pharmacist-in-Charge

A. The opportunity to accept an appointment as the pharmacist-in-charge (PIC) of a pharmacy is a professional privilege. The following requirements are attached to a PIC privilege.

1. The acquisition of the PIC privilege shall require:

a. possession of an active Louisiana pharmacist license;

b. possession of an active license in the state in which the pharmacy is located, and further, said license shall not have any restrictions which prohibit the position of pharmacist-in-charge;

c. active practice as a pharmacist for a minimum of two years under the jurisdiction of any board of pharmacy in the United States; and

d. the completion of the affidavit of responsibility and duties described in Subsection J of this Section.

2. The PIC shall be present and practicing at the pharmacy for which he holds the PIC position no less than 20 hours per week during the pharmacy's ordinary course of business. In the event the pharmacy's normal hours of business are less than 20 hours per week, the PIC shall be present and practicing at least 50 percent of the normal business hours.

B. An initial and renewal pharmacy permit application shall designate and identify the licensed pharmacist-in-charge.

C. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 18:1381 (December 1992), effective January 1, 1993, LR 29:2100 (October 2003), effective January 1, 2004, LR 33:1133 (June 2007), LR 42:

Family Impact Statement

In accordance with section 953 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal, or

amendment. The following statements are published in the *Louisiana Register* with the proposed agency Rule.

1. The effect on the stability of the family. We anticipate 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. We anticipate 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. We anticipate no effect on the functioning of the family.

4. The effect on family earnings and family budget. We anticipate no effect on family earnings and the family budget.

5. The effect on the behavior and personal responsibility of children. We anticipate 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. We anticipate no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on the Rule proposed for adoption, repeal, or amendment.

1. The effect on household income, assets, and financial security. We anticipate no impact on household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development. We anticipate no impact early childhood development or preschool through postsecondary education development.

3. The effect on employment and workforce development. We anticipate no impact on employment and workforce development.

4. The effect on taxes and tax credits. We anticipate no impact on taxes or tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. We anticipate no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with section 965 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses.

1. The establishment of less stringent compliance or reporting requirements for small businesses. The proposed Rule does not exempt small businesses from compliance with any of the requirements.

2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses. There are no reporting deadlines in the proposed Rule.

3. The consolidation or simplification of compliance or reporting requirements for small businesses. There are no reporting requirements in the proposed Rule.

4. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed Rule. The proposed Rule identifies the performance standards for the pharmacist-in-charge of a nonresident pharmacy, which is the same standard used for a pharmacy located within the state. The rules do not provide for alternative options for small businesses.

5. The exemption of small businesses from all or any part of the requirements contained in the proposed Rule. There are no exemptions for small businesses.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a Provider Impact Statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities.

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. We anticipate no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service. We anticipate minimal costs to the provider to implement the requirements of the proposed Rule.

3. The overall effect on the ability of the provider to provide the same level of service. We anticipate no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Malcolm J. Broussard, Executive Director, Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Wednesday, May 25, 2016 at 9 a.m. in the board office. 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 comments is 12 p.m. that same day.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Pharmacist-in-Charge of Nonresident Pharmacy

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

The proposed rule change will amend the existing requirements for the pharmacist-in-charge of a nonresident pharmacy. The proposed rule change will result in a cost of approximately \$2,000 for printing costs. This includes \$1,000 for the proposed rule change in FY 16 and \$1,000 for the final rule in FY 17.

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

There will be no impact on revenue collections of state or local governmental units from the proposed rule change.

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

The persons directly affected by the proposed rule change are those pharmacists intending to serve as the pharmacist-in-charge (PIC) of a nonresident pharmacy. The change from the current rule will require the PIC to be physically present and practicing in the pharmacy for which he has accepted the PIC appointment. Another proposed change from the current rule identifies the minimum amount of time the PIC must be physically present in the pharmacy. These proposed standards already exist for pharmacies located within the state but do not currently exist in nonresident pharmacies. To the extent a current PIC of a nonresident pharmacy is not physically present for the minimum amount of time in the pharmacy, there may be additional personnel costs to the pharmacy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no impact on competition or employment, unless a nonresident pharmacy has previously been relying on a 'phantom' PIC, i.e., a PIC not physically present in the pharmacy. In that case, there could be a positive effect on employment in that pharmacy.

Malcolm J. Broussard
Executive Director
1604#057

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Emergency Medical Transportation Services
Ambulance Licensing Standards
(LAC 48:I.6037)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 48:I.6037 in the Medical Assistance Program as authorized by R.S. 36:254, R.S. 40:1231 and R.S.40:1235.2. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

In order to comply with the directives of House Concurrent Resolution (HCR) 92 of the 2015 Regular Session of the Louisiana Legislature, which directed the department to amend the provisions governing the licensing standards for ambulance service providers to establish protocols relative to the assessment and transport of patients with cardiac and stroke emergencies, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the licensing standards for emergency medical transportation services (*Louisiana Register*, Volume 41, Number 10).

The department has now determined that it is necessary to amend the provisions governing the licensing standards for emergency medical transportation services in order to further clarify these provisions.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 60. Emergency Medical Transportation Services

Subchapter B. Provider Responsibilities

§6037. Medical Protocol

A. - C.21. ...

D. The EMS service shall adopt the protocols established by the Louisiana Emergency Response Network (LERN) or develop an agency specific protocol with specific language related to the transportation of the following patients:

1. Acute stroke patients shall be transported to the closest appropriate primary stroke center, acute stroke ready hospital, or closest appropriate hospital if the patient exhibits a compromise of airway, breathing or circulatory function, or other potential life threatening emergency as defined by the protocols implemented by the ambulance service's medical director. Acute stroke patients may also be diverted to the closest appropriate hospital by order of LERN or online medical control from the local facility, potential receiving facility or medical director.

2. ...

3. In any case where the treating emergency medical technician's evaluation, according to protocol, indicates a potentially unstable condition or potential medical emergency that, if traveling the extra distance to the recommended appropriate facility could put the patient at higher risk, the emergency medical technician in his/her discretion may divert to the nearest appropriate facility.

E. - E.4. ...

F. Ambulance services are accountable for assuring compliance with applicable protocols by their personnel. Exceptions to these protocols must be reviewed on a case-by-case basis by the physician medical director.

1. Treatment decisions shall be considered given the current health status of the patient in conjunction with all of the associated risks factors including, but not limited to, distance to the nearest stroke facility.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1234.E.1 and 40:1235.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:476 (March 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2153 (October 2015), LR 42:

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 may have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it will aid in improving mortality outcomes and reducing disability occurrences by providing vital emergency medical transportation services for cardiac and stroke patients.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 by reducing the financial burden on families who incur costs associated with cardiac and stroke emergencies since these provisions are expected to improve the health outcomes of cardiac and stroke patients.

Provider Impact Statement

In compliance with House Concurrent Resolution 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, May 26, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Emergency Medical Transportation Services, Ambulance Licensing Standards

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$540 (SGF) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

This Rule is being promulgated to amend the provisions governing the licensing standards for emergency medical transportation services in order to further clarify the medical protocol for cardiac and stroke patients to comply with the

directives of House Concurrent Resolution 92 of the 2015 Regular Session of the Louisiana Legislature. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to emergency medical transportation providers for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello
Health Standards Section Director
1604#071

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Bureau of Health Services Financing

Medicaid Eligibility
Federally-Facilitated Marketplace Determinations
(LAC 50:III.505)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:III.505 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 Patient Protection and Affordable Care Act (ACA) of 2010 requires that all applicants for coverage through the federal health insurance marketplace be assessed for eligibility in other government programs, including Medicaid. States are required to select a marketplace model that is state-based, federally-facilitated or working in partnership with the federal marketplace. States with a federally-facilitated marketplace (FFM), like Louisiana, must elect to either have the FFM make assessments of Medicaid eligibility and transfer the account to the state Medicaid agency for a final determination, or delegate the authority to make Medicaid eligibility determinations to the FFM. Initially, Louisiana elected to become a determination state and accepted eligibility determinations made by the FFM.

In August 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing Medicaid eligibility in order to become an assessment state and only accept eligibility assessments from the FFM (*Louisiana Register*, Volume 41, Number 8). The department has now determined that it is necessary to amend the provisions governing Medicaid eligibility in order to return to a determination state and accept Medicaid eligibility determinations made by the FFM.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 1. General Administration

Chapter 5. Application Processing

§505. Federally-Facilitated Marketplace Determinations

A. Effective April 20, 2016, Louisiana Medicaid will delegate its Medicaid eligibility determination authority to the federally-facilitated marketplace (FFM) in order to begin

accepting eligibility determinations made by the FFM for only those individuals who apply for healthcare coverage through the FFM. This action will result in the state becoming a determination state.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1489 (August 2015), amended LR 42:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, May 26, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Medicaid Eligibility Federally-Facilitated Marketplace Determinations

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$432(\$216 SGF and \$216 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated that \$216 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed Rule continues the provisions of the April 20, 2016 Emergency Rule which amended the provisions governing Medicaid eligibility in order for Louisiana Medicaid to return to a determination state and begin accepting Medicaid eligibility determinations made by the federally-facilitated marketplace in order to assist the Medicaid Program with eligibility determinations. It is anticipated that implementation of this proposed rule will not have economic costs or benefits for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Interim Medicaid Director
1604#072

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Bureau of Health Services Financing

Medicaid Eligibility
Incurred Medical Expense Deductions
(LAC 50:III.16105)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to repeal the May 20, 2003 Rule governing incurred medical expenses in the Medicaid Program and proposes to adopt LAC 50:III.16105 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.

Pursuant to 42 CFR 435.725, medical expenses not subject to third-party payment that are incurred by nursing facility residents, including Medicare and other health insurance premiums, deductibles or coinsurance charges and necessary medical or remedial care recognized under state law, but not covered under the Medicaid State Plan are budgeted in the determination of the patient liability for nursing facility care.

In compliance with 42 CFR 435.725, the Department of Health and Hospitals, Bureau of Health Services Financing currently allows deductions for incurred medical expenses in the determination of the patient liability to the nursing facility. The department has now determined that it is necessary to repeal the May 20, 2003 Rule governing incurred medical expense deductions. This proposed Rule will also revise these provisions in order to impose reasonable limits on incurred medical expense deductions, and repromulgate the provisions in a codified format for inclusion in the *Louisiana Administrative Code*.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 9. Long-Term Care Eligibility

Chapter 161. General Provisions

§16105. Incurred Medical Expense Deductions

A. Allowable Deductions. The following criteria shall apply to all incurred medical expense deductions.

1. The deductions must be for an expense incurred by a nursing facility resident who is eligible for Medicaid vendor payment to the nursing facility.

2. Each deduction must be for a service or an item prescribed by a medical professional (e.g., a physician, a dentist, an optometrist, etc.) as medically necessary, and approved by the attending physician to be included as part of the facility's plan of care for the resident.

B. Non-Allowable Deductions. Deductions will not be allowed for the following incurred medical expenses:

1. expenses payable under Medicaid, except when documentation is presented to verify the expense was denied by the Medicaid program due to service limitations;

2. expenses for services, equipment or supplies which are not medically necessary;

3. expenses for services, equipment or supplies provided as part of the nursing facility reimbursement rate; or

4. monthly fees for pre-paid medical or dental service plans including but not limited to those referred to as "concierge plans."

C. Reasonable Limits. The following reasonable limits apply to incurred medical and remedial expense deductions.

1. The deduction shall be made at the lessor of:

a. 80 percent of the provider's billed charges;

b. the Medicaid fee schedule; or

c. 80 percent of the Louisiana region 99 par Medicare fee schedule.

2. Deductions for medical and remedial care expenses incurred as a result of the imposition of a transfer of assets penalty period is limited to zero.

D. Incurred medical expense deduction amounts will be evaluated annually for consideration of increases in the cost of medical or remedial services and supplies.

E. Nursing facilities shall not enter into profit sharing agreements with other providers for any services, supplies or equipment provided for under the incurred medical expense deductions.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, May 26, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, 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.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Medicaid Eligibility
Incurred Medical Expense Deductions**

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

It is anticipated that the implementation of this proposed rule will result in estimated state general fund programmatic cost of \$270 for FY 15-16, and savings of \$210,156 for FY 16-17 and \$228,713 for FY 17-18. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.26 percent in FY 16-17 and 62.45 percent in FY 17-18.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by \$270 for FY 15-16 and decrease collections by approximately \$346,697 for FY 16-17 and \$380,376 for FY 17-18. It is anticipated that \$270 will be expended in FY 15-16 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.26 percent in FY 16-17 and 62.45 percent in FY 17-18.

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

This proposed Rule amends the provisions governing Medicaid financial eligibility in order to incorporate reasonable limits on incurred medical expense deductions in long-term care financial eligibility determinations, and to promulgate these provisions in a codified format for inclusion in the Louisiana Administrative Code. It is anticipated that implementation of this proposed rule will reduce programmatic expenditures in the Medicaid program by approximately \$556,853 for FY 16-17 and \$609,089 for FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

Jen Steele
Interim Medicaid Director
1604#073

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Bureau of Health Services Financing**

Medical Transportation Program
Non-Emergency Medical Transportation
(LAC 50:XXVII.Chapter 5)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to repeal and replace the provisions of the October 20, 1994 Rule governing non-emergency medical transportation, and amend LAC 50:XXVII.Chapter 5 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 adopted provisions governing non-emergency medical transportation (NEMT) (*Louisiana Register*, Volume 20, Number 10). The department promulgated an Emergency Rule which repealed the October 20, 1994 Rule in order to revise the provisions governing NEMT services, and to ensure that these provisions are appropriately promulgated in a codified format for inclusion in the *Louisiana Administrative Code*. This Emergency Rule also amended the provisions governing the reimbursement methodology for NEMT services to replace the monthly payment of capitated rates with a monthly per trip payment methodology (*Louisiana Register*, Volume 40, Number 10). The department promulgated an Emergency Rule which amended the October 1, 2014 Emergency Rule in order to further clarify these provisions to bring the language of this Rule into compliance with the approved Medicaid State Plan, and to incorporate provisions governing appeals rights for denials and partial denials of NEMT services (*Louisiana Register*, Volume 41, Number 5). This proposed Rule is being promulgated to continue the provisions of the May 20, 2015 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 5. Non-Emergency Medical Transportation

Subchapter A. General Provisions

§501. Introduction

A. Non-emergency medical transportation (NEMT) is non-emergency transportation to and from the providers of routine Medicaid covered services for Medicaid recipients. NEMT is intended to provide transportation only after all reasonable means of free transportation have been explored and found to be unavailable.

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

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

C. The requested destination must be to a medical or behavioral health service provider currently enrolled in the Medicaid Program.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§503. Prior Authorization

A. NEMT services require prior authorization. The department or its designee will authorize transportation after verifying the recipient's Medicaid eligibility and validity of medical or behavioral health appointment(s).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§505. Requirements for Coverage

A. When transportation is not available through family and friends, payment shall be authorized for the least costly means of transportation available. The least costly means of

transportation shall be determined by the department and shall be determined according to the following hierarchy:

1. city or parish public transportation;
2. family and friends who meet the state license and insurance requirements and who are willing to:
 - a. enroll in the Medicaid Program; and
 - b. be paid a published rate for providing non-emergency transportation;
3. intrastate public conveyance (such as bus, train or plane);
4. nonprofit agencies and organizations that provide a transportation service and who are enrolled in the Medicaid Program; and
5. for profit providers enrolled in the Medicaid Program.

B. Recipients shall be allowed a choice of providers when the costs of two or more providers are equal.

C. Recipients are encouraged to utilize medical or behavioral health providers of their choice in the community in which they reside when the recipient is also in need of Medicaid reimbursed transportation services. The fact that the department will still pay for the actual medical or behavioral health service received outside the community in which the recipient resides does not obligate the department to reimburse for transportation to accommodate such a choice.

D. When the recipient chooses to utilize a medical or behavioral health provider outside of the community due to preference and/or history, payment may be authorized only for the cost of transportation to the nearest available provider.

E. The recipient may be responsible for securing any agreements with family and friends, nonprofit or profit providers to make the longer trip for the payment authorized. If the recipient needs help with making such arrangements, the department will help but the help given will imply no obligation to provide a greater reimbursement.

F. When specialty treatment required by the recipient necessitates travel over extended distances, authorization for payment for intrastate transportation shall be determined according to the following criteria.

1. Intrastate transportation reimbursement shall be authorized when medical or behavioral health services are not available to the recipient in his/her community.

2. Payment shall be authorized when free transportation is not available.

3. The department shall still authorize payment only for the most economical means of transportation. This may be through negotiating payment for transportation with family and or friends or through accessing the public conveyance systems such as bus, train or plane.

4. The determination as to use of public conveyance shall be based on least cost, medical or behavioral health condition of the recipient to be transported, and availability of public conveyance.

G. When it has been verified that public conveyance is unavailable or inappropriate for intrastate transportation the recipient shall solicit transportation from family and friends. The department will authorize payment to assist the family in accessing the needed medical services.

1. Payment will be based on distance to be traveled to the nearest available similar or appropriate medical or

behavioral health services, parking and tolls. In determining the amount of payment the cost of the least costly public conveyance shall be used as the base cost to be paid to the family. Payment shall not be available for room and board or meals.

H. When no other means of transportation is available through family and friends or public conveyance, the department will solicit intrastate transportation through a nonprofit provider.

1. The nonprofit provider will be paid a fee based on the current fee schedule.

2. If the nonprofit provider cannot accept the trip then the department will reimburse for-profit providers based on the current fee schedule.

I. The department will not authorize "same day" trips except in the instance of need for immediate medical care due to injury or illness. Same day trips will not be authorized for scheduled appointments for predictable or routine medical or behavioral health care. Recipients will be asked to reschedule the appointment and make the subsequent request for transportation timely.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Subchapter B. Recipient Participation

§521. General Provisions

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

B. When the recipient alleges that public conveyance cannot be used due to medical reasons, then verification shall be provided by giving the department a written statement from a doctor that includes the specific reason(s) that the use of public conveyance is contraindicated by the medical or behavioral health condition of the recipient. In no case can preference of the recipient be the sole determining factor in excluding use of public conveyance.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§523. Recipient Appeals

A. Recipients shall have a right to request a fair hearing for the denial of NEMT services in full or in part. This includes requests for a fair hearing for denial of meals and lodging expenses associated with authorized trips.

B. Recipients shall be provided written notice of the service denial (including denials for meals and/or lodging expenses) and given the opportunity to request a fair hearing to appeal the department's decision.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

Subchapter C. Provider Responsibilities

§541. Provider Enrollment

A. All transportation providers must comply with the published rules and regulations governing the Medicaid Transportation Program, all state laws, and the regulations of any other governing state agency or commission or local

entity to which they are subject as a condition of enrollment and continued participation in the Medicaid Program.

B. Non-emergency medical transportation profit providers shall have a minimum liability insurance coverage of \$100,000 per person and \$300,000 per accident or a \$300,000 combined service limits policy.

1. The liability policy shall cover any and all:

- a. autos;
- b. hired autos; and
- c. non-owned autos.

2. Premiums shall be prepaid for a period of six months. Proof of prepaid insurance must be a true and correct copy of the policy issued by the home office of the insurance company. Statements from the agent writing the policy will not be acceptable. Proof must include the dates of coverage and a 30-day cancellation notification clause. Proof of renewal must be received by the department no later than 48 hours prior to the end date of coverage. The policy must provide that the 30-day cancellation notification be issued to the Bureau of Health Services Financing.

3. Upon notice of cancellation or expiration of the coverage, the department will immediately cancel the provider agreement for participation. The ending date of participation shall be the ending date of insurance coverage. Retroactive coverage statements will not be accepted. Providers who lose the right to participate due to lack of prepaid insurance may re-enroll in the transportation program and will be subject to all applicable enrollment procedures, policies, and fees for new providers.

C. As a condition of reimbursement for transporting Medicaid recipients to medical or behavioral health services, family and friends must maintain the state minimum automobile liability insurance coverage, a current state inspection sticker, and a current valid driver's license. No special inspection by the department will be conducted. Proof of compliance with the three listed requirements for this class of provider must be submitted when enrollment in the department is sought. Proof shall be the sworn and notarized statement of the individual enrolling for payment, certifying that all three requirements are met. Family and friends shall be enrolled and shall be allowed to transport up to three specific Medicaid recipients or all members of one Medicaid assistance unit. The recipients to be transported by each such provider will be noted in the computer files of the department. Individuals transporting more than three Medicaid recipients shall be considered profit providers and shall be enrolled as such.

D. As a condition of participation for out-of-state transport, providers of transportation to out-of-state medical or behavioral health services must be in compliance with all applicable federal intrastate commerce laws regarding such transportation, including but not limited to, the \$1,000,000 insurance requirement. Proof of compliance with all interstate commerce laws must be submitted when enrollment in the Medicaid Program is sought or prior to providing any out-of-state Medicaid transportation.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§543. Trip Coordination

A. Dispatch personnel will coordinate to the extent possible, trips for family members so that all recipients in a family are transported as a unit at one time to the same or close proximity providers.

B. Providers must submit a signed affidavit with claims certifying that a true and correct bill is being submitted.

C. If the provider has declined to accept a trip on a particular day the dispatch personnel will not assign additional trips to that provider for that same day.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§545. Provider Suspension and Termination

A. Providers are subject to suspension from the NEMT Program upon department documentation of inappropriate billing practices or other practices that egregiously violate Medicaid Program policy.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§547. Audits

A. The department shall conduct regular audits of service authorization, reimbursement, service delivery and documentation in order to ensure compliance with published rules and regulations.

B. Lack of compliance on the part of transportation providers shall be addressed as described in the provider policy manual.

C. Lack of compliance on the part of department contractors shall be met with corrective action as described in contract 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, Bureau of Health Services Financing, LR 42:

Subchapter D. Reimbursement

§565. General Provisions

A. Reimbursement for NEMT services shall be based upon the current fee schedule. An additional per-mile rate may be included when the department determines that a provider requires compensation for travelling far outside of their service areas. This additional payment shall be made when there are no providers in the recipient's service area.

B. Reimbursement for NEMT to regular, predictable and continuing medical services, such as hemodialysis, chemotherapy or rehabilitation therapy, as determined by the department, shall be based on a capitated rate paid by individual trip.

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

D. An individual provider will be reimbursed for a trip to the nearest facility that will meet the recipient's medical or behavioral health needs. However, the individual provider may transport the recipient to a more distant facility if the individual provider will accept reimbursement from the department to the nearest facility and assumes responsibility for additional expenses incurred.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:

§573. Non-Emergency, Non-Ambulance Transportation

A. - F.5. ...

G. Effective for dates of service on or after October 1, 2014, the monthly payment of capitated rates shall be replaced with a per trip payment methodology.

1. Payments previously made using the monthly capitated rate shall be made by dividing the monthly rate by the number of authorized trips within a given month. Each trip will then be reimbursed separately.

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 33:462 (March 2007), LR 34:878 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2564 (November 2010), LR 37:3030 (October 2011), amended LR 38:3214 (December 2012), LR 42:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, May 26, 2016 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, 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.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Medical Transportation Program Non-Emergency Medical Transportation

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 15-16. It is anticipated that \$1,728 (\$864 SGF and \$864 FED) will be expended in FY 15-16 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 15-16. It is anticipated that \$864 will be collected in FY 15-16 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed Rule continues the provisions of the October 1, 2014 and the May 20, 2015 Emergency Rules which repealed the October 20, 1994 Rule governing non-emergency medical transportation (NEMT) services in order to revise the provisions governing NEMT services, amend the provisions governing the reimbursement methodology for NEMT services to replace the monthly payment of capitated rates with a monthly per trip payment methodology, incorporate provisions governing appeals rights for denials and partial denials of NEMT services and to ensure that these provisions are appropriately promulgated in a codified format for inclusion in the Louisiana Administrative Code. The changes to the payment methodology did not impact the overall payments made to NEMT providers, only the methodology used to establish the rate structure. It is anticipated that implementation of this proposed rule will not have economic costs or benefits to non-emergency medical transportation services providers for FY 15-16, FY 16-17 and FY 17-18.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jan Steele
Interim Medicaid Director
1604#074

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

Backflow and Cross Connection Control in Water Supplies
(LAC 51:XII.344 and 346)

Under the authority of R.S. 40:4 and 40:5 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Department of Health and Hospitals, Office of Public Health (DHH-OPH), intends to

amend Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51). The amendments are necessary to ensure that public water supplies continue to protect their water systems from backflow and cross connections which may occur on customer premises and which can cause contamination of the water supply.

As required by Act 836 of the 2014 Regular Legislative Session, Part XIV (Louisiana state Plumbing Code) of the Louisiana state *Sanitary Code* (LAC 51, *Public Health—Sanitary Code*) became null and void on January 1, 2016. In accordance with the Act, the Louisiana state Uniform Construction Code Council (LSUCCC) promulgated new state plumbing regulations through an emergency rule under the state Uniform Construction Code (LAC 17:I). Before January 1, 2016, comprehensive backflow protection/cross connection control regulations designed to protect public health applicable to plumbing were contained in Part XIV (Plumbing) of the state *Sanitary Code*. Effective January 1, 2016, some of these same backflow protection/cross connection control regulations applicable to plumbing have been adopted by the LSUCCC under the state Uniform Construction Code, particularly within the 2012 *International Plumbing Code* and within the 2012 *International Residential Code* (see December 20, 2015 *Louisiana Register*, Volume 41, page 2545).

The state health officer, through DHH-OPH, finds it necessary to promulgate a Rule that finalizes the requirements of an Emergency Rule (the “ER”) concerning cross connection control/protection of the water supply which became effective on February 23, 2016. This Rule maintains the requirements of the ER which amended Part XII (Water Supplies) of Title 51 (*Public Health—Sanitary Code*) in order to direct public water systems to utilize the backflow and cross connection control regulations contained in the state Uniform Construction Code. Prior to the adoption of the ER, Part XII was outdated because it directed water suppliers to Part XIV of the state *Sanitary Code* relative to protecting its system from backflow and cross connections on customer premises. As mentioned above, plumbing regulations formerly contained under Part XIV of the state *Sanitary Code* have been repealed effective January 1, 2016.

In addition, the ER adopted comprehensive qualification requirements for persons involved in installing, repairing, testing, and maintaining backflow prevention devices and methods. This Rule keeps those requirements in place to ensure that all persons involved in the installation, repair, testing and maintenance of backflow prevention devices are qualified to perform such work.

For these reasons, Part XII (Water Supplies) of the Louisiana state *Sanitary Code* (LAC 51:XII) is proposed to be amended as follows.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XII. Water Supplies

Chapter 3. Water Quality Standards

§344. Protection of Water Supply/Containment Practices

A. As used in this Section, “mandatory containment practices” means the containment practices prescribed in and required by the state Uniform Construction Code, LAC 17:I,

including maintenance and testing requirements, and any additional or related requirements of this Part.

B. In order to protect its water supply from potential contamination, each water supplier shall develop and implement a written backflow prevention plan outlining the policies and procedures it will use to verify that its customers comply with mandatory containment practices, and shall make a reasonable effort to ensure that only customers who comply with mandatory containment practices connect or remain connected to its water supply.

C. Unless otherwise directed by the state health officer, a water supplier shall disconnect or refuse to connect customers who:

1. fail to comply with mandatory containment practices; or

2. fail to provide or allow adequate confirmation of such compliance.

D. If a water supplier has a reasonable basis to believe that an unprotected or improperly protected cross connection exists on the premise of any customer not required to comply with mandatory containment practices, the water supplier shall take reasonable steps to perform one or more of the following:

1. confirm that the cross connection on the premise is eliminated or does not exist;

2. confirm that approved fixture isolation backflow protection is installed at the cross connection on the premise in accordance with the fixture isolation practices prescribed in and required by the state Uniform Construction Code (LAC 17:I);

3. confirm that approved containment backflow protection is installed; or

4. discontinue water service to the customer.

E. When deemed necessary to protect public health, the state health officer may issue an administrative order or emergency order requiring a water supplier to comply with this Section.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(8) and 40:5(A)(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 38:2795 (November 2012), amended LR 42:

§346. Installer, Repairer, Tester and Maintainer Qualifications for Backflow Prevention Devices and Methods

A. Installer/Repairer/Maintainer Qualifications. Backflow preventers shall be installed, repaired and/or maintained by a state Plumbing Board of Louisiana (SPBLA) -licensed plumber who holds an SPBLA water supply protection specialist endorsement on his/her plumbing license pursuant to R.S. 37:1361 et seq., and its implementing regulations (LAC 46:LV.101 et seq.). Backflow preventers associated with a landscape irrigation system may be installed, repaired and/or maintained by a Horticulture Commission of Louisiana-licensed landscape irrigation contractor who holds an SPBLA-issued special water supply protection specialist endorsement in accordance with R.S. 3:3808(P). Backflow preventers located on public property or otherwise under the complete control of the water supplier (for example, water meter and the piping upstream of the water meter, if provided), may be installed, repaired and/or maintained by a backflow prevention assembly repairer who meets the ASSE 5130-

2009 (backflow prevention assembly repairer professional qualification standard) or other individuals holding a backflow prevention assembly repairer certificate from a nationally recognized backflow certification organization approved by the state health officer.

B. Field Tester Qualifications. Backflow preventers shall be tested by a state Plumbing Board of Louisiana (SPBLA) - licensed plumber who holds an SPBLA water supply protection specialist endorsement on his/her plumbing license pursuant to R.S. 37:1361 et seq., and its implementing regulations (LAC 46:LV.101 et seq.); or, by a backflow prevention assembly tester who meets ASSE 5110-2009 (backflow prevention assembly tester professional qualification standard), or other individuals holding a testing certificate from a nationally recognized backflow certification organization approved by the state health officer. Backflow preventers associated with a landscape irrigation system may be tested by a Horticulture Commission of Louisiana-licensed landscape irrigation contractor who holds an SPBLA-issued special water supply protection specialist endorsement in accordance with R.S. 3:3808(P).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and R.S. 40:5(A)(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 42:

Family Impact Statement

1. The effect on the stability of the family. The stability of the family would be severely affected should one or more family members experience illness or death from contaminated drinking water caused by backflow due to a cross connection. The intent of the adoption of this Rule is to help to ensure that all family members are provided safe drinking water by continuing to properly authorize water suppliers to adopt and enforce a backflow and cross connection control program for their water supply system.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. None.

3. The effect on the functioning of the family. The functioning of the family would be severely affected should one or more family members experience illness or death from contaminated drinking water caused by backflow due to a cross connection. The intent of the adoption of this Rule is to help to ensure that all family members are provided safe drinking water by continuing to properly authorize water suppliers to adopt and enforce a backflow and cross connection control program for their water supply system.

4. The effect on the family earnings and family budget. The affect on the family earnings and family budget would be severely effected should one or more family members experience illness or death from contaminated drinking water caused by backflow due to a cross connection. The intent of the adoption of this Rule is to help to ensure that all family members are provided safe drinking water by continuing to properly authorize water suppliers to adopt and enforce a backflow and cross connection control program for their water supply system.

5. The effect on the behavior and personal responsibility of children. None.

6. The ability of the family or local government to perform the function as contained in the proposed Rule. No additional impact is expected on the family to perform the

function as contained in the proposed Rule because residential customer's homes have been and continue to be required free of cross connections under both the old and the new state plumbing regulations. In fact, the new state plumbing regulations adopted on January 1, 2016 by the Louisiana state Uniform Construction Code Council (LSUCCC) contain less cross connection control regulations for residential customers than had the prior Department of Health and Hospitals plumbing regulations (which were repealed on January 1, 2016). Therefore, the ability of the family to perform the function of this Rule is somewhat easier as compared to the plumbing regulations that existed prior to January 1, 2016 because certain cross connection control regulations, particularly as regards containment devices for certain types of cross connections which may exist in some residences, have now been eliminated under the new LSUCCC plumbing regulations.

Local governmental units which own or operate a public water system are already required to have a cross connection control program; however, the existing Rule in Part XII (Water Supplies) of the Louisiana state *Sanitary Code* refers water suppliers to the old state plumbing code regulations which have now been repealed effective January 1, 2016. The intent of this Rule now points water suppliers to seek the new plumbing code regulations adopted by the LSUCCC's new plumbing regulations which were adopted and are effective on January 1, 2016.

Poverty Impact Statement

1. The effect on household income, assets, and financial security. A positive effect on household income, assets, or financial security is expected because the new state plumbing regulations adopted on January 1, 2016 by the Louisiana state Uniform Construction Code Council (LSUCCC) contain less cross connection control regulations for residential customers than had the prior Department of Health and Hospitals plumbing regulations (which were repealed on January 1, 2016). Therefore, the effect on household income, assets, and financial security to perform the function of this Rule has been lessened as compared to the plumbing regulations that existed prior to January 1, 2016 because certain cross connection control regulations, particularly as regards containment devices for certain types of cross connections which may exist in some residences, have now been eliminated under the new LSUCCC plumbing regulations.

2. The effect on early childhood development and preschool through postsecondary education development. There will be no effect on childhood development and preschool through postsecondary education development.

3. The effect on employment and workforce development. Please refer to Part IV of the Fiscal and Economic Impact Statement contained elsewhere in this Notice of Intent.

4. The effect on taxes and tax credits. Certain cross connection control regulations, particularly as regards containment devices for certain types of cross connections which may exist in some residences, have now been eliminated under the new LSUCCC plumbing regulations effective January 1, 2016. In as much as these households no longer have to purchase, install, test or maintain such containment devices, any taxes previously required to be

paid for such devices will no longer be collected. There will be no affect on tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance. There will be no affect on child and dependent care, housing, nutrition, transportation, and utilities assistance. In as much as preventative public health regulations have now been lessened effective January 1, 2016 by the adoption of the new state plumbing regulations by the LSUCCC, health care costs for low income households potentially could increase should the public water supply become contaminated because of the lessening of previous public health standards regarding plumbing and cross connection control regulation

Small Business Analysis

In accordance with the Regulatory Flexibility Act (R.S. 49:965.2-965.8), this small business regulatory flexibility analysis and small business economic impact statement is being submitted for the rules and regulations proposed for adoption, amendment, or repeal (proposed Rule). The summary statement, which is based on the attached worksheet, will be published in the *Louisiana Register* with the proposed rules and regulations. The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered.

The Office of Public Health's Engineering Services Section does not expect that adoption of the proposed amendments will have a significant economic impact on a substantial number of small business entities.

1. Regulatory Flexibility Analysis. The Office of Public Health's Engineering Services Section has performed a regulatory flexibility analysis for the revision of Part XII of the state sanitary code. DHH-OPH does not expect that the proposed Rule change will have significant economic impact on a substantial number of small businesses.

2. Small Business Economic Impact Statement. A small business economic impact statement has not been prepared because it is estimated that the proposed Rule is not expected to have a significant adverse impact on a substantial number of small businesses.

3. Notice to Department of Economic Development. No notice of intent to adopt the proposed Rule has been provided to the Department of Economic Development because it is estimated that the adoption and promulgation of the proposed Rule is not expected to have a significant adverse impact on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Per HCR 170, "provider" means an organization that provides services for individuals with developmental disabilities. In particular, there should be no known or foreseeable:

1. effect on the staffing level requirements or qualifications required to provide the same level of service;
2. total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Monday, May 30, 2016 at COB, 4:30 p.m., and should

be addressed to Amanda Laughlin, Chief Engineer, Engineering Services Section, Office of Public Health, P.O. Box 4489, Baton Rouge, LA 70821-4489, or faxed to (225) 342-7303. If comments are to be shipped or hand-delivered, please deliver to the Bienville Building, 628 North Fourth Street, Room 132, Baton Rouge, LA 70802.

Public Hearing

DHH-OPH will conduct a public hearing at 9 a.m. on Wednesday, May 25, 2016, in Room 118 of the Bienville Building, 628 North Forth Street, Baton Rouge, LA. Persons attending the hearing may have their parking ticket validated when one parks in the 7-story Galvez parking garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner and across the street from the Bienville Building). All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Backflow and Cross Connection Control in Water Supplies

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

The proposed rule revises LAC 51:XII (Water Supplies) by amending Section 344 (Protection of Water Supply/Containment Practices) and adding a new Section 346 (Installer, Repairer, Tester and Maintainer Qualifications for Backflow Prevention Devices and Methods). In accordance with Act 836 of the 2014, Part XIV (Louisiana State Plumbing Code) of the Louisiana State Sanitary Code [LAC 51 (Public Health Sanitary Code)] became null and void on January 1, 2016. Backflow and cross connection control regulations on customer premises were formerly contained within the Plumbing Code that was repealed. In order to address repealed regulations, the proposed rule directs public water systems to utilize the backflow and cross connection control regulations adopted within the Louisiana State Uniform Construction Code (LSUCC) when implementing their cross connection control program for their water system. Also, the proposed rule implements new regulations to ensure that all persons involved in the installation, repair, testing and maintenance of backflow prevention devices are qualified to perform such work.

The Office of Public Health does not anticipate that the proposed action will result in any additional implementation costs to state or local governmental units. The proposed rule changes will result in an estimated cost of \$800 (\$480 in FY 15-16 and \$320 in FY 16-17) to publish the notice of intent and final rule in the Louisiana Register. OPH has sufficient funds to implement the proposed action.

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

There are no anticipated effects on revenue collections of state or local governmental units anticipated as a result of promulgating the proposed rule changes.

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

The 2012 International Plumbing Code and the 2012 International Residential Code, published by the International Code Council (ICC), were adopted by reference under the Louisiana State Uniform Construction Code (LSUCC). The

LSUCC contains model plumbing regulations (inclusive of backflow and cross connection control regulations) for the state. Water suppliers will have to obtain state-issued amendments to these model regulations. Access to such codes and amendments thereto is free by use of the Internet.

However, water suppliers may voluntarily purchase hard copies of the ICC model codes should note that the current cost for non-members of the ICC is \$87.00 for the 2012 IPC and \$128.00 for the 2012 IRC (soft cover book prices). The LSUCCC will, according to state law (R.S. 40:1730.26.3), have to evaluate and update the most recently ICC-published editions of the IPC and IRC no later than 5 years from the date of publication by the ICC. Therefore the LSUCC will have to adopt the 2015 editions of the IPC and IRC with applicable state amendments no later than May 30, 2019. For non-members of the ICC, the current soft cover book prices for the 2015 editions of the IPC and IRC are \$87.00 and \$128.00 respectively. This cost, for those whom decide to purchase copies, is expected every 3 to 5 years thereafter when yet newer ICC codes are published.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule implements regulations to ensure that all persons involved in the installation, repair, testing and maintenance of backflow prevention devices are qualified to perform such work. If the proposed rule is not adopted, then the qualifications for persons installing, repairing, testing and maintaining backflow prevention devices and methods will default to only the laws and regulations applicable to or adopted by the State Plumbing Board of Louisiana and the Horticulture Commission of Louisiana. Since some areas of the state have limited number of licensed plumbers and irrigation contractors, some public water systems would be unable to comply with backflow protection and cross connection control guidelines.

Jimmy Guidry, M.D.
State Health Officer
1604#079

Evan Brasseaux
Staff Director
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: January-March 2016

				Location:						Location:	
LAC				LR 42	LAC					LR 42	
Title	Part #.Section #	Action	Month	Page#	Title	Part #.Section #	Action	Month	Page#	Title	Part #.Section #
4	V.Chapter 53 V.Chapter 55	Adopted Adopted	Jan. Jan.	2 3	46	XXIX.1515,1517 XXXIII.304,313 XXXIII.710,712 XXXIII.714 XXXIII.Chapter 8 XXXIII.903 XXXIII.Chapter 11 XXXIII.1502-1511 XXXIII.1503-1513 XXXVII.707,901,903,905,907,909,1107 XXXVII.709 XXXVII.2001 XLVII.1703 XLVII.4507 LXI.1509,2701 LXVII.2901	Adopted Amended Amended Repealed Adopted Amended Repealed Adopted Repealed Amended Repealed	Jan. Jan. Jan. Jan. Jan. Jan. Jan. Jan. Mar. Mar. Feb. Mar. Mar. Jan.	52 59 58 58 56 56 56 53 53 404 404 404 274 405 443 53		
7	V.919 V.Chapter 27 XIII.121,123,519,749,763 XXI.1301,1312 XXI.1311,1321 XXV.Chapter 1 XXXV.125	Amended Amended Amended Adopted Amended Amended Amended	Feb. Mar. Feb. Mar. Mar. Feb. Feb.	219 393 211 391 391 212 218	48	I.3901 I.Chapter 90 I.12501,12503 I.12524	Adopted Amended Amended Repealed	Jan. Feb. Jan. Jan.	64 219 61 61		
13	I.Chapter 9 I.2715 I.2719 I.2904,2905 I.2915 I.3307 I.3309 I.3903,3923 I.3999	Amended Amended Adopted Amended Repealed Amended Adopted Amended Adopted	Feb. Feb. Feb. Jan. Jan. Jan. Jan. Feb. Feb.	223 224 224 41 41 35 35 222 222	50	I.3511 II.20029 V.965 V.967 V.1701 V.6701 VII.32915 XXI.16107,16701,16901 XXI.16343 XXVII.353 XXXIII.Chapters 61-67	Amended Adopted Amended Amended Adopted Adopted Adopted Amended Adopted Amended Amended	Feb. Jan. Mar. Feb. Mar. Mar. Feb. Jan. Jan. Feb. Jan.	276 63 406 274 406 407 275 62 62 277 59		
19	V.701,703	Adopted	Jan.	69	51	XII.311,355,357,363,367,903,1105,1113 XII.358,361,1102 XII.1117,1119,1125,1133,1135,1139,1503 XII.1903,1907	Amended Adopted Amended Amended	Mar. Mar. Mar. Mar.	408 408 408 408		
22	I.337 III.4703 III.4761	Amended Amended Adopted	Mar. Feb. Feb.	424 274 274	55	III.Chapter 7,8 V.1701 V.1703 VII.317 IX.107,133,143,183 IX.155	Amended Amended Repealed Amended Amended Repealed	Mar. Feb. Feb. Jan. Mar. Mar.	428 279 279 66 427 427		
25	V.505	Amended	Jan.	35	56	V.1103	Amended	Mar.	403		
28	IV.705,803,805 IV.2005,2007 IV.2009 V.221,233 XLIII.133,905 CL305,307,511,711,713,717,719,1509 CXI.1113,1115,1701,1705,1707,1125-1149 CXI.,1335-1343,1349-1357,1703 CXI.1709-1729,1805-1810,1815,1817,1907 CXI.1909,1915-1925,2305,2313-2323 CXI.2401-2415 CXIII.501,903,907,1301,1303 CXV.Chapter 23 CXXXI.243 CLXV.103,501,505,513,515,517,521,903 CLXV.503,507,509,511,519	Amended Amended Repealed Amended Amended Amended Amended Amended Amended Amended Amended Amended Adopted	Jan. Jan. Jan. Jan. Feb. Mar. Feb. Feb. Feb. Feb. Feb. Feb. Jan. Jan.	47 46 46 46 234 399 224 224 224 224 224 224 230 232 232 42 42	58	I.2513 XVIII.105	Repealed Adopted	Jan. Jan.	69 70		
32	I.317	Amended	Jan.	51	61	I.1607 I.1615-1629 I.1633-1637 I.1641 I.1667 I.1693 I.1695 I.1701,1703 I.4919 I.5302 III.1701	Amended Repealed Amended Adopted Amended Amended Repromulgated Adopted Adopted Amended Adopted	Jan. Jan. Jan. Jan. Jan. Jan. Jan. Jan. Feb. Feb. Feb.	39 39 37 37 36 40 40 40 281 282 280		
33	I.Chapter 8 III.504 III.509 V.10303 VII.10505-10513,10516,10517,10519 VII.10514,10515,10518,10524,10531 VII.10521,10523,10525-10529,10534 VII.10532,10533,11101 VII.10535-10543,11103 VII.10536	Amended Amended Amended Amended Adopted Amended Adopted Amended Repealed	Feb. Mar. Mar. Feb. Feb. Feb. Feb. Feb. Feb. Feb.	235 401 402 280 244 244 244 244 244 244	67	III.1942 V.6703,6708,7105,7111,7305,7311,7313 V.Chapter 75	Repealed Amended Amended	Feb. Feb. Mar.	222 219 395		
34	V.Chapter 5	Amended	Jan.	51	76	I.339 VII.367	Adopted Amended	Mar. Jan.	444 70		
37	XIII.Chapter 27 XIII.Chapter 29	Repealed Repealed	Jan. Jan.	65 66							
40	I.2519,2701,2705,2707,5101,5113,5315 I.5399 XXI.101	Amended Amended Adopted	Feb. Feb. Mar.	283 283 445							
43	XVII.Chapter 3 XVII.Chapter 33	Amended Amended	Mar. Mar.	418 413							

Potpourri

POTPOURRI

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Annual Quarantine Listing 2016

In accordance with LAC 7:XV.107 and 109, we are hereby publishing the annual quarantine.

1.0 Sweetpotato Weevil (*Cylas formicarius elegantulus* Sum)

(1) In the United States: the states of Alabama, California, Florida, Georgia, Mississippi, North Carolina, South Carolina, Texas and any other state found to have the sweetpotato weevil.

(2) In the state of Louisiana:

(a) the entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, DeSoto, East Baton Rouge, East Feliciana, Evangeline, Grant, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Natchitoches, Orleans, Plaquemines, Pointe Coupee, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Feliciana;

(b) the property located at the following coordinates: 32.457650, -91.572820; and any properties within a 300-yard radius of these coordinates.

2.0 Pink Bollworm (*Pectinophora gossypiella* Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

Arizona

Generally infested area: the entire state

California

(1) Generally infested area: the entire counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, and San Diego

(2) Suppressive area: the entire counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, and Tulare

New Mexico

Generally infested area: the entire state

Texas

Generally infested area: the entire state

3.0 Phytophagous Snails

The states of Arizona and California

4.0 Sugarcane Pests and Diseases

All states outside of Louisiana

5.0 Lethal Yellowing

The state of Florida

6.0 Texas Phoenix Decline

The states of Texas and Florida

7.0 Tristeza, Xyloporosis, Psorosis, Exocortis

All citrus growing areas of the United States

8.0 Burrowing Nematode (*Radopholus similis*)

The States of Florida and Hawaii and the Commonwealth of Puerto Rico

9.0 Oak Wilt (*Ceratocystis fagacearum*)

Arkansas

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell

Illinois

Entire state

Indiana

Entire state

Iowa

Entire state

Kansas

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte

Kentucky

Infected counties: Adair, Allen, Ballard, Bath, Bell, Boyd, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carter, Casey, Christian, Clay, Clinton, Cumberland, Daviess, Edmonson, Elliott, Estill, Fleming, Floyd, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harlan, Hart, Henderson, Hopkins, Jefferson, Johnson, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Menifee, Metcalfe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owsley, Perry, Pike, Powell, Pulaski, Rowan, Russell, Taylor, Todd, Trigg, Union, Warren, Wayne, and Webster

Maryland

Infected Counties: Allegany, Frederick, Garrett, and Washington

Michigan

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wyne, and Menominee

Minnesota

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright

Missouri

Entire state

Nebraska

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy

North Carolina

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain

Ohio

Entire state

Oklahoma

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner

Pennsylvania

Infected counties: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland

South Carolina

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland

Tennessee

Infected Counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White

Texas

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson

Virginia

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe

West Virginia

Infected counties: all counties except Tucker and Webster

Wisconsin

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood

10.0 Phony Peach

Alabama

Entire state.

Arkansas

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff

Florida

Entire state

Georgia

Entire state

Kentucky

County of McCracken

Louisiana

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union

Mississippi

Entire state

Missouri

County of Dunklin

North Carolina

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford

South Carolina

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York

Tennessee

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley

Texas

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur

11.0 Citrus Canker (*Xanthomonas citri* subsp. *citri*)

Louisiana

(1) Infested parishes: Orleans and St. Bernard, and portions of Jefferson, Lafourche, St. Charles, and Plaquemines

(2) Any areas designated as quarantined under the Federal Citrus Canker quarantine, 7 CFR 301.75 et seq.

12.0 Pine Shoot Beetle (*Tomicus piniperda* (L.))

Any areas designated as quarantined under the Federal Pine Shoot Beetle quarantine, 7 CFR 301.50 et seq.

13.0 Citrus Greening (*Candidatus Liberibacter asiaticus*)

Louisiana

(1) Infested parishes: Orleans and Washington.

(2) Any other areas or states designated as infested under the Federal Citrus Greening and Asian Citrus Psyllid quarantine, 7 CFR 301.76 et seq.

14.0 Asian Citrus Psyllid (*Diaphorina citri* Kuwayama)

Louisiana

(1) Infested parishes: Jefferson, Orleans, Lafourche, Plaquemines, St. Bernard, St. Charles, St. James, St. Tammany, Tangipahoa and Terrebonne.

(2) Any other areas or states designated as infested under the Federal Citrus Greening and Asian Citrus Psyllid quarantine, 7 CFR 301.76 et seq.

15.0 Emerald Ash Borer (*Agrilus planipennis*)

Louisiana

(1) Infested parishes: Bossier, Claiborne, and Webster.

(2) Any other areas or states designated as infested under the Federal Emerald Ash Borer quarantine 7 CFR 301.53-3 et seq.

Mike Strain DVM
Commissioner

1604#081

POTPOURRI

**Department of Environmental Quality
Office of the Secretary
Legal Division**

Public Hearing—Substantive Changes to
Proposed Rule OS093—Reportable Quantity
List for Pollutants (LAC 33:I.3905, 3917, and 3931)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that the department is seeking to incorporate substantive changes to the proposed amendments to various regulations, LAC 33:I.3905, 3917, and 3931 (Log #OS093S), which were originally noticed as OS093 in the December 20, 2015, issue of the *Louisiana Register*. (1604Pot1)

The department has made substantive changes to address comments received during the public comment period of proposed rule OS093. The changes:

- revise the proposed definition of “compressed gas;”
- delete the proposed revisions to the definitions of “discharge” and “release;”
- provide an exemption for the controlled release of hydrogen, and specify that the reporting of certain unauthorized discharges is required only if the discharge could reasonably be expected to escape the confinement of the facility or to an area to which the general permit has unrestricted access consistent with the Department of Public Safety’s release and incident reporting regulations.

In the interest of clarity and transparency, the department is providing public notice and an opportunity to comment on the proposed changes to the amendments of the regulations in question. The department is also providing an interim response to comments received on the initial regulation proposal.

A strikeout/underline/shaded version of the proposed Rule that distinguishes original proposed language from language changed by this proposal and the interim response to Comments are available on the internet at www.deq.louisiana.gov under Rules and Regulations.

Public Comments

All interested persons are invited to submit written comments on the substantive changes. Persons commenting should reference this proposed regulation by OS093S. Such

comments must be received no later than May 25, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for the substantive changes ends on the same date as the public hearing. Copies of these substantive changes 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 OS093S. These proposed regulations are available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing on the substantive changes will be held on May 25, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These substantive changes are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North 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; and 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
General Counsel

1604#050

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
C. C. Crews	Caddo Pine Island	S	Stiles	003	26221
Charles A. O'Neill, Jr.	Golden Meadow	L	Jackson Cheramie A	001	169229
Cameron Parish Pipelines, LLC	Cameron Meadows	L	Cameron Parish School Board	002	215451
Cameron Parish Pipelines, LLC	Cameron Meadows	L	Cameron Parish School Bd Swd	003	216036
Cameron Parish Pipelines, LLC	Cameron Meadows	L	Cameron Parish School Board	001	224358
Cameron Parish Pipelines, LLC	Cameron Meadows	L	Cameron Parish School Board	004	235233

Operator	Field	District	Well Name	Well Number	Serial Number
Mary Love Kidd	Monroe	M	Bank Of Jerseyville	003	9336
B Johnson	Monroe	M	Langford Johnson	001	142727
T J Johnson	Caddo Pine Island	S	H Liebman	003	47348
James A. Whitson, Jr.	Lake Boeuf	L	Peltier Swd	001	230513
James A. Whitson, Jr.	Lake Boeuf	L	Rob L Stray Ra Sua;Peltier Eta	002	237387
James A. Whitson, Jr.	Three Bayou Bay	L	SI 18441 Swd	001	64706
James A. Whitson, Jr.	Three Bayou Bay	L	Vua; SI 18441	001	234871
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	001	68691
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	003	91384
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	003-D	93856
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	006	94055
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	006-D	96346
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	007	96444
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	008	97193
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	007-D	97644
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	009	97761
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261 C	001	98000
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	011	98332
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	008-D	98333
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261 C	002	99267
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	009-D	99929
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	011-D	99930
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261 C	003	101429
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261 Swd	001	106673
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	012	206227
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	012-D	207045
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	013	209591
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	014	209594
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	013-D	209823
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	014-D	209824
Hillside Oil & Gas, LLC	Coquille Bay	L	OA AO261	015	210773
Phoenix Oil & Gas, Ltd., L.L.P.	Bayou Bleu	L	Baist Cooperage	008	26056
M. B. Chastain Et Al	Caddo Pine Island	S	Stiles	008	32700
W A Lusk	Wildcat-No La Monroe Dist	M	Jo Oneal	001	14520
Triumph Energy, Inc.	Grand Cheniere	L	Amph F Rc Sua;E Nunez Heirs	001	221833

Operator	Field	District	Well Name	Well Number	Serial Number
Triumph Energy, Inc.	Grand Cheniere	L	Evariste Nunez Heirs Swd	001	972813
H&S Operating Company Inc.	Richland	M	Hatch Estate	001	141917
H&S Operating Company Inc.	Richland	M	Hatch Estate	002	167658
H&S Operating Company Inc.	Richland	M	Noble	001	180821
H&S Operating Company Inc.	Richland	M	Noble	002	181294
H&S Operating Company Inc.	Richland	M	Noble	003	185062
H&S Operating Company Inc.	Richland	M	Hatch Estate	005	185877
H&S Operating Company Inc.	Richland	M	Noble	005	195767
H&S Operating Company Inc.	Richland	M	Deloney Farms	001	209098
H&S Operating Company Inc.	Richland	M	Deloney Farms	002	209504
H&S Operating Company Inc.	Millhaven	M	Kennedy Rice Dryers	001	236881
H&S Operating Company Inc.	Millhaven	M	Kennedy Rice Dryers	003	238198
H&S Operating Company Inc.	Richland	M	Morris Swd	001	973804
Bison Petroleum LLC	Caddo Pine Island	S	T & P	001	103941
Bison Petroleum LLC	Caddo Pine Island	S	T & P	002	104662
Bison Petroleum LLC	Caddo Pine Island	S	T & P	003	105185
Bison Petroleum LLC	Caddo Pine Island	S	T & P	004	105186
Bison Petroleum LLC	Caddo Pine Island	S	T & P	005	106046
Bison Petroleum LLC	Caddo Pine Island	S	T & P	006	106845
Bison Petroleum LLC	Caddo Pine Island	S	T & P	007	107715
Bison Petroleum LLC	Caddo Pine Island	S	T & P	008	108778
Bison Petroleum LLC	Caddo Pine Island	S	T & P	009	109739
Bison Petroleum LLC	Caddo Pine Island	S	T & P	010	110689
Bison Petroleum LLC	Caddo Pine Island	S	T & P	011	110958
Bison Petroleum LLC	Caddo Pine Island	S	T & P	012	111743
Bison Petroleum LLC	Caddo Pine Island	S	T & P	013	112687
Bison Petroleum LLC	Caddo Pine Island	S	T & P	014	113433
Bison Petroleum LLC	Caddo Pine Island	S	T & P	015	114229
Bison Petroleum LLC	Caddo Pine Island	S	T & P	016	114866
Bison Petroleum LLC	Caddo Pine Island	S	T & P	017	115652
Bison Petroleum LLC	Caddo Pine Island	S	T & P	018	116583

Operator	Field	District	Well Name	Well Number	Serial Number
Bison Petroleum LLC	Caddo Pine Island	S	T & P	019	117437
Bison Petroleum LLC	Caddo Pine Island	S	T & P	020	118230
Bison Petroleum LLC	Caddo Pine Island	S	T & P	021	119048
Bison Petroleum LLC	Caddo Pine Island	S	T & P	022	120175
Frances Wells Gray	San Miguel Creek	S	Wells Estate	001	201541
The Gerhig Co. Of Ark.	Caddo Pine Island	S	Homestead Oil Co	003	51128
Bryan R. White	Monroe	M	Bryan R White	002	104270
Bryan R. White	Monroe	M	Bryan R White	006	189428
Bryan R. White	Monroe	M	Bryan R White	007	189429
Hughes & New - Crystal Oil & Ld	Wildcat-No La Monroe Dist	M	Albert Nichols	005	109185

Richard P. Ieyoub
Commissioner

1604#043

POTPOURRI

Department of Transportation and Development Professional Engineering and Land Surveying Board

Public Hearing—Substantive Change to Proposed
Rule—Examinations and Continuing Professional
Development (LAC 46:LXI.707, 1301, and Chapter 31)

The Louisiana Professional Engineering and Land Surveying Board published a Notice of Intent to amend its rules in the February 20, 2016 edition of the *Louisiana Register*. The board now proposes to amend one provision of the proposed rules, specifically §3105, to read as follows.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXI. Professional Engineers and Land Surveyors Chapter 31. Continuing Professional Development (CPD)

§3105. Requirements

A. During each biennial licensure renewal period beginning before January 1, 2017, every professional engineer licensee, including those licensed in two or more disciplines, is required to obtain 30 PDHs in engineering related activities. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, every professional engineer licensee, including those licensed in two or more disciplines, is required to obtain 15 PDHs per calendar year in engineering related activities. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, professional engineer licensees may not obtain more than 8 PDHs within a single calendar day.

1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be

in professional ethics. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems. Effective January 1, 2017 and beginning with professional engineer licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of four PDHs per calendar year shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

B. During each biennial licensure renewal period beginning before January 1, 2017, every professional land surveyor licensee is required to obtain 15 PDHs in land surveying related activities. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1, 2017, every professional land surveyor licensee is required to obtain 8 PDHs per calendar year in land surveying related activities.

1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be in professional ethics. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional land surveyor.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of two PDHs shall be earned in the Standards of Practice for Boundary

Surveys in Louisiana. Effective January 1, 2017 and beginning with professional land surveyor licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of one PDH per calendar year shall be earned in the Standards of Practice for Boundary Surveys in Louisiana.

C. During each biennial licensure renewal period beginning before January 1, 2017, each dual licensee shall obtain 30 PDHs; however, at least one-third of the PDHs shall be obtained separately for each profession. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, each dual licensee shall obtain 15 PDHs per calendar year; however, at least one-third of the PDHs for each calendar year shall be obtained separately for each profession.

1. During each biennial licensure renewal period beginning before January 1, 2017, at least one PDH shall be in professional ethics. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, at least one PDH per calendar year shall be in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer and/or professional land surveyor.

2. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of two PDHs shall be earned in the Standards of Practice for Boundary Surveys in Louisiana. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of one PDH per calendar year shall be earned in the Standards of Practice for Boundary Surveys in Louisiana.

3. During each biennial licensure renewal period beginning before January 1, 2017, a minimum of eight PDHs shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems. Effective January 1, 2017 and beginning with dual licensees whose biennial licensure renewal periods begin after January 1, 2017, a minimum of four PDHs per calendar year shall be earned in Life Safety Code, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer licensee who designs buildings and/or building systems.

D. Excess PDHs

1. Effective for biennial licensure renewal periods beginning before January 1, 2017, if a licensee exceeds the biennial licensure renewal period requirements, a maximum of 15 PDHs may be carried forward into the subsequent biennial licensure renewal period. Effective January 1, 2017 and beginning with licensees whose biennial licensure renewal periods begin after January 1, 2017, if a licensee exceeds the annual requirements, a maximum of 7 PDHs may be carried forward into the subsequent calendar year.

D.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1047 (July 2001), LR 30:1730 (August 2004), LR 37:2420 (August 2011), LR 42:

Public Hearing

In accordance with R.S. 49:968(H)(2), a public hearing will be held on May 26, 2016 at 9 a.m. at the Louisiana Professional Engineering and Land Surveying Board, 9643 Brookline Avenue, Suite 121, Baton Rouge, LA 70809-1433.

Donna D. Sentell
Executive Director

1604#026

POTPOURRI

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Public Hearing—Substantive Changes to
Proposed Rule—Resident Game Hunting Season
(LAC 76:XIX.Chapter 1)

The Department of Wildlife and Fisheries published a Notice of Intent amending the general and wildlife management area rules and regulations for the 2016-2017 season, the resident game hunting season for the 2016-2018 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2017 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2016-17 hunting season (LAC XIX.101, 103, 111, 113, 115, and 117) in the January 20, 2016 edition of the *Louisiana Register* (LR Vol. 42, No. 01).

The Department of Wildlife and Fisheries commission proposed substantive changes to the published Notice of Intent at nine public hearings pursuant to R.S. 49:968(H)(2) at the following locations:

- February 4 at 9:30 a.m., LDWF Headquarters, 2000 Quail Dr. Baton Rouge;
- February 24 at 6 p.m., Louisiana Ecological Office, 646 Cajundome Boulevard Suite 400, Lafayette;
- February 25 at 6:30 p.m., LSU Ag Center, 7101 Gulf Highway Lake Charles;
- February 26 at 6 p.m., Dry Prong Community Center, 705 Second Street, Dry Prong;
- February 27 at 2 p.m., LDWF Monroe Office, 368 CenturyLink Drive, Monroe;
- February 27 at 4 p.m., Houma Municipal Auditorium, 880 Verret Street, Houma;
- February 29 at 6 p.m., Alexandria Convention Hall, 915 Third Street, Alexandria;
- February 29 at 6 p.m., LDWF Minden Office, 9961 Highway 80, Minden;
- March 3 at 10:30 a.m., Rapides Parish Government Building 701 Murray Street, Alexandria.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Substantive Changes to Proposed Rule
Resident Game Hunting Season**

After receiving public testimony at the nine public meetings throughout the state and written comments through email, telephone and the US Postal Service, the Department of Wildlife and Fisheries commission proposes the following substantive changes for 2016-18 resident game hunting season (LAC 76:XIX.1.101 and 103), 2016-17 general and wildlife management area hunting rules and regulations (LAC 76:XIX.1.111), 2017 general and WMA turkey hunting regulations (LAC 76:XIX.1.113), 2017 Turkey Hunting Areas, Seasons, and Bag Limits (LAC 76:XIX.1.115), and 2016-17 migratory bird seasons, regulations, and bag limits (LAC 76:XIX.1.117) Notice of Intent.

- 2016-17 Migratory Bird Seasons, Regulations, and Bag Limits—changes to light geese and white-fronted geese season, changing the opening date of the first split from November 12 to November 5, thus adding 7 days to the season.
- General and WMA Rules and Regulations—modification to proposed vessel restrictions for Pass-a-Loutre WMA, which provides an exception for such prohibited craft to be utilized on certain waterways within the WMA.
- 2016-17 Migratory Bird Seasons, Regulations, and Bag Limits—changes to Canada geese season, changing the opening date of the first split from November 12 to November 5, thus adding 7 days to the season.
- General and WMA Rules and Regulations—modification to proposed closure of a February feral hog season with dogs on three WMAs (Boeuf WMA, Dewey W. Wills WMA, and Richard K. Yancey WMA), which provides an exception to allow such season on the northern portion of Dewey W. Wills WMA.

Public Hearing

A public hearing will be held on June 02, 2016 at the Louisiana Department of Wildlife and Fisheries, 2000 Quail Dr., Baton Rouge, LA 70808 in the Louisiana Room at 9:30 a.m.

Bart Yakupzack
Chairman

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

The proposed rule changes will have no expenditure impact on state or local governmental units.

The proposed rule change allows the hunting of feral hogs with dogs during the month of February on the portion of the Dewey W. Wills Wildlife Management Area (WMA) north of the Catahoula Lake Diversion Canal. This proposed rule change provides an exception to an earlier proposed closure for hunting with hogs during the month of February on the Dewey W. Wills WMA.

The proposed rule allows the use of mud boats and air-cooled propulsion engines after 2:00 p.m. on portions of the Pass a Loutre WMA: South Pass, Southeast Pass, Loomis Pass, and Cadro Pass. This proposed rule change provides an exception to an earlier imposed ban on the use of mud boats and air-cooled propulsion engines throughout all portions of the Pass a Loutre WMA.

The proposed rule change alters the dates for waterfowl hunting seasons in the West Zone but does not change the total number of waterfowl hunting days during the season. The closing date for the first split is moved from December 4, 2016 to November 27, 2016, shortening the first split by one week. The closing date for the second split is moved from January 22, 2017 to January 29, 2017, lengthening the second split by one week.

The proposed rule change moves the second youth hunt day from January 28, 2017 to February 4, 2017.

The proposed rule change moves the opening date for Canada goose season from November 12 to November 5.

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

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units.

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

The proposed rule change will result in no significant change in costs or benefits to any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no effect on competition and employment.

Bryan McClinton.
Undersecretary
1604#063

Evan Brasseaux
Staff Director
Legislative Fiscal Office

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