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Executive Orders

EXECUTIVE ORDER JBE 22-8

Bond Allocation 2022 Ceiling

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

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

WHEREAS, pursuant to the Act and Act No. 51 of 1986, Executive Order Number JBE 2016-35 was issued to establish: (a) the manner in which the ceiling shall be determined, (b) the method to be used in allocating the ceiling, (c) the application procedure for obtaining an allocation of Bonds subject to such ceiling, and (d) a system of record keeping for such allocations; and

WHEREAS, the Caddo-Bossier Parishes Port Commission (hereafter the "Port") has applied for an allocation of the 2022 ceiling to be used in connection with providing funds for the development, acquisition, purchase, construction, installation, improvement, or expansion of a methanol production and processing facility (the "Project") and specifically the eligible qualified carbon dioxide capture facilities under section 142(a)(17) of the Code comprising a portion of the Project.

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

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 2022 ceiling in the amount shown:

Amount of Allocation	Name of Issuer	Name of Project
\$25,000,000	Caddo-Bossier Parishes Port Commission	Bia Energy Project, Series 2022 (Qualified Carbon Dioxide Capture Facilities)

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

SECTION 3: The allocation granted herein shall be valid and in full force and effect through December 31, 2022.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 17th day of March, 2022.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2203#069

EXECUTIVE ORDER JBE 22-9

Louisiana Cybersecurity Commission Amending Executive Order Number 19-19

WHEREAS, the Louisiana Cybersecurity Commission (hereafter "Commission") was established and created within the executive department, Office of the Governor through Executive Order Number JBE 17-31 on December 6, 2017 and amended through Executive Order Number JBE 19-19 on October 9, 2019;

WHEREAS, the Commission has been tasked with coordinating cybersecurity efforts among state governmental agencies, local governments, tribal governments, private companies, academic institutions, and other entities in both the public and private sectors;

WHEREAS, the Commission is required to provide a quarterly report containing an overview of goals, objectives, priorities, estimated completion dates of activities, and recommendations to the Office of the Governor;

WHEREAS, the Commission is required provide an annual report to House and Senate Committees on Homeland Security in support of the bipartisan work being done on homeland security legislation to protect against cyber-attack; and

WHEREAS, it is necessary to amend Executive Order Number 19-19.

NOW, THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, in accordance with the authority vested in me by the Constitution and statutes of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 2 of Executive Order Number 17-19, issued on October 9, 2019, is hereby amended as follows:

The members of the Commission shall be appointed by and serve at the pleasure of the Governor and shall be comprised of up to nineteen (19) members. The Governor shall designate a Chairman and Co-Chairman from among the appointed members.

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 the State of Louisiana in the City of Baton Rouge, on this 17th day of March, 2022.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2203#70

EXECUTIVE ORDER JBE 22-10

Covid-19 Post-Emergency Sustained Recovery Activities

WHEREAS, the State of Louisiana continues to make significant progress in the fight against COVID-19;

WHEREAS, as of March 25, 2022, the Louisiana Department of Health reported that 2,755,620 Louisianans have received their first dose of vaccine, and 2,446,926 have completed their vaccine series;

WHEREAS, while Louisiana is no longer in a high-risk state of alert for community spread of COVID-19, there remains a moderate risk statewide for the foreseeable future, and there remains a non-negligible risk that new variants could threaten the State's progress in the fight against COVID-19;

WHEREAS, it is necessary for the State and its citizens to remain prepared to continue our efforts against COVID-19 and to maintain our ability to deploy emergency healthcare resources in the event of a resurgence of COVID-19; and

WHEREAS, these measures are necessary to protect the continued safety and wellbeing of the citizens of the State of Louisiana.

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 Secretary of the Louisiana Department of Health and the State Health Officer are authorized and directed to continue to take all necessary actions to address the lasting impacts of the COVID-19 pandemic, including such steps and measures as they deem necessary for the purpose of:

1) Leading the state's COVID-19 vaccination efforts, including facilitating cooperation between local health officers, state agencies, and the Federal Emergency Management Administration;

2) Developing and maintaining a response action plan, in the event of a significant and severe resurgence of COVID-19 or highly virulent novel variants;

3) Procuring and providing COVID-19 testing to communities;

4) Assisting local health officers with contact tracing;

5) Advising state officials and members of the public on best practices related to stopping the spread of COVID-19;

6) Taking such measures as they deem necessary to mitigate the lasting community impact of the pandemic, including authorizing and providing feeding programs to minimize the impact of food insecurity among vulnerable Louisianans affected by the COVID-19 pandemic; and

7) Conducting ongoing disease surveillance to inform the State's response.

SECTION 2: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State, through the Louisiana Department of Health and the State Health Officer may take in response to the COVID-19 pandemic.

SECTION 3: Upon signature, this order is effective retroactive to March 17th, 2022, and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 28th day of March, 2022.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2203#071

EXECUTIVE ORDER JBE 22-11

Broadband for Everyone in Louisiana Commission Amending Executive Order Number JBE 2020-6

WHEREAS, the Broadband for Everyone in Louisiana Commission (hereafter "Commission") was established and created within the executive department, Office of the Governor through Executive Order Number JBE 19-15 on August 29, 2019;

WHEREAS, the Commission has been tasked with serving as the lead facilitator to collaborate with all sectors to successfully execute the statewide broadband plan while embracing all communities to encourage broadband adoption and availability;

WHEREAS, Executive Order Number JBE 19-20, issued on December 3, 2019, amended Executive Order Number JBE 19-15;

WHEREAS, Executive Order Number JBE 2020-6, issued on March 2, 2020, amended Executive Order Number JBE 19-20; and

WHEREAS, it is necessary to amend Executive Order Number JBE 2020-6.

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: Section 1 of the Executive Order Number JBE 2020-6, issued on March 2, 2020, is hereby amended as follows:

The Broadband for Everyone in Louisiana Commission is hereby created within the governor's office

and shall consist of twenty-six members, including fourteen ex-officio members and twelve members appointed by the governor.

SECTION 2: Section 3 of the Executive Order Number JBE 2020-6, issued on March 2, 2020, is hereby amended as follows:

There shall be twenty-six (26) members of the Commission. Twelve members shall be appointed by and serve at the pleasure of the governor. Of these twelve members, two shall be at-large business executive members selected at the Governor's discretion, one member shall be the Governor's Director of Rural Revitalization, and one member shall be selected from each of the following:

- A. The Public Service Commission;
- B. A list of three nominees submitted by the Louisiana Municipal Association;
- C. A list of three nominees submitted by the Louisiana Police Jury Association;
- D. A list of three private sector individuals submitted by electric utility companies doing business within the state;
- E. A list of three private sector individuals submitted by the Internet and Television Association (LCTA);
- F. A list of three private sector individuals submitted by the Louisiana Telecommunications Association (LTA); and
- G. A list of three private sector individuals submitted by the Cellular Telecommunications and Internet Association (CTIA); and
- H. A list of three nominees submitted by the Association of Louisiana Electric Cooperatives (ALEC).
- I. A representative of labor nominated by the AFL-CIO.

The following 14 members shall serve as ex-officio members:

- A. The president of the Louisiana State Senate, or his designee.
- B. The speaker of the Louisiana House of Representatives, or his designee.

C. The chairman of the Louisiana Rural Caucus, or his designee.

D. The commissioner of the Louisiana Department of Agriculture and Forestry, or his designee.

E. The secretary of state, or his designee.

F. The commissioner of administration, or his designee.

G. The director of the Governor's Office of Homeland Security and Emergency Preparedness, or his designee.

H. The secretary of Louisiana Economic Development, or his designee.

I. The superintendent of the Department of Education, or his designee.

J. The commissioner of higher education, or her designee.

K. The secretary of the Louisiana Department of Health, or her designee.

L. The secretary of the Louisiana Workforce Commission, or her designee.

M. The secretary of the Louisiana Department of Transportation and Development, or his designee.

N. The governor's designee to the Delta Regional Authority.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 6th day of April, 2022.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Ardoin
Secretary of State
2203#072

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health Board of Nursing

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., and through the authority granted in R.S. 37:917-918, that Louisiana State Board of Nursing (LSBN) is requesting an emergency rule to add language to Chapter 45, Section 4513. The Covid-19 public health emergency was declared in Proclamation Number 25 JBE 2020, enacted on March 11, 2020 and extended numerous times, most recently in Proclamation Number 18 JBE 2022, which is set to expire on March 16, 2022. In coordination with the State Health Officer, the LSBN recognizes a need for a transition period to permit APRNs working without an approved collaborative practice agreement under the emergency proclamation to continue working for a transition period. The transition period is necessary to prevent imminent peril to the public health, safety, or welfare. The additional language to Chapter 45, Section 4513.B.4.e provides an exception allowing APRNs practicing without an approved collaborative practice agreement during the Covid-19 public health emergency to continue to practice for a 90-day transition period following the expiration of the public health emergency.

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. - B.3. ...

4. Paragraphs 1-3 above are temporarily suspended by Emergency Rule such that the collaborative practice agreement requirements of the Louisiana State Board of Medical Examiners and the Louisiana State Board of Nursing for advanced practice registered nurses, including certified nurse midwives, clinical nurse specialists, and nurse practitioners, are suspended for a 90-day transition period following the expiration of the declared Covid-19 public health emergency. The 90-day transition period expires on June 14, 2022.

C. - D.17.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 Hospitals, Board of Nursing, LR 22:284 (April 1996), amended LR 27:727 (May 2001), LR 31:2027 (August 2005), LR 48:

Karen C. Lyon, PhD, APRN, MBA, NEA
Executive Director/CEO

2204#004

DECLARATION OF EMERGENCY

Department of Health Board of Nursing

Authorized Practice—Rescission (LAC 46:XLVII.4513)

The Louisiana State Board of Nursing (LSBN) issued an Emergency Rule effective March 17, 2022, creating a transition period for APRNs working without a collaborative practice agreement under the governor's emergency proclamation. The Covid-19 public health emergency was declared in Proclamation Number 25 JBE 2020, enacted on March 11, 2020 and extended numerous times, most recently in Proclamation Number 18 JBE 2022, which expired on March 16, 2022. As described in the Emergency Rule, the rule was premised on a need for a transition period to permit APRNs working without a collaborative practice agreement under the emergency proclamation to enter into a collaborative practice agreement or cease practicing following the expiration of the Covid-19 public health emergency.

Practitioners have been encouraged to submit the requisite collaborative practice documentation through the pandemic. It appears the basis for the Emergency Rule has been resolved; therefore, the board determined it appropriate to rescind the Emergency Rule effective March 23, 2022.

Karen C. Lyon, PhD, APRN, MBA, NEA
Executive Director/CEO

2203#008

DECLARATION OF EMERGENCY

Department of Health Board of Nursing

Licensure by Endorsement (LAC 46:XLVII.3327)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:917-918, that Louisiana State Board of Nursing (LSBN) is requesting an emergency rule to add language to Chapter 33, Section 3327. The Covid-19 public health emergency was declared in Proclamation Number 25 JBE 2020, enacted on March 11, 2020 and extended numerous times, most recently in Proclamation Number 18 JBE 2022, which is set to expire on March 16, 2022. In coordination with the State Health Officer, the LSBN recognizes a need for a transition period to permit RNs and APRNs working under emergency proclamation to continue working for a transition period. The transition period is necessary to prevent imminent peril to the public health, safety, or welfare. The additional language to Chapter 33, Section 3327.A.11 provides an exception allowing RNs and APRNs to continue to practice nursing in Louisiana with a current, active, unencumbered, unrestricted out-of-state license for a 90-day transition

period following the expiration of the Covid-19 public health emergency.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 2. Registered Nurses

Chapter 33. General

Subchapter C. Registration and Registered Nurse

Licensure

§3327. Licensure by Endorsement

A. - A.10 ...

11 Exception: The requirement that an out-of-state registered nurse or an out-of-state advanced practice registered nurse (including an out-of-state certified nurse midwife, a certified registered nurse anesthetist, a clinical nurse specialist, and a nurse practitioner) obtain a license to practice registered nursing or advanced practice registered nursing in Louisiana as set forth in La. R.S. 37:920, is temporarily suspended for a 90-day transition period following the expiration of the Covid-19 declared public health emergency, provided that such person has an active, unencumbered, unrestricted license to practice registered nursing or advanced practice registered nursing from any U.S. state, territory, or district, which has been confirmed through the NURSYS system. The 90-day transition period expires on June 14, 2022.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918, 920 and 921.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:77 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 21:804 (August 1995), LR 23:960 (August 1997), LR 24:1293 (July 1998), LR 41:1085 (June 2015), LR 48:

Karen C. Lyon, PhD, APRN, MBA, NEA
Executive Director/CEO

2203#003

DECLARATION OF EMERGENCY

Department of Health
Board of Nursing

Licensure by Endorsement—Rescission
(LAC 46:XLVII.3327)

The Board of Nursing (LSBN) issued an Emergency Rule effective March 17, 2022, to allow out-of-state licensees a transition period to apply for licensure or to cease the practice of nursing in Louisiana in response to the expiration of Governor Edwards' public health emergency. The Covid-19 public health emergency was declared in Proclamation Number 25 JBE 2020, enacted on March 11, 2020 and extended numerous times, most recently in Proclamation Number 18 JBE 2022, which expired on March 16, 2022. As described in the Emergency Rule, the rule was premised on a need to allow RNs and APRNs with a current, active, unencumbered, unrestricted out-of-state license working under the emergency proclamation to continue working for a

90-day transition period following the expiration of the Covid-19 public health emergency.

Since the passage of the emergency rule, the LSBN worked diligently with the Louisiana Department of Health to notify RNs and APRNs practicing in Louisiana pursuant to the governor's proclamation to apply for a permit through the Nurse Portal on the LSBN website. It appears the basis for the Emergency Rule has been resolved; therefore, the board determined it appropriate to rescind the Emergency Rule effective March 23, 2022.

Karen C. Lyon, PhD, APRN, MBA, NEA
Executive Director/CEO

2203#007

DECLARATION OF EMERGENCY

Department of Health
Board of Practical Nurse Examiners

Licensure (LAC 46:XLVII.1703)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:969, that the Louisiana State Board of Practical Nurse Examiners (LSBPNE) is requesting an Emergency Rule to add language to Chapter 17, Section 1703.

The Covid-19 public health emergency was declared in Proclamation Number 25 JBE 2020, enacted on March 11, 2020 and extended numerous times, most recently in Proclamation Number 18 JBE 2022, which is set to expire on March 16, 2022. In coordination with the State Health Officer, the LSBPNE recognizes a need for a transition period to permit LPNs working under emergency proclamation to continue working for a transition period. The additional language to Chapter 17, Section 1703.E provides an exception allowing LPNs to continue to practice practical nursing in Louisiana with a current, active, unencumbered, unrestricted out-of-state license for a 90-day transition period following the expiration of the Covid-19 public health emergency. This rule is effective on March 17, 2022, and will remain in effect for 90 days.

Title 46

PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLVII. Nurses: Practical Nurses and Registered Nurses

Subpart 1. Practical Nurses

Chapter 17. Licensure

§1703. Types of Licensure

A. - D. ...

E. Exception: The requirement that an out-of-state practical nurse obtain a license to practice practical nursing in Louisiana as set forth in R.S. 37:972, is temporarily suspended for a 90-day transition period following the expiration of the Covid-19 declared public health emergency, provided that such person has an active, unencumbered, unrestricted license to practice practical nursing from any U.S. state, territory, or district, which has been confirmed through the NURSYS system. The 90-day transition period expires on June 14, 2022.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:969, 37:971 and 37:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), LR 10:915 (November 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 28:2355 (November 2002), LR 42:274 (February 2016), LR 45:432 (March 2019), LR 48:

M. Lynn Ansardi
Executive Director

2204#001

DECLARATION OF EMERGENCY

Department of Health Board of Practical Nurse Examiners

Types of Licensure—Rescission (LAC 46:XLVII.1703)

The Louisiana State Board of Practical Nurse Examiners (LSBNE) issued an Emergency Rule effective March 17, 2022, to allow out-of-state licensees a transition period to apply for licensure or to cease the practice of practical nursing in Louisiana in response to the expiration of Governor Edwards' public health emergency. The Covid-19 public health emergency was declared in Proclamation Number 25 JBE 2020, enacted on March 11, 2020 and extended numerous times, most recently in Proclamation Number 18 JBE 2022, which expired on March 16, 2022. As described in the Emergency Rule, the rule was premised on a need to allow LPNs with a current, active, unencumbered, unrestricted out-of-state license working under the emergency proclamation to continue working for a 90-day transition period following the expiration of the Covid-19 public health emergency.

Since the passage of the Emergency Rule, the LSBPNE worked diligently with the Louisiana Department of Health to notify LPNs practicing in Louisiana pursuant to the governor's proclamation to apply for a permit with LSBPNE. It appears the basis for the Emergency Rule has been resolved; therefore, the board determined it appropriate to rescind the Emergency Rule effective March 31, 2022.

M. Lynn Ansardi
Executive Director

2203#028

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Abortion Facilities—Licensing Standards
(LAC 48:I.4431)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.4431 as authorized by R.S. 36:254 and R.S. 40:2175.1 et seq. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, 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 and replaced the provisions governing the licensing standards for abortion facilities in order to incorporate the changes imposed by legislation, and further revise and clarify those provisions (*Louisiana Register*, Volume 41, Number 4).

Act 97 of the 2016 Regular Session of the Louisiana Legislature increased the time period required for certain pre-operative services. Act 563 of the 2016 Regular Session of the Louisiana Legislature provides that at least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of certain printed information, including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality, and given printed information about resources, programs and services for infants and children born with disabilities, as well as other related matters. Act 593 of the 2016 Regular Session of the Louisiana Legislature provides for the disposal, by interment or cremation, of fetal remains and designates procedures for giving patients options for arrangements. The department promulgated an Emergency Rule which amended the provisions governing outpatient abortion facilities in order to comply with the provisions of Acts 97, 563 and 593 (*Louisiana Register*, Volume 42, Number 12).

The department determined that it was necessary to amend the provisions of the December 3, 2016 Emergency Rule governing the length of retention of the certification of minors and the disposition of fetal remains (*Louisiana Register*, Volume 47, Number 3). This Emergency Rule is being promulgated in order to continue the provisions of the March 20, 2021 Emergency Rule. This action is being taken to protect the health and welfare of Louisiana citizens by assuring the health and safety of women seeking health care services at licensed abortion facilities.

Effective May 17, 2022, the Department of Health, Bureau of Health Services Financing amends the provisions governing the licensing standards for abortion facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 44. Abortion Facilities

Subchapter C. Pre-Operative, Intra-Operative, and Post-Operative Procedures

§4431. Screening and Pre-Operative Services

A. - E.1. ...

2. Requirements

a. Except as provided in Subparagraph b below, at least 72 hours prior to the pregnant woman having any part of an abortion performed or induced, and prior to the administration of any anesthesia or medication in preparation for the abortion on the pregnant woman, the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the following requirements:

i. perform an obstetric ultrasound on the pregnant woman, offer to simultaneously display the screen which depicts the active ultrasound images so that the pregnant woman may view them and make audible the fetal heartbeat,

if present, in a quality consistent with current medical practice. Nothing in this Section shall be construed to prevent the pregnant woman from not listening to the sounds detected by the fetal heart monitor, or from not viewing the images displayed on the ultrasound screen;

ii. provide a simultaneous and objectively accurate oral explanation of what the ultrasound is depicting, in a manner understandable to a layperson, which shall include the presence and location of the unborn child within the uterus and the number of unborn children depicted, the dimensions of the unborn child, and the presence of cardiac activity if present and viewable, along with the opportunity for the pregnant woman to ask questions;

iii. offer the pregnant woman the option of requesting an ultrasound photograph or print of her unborn child of a quality consistent with current standard medical practice that accurately portrays, to the extent feasible, the body of the unborn child including limbs, if present and viewable;

iv. from a form that shall be produced and made available by the department, staff will orally read the statement on the form to the pregnant woman in the ultrasound examination room prior to beginning the ultrasound examination, and obtain from the pregnant woman a copy of a completed, signed, and dated form; and

v. retain copies of the election form and certification prescribed above. The certification shall be placed in the medical file of the woman and shall be kept by the outpatient abortion facility for a period of not less than seven years. If the woman is a minor, the certification shall be placed in the medical file of the minor and kept for at least seven years or for five years after the minor reaches the age of majority, whichever is greater. The woman's medical files shall be kept confidential as provided by law.

b. If the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the requirements of §4431.E.2.a at least 24 hours prior to the woman having any part of an abortion performed or induced.

c. - e. Repealed.

E.3. - G.1. ...

a. Except as provided in Subparagraph b below, at least 72 hours before the abortion the physician who is to perform the abortion or the referring physician shall provide informed consent to the pregnant woman seeking an abortion, pursuant to all laws, rules and regulations regarding informed consent. The informed consent shall be communicated both orally and in-person, and in writing, and shall be provided in a private room. Documentation of all such informed consent provided shall be maintained in the patient's medical record.

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion

or the referring physician shall comply with all of the requirements of §4431.G.1 at least 24 hours prior to the abortion.

l.c. - 3. ...

a. Except as provided in Subparagraph b below, at least 72 hours before a scheduled abortion the physician who is to perform the abortion, the referring physician, or a qualified person shall inform the pregnant woman seeking an abortion, orally and in-person that:

i. - iv. ...

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion the referring physician, or a qualified person shall comply with all of the requirements of §4431.G.3 at least 24 hours prior to the abortion.

4. ...

a. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of the printed materials, pursuant to any applicable state laws, rules, and regulations, by the physician who is to perform the abortion, the referring physician, or a qualified person. These printed materials shall include any printed materials necessary for a voluntary and informed consent, pursuant to R.S. 40:1061.17. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of the printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

i. - NOTE. Repealed.

b. At least 72 hours before the abortion, the pregnant woman or minor female considering an abortion shall be given a copy of the department's *Point of Rescue* pamphlet and any other materials described in R.S. 40:1061.16 by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws. However, if the pregnant woman or minor female considering an abortion certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 72 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws.

i. The physician or qualified person shall provide to the woman, or minor female seeking an abortion, such printed materials individually and in a private room for the purpose of ensuring that she has an adequate opportunity to ask questions and discuss her individual circumstances.

ii. The physician or qualified person shall obtain the signature of the woman or minor female seeking an abortion on a form certifying that the printed materials were given to the woman or minor female.

iii. In the case of a minor female considering an abortion, if a parent accompanies the minor female to the appointment, the physician or qualified person shall provide to the parent copies of the same materials given to the female.

iv. The signed certification form shall be kept within the medical record of the woman or minor female for a period of at least seven years.

c. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of a printed informational document including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality and resources, programs and services for infants and children born with disabilities. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

d. If the pregnant woman seeking an abortion is unable to read the materials, the materials shall be read to her. If the pregnant woman seeking an abortion asks questions concerning any of the information or materials, answers shall be provided to her in her own language.

NOTE: The provisions of this Section requiring a physician or qualified person to provide required printed materials to a woman considering an abortion shall become effective 30 days after the department publishes a notice of the availability of such materials.

5. ...

a. Prior to the abortion, the outpatient abortion facility shall ensure the pregnant woman seeking an abortion has certified, in writing on a form provided by the department that the information and materials required were provided at least 72 hours prior to the abortion, or at least 24 hours prior to the abortion in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy. This form shall be maintained in the woman's medical record.

b. ...

c. The pregnant woman seeking an abortion is not required to pay any amount for the abortion procedures until the 72-hour period has expired, or until expiration of the 24-hour period applicable in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy.

6. - 7.b....

8. Disposition of Fetal Remains

a. Each physician who performs or induces an abortion which does not result in a live birth shall ensure that the remains of the fetus are disposed of by interment or

cremation, in accordance with the provisions of R.S. 8:651 et seq., and the provisions of LAC 51:XXVI.102 of the *Sanitary Code*.

b. Prior to an abortion, the physician shall orally and in writing inform the pregnant woman seeking an abortion in the licensed abortion facility that the pregnant woman has the following options:

i. the option to make arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.; or

ii. the option to have the outpatient abortion facility/physician make the arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.

c. The pregnant woman shall sign a consent form attesting that she has been informed of these options; if the pregnant woman wants to make arrangements for the disposition of fetal remains, she will indicate so on the form; if no such indication is made on the form by the pregnant woman, the outpatient abortion facility/physician shall make the arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.

d. the requirements of §4431.G.8 regarding dispositions of fetal remains, shall not apply to abortions induced by the administration of medications when the evacuation of any human remains occurs at a later time and not in the presence of the inducing physician or at the facility in which the physician administered the inducing medications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2175.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:700 (April 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2203#005

DECLARATION OF EMERGENCY

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

Emergency Telemedicine/Telehealth
(LAC 50:I.505)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:I.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. 49:953.1, 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, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions governing coverage of telemedicine during a declared emergency (*Louisiana Register*, Volume 46, Number 4). The department has now determined that it is necessary to amend the March 16, 2020 Emergency Rule in order to update and clarify the provisions governing telemedicine/telehealth services provided through an interactive audio system, without the requirement of video, in the event of a declared emergency or disaster. This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued and expanded access to telemedicine/telehealth services in the event of a declared emergency or disaster.

Effective April 20, 2022, the Department of Health, Bureau of Health Services Financing amends the Emergency Rule adopted on March 16, 2020 in order to update and clarify the provisions governing coverage of telemedicine/telehealth in the event of a declared emergency or disaster.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 5. Telemedicine/Telehealth

§505. Emergency Provisions

A. In the event that the federal or state government declares an emergency or disaster, the Medicaid Program may temporarily cover services provided through the use of an interactive audio telecommunications system, without the requirement of video, if such action is deemed necessary to ensure sufficient services are available to meet beneficiaries' needs.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

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

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

Dr. Courtney N. Phillips
Secretary

2203#039

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Intellectual Disabilities—Temporary Reimbursement for Private Facilities (LAC 50:VII.32904)

The Department of Health, Bureau of Health Services Financing amends LAC 50:VII.32904 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. 49:953.1, 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, Bureau of Health Services Financing amends the provisions governing temporary reimbursement for private non-state intermediate care facilities for persons with intellectual disabilities (ICFs/IID) in order to include a direct care add-on for increased cost related to retaining and hiring direct care staff and to establish a minimum hourly wage floor for direct care workers.

This action is being taken to promote the health and welfare of Medicaid recipients in ICFs/IID by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase programmatic costs in the Medicaid Program by \$7,004,060 for state fiscal year 2021-2022.

Effective April 1, 2022, the Department of Health, Bureau of Health Services Financing amends the provisions governing temporary reimbursement for private non-state ICFs/IID.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32904. Temporary Reimbursement for Private Facilities

A. - D.4....

E. The Medicaid daily rate will include a direct care \$12 add-on to reimburse providers for increased cost related to retaining and hiring direct care staff. This add-on will be discontinued upon the next rebase, or at the discretion of the department.

NOTE: Medicaid providers have up to a year from the date of service to bill Medicaid for their claims. The provisions of this Subsection will apply to claims effective for dates of service on or after January 1, 2022.

1. Effective April 1, 2022, the minimum hourly wage floor paid to directly employed (non-contracted) non-nursing/physician direct care worker shall be \$9 per hour.

a. Directly employed non-nursing/physician direct care workers will include any employee whose wage expense is reported on sch H – expenses lines A.2. – A.8. on the Medicaid cost report.

b. Providers shall submit to the department or its representatives all requested documentation to verify compliance with the direct care wage floor.

i. This documentation may include, but is not limited to, payroll records, wage and salary documents, payroll check stubs and supplemental cost report schedules.

ii. Providers shall produce the required documentation upon request and within the time frame indicated by the department, or the provider may be subject to sanctions, full recoupment of add-on payments received, and/or disenrollment in the Medicaid Program.

c. Providers with directly employed non-nursing/physician direct care worker(s) that is (are) identified as not meeting the minimum hourly wage floor requirement shall be subject to a recoupment that is calculated as the differential between the minimum hourly wage floor and the actual hourly wage paid for all hours worked during the reporting period by the specific employee(s) that did not meet the minimum hourly wage floor requirement. This recoupment shall not exceed the total amount paid to the provider for the \$12 direct care add-on in a state fiscal year. This penalty is not mutually exclusive of any other direct care floor or related penalty. Additionally, any recoupment as a result of the wage floor will not impact any other direct care floor recoupment calculation.

i. The hourly wage of a directly employed non-nursing/physician direct care worker will be calculated as the total regular (non-overtime) wage expense (exclusive of bonus, benefits, etc.) divided by the total regular (non-overtime) hours worked during the reporting period.

2. Effective April 1, 2022, a facility wide direct care floor is established at 75 percent of the per diem for direct care payment and at 100 percent of the \$12 direct care add-on payment for year. In no case shall a facility receiving this add-on payment have total facility payments reduced to less than 104 percent of the total facility cost as a result of imposition of the direct care floor. For facilities that also receive add-on payments related to complex care or pervasive plus, the greater of the direct care floors will be applicable.

a. If the direct care cost the facility incurred on a per diem basis, plus add-on, is less than the appropriate facility direct care floor, the facility shall remit to the bureau the difference between these two amounts times the number of facility Medicaid days paid during the cost reporting period. This remittance shall be payable to the bureau upon submission of the cost report

b. Upon completion of desk reviews or audits, facilities will be notified by the bureau of any changes in amounts due based on audit or desk review adjustments.

c. Direct care floor recoupment as a result of a facility not meeting the required direct care per diem floor is considered effective 30 days from the issuance of the original notice of determination. Should an informal reconsideration be requested, the recoupment will be

considered effective 30 days from the issuance of the results of an informal hearing. The filing of a timely and adequate notice of an administrative appeal does not suspend or delay the imposition of a recoupment(s).

d. The direct care floor recoupment is not mutually exclusive of any penalty related to not meeting the minimum direct care wage floor or any other penalty.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:593 (May 2021), amended LR 48:

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

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

Dr. Courtney N. Phillips
Secretary

2203#018

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services
and
Office of Behavioral Health**

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

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

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), and the Office of Behavioral Health (OBH) promulgated an Emergency Rule which amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance

with the provisions of the Administrative Procedure Act (*Louisiana Register*, Volume 46, Number 4). This Emergency Rule is being promulgated to continue the provisions of the Emergency Rule adopted on March 19, 2020. This Emergency Rule shall be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

Effective May 14, 2022, the department amends Title 50 of the *Louisiana Administrative Code* to continue the following provisions of the Emergency Rule adopted on March 19, 2020 throughout the duration of the COVID-19 public health emergency declaration:

**Nursing Facilities—Reimbursement Methodology
Reimbursement Adjustment (LAC 50:II.20006)**

The per diem rate paid to non-state nursing facilities shall contain an add-on of \$12 for the period of the COVID-19 public health emergency declaration.

**Nursing Facilities—Reimbursement Methodology
Leave of Absence Days (LAC 50:II.20021)**

For each Medicaid recipient, nursing facilities shall be reimbursed for up to seven hospital leave of absence days per occurrence and 15 home leave of absence days per calendar year.

For dates of service during the COVID-19 public health emergency declaration, the state may allow the reimbursement paid for leave of absence days to be equal to 100 percent of the applicable per diem rate.

**Intermediate Care Facilities for Persons with
Intellectual Disabilities—Emergency Awareness
Payment Limitations (LAC 50:VII.33101)**

For dates of service during the COVID-19 public health emergency declaration, the state may waive the annual 45 day limit on the client's leave of absence, the limitation of 30 consecutive days, and the inclusion of the leave in the written individual habilitation plan for recipients that return to the facility for at least 24 hours prior to any discharge/transfer.

Payments to providers for these days will not include any enhanced rate add-ons (i.e., Complex Care, Pervasive Plus), and providers will appropriately submit them as leave days when billing for payment.

**Services for Special Populations—Personal Care Services
(LAC 50:XV.Subpart 9)**

Relaxation of long term-personal care services (LT-PCS) provisions during the COVID-19 public health emergency declaration:

Recipients of long term-personal care services (LT-PCS) may receive more weekly service hours than what is assigned for his/her level of support category;

The state may increase the maximum number of LT-PCS hours received per week;

Recipients may receive LT-PCS in another state without prior approval of OAAS or its designee;

Recipients may receive LT-PCS while living in a home or property owned, operated or controlled by a provider of services who is not related by blood or marriage to the recipient;

Individuals may concurrently serve as a responsible representative for more than two recipients without an exception from OAAS;

The following individuals may provide services to the recipient of LT-PCS: the recipient's spouse; the recipient's curator; the recipient's tutor; the recipient's legal guardian; the recipient's responsible representative; or the person to whom the recipient has given representative and mandate authority (also known as power of attorney);

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation;

The state may allow exceptions to LT-PCS prior authorization requirements;

The state may increase and/or modify reimbursement rates for LT-PCS;

Recipients may orally designate/authorize or make changes to the responsible representative during the emergency. However, once the emergency declaration is over, the recipient must submit a written designation on the appropriate OAAS form to designate a responsible representative;

The state may offer recipients the freedom to choose another LT-PCS provider if the designated provider is not able to provide services;

The state may modify the minimum age requirement for direct care workers; and

The state may allow exceptions to the requirement that the place(s) of service must be documented in the plan of care.

**Home and Community-Based Services Waivers
Adult Day Health Care Waiver (LAC 50:XXI.Subpart 3)**

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Adult Day Health Care (ADHC) Waiver are relaxed during the COVID-19 public health emergency declaration:

Adult Day Health Care (ADHC) Waiver participants are allowed to receive ADHC services in his/her home by licensed and/or certified ADHC staff (i.e. RN, LPN, PCA and/or CNA);

The current assessments/re-assessments remain in effect past the annual (12 month) requirement;

Participants are not discharged if services are interrupted for a period of 30 consecutive days as a result of not receiving or refusing ADHC services;

Participants are not discharged for failure to attend the ADHC center for a minimum of 36 days per calendar quarter;

The state may elect to make retainer payments to ADHC providers when the ADHC center is closed;

Individuals may concurrently serve as a responsible representative for more than two participants without an exception from OAAS;

The state may allow exceptions to prior authorization requirements;

The state may increase and/or modify reimbursement rates for ADHC providers; and

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation.

Home and Community-Based Services Waivers

Community Choices Waiver (LAC 50:XXI.Subpart 7)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Community Choices Waiver (CCW) are relaxed during the COVID-19 public health emergency declaration:

Community Choices Waiver (CCW) participants are allowed to receive personal assistance services (PAS) in another state without prior approval of OAAS or its designee;

Participants may receive PAS while living in a home or property owned, operated or controlled by a provider of services who is not related by blood or marriage to the participant without prior approval of OAAS or its designee;

The current assessment/re-assessment remains in effect past the annual (12 month) requirement;

CCW participants are not discharged if services are interrupted for a period of 30 consecutive days as a result of not receiving and/or refusing services;

Participants are not discharged from CCW self-directed services for failure to receive those services for 90 days or more;

Individuals may concurrently serve as a responsible representative for more than two participants without an exception from OAAS;

Participants may receive an increase in his/her annual services budget;

The following individuals may provide services to the participant: the participant's spouse; the participant's curator; the participant's tutor; the participant's legal guardian; the participant's responsible representative; or the person to whom the participant has given representative and mandate authority (also known as power of attorney);

Participants may receive Adult Day Health Care (ADHC) services in his/her home by licensed and/or certified ADHC staff (i.e. RN, LPN, PCA and/or CNA);

The state may elect to make retainer payments to

ADHC providers when the ADHC center is closed;

The state may allow exceptions to the requirements that services must be provided in accordance with the approved plan of care and/or supporting documentation;

The state may allow exceptions to prior authorization requirements;

Participants may receive more than two home delivered meals per day;

The state may allow monitored in-home caregiving (MIHC) providers to monitor participants via frequent telephone contacts and/or telehealth;

The state may modify the minimum age requirement for direct care workers; and

The state may increase and/or modify reimbursement rates for CCW providers.

Behavioral Health Services—Home and Community-Based Services Waiver (LAC 50:XXXIII.Subpart 9)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Coordinated System of Care (CSoC)

Waiver are relaxed during the COVID-19 public health emergency declaration:

Coordinated System of Care (CSoC) Waiver participants are allowed to receive CSoC waiver services in another state;

The current level of care evaluation/re-evaluation remains in effect beyond the semi-annual requirement;

CSoC participants are not discharged for failing to receive a face-to-face visit from the wraparound facilitator for 60 consecutive calendar days or more;

Services may be provided telephonically or through videoconferencing means in accordance with LDH-issued guidance;

Providers and wraparound facilitators are required to document all service activities in accordance with guidance issued by LDH and the CSoC contractor; and

Plan of care reviews and timelines may be extended.

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

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

Dr. Courtney N. Phillips
Secretary

2204#006

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2022 Private Recreational and State Charter
Red Snapper Season

Louisiana's private recreational and state charter season for the harvest of red snapper in Louisiana and federal waters, previously scheduled to open on Friday, May 27, 2022 on weekends only (Friday, Saturday, and Sunday) including the Mondays of Memorial Day and Labor Day and July 4 on whatever day it may fall, is being modified. Under the provisions of state management, NOAA Fisheries has delegated season and bag limit authority as well as allocated a quota to the Louisiana Department of Wildlife and Fisheries. In order to maximize opportunity for Louisiana anglers to harvest Louisiana's allotted portion of the private recreational red snapper quota, the department is modifying the recreational red snapper season to allow for additional daily harvest.

In accordance with the emergency provisions of R.S. 49:953.1, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, and R.S. 56:326.3, which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the commission hereby declares:

The season for the private recreational and state charter harvest of red snapper in state waters and federal waters off Louisiana shall be weekends only (Friday, Saturday, and Sunday, including the Mondays of Memorial Day, July 4, and Labor Day), beginning on Friday, May 27, 2022 until further notice. The secretary shall monitor landings and close the season when appropriate to allow for the season to reopen during the Labor Day weekend (September 2, 2022 through September 5, 2022). The bag and possession limit shall be 3 fish per person per day. Size limits shall remain at the currently established minimum size limit in LAC 76:VII.335 of 16 inches total length. The season shall remain open as described until further notice.

The Commission further authorizes the secretary of the department to modify the recreational season for the harvest of red snapper when monitoring data warrant a modification to ensure compliance with the allocation of red snapper for Louisiana.

Joe McPherson
Chairman

2203#027

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Opening of Shrimp Season in a Portion of State Outside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that small white shrimp, which have over-wintered in these waters from January through the present time, have reached marketable sizes and the closure is no longer necessary. Significant numbers of smaller size white shrimp still remain in the western portion of the Vermilion outside waters to the western shore of Freshwater Bayou Canal and these waters will remain closed to shrimping until further notice. Notice of any opening, delaying or closing of a season by the secretary of the Department of Wildlife and Fisheries will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:953.1, the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall have the authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicate that marketable shrimp, in sufficient quantities are available for harvest; and, a declaration of emergency adopted by the Wildlife and Fisheries Commission on August 5, 2021 which authorizes the secretary of the Department of Wildlife and Fisheries to reopen any area closed to shrimping when the closure is no longer necessary, the secretary hereby declares:

The portion of state outside waters between Calliou Boca and Mound Point on Marsh Island shall reopen to shrimping at 6:00 a.m. on April 4, 2022. The eastern boundary line

originates on the northwest shore of Caillou Boca at 29 degrees 02 minutes 46.00 seconds north latitude, -90 degrees 50 minutes 27.00 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 28 degrees 59 minutes 30.00 seconds north latitude, -90 degrees 51 minutes 57.00 seconds west longitude. The western boundary line originates on the inside/outside line at the southernmost point of Mound Point on Marsh Island at 29 degrees 28 minutes 28.30 seconds north latitude, -91 degrees 49 minutes 19.00 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 29 degrees 22 minutes 01.67 seconds north latitude, -91 degrees 49 minutes 19.00 seconds west longitude.

Jack Montoucet
Secretary

2204#013

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Sister Lake Public Oyster Seed Reservation to Reopen to Market Size Oyster Harvest

In accordance with the emergency provisions of Louisiana Revised Statutes (R.S.) 49:953.1, 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 October 7, 2021, which authorized the secretary of the Department of Wildlife and Fisheries to take emergency action to reopen public oyster seed grounds or 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 the Sister Lake Public Oyster Seed Reservation as described in R.S. 56:434(E) shall reopen for the purposes of market oyster harvest at one-half hour before sunrise on March 21, 2022 and close at one-half hour after sunset on March 23, 2022, with the following conditions:

1. Any vessel from which any person(s) takes or attempts to take oysters from the public oyster seed reservations described above shall be limited to a daily take not to exceed 25 whole sacks of oysters per vessel. A sack of oysters for the purposes of this Declaration of Emergency shall be defined as the size described in R.S. 56:440. If sacks smaller than the size described in R.S. 56:440 are used, the daily harvest and possession limit shall be based on the number of sacks used, not the size of the sack or other measures.

2. This opening is limited to harvesting only market oysters for direct sale (sacking).

3. If any person on a vessel takes or attempts to take oysters from the public oyster reservation described above, all oysters contained on that vessel will be deemed to have been taken from said seed ground or reservation from the time harvest begins until all oysters are off-loaded dockside.

4. All oysters harvested from public areas, seed grounds or reservations for the purpose of market must be uncontaminated, sealed and not gaping.

5. All oysters harvested from public areas, seed grounds or reservations for the purpose of market sales must measure a minimum of 3 inches from hinge to bill.

6. Market oysters harvested from any public oyster area, seed ground or reservation must be sacked, the number of sacks recorded in a log book, and each sack properly tagged prior to leaving said public oyster area, seed ground, or reservation.

7. All vessels located in public oyster areas, seed grounds or reservations during those times between one-half hour after sunset and one-half hour before sunrise must have all oyster scrapers unshackled.

The following areas shall remain closed for the entire 2021/2022 oyster season:

1. The 2021 Sister Lake Cultch Plant within the following coordinates:

- a. 29 degrees 14 minutes 25.211 seconds
90 degrees 56 minutes 19.177 seconds
- b. 29 degrees 14 minutes 3.351 seconds
90 degrees 56 minutes 19.203 seconds
- c. 29 degrees 14 minutes 25.075 seconds
90 degrees 55 minutes 34.537 seconds
- d. 29 degrees 14 minutes 3.214 seconds
90 degrees 55 minutes 34.626 seconds

2. The public oyster seed grounds and reservations, as described in Louisiana Administrative Code (LAC) 76:VII.507, LAC 76:VII.509, LAC 76:VII.511 and LAC 76:VII.513, including all areas east of Mississippi River, the Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds.

3. Lake Tambour, Lake Chien, Lake Felicity, Deep Lake and Barataria Bay Public Oyster Seed Grounds as described in LAC 76:VII:517.

4. The Little Lake Public Oyster Seed Grounds as described in LAC 76:VII.521.

5. Hackberry Bay, Bay Junop and Bay Gardene Public Oyster Seed Reservations and as described in R.S. 56:434.

6. Oyster harvest on the Sabine Lake Public Oyster Area is prohibited as described in R.S. 56:435.1.

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 for public health concerns.

Jack Montoucet
Secretary

2204#002

DECLARATION OF EMERGENCY

Workforce Commission Office of Unemployment Insurance Administration

Invocation of the Statutory Savings Clause (LAC 40:IV.385)

The Louisiana Workforce Commission (LWC) is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953.1 et seq., to promulgate a Rule to delay implementation of the provisions of Act 297 of the 2021 Regular Legislative Session (the enacted version of SB

244), that are inconsistent with Federal UI law, namely R.S. 23:1772(C), 23:1774(4), and any other related provision that requires LWC to waive UI taxes owed. The USDOL provided the LWC with notice that waiving employer liability for back UI taxes is “not permissible under federal unemployment compensation (UC) law.”

This Emergency Rule is necessary to invoke the statutory savings clause under R.S. 23:1664, which addresses federal-state cooperation and compliance in the administration of Louisiana’s UC program. A delay in promulgating this Rule would have an adverse impact on the Louisiana Workforce Commission’s eligibility for federal funding because Act No. 297, which was signed into law by the Governor on June 14, 2021, and was effective on January 1, 2022, is not in conformity with 26 U.S.C. §3304 of the Federal Unemployment Tax Act (FUTA) and 42 U.S.C. §503, the State Unemployment Tax Act (SUTA) Dumping Prevention Act, as required under La. R.S. 23:1664. It is imperative that the LWC proceed expediently and take immediate action with this Rule because of the adverse impact COVID-19 has had on the UC trust fund balance and businesses in the state. It is also imperative that the LWC promulgate this Rule to prevent imminent peril to the public health, safety, and welfare. Failure to adopt this Rule on an emergency basis may imperil LWC’s ability to receive federal funding for failure to meet conformity requirements.

This Declaration of Emergency is effective May 7, 2022, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, R.S. 49:953.1 et seq., or until R.S. 23:1771-1776 are amended, whichever occurs first.

Title 40

LABOR AND EMPLOYMENT

Part IV. Employment Security

Chapter 3. Employment Security Law

§385. Invocation of the Statutory Savings Clause under R.S. 23:1664 to Delay Implementation of Act No. 297 of the 2021 Regular Legislative Session

A. Pursuant to the Fresh Start Proper Worker Classification Initiative and the Louisiana Voluntary Disclosure program under Act No. 297 (the enacted version of SB 244), employer liability for SUTA dumping penalties and fraud penalties is waived under the safe harbor provision. However, employer liability for SUTA dumping penalties and fraud penalties must not be waived under 26 U.S.C. §3304 of the Federal Unemployment Tax Act (FUTA) and under 42 U.S.C. §503, the State Unemployment Tax Act (SUTA) Dumping Prevention Act. The enactment of Act No. 297 would also require the Louisiana Workforce Commission to waive employer liability for back UI taxes. Waiving employer liability for back UI taxes is not permissible under federal unemployment compensation (UC) law and regulations. Pertinent provisions of Act No. 297 are not in conformity with federal law and regulations. The LWC only seeks to delay the provisions that are inconsistent with Federal UI law, namely R.S. 23:1772(C), 23:1774(A)(4), and any other related provision that requires the LWC to waive UI taxes owed. The LWC does not seek to delay enactment of the portion of Act No. 297 that pertains

to employee misclassification. Pursuant to La. R.S. 23:1664, which addresses federal-state cooperation and compliance in the administration of Louisiana's UC program and requires that the administrator take such actions as may be necessary to meet the requirements of FUTA as interpreted by the U.S. Department of Labor, the Louisiana Workforce Commission seeks to invoke the savings clause under La. R.S. 23:1664 and delay implementation of Act No. 297 until amended during the 2022 Regular Legislative Session. A delay in promulgating this Rule would have an adverse impact on the LWC's eligibility for federal funding because Act No. 297 is not in conformity with federal UC law.

AUTHORITY NOTE: Promulgated in accordance with Act No. 297, R.S. 23:1664, R.S. 36:310, 26 U.S.C. §3304 and 42 U.S.C. §503.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Unemployment Insurance Administration, LR 47:1272 (September 2021) effective November 8, 2021, repromulgated by the Louisiana Workforce Commission, Office of Unemployment Insurance Administration, LR 48:

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

Ava Cates
Secretary

2204#010

Rules

RULE

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Horticulture and Quarantine Programs Citrus Greening and Citrus Canker Disease Quarantine (LAC 7:XV.127)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:1652, the Department of Agriculture and Forestry ("Department") has adopted the Rule set forth below expanding a previously established quarantine for citrus greening disease ("CG"), also known as Huanglongbing disease of citrus, caused by the bacterial pathogen *Candidatus Liberibacter* spp. The existing quarantine presently includes the parishes of Orleans, Washington, Jefferson, St. Bernard and Plaquemines. This Rule expands the quarantine to include St. Charles Parish.

The Rule also adds a portion of St. Martin parish to the list of parishes under quarantine for Citrus Canker Disease ("CC") caused by the bacterial pathogens *Xanthomonas axonopodis* pv. *citri* and *Xanthomonas axonopodis* pv. *aurantifolii*. The existing quarantine presently includes the parishes of Orleans, St. Bernard, Plaquemines, Jefferson, Lafourche, St. Charles, St. James, and St. John. The state entomologist has determined that CG and CC have been found in this state and may be prevented, controlled, or eradicated by quarantine.

CG and CC pose an imminent peril to the health and welfare of the Louisiana commercial citrus industry due to its ability to infest rutaceous plants. This industry has a farm value of \$2.4 - \$5 million in southeastern Louisiana in the form of citrus nursery stock, and \$5.1 million in the form of commercial citrus fruit in the state. CG renders the fruit unmarketable and ultimately causes death of infested plants. CC causes premature leaf and fruit drop, twig dieback and tree decline in citrus trees and is spread by wind-driven rain or through the movement of infected plants. Failure to prevent, control, or eradicate these pest threatens to destroy Louisiana's commercial citrus industry and the growing and harvesting of citrus by citizens of Louisiana for their own private use.

Louisiana's commercial citrus industry adds \$7.5 - \$10 million dollars to the state's agriculture economy each year. Sales of citrus trees and plants by nursery stock dealers to private individuals also are important to the state's economy. The loss of the state's commercial citrus industry and privately owned citrus trees and fruit would be devastating

to the state's economy and to its private citizens. The quarantine established by this regulation is necessary to prevent the spread of CG and CC in Louisiana outside of the current areas where this disease has already been found. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases

Subchapter B. Nursery Stock Quarantines

§127. Citrus Nursery Stock, Scions and Budwood

A. - C.6. ...

D. Citrus Greening

1. ...

2. Quarantined Areas. The quarantined areas in this state are the parishes of Orleans, Washington, Jefferson, St. Bernard, Plaquemines, St. Charles and any other areas found to be infested with CG. The declaration of any other specific parishes or areas shall be published in the official journal of the state and in the *Louisiana Register*.

D.3. - E.3.d.iii.(b). ...

F. Citrus Canker Disease Quarantine

1. - 3. ...

4. Quarantined areas in this state include:

a. ...

b. the portion of St. Martin Parish bounded by a line beginning at the intersection of Smede Hwy. and Vieux Chene Drive; then head east on Smede Hwy. to Duchamp Road; from Duchamp Road, head north to the GPS coordinates 30.097187, -91.922952; then head west in a straight line to GPS coordinates 30.097103, -91.929205; then head south to the intersection of Smede Hwy. and Vieux Chene Drive.

c. A declaration of quarantine for CC covering any other specific parishes or areas of this state shall be published in the official journal of the state and in the *Louisiana Register*.

F.5. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 40:1308 (July 2014), LR 42:730 (May 2016), LR 44:439 (March 2018), LR 45:1435 (October 2019), LR 48:993 (April 2022).

Mike Strain, DVM
Commissioner

2204#011

RULE

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

**Minimum Specifications for Termite Control Work
(LAC 7:XXV.141)**

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3366, the Department of Agriculture and Forestry (“Department”) has amended LAC 7:XXV.141(J) to revise references to another rule. Currently the Rule references in place make reference to a rule number that does not exist. It is believed that with previous rule changes the letter reference was inadvertently not changed to reflect the correct Rule. The only thing being modified with this rule change is changing the letter “K” to “J” when referencing the Rule. There are no substantive changes with this Rule. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§141. Minimum Specifications for Termite Control Work

A. - J.7.a. ...

b. Rod under or drill through abutting slab(s) and treat all areas in the abutting slab(s) within the 20 feet as required in LAC 7:XXV.141.J.7.a. When the abutting slab is drilled, the holes shall be no more than 18 inches apart, unless label requires closer distance along the above stated areas.

J.7.c. - J.8.c. ...

9. Combination liquid spot and bait and baiting systems treatment of existing slab-type construction and pier-type construction without live subterranean termite infestation(s) shall bait following the label and labeling and liquid treat as required in LAC 7:XXV.141.J.7.c-e.

10. Whenever any property under a combination liquid spot and bait and baiting systems treatment contract becomes infested with subterranean termites, the operator shall treat the property according to the minimum specifications as stated in LAC 7:XXV.141.J.

K. - M.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214

(February 2016), LR 46:1542 (November 2020), LR 47:1100 (August 2021), LR 48:994 (April 2022).

Mike Strain, DVM
Commissioner

2204#014

RULE

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

**Minimum Specifications for Termite
Control Work within Each District
(LAC 7:XXV.141)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:3366, the Department of Agriculture and Forestry (“Department”) has amended LAC 7:XXV.141 to revise the district offices to align them with the current Agricultural and Environmental Sciences (“AES”) districts. Until recently, AES field units were separated into seven individual districts which were as follows: Alexandria District – 7 parishes, Baton Rouge District – 16 parishes, Crowley District – 6 parishes, Monroe District – 15 parishes, New Orleans District – 6 parishes, Opelousas District – 7 parishes, and Shreveport District - 7 Parishes. The districts and inspector coverage were not evenly proportioned so the AES districts were redrawn to comprise of eight districts instead of seven. Five parishes from the Baton Rouge District were reallocated to the newly created Hammond District, which is the eighth district. Five parishes from the Monroe District were reallocated to the Shreveport and Alexandria Districts. These changes were imperative to make all of the AES districts more evenly distributed which will lead to more efficiency and efficacy in all AES programs. This rule change, even though it falls under Structural Pest Control, is simply a geographical change of districts and does not affect structural pest control regulations or specifications other than what district offices pretreatments should be called into. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§141. Minimum Specifications for Termite Control Work

A. - E.3. ...

4. All pre-treatment of slabs or pier type construction shall be called or faxed to the department’s district office in which the pretreat occurs, a minimum of 1 hour prior to beginning the application of termiticides. The information provided shall include treatment company name; treatment structure street address, city, zip code, parish; if available; and/or directions to the property being pre-treated; date and time of beginning the application of termiticides to the property; estimated square or linear footage of each structure to be treated; and number of reported structures. All pest control operators shall keep a log of all pretreats including the information noted. The following is a list of parishes in

each of the department's eight district offices. Pretreatments in a parish shall be called into the corresponding district office:

a. Shreveport District—Caddo, Bossier, Webster, Claiborne, Bienville, Jackson, Winn, Lincoln, Red River, and Desoto;

b. Monroe District—Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Caldwell, Franklin, Tensas;

c. Alexandria District—Sabine, Natchitoches, Grant, LaSalle, Catahoula, Concordia, Avoyelles, Rapides, and Vernon;

d. Crowley District—Beauregard, Allen, Acadia, Jefferson Davis, Cameron, Calcasieu;

e. Opelousas District—Evangeline, St. Landry, St. Martin, Iberia, St. Mary, Vermilion, and Lafayette;

f. Baton Rouge District—Pointe Coupee, West Feliciana, East Feliciana, St. James, Lafourche, Terrebonne, Assumption, Ascension, Iberville, West Baton Rouge, and East Baton Rouge;

g. Hammond District—Livingston, St. Helena, Tangipahoa, Washington, and St. Tammany;

h. New Orleans District—St. John the Baptist, St. Charles, Jefferson, Orleans, St. Bernard, and Plaquemines.

F. - L.4. ...

5. The treatments of structures required in this Section shall be called or faxed to the department's district office in which the treatment occurs, a minimum of one hour prior to beginning the application of termiticides. The information provided shall include: treatment company name; treatment structure street address, city, parish; directions to the property being pre-treated; date and time of beginning the application of termiticides to the property; square or linear footage of the each structure to be treated; and number of structures. Permittees or licensees shall keep a log of all pretreats including the information noted. The following is a list of parishes in each of the department's eight district offices. Treatments in a parish shall be called into the corresponding district office:

a. Shreveport District—Caddo, Bossier, Webster, Claiborne, Bienville, Jackson, Winn, Lincoln, Red River, and Desoto;

b. Monroe District—Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Caldwell, Franklin, Tensas;

c. Alexandria District—Sabine, Natchitoches, Grant, LaSalle, Catahoula, Concordia, Avoyelles, Rapides, and Vernon;

d. Crowley District—Beauregard, Allen, Acadia, Jefferson Davis, Cameron, Calcasieu;

e. Opelousas District—Evangeline, St. Landry, St. Martin, Iberia, St. Mary, Vermilion, and Lafayette;

f. Baton Rouge District—Pointe Coupee, West Feliciana, East Feliciana, St. James, Lafourche, Terrebonne, Assumption, Ascension, Iberville, West Baton Rouge, and East Baton Rouge;

g. Hammond District—Livingston, St. Helena, Tangipahoa, Washington, and St. Tammany;

h. New Orleans District—St. John the Baptist, St. Charles, Jefferson, Orleans, St. Bernard, and Plaquemines.

L.6. ... M.4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214 (February 2016), LR 46:1542 (November 2020), LR 47:1100 (August 2021), LR 48:994 (April 2022).

Mike Strain, DVM
Commissioner

2204#012

RULE

Department of Agriculture and Forestry Office of Agro-Consumer Services

Weights and Measures
(LAC 7:XXXV.103 and 117)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:4603 and 4608, the Department of Agriculture and Forestry ("Department") and the Weights and Measures Commission have adopted the rule changes set forth below by amending LAC 7:XXXV. 103 and 117. The amendments to Section 103 and 117 add definitions that are currently contained in statute (La. R.S. 3:4602), and updates current definitions to include correct language. Further, the amendments to Section 117 modify the language used in the Rule to be consistent with the new language in Section 103. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§103. Definitions

A. Wherever in these regulations the masculine is used, it includes the feminine and vice versa; wherever the singular is used, it includes the plural and vice versa. The following words and phrases shall have the following definitions ascribed to them:

Basket—a one and one-half bushel circular container that may be used for the measurement of unshucked oysters to be sold or purchased.

Commercial Weighing and Measuring Device—weights, measures, and weighing and measuring devices, instruments, elements, and systems or portion thereof, used or employed in establishing the measurement or in computing any basic charge or payment for services rendered on the basis of

weight or measure. As used in this definition, measurement includes the determination of size, quantity, value, extent, area, composition (limited to meat and poultry), constituent value (for grain), or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award.

* * *

Commissioner—the commissioner of the Department of Agriculture and Forestry, or his duly authorized representatives acting at his discretion.

Commodity—any service or item, or any combination of items, forming a distinctive product, sold in commerce which is affected by any determination of weight, measures, or count.

* * *

Department—the Louisiana Department of Agriculture and Forestry.

Director—the director of the weights and measures commission, appointed by the commissioner.

* * *

Net Weight—the weight of the commodity excluding any materials, substances, or items not considered to be part of the commodity. Materials, substances, or items not considered to be part of the commodity include but are not limited to containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

NIST—the National Institute of Standards and Technology.

NTEP—National Type Evaluation Program administered through the National Conference on Weights and Measures.

NTEP Certificate of Conformance—a document issued by the National Conference on Weights and Measures, based on evaluation in participating laboratories. The document constitutes evidence that the device described in the certificate is capable of conformance with the requirements of the National Institute of Standards and Technology Handbook 44.

Package—any commodity packed or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

Person—includes individuals, partnerships, corporations, companies, societies, and associations.

Petroleum Product—any refined hydrocarbon mixture including motor oil, kerosene, gasoline, gasohol, diesel fuel, aviation fuel, heating kerosene, and any blend of two or more refined hydrocarbon mixtures except liquefied petroleum gas and natural gas. For purposes of enforcement of the provisions of R.S. 47:818.111 et. seq., regarding taxes on special fuels, the term petroleum product shall include compressed natural gas, liquefied natural gas, and liquefied petroleum gas, as those terms are defined in R.S. 47:818.2.

* * *

Rack—a mechanism for delivering motor fuel from a refinery, terminal, marine vessel, or bulk plant into a transport vehicle, railroad tank car, or other means of transfer that is outside the bulk transfer/terminal system.

Sale or Sell—includes barter and exchange.

Scanner or Scanning Device—an electronic system that employs a visual code reading device to retrieve the item's price electronically.

Service Agency—any person who, for hire, award, commission, or any other payment of any kind, installs, services, repairs, tests, calibrates, or reconditions any commercial weighing or measuring device and is registered under this Part.

Service Technician—any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs, tests, calibrates, or reconditions any commercial weighing or measuring device and is registered under this Part.

* * *

Weighmaster—any person who weighs, measures, or counts any commodity and issues a certificate of weight, measure, or count, except retailers who weigh, measure, or count commodities for sale at retail directly to consumers, or a person engaged in the business of public weighing or measuring for hire.

Weight—as used in connection with any commodity means net weight; except where the label declares that the product is sold by drained weight, the term means net drained weight.

Weights, Measures, or Weighing and Measuring Devices—all weights, scales, scanners, taxi meters, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any such instruments. However, it does not include or refer to devices used to meter or measure, other than by weight; water, natural or manufactured gas, or electricity.

Visual Code Reading Device—a device that reads visual machine-readable codes that allows for comparison of the advertised price to the price for the item in the point-of-sale database.

Visual Machine-Readable Code—a unique symbol or symbols that may be read by a visual code reading device including, but not limited to, bar codes and QR codes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:157 (March 1987), amended by Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1530 (December 1993), LR 23:857 (July 1997), LR 48:995 (April 2022).

§117. Visual Machine-Readable Code Devices and Labels

A. The price of a commodity or item offered for retail sale which is recorded utilizing a visual code reading device shall be plainly displayed, either by a price marked in English on the package containing the individual commodity or item, or by a placard or card placed on the shelf in front of the commodity or item which is clearly visible and legible.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1533 (December 1993), amended LR 23:857 (July 1997), LR 48:996 (April 2022).

Mike Strain, DVM
Commissioner

2204#017

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System—Transition from 2017-2018 to 2024-2025 SPS Release (LAC 28:XI.305)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI:Suppart 1 in *Bulletin 111—The Louisiana School, District, and State Accountability System*. The aforementioned revisions are in response to a request by the Board at the August 2021 meeting directing the Louisiana Department of Education to recommend policy revisions regarding Bulletin 111, §305. Transition from 2017-2018 to 2024-2025 School Performance Score (SPS) Release, which increases the minimum score required for A, B, and C letter grades by five points within a certain time period. Specifically, the revisions amend the transition grading scale beginning in 2023-2024 (2024 SPS) as opposed to 2021-2022 (2022 SPS). This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

**Chapter 3. School Performance Score Component
§305. Transition from 2017-2018 to 2024-2025 SPS Release**

A. Beginning in the 2017-2018 school year (2018 SPS), the overall grading scale will be adjusted to allow schools time to respond to higher expectations in each index. In 2018, the minimum score required for an A, B, and C school letter grade will be lowered by 10 points as compared to the 2012-13 baseline grading scale. In 2024, the scales will partially increase by five points each, and by 2025 the scale will return to the 2013 baseline ranges as detailed below.

Beginning in 2017-2018 (2018 SPS) and through 2022-2023 (2023 SPS)	
School Performance Score	Letter Grade
90.0-150.0	A
75.0-89.9	B
60.0-74.9	C
50.0-59.9	D
0-49.9	F

2023-2024 (2024 SPS)	
School Performance Score	Letter Grade
95.0-150	A
80.0-94.9	B
65.0-79.9	C
50.0-64.9	D
0-49.9	F

Beginning in 2024-2025 (2025 SPS) and Beyond	
School Performance Score	Letter Grade
100-150	A
85-99.9	B
70-84.9	C

Beginning in 2024-2025 (2025 SPS) and Beyond	
School Performance Score	Letter Grade
50-69.9	D
0-49.9	F

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

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

Shan N. Davis
Executive Director

2204#031

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Performance Standards (LAC 28:XI.6913)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI: Subpart 3 in *Bulletin 118—Statewide Assessment Standards and Practices*. The aforementioned revisions are in response to new LEAP Connect assessment forms administered to eligible students in grades 3-8 and 11 in the spring of 2021. Specifically, the revisions update the reference of “scaled-scores” used in current policy to “scale scores;” update scale score ranges for English language arts, mathematics, and science; and update the labels for the four achievement levels previously identified as Level 1, 2, 3, and 4. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part XI: Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

**Chapter 69. LEAP Alternate Assessment, Level 1
Subchapter D. Alternate Achievement Levels and Performance Standards**

§6913. Performance Standards

[Formerly LAC 28:CXL1913]

A. Performance standards for LEAP Connect English language arts, mathematics, and LEAP Connect science tests are finalized in scale score form.

B. LEAP Connect Alternate Achievement Levels and Scale Score Growth Ranges

1. English Language Arts and Mathematics Scaled Score Ranges

a. English Language Arts

English Language Arts				
Grade	Below Goal	Near Goal	At Goal	Above Goal
3	1200 - 1231	1232 - 1239	1240 - 1257	1258 - 1290
4	1200 - 1231	1232 - 1239	1240 - 1252	1253 - 1290
5	1200 - 1231	1232 - 1239	1240 - 1252	1253 - 1290
6	1200 - 1231	1232 - 1239	1240 - 1249	1250 - 1290
7	1200 - 1231	1232 - 1239	1240 - 1247	1248 - 1290

English Language Arts				
Grade	Below Goal	Near Goal	At Goal	Above Goal
8	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1258	1259 - 1290

b. Mathematics

Mathematics				
Grade	Below Goal	Near Goal	At Goal	Above Goal
3	1200 - 1231	1232 - 1239	1240 - 1275	1276 - 1290
4	1200 - 1231	1232 - 1239	1240 - 1251	1252 - 1290
5	1200 - 1231	1232 - 1239	1240 - 1256	1257 - 1290
6	1200 - 1231	1232 - 1239	1240 - 1247	1248 - 1290
7	1200 - 1231	1232 - 1239	1240 - 1256	1257 - 1290
8	1200 - 1231	1232 - 1239	1240 - 1254	1255 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1248	1249 - 1290

2. Science Scaled Score Ranges

Science				
Grade	Below Goal	Near Goal	At Goal	Above Goal
4	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
8	1200 - 1231	1232 - 1239	1240 - 1243	1244 - 1290
HS	1200 - 1231	1232 - 1239	1240 - 1244	1245 - 1290

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(F)(3) and R.S. 17:183.1-17:183.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009), amended by the Board of Elementary and Secondary Education, LR 44:472 (March 2018), LR 44:1237 (July 2018), LR 47:568 (May 2021), LR 48:997 (April 2022).

Shan N. Davis
Executive Director

2204#032

RULE

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
(LAC 28:CXXXIX.2715, 2717, 2719, 2803,
4301, 4303, 4305, 4307, 4309, 4311, 4313,
4315, 4317, 4319, 4321, and 4323)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC28:CXXXIX. Bulletin 126 – *Charter Schools* in accordance with legislation enacted during the Louisiana 2021 Regular Legislative Session. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 27. Charter School Recruitment and Enrollment

§2715. Remote School Registration and Enrollment of Children of Military Personnel Transferring to Louisiana

A. A local educational governing authority shall allow a dependent child of an active duty member of the United States Armed Forces, the military reserve forces, or the

National Guard or a Department of Defense civilian to register and preliminarily enroll in a public school under its jurisdiction by remote means, including electronic means, prior to becoming a resident of Louisiana, if:

1. the parent or legal guardian of the student is transferred or pending transfer to a military installation or comparable duty location in Louisiana pursuant to an official military order;

2. the parent or legal guardian of the student provides a copy of the official military order transferring the parent or legal guardian to a military installation or comparable duty location in Louisiana to the local educational governing authority; and

3. the parent or legal guardian of the student completes and submits to the local educational governing authority all required registration and enrollment forms and documentation, except that proof of residency, which shall be required within ten days after the arrival date specified on the parent or legal guardian transfer orders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:998 (April 2022).

§2717. Purple Star School Award Program

A. A school shall be labeled a “Purple Star School” if it has exhibited a major commitment to military-connected students and families, as demonstrated by meeting the following requirements.

1. The school has designated a staff member as a military liaison to serve as the primary point of contact for military-connected students. The designated staff member shall:

- a. identify special considerations needed by military-connected students and families; and
- b. develop training to inform teachers and other school personnel of such special considerations.

B. Schools labeled as “Purple Star Schools” shall:

1. maintain a dedicated page on the school website featuring resources for military-connected students and families; and

2. maintain a student-led transition program to provide peer support for military-connected students

C. The local educational governing authority of each Purple Star School shall:

1. adopt a resolution stating the commitment of the support for military-connected students and families; and

2. assign a central office staff member to be the contact for the school-based liaison and military-connected students and families.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:998 (April 2022).

§2719. Reward Eligibility

A. A school shall be labeled a “reward school” if it earns the equivalent to an “A” letter grade on the progress index.

B. Schools labeled as “reward schools” shall be eligible for financial rewards, as funds are available and as determined by the department.

C. Schools will not be eligible for reward status if they are labeled “urgent intervention required” for any subgroup.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:998 (April 2022).

Chapter 43. Discipline

§4301. Disciplinary Regulations

A. Each charter school shall adopt such rules and regulations as it deems necessary to implement and control any disorderly conduct in the school or on the playground of the school, on any school bus, on the street or road while going to and from school, or during intermission and recess, or at any school sponsored activity or function.

1. The plan shall not prohibit a teacher from removing a pupil from the classroom for disciplinary reasons.

2. The plan shall address student behavior with a focus on evidence-based interventions and supports, prioritizing classroom- and school-based interventions in lieu of out-of-school disciplinary removals to address student misconduct in order to minimize the loss of academic instructional time.

3. Each charter school shall adopt rules regarding the reporting and review of disciplinary actions.

B. Teachers, principals, and administrators may, subject to any rules as may be adopted by the charter school, apply reasonable disciplinary and corrective measures to maintain order in the schools (refer to R.S. 17:416 and R.S. 17:223).

C. The disciplinary rules (regulations) shall be made known to teachers, parents, and students and shall be reasonably and consistently enforced.

D. Any principal who fails to act on a report of student violations of disciplinary regulations shall explain his/her reasons for such an action to the superintendent of the charter school by the administrator is employed, or to the superintendent designee.

1. Any public school administrator and any administrator designee who is required to make a recommendation, resolve an issue, or apply a disciplinary action in a matter involving the discipline of a student shall recuse themselves from doing so whenever a member of the immediate family of the school administrator or of the administrator designee is involved in any manner in the recommendation to be made, the issue to be resolved, or the action to be applied.

a. Immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

b. In case of such recusal, the recommendation shall be made by, the issue determined by, or the disciplinary action taken by the superintendent or an impartial designee of the superintendent.

E. Students, who, through no fault of their parents or guardians or other persons having charge of them, regularly disrupt the orderly processes of the school to which they have been assigned, shall be considered as delinquents and may be reported by the visiting teacher or supervisor of child welfare and attendance, to the district or family court of the parish having jurisdiction in juvenile matters, there to be dealt with in the manner prescribed by law.

F. Schools shall provide due process prior to suspensions and expulsions.

G. Students who are removed from the classroom for disruptive, dangerous, or unruly behavior or who are suspended for 10 days or less shall be assigned school work missed and shall receive either full or partial credit for such

work upon satisfactory and timely completion as determined by the principal or designee and upon the recommendation of the student's teacher. A student who is suspended for more than 10 days or is expelled shall receive educational services in an alternative school site, shall be assigned school work by a certified teacher, and shall receive credit for school work upon satisfactory and timely completion as determined by the teacher. Such work shall be aligned with the curriculum used at the school from which the student was suspended or expelled.

1. Upon removal from the classroom for disruptive, dangerous, or unruly behavior, the principal or designee shall advise the student of the misconduct and basis for accusation, and the student shall be given an opportunity at that time to offer rebuttal of the accusation. The principal or designee then shall conduct a counseling session with the student as may be appropriate to establish a course of action consistent with school board policy to identify and correct the behavior for which the student is being disciplined. The principal or designee shall provide oral or written feedback to the parent or guardian of the student and may also provide oral or written feedback to the teacher initiating the removal. Feedback to teachers may include guidance and support on practicing effective classroom management including but not limited to positive behavior supports.

2. Students who are removed from the classroom for disruptive, dangerous, or unruly behavior shall be permitted to return to the class after:

a. no fewer than 30 minutes for students in kindergarten through fifth grade unless consent is given by the teacher initiating the disciplinary action;

b. the end of the class period for students in sixth through twelfth grade unless consent is given by the teacher initiating the disciplinary action;

c. the principal or designee has implemented at least one or more of the following disciplinary actions:

i. conferencing with the principal or the principal designee;

ii. referral to counseling;

iii. peer mediation;

iv. referral to the school building level committee;

v. restorative justice practices;

vi. loss of privileges;

vii. detention;

viii. in-school suspension;

ix. out-of-school suspension;

x. initiation of expulsion hearings;

xi. referral for assignment to an alternative setting;

xii. any other disciplinary measure authorized by

the principal with the concurrence of the teacher of the school building level committee pursuant to law and charter school policy.

3. When a student is removed from the classroom for disruptive, dangerous, or unruly behavior, the teacher or the principal or designee may require that the parent or legal guardian of the student have a conference with the teacher or the principal or designee. Such conference may be in person, by telephone, or by other virtual means.

4. Upon the third disciplinary removal from the same classroom, the teacher and principal shall discuss the disruptive behavior patterns of the student and the appropriate disciplinary action prior application of a

disciplinary measure. A conference between the teacher or other appropriate school employee and the student's parent or legal custodian may be required prior to student readmission to the same classroom. Such conference may be in person, by telephone, or by other virtual means. If required by the school or charter school policy, the school shall give written notice to the parent.

5. For students who experience multiple behavioral incidents or disciplinary referrals, a principal or designee shall consider a referral of the matter to an appropriate school building level committee. If the disruptive behavior persists, the teacher may request that the principal transfer the student into another setting.

H. Each local educational governing authority charter school shall adopt rules regarding the implementation of in-school suspension and detention.

I. Each charter school shall establish a discipline policy review committee comprised of sixteen members in accordance with the mandates of R.S. 17:416.8. The charter school shall establish procedures for appointing the two parent members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005), amended LR 36:1225 (June 2010), LR 37:1132, 1133 (April 2011), LR 39:476 (March 2013), LR 39:2210 (August 2013), LR 39:3069 (November 2013), LR 48:999 (April 2022).

§4303. Student Code of Conduct

A. Each charter school shall adopt a student code of conduct for the students in the schools under its jurisdiction.

1. Such student code of conduct shall be in compliance with all existing rules, regulations, and charter school and BESE policies and all state laws regarding student discipline and shall include necessary disciplinary action to be taken against any student who violates the code of conduct.

2. Each charter school shall adopt and incorporate into its student code of conduct a policy prohibiting the bullying of a student by another student, which includes the definition of bullying and all other requirements listed in §1303 of this Bulletin.

3. Each charter school shall include in its student code of conduct the definition of dating violence, data violence warning signs and instructions for reporting or seeking assistance for acts of dating violence.

4. Each charter school shall include in its student code of conduct progressive levels of minor through major infractions and identify corresponding minor through major interventions and consequences.

a. Before an initial referral for student expulsion, codes of conduct shall require the prior administration of interventions in accordance with the minor tiers in the code of conduct, except in instances where the expulsion referral is the result of accumulated minor infractions in accordance with the code of conduct, or the underlying incident threatens the safety and health of students or staff.

b. Expulsions shall be reserved for the major tier of behavioral infractions involving weapons or drugs, or when the safety of students and staff is at risk.

5. Each charter school shall include in its code of conduct information detailing the appeal process for expulsions as described in §1311 of this Bulletin.

6. Each charter school shall include in its code of conduct clearly defined rules of conduct and expectations of students engaged in virtual instruction as well as clearly defined consequences of conduct, that respects the student and family rights to privacy and other constitutional rights while at home or in a location that is not school property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81, R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:477 (March 2013), amended LR 40:2530 (December 2014), LR 48:1000 (April 2022).

§4305. Bullying

A. Policy. Each charter school shall develop and adopt a policy that prohibits the bullying of a student by another student.

1. The bullying policy must be implemented in a manner that is ongoing throughout the year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.

2. The policy shall contain the definition of bullying found in this Section and shall address the following:

a. behavior constituting bullying;

b. the effect the behavior has on others, including bystanders; and

c. the disciplinary and criminal consequences of bullying another student.

B. Training for School Personnel. Each charter school shall create a program to provide a minimum of four hours of training each year for new school employees who have contact with students, including bus drivers, with respect to bullying. The training shall be two hours each following year for all school employees who have contact with students and have received the four-hour training. The training shall specifically include the following:

1. how to recognize the behaviors defined as bullying;

2. how to identify students at each grade level who are most likely to become victims of bullying, while not excluding any student from protection from bullying;

3. how to use appropriate intervention and remediation techniques and procedures;

4. the procedures by which incidents of bullying are to be reported to school officials; and

5. information on suicide prevention, including the relationship between suicide risk factors and bullying.

C. Definition of Bullying

1. *Bullying* is defined as a pattern of one or more of the following behaviors:

a. gestures, including but not limited to obscene gestures and making faces;

b. written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors;

c. physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property; and

d. repeatedly and purposefully shunning or excluding from activities.

2. Behavior defined as bullying is exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, in any school bus or van, at any designated school bus stop, in any other school or private

vehicle used to transport students to and from schools, or any school-sponsored activity or event.

3. Bullying must have the effect of physically harming a student, placing the student in reasonable fear of physical harm, damaging a student's property, placing the student in reasonable fear of damage to the student's property, or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, have the effect of substantially interfering with a student's performance in school, or have the effect of substantially disrupting the orderly operation of the school.

D. Notice of Bullying Policy to students and parents. The charter school shall inform each student orally and in writing of the prohibition against the bullying of a student by another student, the nature and consequences of such actions, including the potential criminal consequences and loss of driver's license, and the proper process and procedure for reporting any incidents of bullying. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

E. Reporting Incidents of Bullying. The charter school shall develop a procedure for the reporting of incidents of bullying using the bullying report form approved by charter school and available on the LDE website. The procedure shall include the following.

1. Students and Parents

a. Any student who believes that he or she is or has been the victim of bullying, or any student or parent or legal guardian, who witnesses bullying or has good reason to believe bullying is taking place, may report the bullying to a school official.

b. A student, or parent or guardian, may also report concerns regarding bullying to a teacher, counselor, other school employee, or to any parent chaperoning or supervising a school function or activity.

c. Any report of bullying shall remain confidential.

2. School Personnel and Chaperones. Any teacher, counselor, bus driver, or other school employee, whether full or part time, and any parent chaperoning or supervising a school function or activity, who witnesses or who learns of bullying of a student, shall report the incident to a school official. A verbal report shall be submitted by the school employee or parent on the same day as the school employee or parent witnessed or otherwise learned of the bullying incident, and a written report must be filed no later than two days thereafter.

3. Retaliation. Retaliation against any person who reports bullying in good faith, who is thought to have reported bullying, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited conduct and subject to disciplinary action.

4. False Reports. Making false reports about bullying to school officials is prohibited conduct and will result in disciplinary action.

F. Investigation Procedure. When a report of the bullying of a student by another student is received, the school shall conduct an investigation using the following procedure.

1. Timing. The investigation shall begin the next school day following the day on which the written report was received and shall be completed no later than 10 school

days after receipt of the report. If additional information is received after the end of the 10-day period, the school official shall amend all documents and reports to reflect such information.

2. Parental Notification of Allegation of Bullying

a. Upon receiving a report of bullying, the school shall notify the parents or legal guardians of the alleged offender and the alleged victim no later than the following school day.

b. Under no circumstances shall the delivery of this notice to the parent or legal guardian, be the responsibility of an involved student. Delivery of notice by an involved student shall not constitute notice as is required by this Section.

c. Before any student under the age of 18 is interviewed, his parents or legal guardians shall be notified of the allegations made and shall have the opportunity to attend any interviews conducted with their child as part of the investigation. If, after three attempts in a 48-hour period, the parents or legal guardians of a student cannot be reached or do not respond, the student may be interviewed.

d. All meetings with the parents or legal guardians of an alleged victim or an alleged offender shall be in compliance with the following:

i. separate meetings with the parents or legal guardians of the alleged victim and the alleged offender;

ii. parents or legal guardians of the alleged victim and alleged offender must be notified of the potential consequences, penalties and counseling options.

e. In any case where a school official is authorized to require a parent or legal guardian of a student under the age of 18 to attend a conference or meeting regarding the student's behavior, and after notice willfully refuses to attend, the principal or designee shall file a complaint with a court of competent juvenile jurisdiction, pursuant to *Children's Code* article 730(8) and 731.

f. A principal or designee may file a complaint pursuant to *Children's Code* article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the student.

3. Scope

a. The investigation shall include documented interviews by the designated school official of the reporter, the alleged victim, the alleged offender, and any witnesses.

b. The school official shall collect and evaluate all facts using the bullying investigation form approved by BESE and available on the LDE website.

c. The school official shall obtain copies or photographs of any audio-visual evidence.

4. Documentation. At the conclusion of a bullying investigation, and after meeting with the parents or legal guardians, the school official or school board shall:

a. prepare a written report containing the findings of the investigation, including input from students' parents or legal guardians, and the decision by the school official or school system official. The document shall be placed in the school records of both students. If completed entirely, the bullying investigation form may serve as the report;

b. promptly notify the reporter/complainant of the findings of the investigation and whether remedial action has been taken, if such release of information does not violate the law;

- c. keep reports/complaints and investigative reports confidential, except where disclosure is required by law;
- d. maintain reports/complaints and investigative reports for three years;
- e. provide a copy of any reports and investigative documents to the charter school, as necessary.

5. **Disciplinary Action.** If the school official has determined bullying has occurred, and after meeting with the parents or legal guardians of the students involved, the school official shall take prompt and appropriate disciplinary action against the offender and report criminal conduct to law enforcement, if appropriate.

6. **Charter School Reporting**

a. The charter school shall electronically report all such documented incidences of bullying to the LDE using the LDE behavior report and incidence checklist to document the details of each reported incident of bullying.

7. **Appeal**

a. If the school official does not take timely and effective action, the student, parent, or school employee may report the bullying incident to the school board. The school board shall begin an investigation of any properly reported complaint of bullying no later than the next school day after the board receives the report.

b. If the school board does not take timely and effective action, the student, parent, or other school employee may report the bullying incident to the LDE. The LDE shall track the number of reports, shall notify the superintendent and the president of the charter school, and shall publish the number of reports by school district on its website.

8. **Parental Relief.** If four or more reports of separate incidents of bullying have been made, and no investigation has occurred, the parent or legal guardian of the alleged victim shall have the option to request that the student be transferred to another school operated by the charter school.

a. In order to exercise this option, the parent or legal guardian shall file a request with the superintendent of the charter school for the transfer of the student to another school under the charter school's jurisdiction.

b. The charter school shall make a seat available at another of its schools within 10 school days of receipt of the request for a transfer. If the charter school has no other school serving the grade level of the student, then within 15 school days of receipt of the request, the superintendent of the charter school shall:

- i. inform the student and the student's parents or legal guardians and facilitate the student's enrollment in a statewide virtual school;
- ii. offer the student placement in a full-time virtual program or virtual school under the jurisdiction of the charter school;
- iii. enter into a memorandum of understanding with the superintendent of another LEA or charter school to secure a placement and provide for the transfer of the student to a school serving the grade level of the student, pursuant to R.S. 17:105 and 105.1.

c. If no seat or other placement is made available within 30 calendar days of the receipt of the request by the superintendent, the parent or legal guardian may request a hearing with the school board, which shall be public or private at the option of the parent or legal guardian. The

school board shall grant the hearing at its next scheduled meeting or within 60 calendar days, whichever is sooner.

d. At the end of any school year, the parent or legal guardian may request that the charter school transfer the student back to the original school. The LEA shall make a seat available at the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:415, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:477 (March 2013), amended LR 39:3259 (December 2013), LR 48:1000 (April 2022).

§4307. Classroom Management Training for School Staff

A. The school master plans for improving behavior and discipline required of charter schools shall make provision for pre-service and ongoing grade-appropriate classroom management training for teachers, principals, and other appropriate school personnel regarding positive behavioral supports and reinforcement, conflict resolution, mediation, cultural competence, restorative practices, guidance and discipline, and adolescent development.

B. Charter schools shall provide ongoing classroom management courses and regularly review discipline data from each school to determine what additional classroom management training is needed, if any, and what additional classroom support activities should be provided by the principal and school administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:252.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1380 (May 2011), repromulgated LR 39:479 (March 2013), amended LR 39:2210 (August 2013), LR 48:1002 (April 2022).

§4309. Reasons for Suspension

A. The school principals or designee may suspend from school any student, including a student with exceptionalities, for good cause in accordance with state law and local policy.

B. Students determined to be guilty of the following offenses may be suspended for the following reasons:

- 1. willful disobedience;
- 2. disrespect to a teacher, principal, superintendent, and/or member or employee of the local school board;
- 3. making an unfounded charge against a teacher, principal, superintendent, and/or member or employee of the local school board;
- 4. using unchaste or profane language;
- 5. immoral or vicious practices;
- 6. conduct or habits injurious to his/her associates, unless it can be reasonably concluded that the student is not the aggressor or responsible for instigating the confrontation and that use of such force was committed solely for the purpose of preventing a forcible offense, and that the force used must be reasonable and apparently necessary to prevent such offense;
- 7. using tobacco and/or using and possessing alcoholic beverages or any controlled dangerous substances governed by the Uniformed Controlled Dangerous Substance Law in any form in school buildings or on school grounds;
- 8. disturbing the school and habitually violating the rules;
- 9. cutting, defacing, or injuring any part of public school buildings;

10. writing profane or obscene language or drawing obscene pictures in or on any public school premises, or on any fence, sidewalk, or building on the way to or from school;

11. possessing firearms, knives, or other implements that can be used as weapons;

12. throwing missiles on the school grounds;

13. instigating or participating in fights while under school supervision;

14. violating traffic and safety regulations;

15. leaving the school premises without permission or his/her classroom or detention room without permission;

16. habitual tardiness or absenteeism; and

17. committing any other serious offense.

C. A student enrolled in grades prekindergarten through five shall not be suspended or expelled from school or suspended from riding on any school bus for a uniform violation unless said offense is for willful disregard of school policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1283 (June 2005), repromulgated LR 39:479 (March 2013), amended LR 39:2210 (August 2013), LR 48:1002 (April 2022).

§4311. Due Process for Suspensions

A. Prior to any suspension, the school principal or the principal designee shall advise the student in question of the particular misconduct of which he or she is accused as well as the basis for such accusation, and the student shall be given an opportunity at that time to explain his or her version of the facts to the school principal or his or her designee.

B. The principal, or the principal designee, shall contact by telephone at the telephone number shown on the pupil registration card or send a certified letter at the address shown on the pupil registration card to the parent or guardian of the student, giving notice of the suspension, the reasons therefore and establishing a date and time for a conference with the principal or his designee as a requirement for readmitting the student.

1. If the parent or guardian fails to attend the required conference within five school days of mailing the certified letter or other contact with the parent, the truancy laws shall become effective.

2. On not more than one occasion each school year when the parent or guardian refuses to respond, the principal may determine whether readmitting the student is in the best interest of the student.

3. On any subsequent occasions in the same year, the student shall not be readmitted unless the parent, guardian, or other appointed representative responds.

C. A student whose presence in or about a school poses a continued danger to any person or property or an ongoing threat of disruption to the academic process shall be immediately removed from the school premises without the benefit of the procedure described above; however, the necessary procedure shall follow as soon as is practicable.

D. Notice in writing of the suspension and the reasons thereof shall be given to the parent or parents of the suspended student.

E. Any parent, tutor, or legal guardian of a suspended student shall have the right to appeal to the superintendent or

to a designee of the superintendent, who shall conduct a hearing on the merits of the case.

F. In all cases of suspensions, the parent, the superintendent of schools, and/or supervisor of child welfare and attendance or designee shall be notified in writing of the facts concerning each suspension, including the reasons therefore and terms thereof.

G. The decision of the superintendent on the merit of the case, as well as the term of suspension, shall be final, reserving the right to the superintendent to remit any portion of the time of suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1283 (June 2005), repromulgated LR 39:479 (March 2013), amended LR 39:2211 (August 2013), LR 48:1003 (April 2022).

§4313. Reasons for Expulsions

A. Students may be expelled for any of the following reasons:

1. any student, after being suspended for committing any of the offenses listed in §4305, may be expelled upon recommendation by the principal of the public school in which the student is enrolled;

2. any student, after being suspended on three occasions for committing drugs or weapons offenses during the same school session, shall, on committing the fourth offense, be expelled from all the public schools of the parish or city school system wherein he or she resides until the beginning of the next regular school year, subject to the review and approval of the local educational governing authority;

3. the conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the board;

a. such expulsions shall require the vote of two thirds of the elected members of the local educational governing authority.

b. such expulsions shall not be for a period of time longer than the student's period of adjudication as determined by the applicable court presiding over the student's criminal matter, shall run concurrent to the student's period of disposition, and may require the student to serve the time left in the expulsion period as required by the superintendent or designee if the student was serving an expulsion period when the student was incarcerated for a separate offense and the student completes the period of incarceration with time left in the expulsion period;

c. such conviction or incarceration may be sufficient cause for a superintendent to refuse admission of the student to a school except upon review and approval of a majority of the elected members of the local school board;

4. any student found guilty of being in possession of a firearm on school property or on a school bus or at a school sponsored event shall be expelled from school according to the requirements of R.S. 17:416(C)(2);

5. a student in grades six and above who is found guilty of being in possession of any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school event shall be expelled from school according to the requirements of R.S. 17:416(C)(2). The

school principal or designee shall, within five days of arrest, refer such student for testing or screening by a qualified medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or other controlled dangerous substances. If evidence of abuse is found, the principal or designee shall refer the student to an alcohol and drug abuse treatment professional chosen by the student's parent or legal guardian.

6. any student older than eleven and in grades six and above, carrying or possessing a knife the blade of which equals or exceeds two and one-half inches in length.

B. School officials shall have total discretion and shall exercise such discretion to impose disciplinary actions authorized by this Section for possession by a student of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of student intent to use the firearm or knife in a criminal manner.

C. Expulsion is not mandatory for a student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school-approved co-curricular or extracurricular activity or any other activity approved by the appropriate school officials or for a student possessing any controlled dangerous substance governed by the uniform controlled dangerous substances law that has been obtained directly or pursuant to a valid prescription or order from a licensed medical provider. However, ~~such~~ the student shall carry evidence of the prescription or medical provider order on his person at all times when in possession of any controlled dangerous substance which shall be subject to verification. Evidence of the prescription or medical provider's order includes possession of the controlled dangerous substance in the original packaging as received from the pharmacy.

D. Mandatory recommendation for expulsion shall not be applied to virtual instruction received by a student in the student home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 34:608 (April 2008), LR 39:2211 (August 2013), LR 43:2483 (December 2017), LR 48:1003 (April 2022).

§4315. Guidelines for Expulsions

A. No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any nonpublic school within Louisiana for committing any offenses enumerated in R.S. 17:416 shall be admitted to:

1. a public school in the state except upon the review and approval by the governing body of the admitting school; or

2. to a regular public school in the LEA from which the student was expelled prior to the completion of the specified period of expulsion at the school system's alternative education setting.

B. Any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana for one of the reasons listed below shall produce documentation that he or she and his/her parent or legal guardian have enrolled in and participated in an appropriate rehabilitation or counseling program related to the reason(s) for the expulsion prior to being admitted or readmitted on a probationary basis to any public school in the state, unless such requirement is waived by the LEA:

1. possessing on school property or on a school bus a firearm, knife, or other dangerous weapon, or instrumentality customarily used or intended for probable use as a dangerous weapon; or

2. possessing with intent to distribute, or distributing, selling, giving, or loaning while on school property or on a school bus any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law.

C. Any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana shall provide to any public school or school system in the state to which the student is seeking admission, information on the dates of any expulsion and the reason(s) for which the student was expelled. Additionally, the transfer of a student's records by any public school or school system in the state to any other public or nonpublic school or school system shall include information on the dates of any suspensions or expulsions and the reason or reason(s) for which the student was suspended or expelled. Refer to R.S. 17:416(B)(3).

D. A student expelled from school pursuant to the provisions of R.S. 17:416 may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the city, parish, or other local school board and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. However, any such written agreement shall include a provision that upon the school principal or superintendent of schools determination that the student has violated any term or condition of the agreement, the student shall be immediately removed from the school premises without the benefit of any hearing or other procedure applicable to student out-of-school suspensions and expulsions and returned to the school system alternative school setting. As soon thereafter as possible, the principal or designee shall provide verbal notice to the superintendent of schools of any such determination and also shall attempt to provide such verbal notice to the student's parent or other person responsible for the student's school attendance. The principal or his designee also shall provide written notice of the determination and the reasons therefore to the superintendent and to the student's parent or other responsible person.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 34:608 (April 2008), LR 35:1098 (June 2009), LR 48:1004 (April 2022).

§4317. Due Process for Expulsions

A. A recommendation for expulsion is made by the principal or, in the case of a student found carrying or possessing a firearm or another dangerous instrumentality other than a knife, or who possesses, distributes, sells, gives, or loans any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form, by the principal's designee.

B. A hearing is conducted by the superintendent of the charter school or someone designated by the superintendent within fifteen school days. The school board must provide written notice of the hearing to the student and the parent or legal custodian, and such notice shall advise the student and parent or legal custodian of due process rights.

C. A determination of whether to expel the student is made by the superintendent or his designee.

D. The principal and teacher as well as the student may be represented by someone of their choice at this hearing.

E. Until the hearing takes place, the student shall remain on suspension with access to classwork and the opportunity to earn academic credit.

F. The parent or guardian of the student may, within five days after the decision to expel the student has been rendered, request the local educational governing authority to review the findings of the superintendent or his designee. Otherwise, the decision of the superintendent shall be final. A student's agreement to cooperate in recommended treatment determined as necessary by a medical professional may be certified in writing by the medical professional and used to initiate reopening the student case. The school board shall take into consideration the student agreement to receive treatment as a positive factor in the final decision applicable to any final disciplinary action.

G. The board, in reviewing the case, may affirm, modify, or reverse the action previously taken.

H. If the board upholds the decision of the superintendent, the parent or guardian of the student may, within 10 days, appeal to the district court for the parish in which the student's school is located. The court may reverse the ruling of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), LR 48:1004 (April 2022).

§4319. Discipline for Students with Disabilities

A. If a school district removes a student with a disability from the student's current educational placement for 10 school days in a school year, consecutively or cumulatively, regardless of the circumstances, beginning on the eleventh day, students must continue to receive educational services to enable the student to continue participating in the general education curriculum, to progress toward meeting the goals set out in the IEP, and to receive behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

NOTE: Refer to Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 39:2212 (August 2013), LR 48:1005 (April 2022).

§4321. Corporal Punishment

A. A charter school shall have discretion with respect to the use of corporal punishment; however, no form of corporal punishment shall be administered to a student with an exceptionality, excluding gifted and talented, as defined in R.S. 17:1942, or to a student who has been determined to be eligible for services under section 504 of the Rehabilitation Act of 1973 and has an individual accommodation plan.

B. *Corporal Punishment*—using physical force to discipline a student, with or without an object, and includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.

C. Corporal punishment does not include:

1. the use of reasonable and necessary physical restraint of a student to protect the student or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student; or

2. the use of seclusion and restraint as provided in R.S. 17:416.21.

D. Should a charter school permit corporal punishment, the school shall adopt such rules and regulations necessary to implement and control such punishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:416.1, R.S. R.S. 17:3981, and 17:3996(B)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2479 (December 2017), LR 48:1005 (April 2022).

§4323. Search and Seizure

A. Any teacher, principal, school security guard, or administrator may search any building, desk, locker, area, or school grounds for evidence that the law, a school rule, or parish or city school board policy has been violated.

B. The teacher, principal, school security guard, or administrator may search the person of a student or his personal effects when, based on the attendant circumstances at the time of the search, there are reasonable grounds to suspect that the search will reveal evidence that the student has violated the law, a school rule, or a school board policy. Such a search shall be conducted in a manner that is reasonably related to the purpose of the search and not excessively intrusive in light of the age or sex of the student and the nature of the suspected offense.

C. Each charter school shall adopt a policy to provide for reasonable search and seizure by teachers, by principals, and by other school administrators of a student's person, desk, locker, or other school areas for evidence that the law, a school rule, or an charter school policy has been violated.

D. Any such policy shall be in accordance with applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1285 (June 2005), amended LR 39:2212 (August 2013), LR 48:1005 (April 2022).

Shan N. Davis
Executive Director

2204#033

RULE

Board of Elementary and Secondary Education

Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel—Personnel Evaluation (LAC 28:CXLVII.301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXLVII:301 in Bulletin 130 – *Regulations for the Evaluation and Assessment of School Personnel*. The revisions would require, for the 2021-2022 academic year, that school leader student learning targets based on measures other than school performance scores be used for evaluative purposes. These revisions are in response to a waiver of calculation and assignment of school

performance scores by the Board at the October 2021 pursuant to the Department of Education receipt of a United States Department of Education waiver of Every Student Succeeds Act Accountability Provisions for the 2020-2021 School Year. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CXLVII. Bulletin 130—Regulations for the
Evaluation and Assessment of School Personnel**

Chapter 3. Personnel Evaluation

§301. Overview of Personnel Evaluation

A. - B. ...

C. For the 2020-2021 academic year only, if a school leader has one learning target based on school performance and one learning target based on alternate measures, then the alternate learning target shall be duplicated for purposes of calculating a final student growth score for the school leader.

D. For the 2020-2021 academic year only, if each learning target of a school leader is based on school performance, then the observation score will comprise the sum total of school leader evaluation score.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1215 (May 2012), amended LR 38:2359 (September 2012), LR 39:1273 (May 2013), LR 41:1266 (July 2015), LR 43:2480 (December 2017), LR 47:354 (March 2021), LR 48:1006 (April 2022).

Shan N. Davis
Executive Director

2204#034

RULE

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund (LAC 28:CLXV.103, 701, 703, 705, 707, 709, 901, 902, 903, 1101, 1103, 1105, 1107, 1109)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXV Bulletin 139 – *Louisiana Child Care and Development Fund*. The revisions allow CCAP-certified family child care providers to apply for academic approval and participate in the unified quality rating system and initiatives. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CLXV. Bulletin 139—Louisiana Child Care and
Development Fund Programs**

Chapter 1. Child Care Assistance Program

§103. Definitions

Automated Child Care Time and Attendance—an electronic system that provides accurate and timely capturing, tracking, and reporting of time and attendance data. This system may utilize an adult’s finger image or IVR

interactive voice response (IVR) as a mechanism for capturing this data.

* * *

Louisiana Pathways Early Learning Center Career Development System (LA Pathways)—the state practitioner registry maintained by the department or its contractor. LA pathways registers child care facility directors and staff according to requirements based on training and education, experience, and professional activities, as approved by the department. Categories are established for early learning center staff, early learning center assistant teacher, early learning center teacher, early learning center assistant director and early learning center director.

* * *

Quality Start Child Care Rating System—system designed to assess the level of quality of early care and education programs serving birth through age five, communicate the level of quality, and support improvements of child care facilities.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018, LR 44:800 (April 2018), LR 47:1279 (September 2021), LR 48:1006 (April 2022).

Chapter 7. Administration of School Readiness Tax Credits

§701. General School Readiness Tax Credit Provisions

A. - C. ...

D. For purposes of this chapter and Chapters 9 and 11 of this Bulletin, the term “child care facilities” means any licensed Type III early learning center or registered and CCAP-certified family child care home that has current academic approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), LR 48:1006 (April 2022).

§703. Child Care Facility Expense Tax Credit

A. The Department of Revenue shall make available to qualifying child care facilities a credit certificate to be given to each taxpayer claiming the child care facility expense tax credit. The credit certificate will consist of child care facility portion of the certificate and a taxpayer portion of the certificate.

B. The child care facility shall complete the child care facility portion of the credit certificate and shall submit the certificate to each taxpayer who had a child at the child care facility during the calendar year no later than January 31 of the succeeding year. The child care facility portion of the credit certificate will include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the child care facility Louisiana tax identification number, the Louisiana early learning center license number or the certified family child care provider number from the department, the name of the child attending the child care facility, and the issue date and effective year.

The child care facility shall submit to the Department of Revenue a list of all taxpayers to whom a certificate was issued.

C. ...

D. The department shall provide information necessary for the secretary of the Department of Revenue to determine the child care facility's quality rating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2117 (October 2015), LR 48:1006 (April 2022).

§705. Child Care Facility Tax Credit

A. The average monthly number of children as used in R.S. 47:6105 is to be determined on a calendar year basis, and the child care facility shall claim the credit for the tax year that includes December 31. The child care facility tax credit will be calculated based on the average monthly number of children participating full-time in CCAP or the foster care program, from January to December of a calendar year, as follows:

1. - 4. ...

B. The department shall provide documentation to each qualifying child care facility of the average monthly number of children participating in CCAP or in the foster care program. If the child care facility has multiple sites, the department shall provide this information for each site. The certificate shall be delivered or mailed to all qualifying child care facilities by March 1 of the year following the year the credit is earned. The certificate shall include, but not be limited to, the following information: the child care facility name, the child care facility star rating, the early learning center license number or the family child care provider number, and the issue date and effective year from the department.

C. Child care facilities that operate as a corporation or sole proprietorship shall submit or maintain the credit certificate as required by the secretary of the Department of Revenue in forms and instructions.

D. For child care facilities that operate as flow-through entities such as partnerships, LLCs electing partnership treatment, or S corporations passing credits through to shareholders, every partner, member, or shareholder claiming the credit must submit or maintain copies of the information issued by the department for each site. Every partner, member, or shareholder claiming the credit must submit or maintain a schedule showing how the total credit is allocated to each partner, member or shareholder.

E. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the child care facility's quality rating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), LR 48:1007 (April 2022).

§707. Credit for Child Care Facility Directors and Staff

A. ...

B. In order to claim this credit, the department or their representative must provide child care facility directors and staff members with a certificate no later than January 31 that states which level of qualification the employee meets according to the criteria established by the department. The taxpayer must submit or maintain the certificate as required by the secretary of the Department of Revenue in forms and instructions.

C. Each child care facility director and staff member will also have to verify that he/she has worked at the same child care facility for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

1. Due to the COVID-19 pandemic, for the 2020 calendar year, a facility director or staff member will only have to verify that he/she has worked at the same child care facility or at least 300 hours in the calendar year in order to meet the work requirement in this Subsection.

D. Child care facility director and staff levels will have such meaning as provided by regulation issued by the department.

E. The maximum number of directors at an child care facility site who may receive the director credit in any given year is based on licensed capacity of the child care facility as indicated below.

Licensed Capacity	Maximum Number of Directors
15 or fewer children	1
16-50 children	2
51-100 children	3
101-200 children	4
201 or more children	5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education LR 43:1280 (July 2017), LR 47:452 (April 2021), repromulgated LR 47:574 (May 2021), LR 48:1007 (April 2022).

§709. Business-Supported Child Care Facility Credits

A. Business Child Care Facility Expense Credit

1. In order for a business to claim this credit, the business must provide the Department of Revenue the following information: the name and Louisiana revenue tax identification number of the child care facility to or for whom the eligible expenses were paid or made, the amount and nature of qualifying expenses at each child care facility as defined in R.S. 17:407.33, and the child care facility's quality rating.

2. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the child care facility's quality rating.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), LR 48:1007 (April 2022).

Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)

§901. Authority

A. The Louisiana pathways child care facility career development system (LA pathways) is the state practitioner registry maintained by the LDE or its contractor. LA pathways offers child care facility staff, including directors, teachers, assistant teachers and other classroom staff, a formal mechanism to track their training, educational attainment and experience in the field of early childhood care and education.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 43:1281 (July 2017), LR 48:1008 (April 2022).

§902. Definitions

Administrator Certificate—certificate awarded to a director who has 75 clock hours in approved administrative training categories or two college courses in administration.

Administrator Track for LA Pathways—professional career ladder registry designed for administrators in child care facilities that recognizes individuals based on the educational attainment and professional participation.

* * *

Classroom Track for LA Pathways—professional career ladder registry designed for classroom staff within child care facilities that recognizes individuals based on the educational attainment and commitment to the field.

Early Childhood Ancillary Certificate—certificate issued by the LDE that allows a qualified person to act as a lead teacher within a type III early learning center or family child care home.

Early Childhood Professional Organization—organization that provides professional training or advocacy opportunities for individuals in the early childhood field.

Family Child Care Track for LA Pathways—professional career ladder registry designed for family child care providers that recognizes individuals based on the educational attainment and commitment to the field.

LA Pathways—see Louisiana pathways early learning center career development system.

Louisiana Pathways Early Learning Center Career Development System (LA Pathways)—state practitioner registry maintained by the LDE or its contractor that registers care facility directors and staff based on training, education, experience and professional activities.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98, R.S. 17:407.26, and R.S. 47:6101 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, amended LR 43:1281 (July 2017), LR 48:1008 (April 2022).

§903. Participation in LA Pathways

A.1. Any individual working or planning to work in the child care facility industry as a director of a child care facility is eligible to enroll in LA pathways by completing and submitting an application and the required documents to LA pathways.

2. Any individual working or planning to work in the child care facility industry as a staff member of a child care facility is eligible to enroll in LA pathways by either completing and submitting an application and the required documents to LA pathways or by submitting an application for an early childhood ancillary certificate to the LDE.

3. LA pathways will register child care facility directors and staff according to requirements based on training and education, experience and professional activities, as approved by the LDE. Participation is voluntary.

A.4. - G.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 43:1281 (July 2017), LR 44:262 (February 2018), LR 48:1008 (April 2022).

Chapter 11. Unified Quality Rating System for Child Care Facilities

§1101. Authority

A. The unified quality rating system for child care facilities is established and administered by the LDE under the authority of state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR 48:1008 (April 2022).

§1103. Definitions

Child or Children—individuals who are five years of age or less.

Child Care Provider—a taxpayer who owns an eligible child care facility or facilities.

Early Childhood Care and Education Network—the network established through R.S. 17:407.23 and Bulletin 140 as the comprehensive and integrated network through which BESE manages and oversees publicly-funded early childhood care and education programs, which include type III early learning centers and family child care homes that are registered, CCAP-certified, and have current academic approval by the department, in order to improve kindergarten readiness.

Eligible Child Care Facility—a type III early learning center that has current academic approval and a valid type III early learning center license issued by the LDE and is participating in the unified quality rating system, or a family child care home that is registered, CCAP-certified, and has current academic approval by the department and is participating in the unified quality rating system.

Quality Rating—the number of “stars” awarded to an eligible child care facility by the unified quality rating system on July 1 of each year.

* * *

Unified Quality Rating System—system that sets forth the criteria for evaluating and rating the quality of an eligible child care facility in terms of “stars” with five “stars” being the highest.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2121 (October 2015), amended LR 43:1285 (July 2017), LR 48:1008 (April 2022).

§1105. Unified Quality Rating System for Child Care Facilities

A. The unified quality rating system consists of five star ratings that may be awarded to child care facilities based on the level of quality of early child care and education provided by child care facilities serving children from birth through age five. The unified quality rating system is designed to recognize the quality of early care and education provided, communicate the level of quality, and support improvements of child care facilities.

1. - 1.b....

2. To be eligible for participation in the unified quality rating system, a family child care home must:

a. have current academic approval issued by the department in compliance with §313 of *Bulletin 140—Louisiana Early Childhood Care and Education Network*; and

b. be registered and have current certification for CCAP issued by LDE in compliance with this Bulletin.

3. A child care facility is participating in the unified quality rating system if it is eligible for participation and has notified the LDE of the desire to participate and willingness to sign the required documents verifying eligibility for tax credits.

B. A star rating shall be awarded to an eligible, participating child care facility based on the performance rating the facility receives on its annual performance profile issued by the LDE as part of the early childhood care and education accountability system (ECCE accountability system). The ECCE accountability system was created pursuant to R.S. 17:407.23(B)(3) and Bulletin 140, and is used to evaluate the performance of publicly-funded early childhood care and education sites, which include child care facilities and community networks in preparing children for kindergarten and to assign a performance profile to each site, which include child care facilities and community networks.

1. All publicly funded early childhood care and education sites, which include eligible child care, are required to participate in the ECCE accountability system pursuant to §501 of Bulletin 140, and each publicly-funded site, which includes eligible child care facilities must receive a performance profile based its performance each school year.

2. Performance profiles for publicly-funded sites, which include eligible child care facilities, must include a performance rating as provided in §509 of Bulletin 140.

3. Performance rating calculations for publicly-funded sites, which include eligible child care, are made in accordance with §503 and §509 of Bulletin 140.

C. Star Ratings for Child Care Facilities

1. An eligible, participating child care facility that earns a performance rating score of 3.00 through 3.74 on its performance profile issued by the LDE shall be awarded a one star quality rating.

2. An eligible, participating child care facility that earns a performance rating score of 3.75 through 4.49 on its performance profile issued by the LDE shall be awarded a two star quality rating.

3. An eligible, participating child care facility that earns a performance rating score of 4.50 through 5.24 on its performance profile issued by the LDE shall be awarded a three star quality rating.

4. An eligible, participating child care facility that earns a performance rating score of 5.25 through 5.99 on its performance profile issued by the LDE shall be awarded a four star quality rating.

5. An eligible, participating care facility that earns a performance rating score of 6.00 through 7.00 on its performance profile issued by the LDE shall be awarded a five star quality rating.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2122 (October 2015), amended LR 43:1285 (July 2017), LR 48:1009 (April 2022).

§1107. Participation

A. Child care facilities that have achieved a star rating may have their rating reviewed and modified, if at any time it becomes known to the LDE or the LDE receives information from the child care facility that child care facility no longer meets standards for the child care facility’s current star rating award.

B. Early learning centers that have achieved a star rating will have their rating revoked if the early learning center license is revoked or not renewed. Family child care homes that have achieved a star rating will have their rating revoked if their registration, CCAP-certification, or academic approval is revoked or not renewed.

C. Child care facilities that have achieved a star rating may have their rating revoked, or child care facilities applying may be denied, if it is determined by the LDE that false or misleading statements or documents have been submitted or misrepresented or relevant facts have been concealed or withheld in order to qualify or maintain a star(s) in the unified quality rating system or to obtain the school readiness tax credit (SRTC).

D. - E. ...

F. Child care facilities that have a star award revoked by quality start may be prohibited from participating in quality start for 12 months from the date of revocation of star award.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR 48:1009 (April 2022).

§1109. Unified Quality Rating System Tiered Bonus Payments

A. Bonus payments will be issued after the end of each calendar quarter to child care facilities that care for children receiving assistance from the Child Care Assistance Program and for children in the state Foster Care Program in accordance with the child care facility’s star rating. The payment is equal to a percentage, as defined below, of all child care subsidy payments received by the child care facility from the LDE for services provided during the

service period(s) in that quarter and the child care facility's star rating(s).

1. Bonus payments for the period from January 1, 2018 through December 31, 2018 shall be based on the child care facility's 2016-2017 performance profile rating and the following percentages:

a. - e. ...

2. Bonus payments for the period from January 1, 2019 through December 31, 2019 shall be based on the child care facility's 2017-2018 performance profile rating and the following percentages:

a. - e. ...

3. Bonus payments for the period from January 1, 2020 through December 31, 2020 shall be based on the child care facility's 2018-2019 performance profile rating and the following percentages:

a. - e. ...

4. Bonus payments for the period from January 1, 2021 through December 31, 2021, and subsequent years, shall be based on the child care facility's 2019-2020 performance profile rating, and the performance profiles for subsequent years, and the following percentages:

a. - e. ...

B. The state superintendent of education may, in specific instances, grant a waiver allowing the LDE to continue to use an child care facility's star rating as of June 30 in calculating bonus payments for up to two quarters beginning on July 1 of the same calendar year, in a year in which the child care facility's star rating decreases, if the superintendent determines that the economic or adverse impact of the decreased star rating is sufficiently great to reduce access for families participating in the Child Care Assistance Program.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2126 (October 2015), amended LR 43:1286 (July 2017), LR 48:1009 (April 2022).

Shan N. Davis
Executive Director

2204#035

RULE

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network—Coordinated Observation Plan and Observation Requirements (LAC 28:CLXVII.503 and 509)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CLXVII. *Bulletin 140—Louisiana Early Childhood Care and Education Network*. The revisions would align 2021-2022 early childhood observation policy with the approved 2021-2022 K-12 observation policy approved by the board in October 2021 to alleviate the burdens of cost and time, amplified by the

COVID-19 pandemic, associated with conducting these observations. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network

Chapter 5. Early Childhood Care and Education Accountability System

§503. Coordinated Observation Plan and Observation Requirements

A. - B.2.c. ...

3. Required Observations

a. For the 2020-2021 and 2021-2022 academic years only, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive one CLASS® observation during the school year conducted by the community network.

b. Any infant, toddler, and/or pre-K classroom that receives a fall CLASS® score of 4.49 or lower after third party replacement (if applicable) shall be observed a second time.

c. Following the 2020-2021 and 2021-2022 academic years, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive two CLASS® observations during the school year conducted by the community network.

d. Following the 2020-2021 and 2021-2022 academic years, one observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

e. CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

f. - f.iii.(b). Repealed.

B.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.30 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:556 (April 2020), LR 48:1010 (April 2022).

§509. Performance Rating Calculations for Publicly-Funded Sites

A. - B.3. ...

4. Exception due to the COVID-19 pandemic with regard to observation completion and other associated challenges. For the 2020-2021 and 2021-2022 school years only, a classroom that does not have a second observation because the classroom received a fall CLASS® score of 4.50 or higher after third party replacement shall have their fall CLASS® score after third party replacement duplicated and treated as the spring local observation for the purposes of performance rating. A classroom that does not have a second observation for any other reason shall have their score replaced consistent with Subsection B of this Section.

C. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015), amended LR 42:1873 (November 2016), LR 44:1442 (August 2018), LR 45:1453 (October 2019), LR 47:1286 (September 2021), LR 48:1010 (April 2022).

Shan N. Davis
Executive Director

2204#036

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28: CXV.1119, 1151, 1153, 1301, 1302, 1305, 1307, 1309, 1311, and 3501)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC28: CXV. Bulletin 741—*Louisiana Handbook for School Administrators* in accordance with legislation enacted during the Louisiana 2021 Regular Legislative Session. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 11. Student Services

§1119. Remote School Registration and Enrollment of Children of Military Personnel Transferring to Louisiana

A. A local educational governing authority shall allow a dependent child of an active duty member of the United States Armed Forces, the military reserve forces, or the National Guard or a Department of Defense civilian to register and preliminarily enroll in a public school under its jurisdiction by remote means, including electronic means, prior to becoming a resident of Louisiana, if:

1. The parent or legal guardian of the student is transferred or pending transfer to a military installation or comparable duty location in Louisiana pursuant to an official military order;

2. The parent or legal guardian of the student provides a copy of the official military order transferring the parent or legal guardian to a military installation or comparable duty location in Louisiana to the local educational governing authority; and

3. The parent or legal guardian of the student completes and submits to the local educational governing authority all required registration and enrollment forms and documentation, except that proof of residency, which shall be required within ten days after the arrival date specified on the parent or legal guardian transfer orders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1011 (April 2022).

§1151. Purple Star School Award Program

A. A school shall be labeled a “Purple Star School” if it has exhibited a major commitment to military-connected

students and families, as demonstrated by meeting the following requirements:

1. The school has designated a staff member as a military liaison to serve as the primary point of contact for military-connected students. The designated staff member shall:

a. identify special considerations needed by military-connected students and families; and

b. develop training to inform teachers and other school personnel of such special considerations.

B. Schools labeled as “Purple Star Schools” shall:

1. maintain a dedicated page on the school website featuring resources for military-connected students and families; and

2. maintain a student-led transition program to provide peer support for military-connected students

C. The local educational governing authority of each Purple Star School shall:

1. adopt a resolution stating the commitment of the support for military-connected students and families; and

2. assign a central office staff member to be the contact for the school-based liaison and military-connected students and families.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1011 (April 2022).

§1153. Reward Eligibility

A. A school shall be labeled a “reward school” if it earns the equivalent to an “A” letter grade on the progress index.

B. Schools labeled as “reward schools” shall be eligible for financial rewards, as funds are available and as determined by the department.

C. Schools will not be eligible for reward status if they are labeled “urgent intervention required” for any subgroup.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:101.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1011 (April 2022).

Chapter 13. Discipline

§1301. Disciplinary Regulations

A. - A.1. ...

2. The plan shall address student behavior with a focus on evidence-based interventions and supports, prioritizing classroom- and school-based interventions in lieu of out-of-school disciplinary removals to address student misconduct in order to minimize the loss of academic instructional time.

3. Each LEA shall adopt rules regarding the reporting and review of disciplinary actions.

B. - C. ...

D. Any principal who fails to act on a report of student violations of disciplinary regulations shall explain his/her reasons for such an action to the superintendent of the LEA by the administrator is employed, or to the superintendent designee.

1. Any public school administrator and any administrator designee who is required to make a recommendation, resolve an issue, or apply a disciplinary action in a matter involving the discipline of a student shall recuse themselves from doing so whenever a member of the immediate family of the school administrator or of the

administrator designee is involved in any manner in the recommendation to be made, the issue to be resolved, or the action to be applied.

a. Immediate family means the individual's children, brothers, sisters, parents, and spouse and the children, brothers, sisters, and parents of the spouse.

b. In case of such recusal, the recommendation shall be made by, the issue determined by, or the disciplinary action taken by the superintendent or an impartial designee of the superintendent.

E. - F. ...

G. Students who are removed from the classroom for disruptive, dangerous, or unruly behavior or who are suspended for 10 days or less shall be assigned school work missed and shall receive either full or partial credit for such work upon satisfactory and timely completion as determined by the principal or designee and upon the recommendation of the student's teacher. A student who is suspended for more than 10 days or is expelled shall receive educational services in an alternative school site, shall be assigned school work by a certified teacher, and shall receive credit for school work upon satisfactory and timely completion as determined by the teacher. Such work shall be aligned with the curriculum used at the school from which the student was suspended or expelled.

1. Upon removal from the classroom for disruptive, dangerous, or unruly behavior, the principal or designee shall advise the student of the misconduct and basis for accusation, and the student shall be given an opportunity at that time to offer rebuttal of the accusation. The principal or designee then shall conduct a counseling session with the student as may be appropriate to establish a course of action consistent with school board policy to identify and correct the behavior for which the student is being disciplined. The principal or designee shall provide oral or written feedback to the parent or guardian of the student and may also provide oral or written feedback to the teacher initiating the removal. Feedback to teachers may include guidance and support on practicing effective classroom management including but not limited to positive behavior supports.

2. Students who are removed from the classroom for disruptive, dangerous, or unruly behavior shall be permitted to return to the class after:

a. no fewer than thirty minutes for students in kindergarten through fifth grade unless consent is given by the teacher initiating the disciplinary action;

b. the end of the class period for students in sixth through twelfth grade unless consent is given by the teacher initiating the disciplinary action;

c. the principal or designee has implemented at least one or more of the following disciplinary actions:

- i. conferencing with the principal or the principal designee.
- ii. referral to counseling.
- iii. peer mediation.
- iv. referral to the school building level committee.
- v. restorative justice practices.
- vi. loss of privileges.
- vii. detention.
- viii. in-school suspension.
- ix. out-of-school suspension.

- x. initiation of expulsion hearings.
- xi. referral for assignment to an alternative setting.
- xii. any other disciplinary measure authorized by the principal with the concurrence of the teacher of the school building level committee pursuant to law and LEA policy.

3. When a student is removed from the classroom for disruptive, dangerous, or unruly behavior, the teacher or the principal or designee may require that the parent or legal guardian of the student have a conference with the teacher or the principal or designee. Such conference may be in person, by telephone, or by other virtual means.

4. Upon the third disciplinary removal from the same classroom, the teacher and principal shall discuss the disruptive behavior patterns of the student and the appropriate disciplinary action prior application of a disciplinary measure. A conference between the teacher or other appropriate school employee and the student's parent or legal custodian may be required prior to student readmission to the same classroom. Such conference may be in person, by telephone, or by other virtual means. If required by the school or LEA policy, the school shall give written notice to the parent.

5. For students who experience multiple behavioral incidents or disciplinary referrals, a principal or designee shall consider a referral of the matter to an appropriate school building level committee. If the disruptive behavior persists, the teacher may request that the principal transfer the student into another setting.

H. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1282 (June 2005), amended LR 36:1225 (June 2010), LR 37:1132, 1133 (April 2011), LR 39:476 (March 2013), LR 39:2210 (August 2013), LR 39:3069 (November 2013), LR 48:1011 (April 2022).

§1302. Student Code of Conduct

A. Each LEA shall adopt a student code of conduct for the students in the schools under its jurisdiction.

1. Such student code of conduct shall be in compliance with all existing rules, regulations, and LEA and BESE policies and all state laws regarding student discipline and shall include necessary disciplinary action to be taken against any student who violates the code of conduct.

2. Each LEA shall adopt and incorporate into its student code of conduct a policy prohibiting the bullying of a student by another student, which includes the definition of bullying and all other requirements listed in §1303 of this Bulletin.

3. Each LEA shall include in its student code of conduct the definition of dating violence, data violence warning signs and instructions for reporting or seeking assistance for acts of dating violence.

4. Each LEA shall include in its student code of conduct progressive levels of minor through major infractions and identify corresponding minor through major interventions and consequences.

a. Before an initial referral for student expulsion, codes of conduct shall require the prior administration of interventions in accordance with the minor tiers in the code of conduct, except in instances where the expulsion referral

is the result of accumulated minor infractions in accordance with the code of conduct, or the underlying incident threatens the safety and health of students or staff.

b. Expulsions shall be reserved for the major tier of behavioral infractions involving weapons or drugs, or when the safety of students and staff is at risk.

5. Each LEA shall include in its code of conduct information detailing the appeal process for expulsions as described in §1311 of this Bulletin.

6. Each LEA shall include in its code of conduct clearly defined rules of conduct and expectations of students engaged in virtual instruction as well as clearly defined consequences of conduct, that respects the student and family rights to privacy and other constitutional rights while at home or in a location that is not school property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81, R.S. 17:223-224, R.S. 17:416, and R.S. 17:416.13.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:477 (March 2013), amended LR 40:2530 (December 2014), LR 48:1012 (April 2022).

§1305. Reasons for Suspension

[Formerly §1303]

A. The school principal or designee may suspend from school any student, including a student with exceptionalities, for good cause in accordance with state law and local policy.

B. Students determined to be guilty of the following offenses may be suspended for the following reasons:

1. - 5. ...

6. conduct or habits injurious to his/her associates, unless it can be reasonably concluded that the student is not the aggressor or responsible for instigating the confrontation and that use of such force was committed solely for the purpose of preventing a forcible offense, and that the force used must be reasonable and apparently necessary to prevent such offense;

B.7. - B.17. ...

C. A student enrolled in grades prekindergarten through five shall not be suspended or expelled from school or suspended from riding on any school bus for a uniform violation unless said offense is for willful disregard of school policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1283 (June 2005), repromulgated LR 39:479 (March 2013), amended LR 39:2210 (August 2013), LR 48:1013 (April 2022).

§1307. Reasons for Expulsions

A. Students may be expelled for any of the following reasons:

A.1. - A.2. ...

3. the conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which, had it been committed by an adult, would have constituted a felony, may be cause for expulsion of the student for a period of time as determined by the board;

a. such expulsions shall require the vote of two thirds of the elected members of the local educational governing authority.

b. such expulsions shall not be for a period of time longer than the student's period of adjudication as determined by the applicable court presiding over the

student's criminal matter, shall run concurrent to the student's period of disposition, and may require the student to serve the time left in the expulsion period as required by the superintendent or designee if the student was serving an expulsion period when the student was incarcerated for a separate offense and the student completes the period of incarceration with time left in the expulsion period;

c. such conviction or incarceration may be sufficient cause for a superintendent to refuse admission of the student to a school except upon review and approval of a majority of the elected members of the local school board;

4. ...

5. a student in grades six and above who is found guilty of being in possession of any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school event shall be expelled from school according to the requirements of R.S. 17:416(C)(2). The school principal or designee shall, within five days of arrest, refer such student for testing or screening by a qualified medical professional for evidence of abuse of alcohol, illegal narcotics, drugs, or other controlled dangerous substances. If evidence of abuse is found, the principal or designee shall refer the student to an alcohol and drug abuse treatment professional chosen by the student's parent or legal guardian.

6. any student older than eleven and in grades six and above, carrying or possessing a knife the blade of which equals or exceeds two and one-half inches in length.

B. School officials shall have total discretion and shall exercise such discretion to impose disciplinary actions authorized by this Section for possession by a student of a firearm or knife on school property when such firearm or knife is stored in a motor vehicle and there is no evidence of student intent to use the firearm or knife in a criminal manner.

C. Expulsion is not mandatory for a student carrying or possessing a firearm or knife for purposes of involvement in a school class or course or school-approved co-curricular or extracurricular activity or any other activity approved by the appropriate school officials or for a student possessing any controlled dangerous substance governed by the uniform controlled dangerous substances law that has been obtained directly or pursuant to a valid prescription or order from a licensed medical provider. However, the student shall carry evidence of the prescription or medical provider order on his person at all times when in possession of any controlled dangerous substance which shall be subject to verification. Evidence of the prescription or medical provider's order includes possession of the controlled dangerous substance in the original packaging as received from the pharmacy.

D. Mandatory recommendation for expulsion shall not be applied to virtual instruction received by a student in the student home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 34:608 (April 2008), LR 39:2211 (August 2013), LR 43:2483 (December 2017), LR 48:1013 (April 2022).

§1309. Guidelines for Expulsions

A. No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any

nonpublic school within Louisiana for committing any offenses enumerated in R.S. 17:416 shall be admitted to:

1. a public school in the state except upon the review and approval by the governing body of the admitting school; or

2. to a regular public school in the LEA from which the student was expelled prior to the completion of the specified period of expulsion at the school system's alternative education setting.

B. - C. ...

D. A student expelled from school pursuant to the provisions of R.S. 17:416 may be readmitted on a probationary basis to school at any time during the specified period of expulsion on such terms and conditions as may be stipulated by the city, parish, or other local school board and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. However, any such written agreement shall include a provision that upon the school principal or superintendent of schools determination that the student has violated any term or condition of the agreement, the student shall be immediately removed from the school premises without the benefit of any hearing or other procedure applicable to student out-of-school suspensions and expulsions and returned to the school system alternative school setting. As soon thereafter as possible, the principal or designee shall provide verbal notice to the superintendent of schools of any such determination and also shall attempt to provide such verbal notice to the student's parent or other person responsible for the student's school attendance. The principal or his designee also shall provide written notice of the determination and the reasons therefore to the superintendent and to the student's parent or other responsible person.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 34:608 (April 2008), LR 35:1098 (June 2009), LR 48:1013 (April 2022).

§1311. Due Process for Expulsions

A. A recommendation for expulsion is made by the principal or, in the case of a student found carrying or possessing a firearm or another dangerous instrumentality other than a knife, or who possesses, distributes, sells, gives, or loans any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form, by the principal's designee.

B. A hearing is conducted by the superintendent of the LEA or someone designated by the superintendent within fifteen school days. The school board must provide written notice of the hearing to the student and the parent or legal custodian, and such notice shall advise the student and parent or legal custodian of due process rights.

C. - D. ...

E. Until the hearing takes place, the student shall remain on suspension with access to classwork and the opportunity to earn academic credit.

F. The parent or guardian of the student may, within five days after the decision to expel the student has been rendered, request the local educational governing authority to review the findings of the superintendent or his designee. Otherwise, the decision of the superintendent shall be final.

A student's agreement to cooperate in recommended treatment determined as necessary by a medical professional may be certified in writing by the medical professional and used to initiate reopening the student case. The school board shall take into consideration the student agreement to receive treatment as a positive factor in the final decision applicable to any final disciplinary action.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), LR 48:1014 (April 2022).

Shan N. Davis
Executive Director

2204#037

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.Chapters 1-25)

Editor's Note: This Rule is being repromulgated in its entirety with added codification in order to correct a submission error that will clarify repeal language. The original Rule may be viewed on pages 414-479 of the March 20, 2022 *Louisiana Register*.

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXI in Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. The revisions: adopt new high school and middle school Math Praxis exams; remove the requirement that teaching experience be in an educator area of certification as a condition of advancing a teaching certificate; require teacher preparation providers to submit all practitioner license (PL) applications; allow the issuance of Temporary Authority to Teach (TAT) certifications to applicants who fail to meet minimum grade point average requirements, contingent upon the applicant's satisfactory completion of a personal interview by the employing school system; allow a "family childcare" child development associate (CDA) credential for purposes of earning an ancillary Early Childhood Certificate; allow uncertified nonpublic school educators to serve as mentor teachers; align Child Nutrition Coordinator requirements with Federal regulations; align CTTIE certificate structure issuance and renewal with standard teaching certification; reduce the number of years of teaching experience for Educational Leader Certificate Level 3 (EDL3) and Out-of-State Superintendent (OSS) from 5 years to 3 years; and provide for technical edits. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 1. Introduction

§101. Purpose

A. Certification is a licensing process whereby qualified professionals become legally authorized to teach or to

perform designated duties in K-12 schools and early learning centers under the jurisdiction of the Board of Elementary and Secondary Education (BESE). The certification process provides a systematic and nondiscriminatory procedure for the credentialing of teachers and other school personnel.

B. Certification policies and statutes are designed to identify and support high quality teachers in all Louisiana classrooms; promote higher standards in the teaching profession; and provide for growth and development of the teaching profession. The Louisiana Department of Education (LDE) implements and maintains teacher certification procedures as mandated by legislation and BESE policy.

C. Certification policies are adopted and implemented in a manner, and with a timeline, that allows for a smooth transition from old to new requirements. Any certification change approved by BESE will include specified implementation dates. In particular, changes in Praxis exams will allow for a 12-month transition period from the date of adoption by BESE. Additionally:

1. if the passing score for a specific PRAXIS exam increases, there will be a 12-month period from the date of adoption by BESE to the effective date;

2. if the passing score for a specific PRAXIS exam decreases, scores achieved up to 12 months prior to the effective date adopted by BESE will be accepted.

D. When revised certification policy requirements necessitate a program change at the college level, a notice shall be given to institutions of higher education that have teacher preparation programs so that catalogs can be revised and incoming freshman can be notified of the changes.

E. This bulletin will serve as a reference for current state policy regarding initial certification and to certification endorsement options for individuals seeking to become teachers, practicing teachers, personnel from both school districts and institutions of higher education, and persons requiring certification assistance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1782 (October 2006), amended LR 43:1290 (July 2017), LR 46:17 (January 2020), LR 48:414 (March 2022), repromulgated LR 48:1014 (April 2022).

Chapter 2. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§201. Overview

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1783 (October 2006), amended LR 43:1291 (July 2017), LR 46:1374 (October 2020), repealed LR 48:1015 (April 2022).

Subchapter B. Testing Required for Certification Areas

§203. Certification Exams and Scores (Formerly §243)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October

2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:453 (April 2021), repromulgated LR 47:574 (May 2021), LR 47:859 (July 2021), LR 47:1492 (October 2021), repealed LR 48:1015 (April 2022).

§204. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:916 (May 2015), repealed LR 48:1015 (April 2022).

Subchapter C. General Teacher Competencies

§205. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017), repealed LR 48:1015 (April 2022).

§207. General Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017), repealed LR 48:1015 (April 2022).

Subchapter D. Special Education Teacher Competencies

§209. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), repealed LR 48:1015 (April 2022).

§211. Learning Environments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), repealed LR 48:1015 (April 2022).

§213. Curriculum

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), repealed LR 48:1015 (April 2022).

§215. Assessment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), repealed LR 48:1015 (April 2022).

§217. Instructional Planning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), repealed LR 48:1016 (April 2022).

Subchapter E. English Language Arts and Literacy Teacher Competencies

§219. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), repealed LR 48:1016 (April 2022).

§221. Content Knowledge Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), repealed LR 48:1016 (April 2022).

§223. English Language Arts Content Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1299 (July 2017), repealed LR 48:1016 (April 2022).

§225. Disciplinary Literacy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), repealed LR 48:1016 (April 2022).

Subchapter F. Mathematics Teacher Competencies

§227. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), repealed LR 48:1016 (April 2022).

§229. Content Knowledge Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), repealed LR 48:1016 (April 2022).

§231. Content Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), repealed LR 48:1016 (April 2022).

Subchapter G. Early Childhood Teacher Competencies

§233. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), repealed LR 48:1016 (April 2022).

§235. Early Childhood Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), repealed LR 48:1016 (April 2022).

Subchapter H. Other Certification Area Competencies

§237. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), repealed LR 48:1016 (April 2022).

§239. Other Special Education Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 46:1375 (October 2020), repealed LR 48:1016 (April 2022).

§241. Middle Grades 4-8 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), repealed LR 48:1016 (April 2022).

§243. Secondary Grades 6-12 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), repealed LR 48:1016 (April 2022).

§245. All Levels K-12 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1304 (July 2017), repealed LR 48:1016 (April 2022).

Chapter 3. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§301. Overview

A. *Louisiana Revised Statute 17:7* provides for the duties, functions, and responsibilities of the Board of Elementary and Secondary Education (BESE). Specifically, 17:7(6)(a)(i) states that BESE shall prescribe qualifications and provide for certification of teachers in accordance with applicable law, and that such qualifications and requirements shall ensure that certification shall be a reliable indicator of minimum current ability and proficiency of the teacher to educate at the grade level and in the subject(s) to which the teacher is assigned.

B. The Louisiana competencies for initial teacher certification define what a teacher candidate must know and be able to do in order to be eligible for certification upon completion of a BESE-approved teacher preparation program. The competencies represent the knowledge and skills needed for teacher candidates to successfully transition to teaching, as determined by content experts, elementary and secondary educators, and postsecondary education leaders. The competencies establish what teacher candidates should be taught; preparation providers and school system partners should determine how the competencies should be developed through quality practice experiences that include, at a minimum, a year-long residency as defined in Bulletin 996.

C. When a candidate has successfully completed a state-approved program that develops and assesses mastery of the competencies and has met state testing and grade point average certification requirements, the program provider recommends the candidate for certification.

1. The LDE will accept no final grade below a "C" in coursework within the approved undergraduate program, with the exception of the general education requirements. All coursework used for certification purposes must be for regular credit and not of a remedial or developmental nature.

D. Certification Areas and Required Competencies

Certification Areas	Required Competencies
Birth to Kindergarten	Subchapter C. General Teacher Subchapter E. English Language Arts Subchapter F. Mathematics Teacher Subchapter G. Early Childhood Teacher
Early Childhood PK-3	Subchapter C. General Teacher Subchapter E. English Language Arts Subchapter F. Mathematics Teacher Subchapter G. Early Childhood Teacher
Grades 1-5	Subchapter C. General Competencies Subchapter E. English Language Arts Teacher Subchapter F. Mathematics Teacher
Grades 4-8 Certification Areas	Required Competencies
English/Language Arts	Subchapter C. General Teacher Subchapter E. English Language Arts
Mathematics	Subchapter C. General Competencies Subchapter E. Disciplinary Literacy Subchapter F. Mathematics Teacher

Certification Areas	Required Competencies
Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Science Education
Social Studies	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Social Studies Education
Grades 6-12 Certification Areas	Required Competencies
Agriculture	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Agriculture Education
Biology	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Science Education
Business	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Business Education
Chemistry	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Science Education
Chinese	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Foreign Languages Education
English/Language Arts	Subchapter C. General Teacher Subchapter E. English Language Arts Teacher
Family and Consumer Sciences	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Family and Consumer Sciences Education
French	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Foreign Languages Education
General Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H.
German	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Foreign Languages Education
Mathematics	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter F. Mathematics Teacher
Physics	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H.
Social Studies	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H.
Spanish	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Foreign Languages Education
Speech	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy
Technology Education	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Technology Education
Computer Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Computer Science Education
Earth Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Science Education
Environmental Science	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Education
Journalism	Subchapter C. General Teacher Subchapter E. Disciplinary Literacy Subchapter H. Journalism Education

Certification Areas	Required Competencies
Latin	Subchapter C, General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Foreign Languages Education
Marketing	Subchapter C, General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Business and Marketing Education
All-Level K-12 Certification Areas	Required Competencies
Grades K-12 Art	Subchapter C, General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Art Education
Grades K-12 Dance	Subchapter C, General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Dance Education
Grades K-12 Foreign Languages	Subchapter C, General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Foreign Languages Education
Grades K-12 Music	Subchapter C, General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Music Education
Grades K-12 Health and Physical Education	Subchapter C, General Teacher Subchapter E, Disciplinary Literacy Subchapter H, Health and Physical Education
Special Education Certification Areas	Required Competencies
Early Interventionist Birth to Five Years	Subchapter H
Deaf or Hard of Hearing K-12	Subchapter D, Special Education Teacher Subchapter H
Mild to Moderate Disabilities 1-5, 4-8, 6-12	Subchapter D, Special Education Teacher
Significant Disabilities 1-12	Subchapter D, Special Education Teacher Subchapter H
Visual Impairments/Blind K-12	Subchapter D, Special Education Teacher Subchapter H

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1783 (October 2006), amended LR 43:1291 (July 2017), LR 46:1374 (October 2020), LR 48:415 (March 2022), repromulgated LR 48:1017 (April 2022).

Subchapter B. Testing Required for Certification Areas §303. Certification Exams and Scores

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered assessment identified in this Section prior to issuance of a Louisiana educator certification.

B. Content and Pedagogy Requirements

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning and Teaching		
			PLT K-6 (#0622 or 5622)	PLT 5-9 (#0623 or 5623)	PLT 7-12 (#0624 or 5624)
Birth to Kindergarten	Early Childhood Content Knowledge (5022/5025 after September 2015)	160 (for 5022)	PLT: Early Childhood 0621 or 5621 (Score 157)		
	Early Childhood Education (5025)	156 (for 5025)			
	OR Education of Young Children (5024)	160			
	OR PreK Education (5531)	155			

1. Core Academic Skills for Educators. Teacher applicants in all content areas must pass all three Praxis core academic skills tests for educators.

a. An ACT composite score of 22 or an SAT combined score of 1100 or higher (new SAT) or 1030 or higher (pre-March 2016 SAT) may be used in lieu of PRAXIS 1 PPST exams or core academic skills for educators in reading, writing and math by prospective teachers in Louisiana.

b. Applicants possessing a non-education graduate degree from an institution accredited in accordance with 34 CFR 602 will be exempted from the core skills exam.

Pre-Professional Skills Test "Paper or Computer Administrations"	Test #	Score	Effective Date
PPST:R-Pre-Professional Skills Test: Reading	0710/5710	176	Effective 7/1/10 to 12/31/13
PPST:W-Pre-Professional Skills Test: Writing	0720/5720	175	
PST:M-Pre-Professional Skills Test: Mathematics	0730/5730	175	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5712	156	Effective 1/1/14 to 12/31/2020
Writing	5722	162	
Mathematics	5732	150	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5713	156	Current-
Writing	5723	162	
Mathematics	5733	150	

NOTE: To differentiate the computer delivered tests, Educational Testing Service has placed the number "5" or "6" preceding the current test code. The department will accept computer delivered passing test scores for licensure.

2. Principles of Learning and Teaching (PLT) Exams

Principles of Learning and Teaching: Early Childhood	0621 or 5621	157	Effective 1/1/12
Principles of Learning and Teaching: K-6	0622 or 5622	160	
Principles of Learning and Teaching: 5-9	0623 or 5623	160	
Principles of Learning and Teaching: 7-12	0624 or 5624	157	

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning and Teaching		
			PLT K-6 (#0622 or 5622)	PLT 5-9 (#0623 or 5623)	PLT 7-12 (#0624 or 5624)
Early Childhood PK-3	Elementary Content Knowledge (0014 or 5014) prior to 9/1/15	150	PLT: Early Childhood 0621 or 5621 (Score 157)		
Early Childhood PK-3	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005)	163 157 157 155 159	PLT: Early Childhood 0621 or 5621 (Score 157)		
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005)	157 157 155 159			
Grades 1-5	Elementary Content Knowledge (0014 or 5014) prior to 9/1/15	150	160	---	---
Grades 1-5	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005)	163 157 157 155 159	160		
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001) • Reading/Language Arts(5002) • Mathematics (5003) • Social Studies (5004) • Science (5005)	157 157 155 159			
Grades 4-8 Mathematics	Middle School Mathematics (0069) Prior to 1/1/14	148	---	160	---
	Middle School Mathematics (5169) Effective 1/1/14	165			
	Effective 1/1/14-8/31/2022				
	Middle School Mathematics (5164) Effective 9/1/2021	157			
Grades 4-8 Science	Middle School Science (0439) Prior to 6/8/14	150	---	160	---
	Middle School Science (5440) Effective 6/8/14 to 3/31/2022	150			
	Middle School Science (5442) Effective 4/1/2021	152			
Grades 4-8 Social Studies	Middle School Social Studies (0089 or 5089)	149	---	160	---
Grades 4-8 English/ Language Arts	Middle School English/Language Arts (0049 or 5049) Prior to 1/1/14	160	---	160	---
	Middle School English (5047) Effective 1/1/14	164			

C. Certification Areas

1. Grades 6-12 Certification

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
Agriculture	Agriculture (0700) Prior to 6/8/14	510	---	---	157
	Agriculture (5701) Effective 6/8/14	147			
Algebra I	Algebra I (5162) Effective 8/14/18	157			
	Middle School Mathematics (5169) Effective 1/1/14-8/31/2022	165			
	Middle School Mathematics (5164) Effective 9/1/2021	157			
American Sign Language	American Sign Language Proficiency Interview (ASLPI-0634)	3+170	World Languages Pedagogy 0841 (Score 158)		
Biology	Biology: Content Knowledge (0235 or 5235)	150	---	---	157

Grades 6-12 Certification Areas					
Certification Area	Name of PRAXIS Test	Score			PLT 7-12
Business	Business Education: Content Knowledge (0101 or 5101)	154	---	---	157
Chemistry	Chemistry: Content Knowledge (0245 or 5245)	151			157
Chinese	Chinese (Mandarin): World Language (5665)	164	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
English	English Language, Literature, and Composition: Content Knowledge (0041 or 5041) Pedagogy (0043) Prior to 1/1/14 English Language Arts: Content and Analysis (5039) Effective 1/1/14	160 130 168	---	---	157
Family and Consumer Sciences	Family and Consumer Sciences (0121 or 5121) Prior to 6/8/14 Family and Consumer Sciences (5122) Effective 6/8/14	141 153	---	---	157
French	French: World Language (5174)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
General Science	General Science: Content Knowledge (0435 or 5435)	156	---	---	157
German	German: World Language (5183)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)		
Mathematics	Mathematics: Content Knowledge (0061 or 5061) Effective 6/1/10-12/31/13 Mathematics: Content Knowledge (5161) Effective 1/1/14-8/31/2022 Mathematics: Content Knowledge (5165) Effective 9/1/2021	135 160 159	---	---	157
Physics	Physics: Content Knowledge (0265 or 5265)	141			157
Social Studies	Social Studies: Content and Interpretation (0086 or 5086)	*153	---	---	157
Spanish	Spanish: World Language (5195)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World languages Pedagogy 0841 (Score 158)		
Speech	Speech Communications (0221 or 5221)	146	---	---	157
Technology Education	Technology Education (0051 or 5051)	159	---	---	157
Computer Science Earth Science Environmental Science Journalism Latin Marketing	At this time, a content area exam is not required for certification in Louisiana.	---	---	---	157

* The passing score for tests taken prior to January 1, 2020 is 160.

2. All-Level K-12 Certification

All-Level K-12 Certification Areas							
Subject Area	Praxis Test	Score	PLT K-6		PLT 5-9		PLT 7-12
Grades K-12 Art	Art: Content Knowledge (0134 or 5134)	159	160	or	160	or	157
Grades K-12 Dance	None Available**	---	160		160	or	157
Grades K-12 Foreign Languages	Chinese (Mandarin): World Language (5665)	164	PLT K-6 (Score 160) or PLT 5-9 (Score 160) or PL7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)				
	French: World Language (5174)	157					
	German: World Language (5183)	157					
	Spanish: World Language (5195)	157					
	American Sign Language Proficiency Interview (ASLPI - 0634)	3+ 170					
Grades K-12 Music	Music: Content Knowledge (0113 or 5113)	151	160	or	160	or	157
Grades K-12 Health and Physical Education	Physical Education: Content Knowledge (0091 or 5091), Prior to 6/8/14	146	160		160	or	157
	Health and Physical Education (5857), Effective 6/8/14	160					

**At this time, a content area exam is not required for certification in Louisiana

D. Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)				
Early Interventionist	Prior to 9/1/15: Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Effective 1/1/12: Special Education: Core Knowledge and Applications (0354 or 5354) and Principles of Learning and Teaching: Early Childhood (0621 or 5621) Effective 1/1/14: Special Education: Early Childhood (0691) AND Principles of Learning and Teaching: Early Childhood (0621 or 5621)	145
	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)	163		157
	OR Elementary Education: Multiple Subjects (5001)	157		159
	• Reading/Language Arts (5002)	157		157
	• Mathematics (5003)	155		157
	• Social Studies (5004)	159		155
	• Science (5005)	159		159
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)	157		157
	• Reading/Language Arts (5002)	157		155
	• Mathematics (5003)	155		159
• Social Studies (5004)	159			
• Science (5005)	159			
Deaf and Hard of Hearing	Prior to 9/1/15: Elementary Content Knowledge (0014 or 5014)	150	Effective 11/1/11: Special Education: Core Knowledge and Applications (0354 or 5354) AND Education of Deaf and Hard of Hearing Students (0271) Effective 1/1/14: Special Education: Core Knowledge and Applications (0354 or 5354) AND Special Education: Education of Deaf and Hard of Hearing Students (0272 or 5272)	145
	Effective 9/1/15 to 8/31/17: Elementary Education: Content Knowledge (5018)	163		160
	OR Elementary Education: Multiple Subjects (5001)	157		145
	• Reading/Language Arts(5002)	157		160
	• Mathematics (5003)	155		
	• Social Studies (5004)	159		
	• Science (5005)	159		
	Mandatory 9/1/17: Elementary Education: Multiple Subjects (5001)	157		
	• Reading/Language Arts(5002)	157		
	• Mathematics (5003)	155		
• Social Studies (5004)	159			
• Science (5005)	159			
Mild to Moderate Disabilities	ALL Candidates must pass a content area exam appropriate to certification level 1-5, 4-8, 6-12 such as elementary, or core subject-specific exams for middle or secondary grades.		Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543) AND PLT specific to grade level (K-6, 5-9, or 7-12)	153
Significant Disabilities	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545)	153
	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)			
	OR Elementary Education: Multiple Subjects (5001)			
	• Reading/Language Arts(5002)			
	• Mathematics (5003)			
	• Social Studies (5004)			
	• Science (5005)			
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)			
	• Reading/Language Arts(5002)			
	• Mathematics (5003)			
• Social Studies (5004)				
• Science (5005)				
Visual Impairments/Blind	Elementary Content Knowledge prior to 9/1/15 (0014 or 5014)	150	Special Education: Core Content Knowledge and Applications (0354 or 5354) Effective 11/1/11 Special Education: Core Content Knowledge and Applications (0354 or 5354) and Special Education: Teaching Students with Visual Impairments (0282) Effective 1/1/14	145
	Effective 9/1/15 to 8/31/17 Elementary Education: Content Knowledge (5018)			145
	OR Elementary Education: Multiple Subjects (5001)			163
	• Reading/Language Arts(5002)			157
	• Mathematics (5003)			157
	• Social Studies (5004)			155
	• Science (5005)			159
	Mandatory 9/1/17 Elementary Education: Multiple Subjects (5001)			157
	• Reading/Language Arts(5002)			157
	• Mathematics (5003)			155
• Social Studies (5004)	159			
• Science (5005)	159			

E. Administrative and Instructional Support Areas

Certification Area	Name of Test	Area Test Score
Educational Leader—Level 1	School Leaders Licensure Assessment (1011 or 6011)	166 (Effective until 7/31/20)
	School Leaders Licensure Assessment (6990)	151 (Effective 9/1/19)
	Louisiana Leadership Assessment Series	“Demonstrated” (for at least 9 assessments within the series) Effective April 1, 2020
Educational Leader—Level 3	School Superintendent Assessment (6021)	160 (Effective until 7/31/20)
	School Superintendent Assessment (6991)	162 Current-
School Counselor K-12	Professional School Counselor (0421 or 5421)	156
School Librarian	Library Media Specialist (0311 or 5311)	136

F. Reading Exams

Name of Test	Area Test Score
Teaching Reading Exam (0204 or 5204) Effective 9/1/2011 – 7/31/2020	157
Teaching Reading Exam (0206 or 5206) Effective 9/1/2019	156

1. Praxis scores, for certification purposes, must be received by the LDE via one of the following ways:

- the electronic ETS Praxis score report forwarded directly from ETS; or
- the original Praxis score report issued by ETS submitted with the certification application.

G. Mentor Teacher and Content Leader. The mentor teacher certificate and the content leader certificate may be earned by passing the applicable Louisiana assessment series.

Certification Area	Name of Test	Area Test Score
Mentor Teacher	Louisiana Mentor Teacher Assessment Series—Elementary	2 coaching- related components
	Louisiana Mentor Teacher Assessment Series—Secondary ELA	2 coaching- related components
	Louisiana Mentor Teacher Assessment Series—Secondary Math	2 coaching- related components
	Louisiana Mentor Teacher Assessment Series—Universal	2 coaching- related components
Content Leader	Louisiana Content Leader Assessment Series	4
	Intervention Content Leader Assessment Series	3

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:453 (April 2021), repromulgated LR 47:574 (May 2021), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022).

§304. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:325 (March 2020), repealed LR 48:1022 (April 2022).

§305. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

A. For certification as a teacher of birth to kindergarten children in the state of Louisiana, the focus is on birth to kindergarten education.

1. General Education—39 semester credit hours. Requirements provide the birth to kindergarten teacher with basic essential knowledge and skills.

English	12 semester hours
Mathematics	6 semester hours
Sciences	9 semester hours
Social studies	9 semester hours
Arts	3 semester hours

2. Focus Area—Birth to Kindergarten—30 semester credit hours. Requirements provide the prospective birth to kindergarten teacher with a strong foundation pertaining to the growth and development of young children. All courses are to be aligned to state and national standards for birth to kindergarten.

Birth to kindergarten content knowledge and instruction identified by the State as being required for an Early Childhood/Ancillary Certificate	9 semester credit hours
Infant/Toddler and Preschool/Kindergarten Development	6 semester credit hours
Infant/Toddler and Preschool/Kindergarten Methodology	6 semester credit hours
Language and Literacy Development	3 semester credit hours
Family Systems and Practicum	6 semester credit hours

3. Knowledge of the Learner and Learning Environment—9 semester credit hours. Requirements provide the prospective birth to kindergarten teacher with a fundamental understanding of the birth to kindergarten learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, as follows:

- educational psychology;
- assessment of young children;

- c. behavior management;
- d. diverse/multicultural education.

4. Methodology and Teaching—15 semester hours. Requirements provide the prospective birth to kindergarten teacher with fundamental pedagogical skills.

Teaching methodology	6 semester hours
Advanced Language Development and Literacy	6 semester hours
Professional Teaching Residency and Seminar I and Professional Teaching Residency and Seminar II	24 semester hours
Flexible hours for the university's use	6 semester hours
Total required hours in the program	120 semester hours

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:916 (May 2015), amended LR 48:421 (March 2022), repromulgated LR 48:1022 (April 2022).

Subchapter C. General Teacher Competencies

§307. Introduction

A. The following teacher preparation competencies apply to all content areas and grade levels for which a teacher candidate may be certified to teach.

B. The competencies identify essential knowledge and skills that align with current expectations for practicing teachers, including but not limited to what a teacher candidate must know and be able to do in order to:

- 1. communicate and collaborate with students, colleagues, families, and community members to support students' learning and development; and
- 2. design and deliver effective instruction to all students, including students with exceptionalities and students in need of academic and non-academic intervention in a regular education setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017), amended LR 48:421 (March 2022), repromulgated LR 48:1023 (April 2022).

§309. General Competencies

A. The teacher candidate demonstrates, at an effective level, the Louisiana components of effective teaching as defined in Bulletin 130 and the compass teacher rubric or local personnel evaluation, as applicable.

B. The teacher candidate demonstrates mastery of the content knowledge and skills and content pedagogy needed to teach the current academic standards as defined in BESE policy.

C. The teacher candidate uses evidence to continually evaluate practice, particularly the effects of choices and actions on students and adapts practice to meet the needs of each student.

1. The teacher candidate observes and reflects on student responses to instruction to identify areas of need and make adjustments to practice.

2. The teacher candidate gathers, synthesizes, and analyzes a variety of data from a variety of sources to adapt instructional practices and other professional behaviors to better meet student needs.

3. The teacher candidate uses structured input and feedback from a variety of sources such as colleagues, mentor teachers, school leaders, and preparation faculty to adjust instructional practice and professional behaviors to better meet student needs.

D. The teacher candidate elicits and uses information about students and experiences from families and communities to support student development and learning and adjust instruction and the learning environment.

E. The teacher candidate applies knowledge of state and federal laws related to student rights and teacher responsibilities for appropriate education for students with and without exceptionalities, parents, teachers, and other professionals in making instructional decisions and communicating with colleagues and families such as laws and policies governing student privacy, special education, and limited English proficient education, including but not limited to Bulletin 1508, Bulletin 1530, Bulletin 1706, and Bulletin 1903.

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in cognitive, socio-emotional, language, and physical development.

G. The teacher candidate develops and applies instructional supports and plans for an individualized education plan (IEP) or individualized accommodation plan (IAP) to allow a student with exceptionalities developmentally appropriate access to age- or grade-level instruction, individually and in collaboration with colleagues.

H. The teacher candidate applies knowledge of various types of assessments and the purposes, strengths, and limitations to select, adapt, and modify assessments to accommodate the abilities and needs of students with exceptionalities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017), LR 48:421 (March 2022), repromulgated LR 48:1023 (April 2022).

Subchapter D. Special Education Teacher Competencies

§311. Introduction

A. The competencies identify the fundamental knowledge and skills that should be developed and assessed in teacher candidates who are pursuing certification that includes eligibility to teach special education in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), amended LR 48:422 (March 2022), repromulgated LR 48:1023 (April 2022).

§313. Learning Environments

A. The teacher candidate uses positive motivational and instructional interventions to teach students with exceptionalities how to adapt to different environments.

B. The teacher candidate sets expectations for personal and social behavior of students with exceptionalities in various settings such as the classroom, library, cafeteria,

gymnasium, and/or job site and incorporates the expectations into effective instructional routines, lesson plans, IEP goals, and objectives.

1. The teacher candidate provides positive visual, physical, and/or motivational support to individual students for integration into various settings.

C. The teacher candidate designs and adapts learning environments for diverse student populations that facilitate active participation in individual and group activities.

D. The teacher candidate modifies the learning environment, including the physical arrangement, student grouping, instructional intensity, pacing, and embedded assistive technology supports, to proactively manage student behaviors and unique learning needs.

1. The teacher candidate uses a variety of non-aversive techniques to control targeted behavior and maintain attention of students with exceptionalities.

2. The teacher candidate uses assessment data to select appropriate environmental accommodations and modifications to address deficits in student behaviors and learning needs.

E. The teacher candidate intervenes safely and appropriately when students with exceptionalities are in crisis.

F. The teacher candidate designs and implements positive interventions to develop and strengthen on task/desirable behaviors.

G. The teacher candidate plans and implements individualized reinforcement systems and environmental modifications at levels equal to the intensity of student behavior and function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), amended LR 48:422 (March 2022), repromulgated LR 48:1023 (April 2022).

§314. Extended Endorsement License (EEL)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1339 (July 2007), repealed LR 48:1024 (April 2022).

§315. Curriculum

A. The teacher candidate makes the general curricula accessible to students with exceptionalities by implementing instruction that is inclusive of appropriate accommodations and modifications to the general curricula as outlined in an IEP.

B. The teacher candidate develops and implements comprehensive, longitudinal individualized programs, and IEPs in collaboration with team members, the individual, and family.

1. The teacher candidate addresses the needs of students with exceptionalities that extend beyond the general education curriculum within IEPs and through instruction across various educational settings and contexts.

C. The teacher candidate uses augmentative and alternative communication systems and a variety of assistive technologies to support instructional assessment, planning, and delivery for students with exceptionalities.

1. The teacher candidate selects, designs, and uses high- and low-technology materials and resources required to educate individuals whose exceptionalities interfere with communication.

D. The teacher candidate integrates affective, social, and life skills with academic curricula, creating the opportunity for students to practice the skills in the context of authentic daily routines.

1. The teacher candidate designs, implements, and evaluates instructional programs that enhance social participation across environments.

E. The teacher candidate applies knowledge of career, vocational, and transition programs for students with exceptionalities to design and implement instructional programs that address independent living and career education for individuals.

1. The teacher candidate uses a variety of community- and school-based resources and strategies to successfully transition students with exceptionalities into and out of school and post-school environments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), amended LR 48:422 (March 2022), repromulgated LR 48:1024 (April 2022).

§317. Assessment

A. The teacher candidate monitors progress of students with exceptionalities towards attainment of IEP goals and objectives.

1. The teacher candidate uses knowledge of measurement principles and practices to interpret assessment results and guide educational decisions for students with exceptionalities.

2. The teacher candidate uses multiple types of assessment information in making instructional, eligibility, program, and placement decisions for students with exceptionalities, including students from culturally and linguistically diverse backgrounds.

3. The teacher candidate uses appropriate technology to conduct assessments in keeping with assessment protocols and in alignment with student needs.

B. The teacher candidate identifies and uses assessment data to identify the need for interventions and services for individuals who are in need of additional academic and/or non-academic support, including early identification of young individuals who may be at risk for exceptionalities.

1. The teacher candidate uses data derived from functional assessments to develop intervention plans aligned to the specific needs of individual students.

C. The teacher candidate selects, adapts, and modifies assessments or assessment strategies to accommodate abilities and needs of students with exceptionalities.

1. The teacher candidate implements procedures for assessing and reporting both appropriate and problematic social behaviors of students with exceptionalities.

2. The teacher candidate identifies reliable methods of response from students who lack typical communication and performance abilities, using supports as needed to accommodate individual student needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1297 (July 2017), amended LR 48:423 (March 2022), repromulgated LR 48:1024 (April 2022).

§319. Instructional Planning

A. The teacher candidate plans and implements age- and ability-appropriate instruction for students with exceptionalities that supports progress in the general curricula.

1. The teacher candidate incorporates goals and strategies from multiple IEPs in lesson plans.

2. The teacher candidate uses and adapts instructional strategies according to characteristics and needs of students with exceptionalities.

3. The teacher candidate selects and adapts instructional materials according to characteristics and needs of students with exceptionalities.

B. The teacher candidate selects and uses a variety of assistive technologies within instructional routines to promote access to the general curriculum for students with exceptionalities.

C. The teacher candidate modifies the pace of instruction and provides organizational cues to meet the instructional needs of students with exceptionalities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), amended LR 48:000 (March 2022), repromulgated LR 48:1025 (April 2022).

Subchapter E. English Language Arts and Literacy Teacher Competencies

§321. Introduction

A. The English language arts and literacy teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, English language arts grades 4-8, English language arts grades 4-8 integrated to merged, English language arts 6-12, and English language arts grades 6-12 integrated to merged.

B. Content knowledge competencies identify foundational knowledge of the English language and language development, reading, composition, and oral language skills.

C. Content pedagogy competencies identify teaching knowledge and skills that are specific to English Language arts instruction that develop the student ability to:

1. understand and use vocabulary and language, including early literacy, such as print awareness, phonological skill, word recognition, and incidental reading

foundational skills to facilitate understanding and comprehension of the written word;

2. understand topics, themes, and ideas to determine text meaning;

3. build understanding about texts using evidence through discussion; and

4. demonstrate understanding of the language, craft, topics, themes, and ideas of complex grade-level texts through writing using evidence and appropriate grade-level conventions, spelling, and structure.

D. Disciplinary literacy competencies identify what a teacher candidate must know and be able to do to teach reading and literacy effectively in the context of certification areas other than English language arts in areas such as the middle grades and secondary science or social studies.

1. The ELA and literacy competencies are applicable to teacher candidates who are pursuing certification for grades 4-8 or 6-12 in any content area other than English language arts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), amended LR 48:423 (March 2022), repromulgated LR 48:1025 (April 2022).

§323. Content Knowledge Competencies

A. The teacher candidate is able to read and understand the language, craft, topics, themes, and ideas of complex texts and explain how one is able to read and understand the texts.

1. The teacher candidate reads a wide variety of complex texts appropriate for instruction of age or grade-level reading, writing, speaking and listening, and language standards. The variety of texts includes print and non-print or digital texts; media texts, including but not limited to, songs, videos, podcasts, film, and classic texts and contemporary texts. The texts include children's literature that represent a range of world literatures, historical traditions, genres, forms, and the experiences of different genders, ethnicities, and social classes.

2. The teacher candidate determines the meaning, purpose, and main ideas of complex texts and explains the development orally and in writing based on the interaction of an author's craft by using word choice, syntax, use of details and illustrations, and figurative language, elements and structure such as setting, characterization, development and organization, plot, pacing, and evidence, literary effects of symbolism and irony, and rhetorical devices.

3. The teacher candidate explains how vocabulary, diction, syntax, and sentence patterns contribute to the meaning, complexity, clarity, coherency, fluency, and quality of a text.

4. The teacher candidate selects words in complex texts which most contribute to the meaning, are common among complex texts, are part of word families, or have multiple meanings.

5. The teacher candidate makes connections among texts, including determining and explaining how each text challenges, validates, or refines the language, topics, themes, and/or ideas of other texts and how modern texts or texts in

different mediums adapt, enhance, or misrepresent a source text.

6. The teacher candidate assesses the credibility and usability of texts by analyzing texts with differing viewpoints to determine areas of conflict or possible bias, evaluating whether the reasoning is sound and the evidence is relevant and sufficient, and determining the advantages and disadvantages of different texts and mediums for presenting a particular topic or idea.

7. The teacher candidate recognizes the influence of English language and literary history on English language arts content.

B. The teacher candidate demonstrates proficiency with written and spoken language when writing about the topics, themes, and/or ideas of complex texts.

1. The teacher candidate creates a range of formal and informal, process and on-demand oral, written, and visual compositions to include analytic, argumentative, explanatory, and narrative text about the language, craft, topics, themes, and/or ideas of complex texts, taking into consideration the interrelationships among form, audience, context, and purpose.

2. The teacher candidate uses complex texts to locate models of writing such as word choice, syntax, sentence variety and fluency, text structure, and style and uses the models to imitate the language, structure, and style into personal writing.

3. The teacher candidate knows and appropriately uses the conventions of English language grammar, usage, and mechanics in relation to various rhetorical situations and to various style guides for composition.

4. The teacher candidate recognizes and explains the historical context of modern English language, including recognizing root words, determining word etymologies, and analyzing changes in syntax.

5. The teacher candidate explains the concept of dialect, recognize the effect and impact on the meaning and development of written and spoken language, and knows how to apply the concept in context when appropriate.

6. The teacher candidate explains the importance of language structure, syntactic awareness, and discourse awareness in developing reading and writing fluency.

C. The teacher candidate demonstrates understanding of the stages of language, reading, and writing development.

1. The teacher candidate explains the progression, connection, and relationships among the major components of early literacy development, including the typical and atypical development of skills in the areas of language, phonological skill, morphology, orthography, semantics, syntax, and discourse; reading, print awareness, decoding, fluency, and comprehension; and spelling and writing development including pre-literate, early emergent, emergent, transitional, and conventional.

2. The teacher candidate defines, explains, produces, and classifies the basic phonetic structure and orthographic rules and patterns of the English language, including but not limited to phonemes, graphemes, diagraphs, blends, r-control vowels, hard and soft consonants, and explains the relation to the progression of reading and writing development.

3. The teacher candidate explains the principles of teaching word identification and spelling and gives examples illustrating each principle.

4. The teacher candidate explains the role of fluency in typical reading development including word recognition, oral reading, silent reading, and comprehension, and as a characteristic of certain reading disorders.

5. The teacher candidate identifies, defines, and explains the relationship between environmental, cultural, and social factors that contribute to literacy development and the difference between delays and characteristics of some reading disorders, as determined by academic standards.

6. The teacher candidate explains and demonstrates through oral reading the print concepts young students must develop regarding text orientation, directionality, connection of print to meaning, return sweep, page sequencing, and punctuation.

7. The teacher candidate explains the stages of the development of phonological awareness skills and gives examples illustrating each stage of rhyme, syllable, onset-rime, phoneme segmentation, blending, and substitution.

8. The teacher candidate demonstrates appropriate enunciation in oral demonstrations, especially speech sounds when conducting phonemic awareness lessons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), amended LR 48:423 (March 2022), repromulgated LR 48:1025 (April 2022).

§325. English Language Arts Content Pedagogy Competencies

A. The teacher candidate applies knowledge of the relationships among speaking and listening, language, reading, and writing to use writing and speaking and listening experiences in conjunction with language and reading instruction to enhance student reading and writing development.

1. The teacher candidate for B-K, PK-3, and 1-5 uses knowledge of the progression of phonological awareness skills to select or design and implement sequenced lessons and units that scaffold student development of phonological awareness and enhance reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts.

2. The teacher candidate for grades 1-5, 4-8, and 6-12 uses knowledge of the progression of language, reading, and writing skills to select or design and implement lesson sequences that scaffold and enhance early adolescent and adolescent student reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts for small-group instruction or intervention in addition to whole-class instruction with grade-level standards.

3. The teacher candidate uses knowledge of the relationship between phonemes and graphemes to plan writing experiences in conjunction with phonological instruction to enhance student reading and writing development.

4. The teacher candidate selects and uses various strategies to develop student reading fluency, including guiding student awareness of syntax and discourse.

5. The teacher candidate selects or designs and implements lessons and unit sequences which provide opportunities for all students to read a wide range and volume of texts for various purposes of understanding, pleasure, and research, and make connections among texts based on the language, craft, topics, themes, and/or ideas.

6. When appropriate and based on age- or grade-level standards, the teacher candidate supports student selection of texts and assessment of the credibility and usability of texts for different purposes.

7. The teacher candidate schedules and coordinates instructional time to make content connections with science, social studies, and the arts to ensure students build a wide vocabulary and knowledge of the world.

B. The teacher candidate selects or designs and implements instruction that provides opportunities for students at various stages of language, reading, and writing development to accurately and fluently read, understand, and express understanding of a range of complex grade-level texts, as determined by age- or grade-level standards.

1. The teacher candidate selects a volume of appropriately complex texts about similar topics, themes, and/or ideas that present opportunities for instruction and assessment of age- or grade-level standards.

2. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, or ideas to identify sections for rereading through interactive read aloud, read along, pair or group reading, and/or independent reading, and creates and sequences questions and tasks.

3. The teacher candidate anticipates student misconceptions or challenges and identifies a variety of grade-level appropriate instructional strategies to scaffold instruction and provide all students with opportunities to read, understand, and express understanding through conversations and writing using grade-level appropriate language, conventions, spelling, and structure.

C. The teacher candidate selects or designs and implements instructional materials that develops student ability to meet the age- or grade-level standards for reading, writing, speaking and listening, and language by composing a range of oral, written, and visual texts using formal and informal, process and on-demand, and different genres for a variety of purposes and audiences).

1. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, and ideas to select or design composition tasks that explain, analyze, challenge, or extend the language, craft, topics, themes, and ideas of the texts.

2. The teacher candidate locates models of writing in complex texts to illustrate word choice, syntax, sentence variety, fluency, text structure, and style and selects or designs and implements instruction that develops student ability to use the models to advance language, structure, and style in personal writing.

3. The teacher candidate facilitates classroom discussions based on the age- or grade-level standards for speaking and listening that allow students to refine thinking about the language, craft, topics, themes, and/or ideas in complex texts in preparation for writing, when appropriate, as indicated by academic standards.

4. The teacher candidate develops, based on academic standards, student ability to create an organizing idea or thesis statement, effectively organize and develop a written, oral, or visual response, and, when appropriate, develop a topic or support an opinion or claim about the language, craft, topics, themes, and/or ideas in complex texts using relevant evidence.

5. The teacher candidate provides opportunities incorporating technology for students to plan, draft, revise, edit, and publish written, oral, visual, and digital texts, individually and collaboratively through shared and small-group writing and peer editing to communicate knowledge, ideas, understandings, insights, and experiences.

6. The teacher candidate anticipates how students may use non-standard language orally and in writing and selects or designs and implements instruction based on age- or grade-level standards to develop student ability to use language conventions of grammar, usage, and mechanics accurately and strategically in writing for different audiences and purposes.

7. The teacher candidate selects or designs and implements tasks for all students, as indicated by academic standards for reading, writing, speaking and listening, and language that require research of a topic, theme, or idea presented in complex texts and communication of findings orally and in writing.

D. The teacher candidate applies knowledge of language, reading, and writing development to select or design and use a range of ongoing classroom assessments including diagnostic, formal and informal, formative and summative, oral, and written which measure students' ability to read, understand, and demonstrate understanding of a range of grade-level complex texts to inform and adjust planning and instruction.

1. The teacher candidate selects or designs a range of ongoing assessments including formal and informal, formative and summative, oral, and written to measure student ability to use knowledge of language, print concepts, phonological awareness, phonics, and word recognition to accurately and fluently read, understand, and express understanding of a range of continuous texts.

2. The teacher candidate applies knowledge of reading, writing, and language development to identify trends in student reading foundational skills, writing, and language development and identify students who are in need of additional support with decoding, fluency, vocabulary development, speaking and listening, writing, and grammar.

3. The teacher candidate assesses specific reading behaviors often associated with fluency problems such as lack of automaticity, substitution, omissions, repetitions, inappropriate reading rates, and inaccuracy and recognizes atypical developmental patterns, and collaborates with colleagues and specialists to plan and implement appropriate instructional support(s) that address individual needs without replacing regular classroom instruction.

4. The teacher candidate assesses student written expression skills of handwriting for elements of legibility, such as letter formation, size and proportion, and spacing, and keyboarding for proper technique and style, such as adequate rate and accuracy, appropriate spacing, and

proficiency with word processing programs, identifies elements that need improvement, and designs instructional supports that support student mastery.

5. The teacher candidate uses assessment trends to make adjustments to instructional plans through re-teaching, targeted mini-lessons, individualized or small-group remediation, or extension and identifies differentiated instructional supports that provide all students with opportunities to read, understand, and express understanding of complex texts, as determined by age- or grade-level standards.

6. The teacher candidate uses assessment trends to form flexible groups of students and select or design and implement small-group instruction to improve student ability to read independently a range of continuous texts and write in response using age- or grade-level appropriate conventions, spelling, language, and structure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1299 (July 2017), amended LR 48:424 (March 2022), repromulgated LR 48:1026 (April 2022).

§326. Temporary Employment Permit (TEP)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 43:1311 (July 2017), repealed LR 48:1028 (April 2022).

§327. Disciplinary Literacy Competencies

A. The teacher candidate applies knowledge of the theoretical and evidence-based foundations of reading and writing processes and specific disciplinary literacy expectations as described in academic standards to select or design and implement an integrated and comprehensive curriculum that develops students' understanding of content.

1. The teacher candidate explains the research and theory of disciplinary literacy and demonstrates discipline-specific reading and writing skills.

2. The teacher candidate explains how disciplinary literacy skills are necessary for learning content and expressing understanding of content through writing and speaking based on the academic standards for certification content area.

3. The teacher candidate selects or designs and implements discipline-specific curriculum and instructional materials which incorporate technology to support instructional goals and objectives for the disciplinary literacy demands of the certification content area and differentiates the materials for the range of literacy needs of adolescent readers.

4. The teacher candidate selects, assesses the accuracy and credibility of, and uses a range and volume of print, digital, visual, and oral discipline-specific texts including primary and secondary sources in social studies or current research, informational journals, experimental data, and results in science as instructional tools.

B. The teacher candidate applies knowledge of disciplinary literacy to select and use appropriate and varied

instructional approaches to build all student ability to understand and express understanding of discipline specific content through reading, writing, speaking, and language.

1. The teacher candidate provides opportunities for students to learn and use vocabulary and language specific to the certification content area, practice discipline-specific reading and writing strategies, and gain and express understanding of content by exploring key questions through grade-level print, digital, visual, and oral discipline specific texts.

C. The teacher candidate applies knowledge of disciplinary literacy to select or design and use a range of ongoing classroom assessments for diagnostic, formal and informal, formative and summative, oral and written use which measure student mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate assesses student ability to understand and use discipline-specific vocabulary and language, gain knowledge and understanding of content through grade-level, discipline-specific texts, and express knowledge and understanding through speaking and writing.

2. The teacher candidate uses trends in assessment results to plan lessons, make adjustments to instruction, and provide remediation and enrichment opportunities for students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), amended LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022).

§328. Resident Teacher Certificate (R)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1312 (July 2017), amended LR 1377 (October 2020), repealed LR 48:1028 (April 2022).

Subchapter F. Mathematics Teacher Competencies

§329. Introduction

A. The mathematics teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, mathematics grades 4-8, mathematics grades 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), amended LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022).

§331. Content Knowledge Competencies

A. Utilizing the academic standards for mathematics for the certification grade band and adjacent grade bands, the teacher candidate, at minimum, demonstrates the following competencies to plan for instruction, teach, and assess student learning:

1. provides exact, explicit definitions of mathematical ideas and concepts using appropriate mathematical language;
2. provides precise, accurate, useful descriptions of algorithms and procedures, including descriptions of the accuracy of alternative procedures or algorithms;
3. exhibits an integrated, functional grasp of mathematical concepts and procedures;
4. explains concepts and executes procedures flexibly, accurately, efficiently, and appropriately;
5. models the mathematical dispositions and habits of mind described in the practice standards, including precision of language, logical thought, reflection, explanation, and justification;
6. recognizes and uses the connections between the topics identified in the relevant standards and problems arising in real-world applications; and
7. portrays mathematics as sensible, useful, and worthwhile.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1301 (July 2017), amended LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022).

§333. Content Pedagogy Competencies

A. The teacher candidate applies knowledge of mathematical topics and relationships within and across mathematical domains to identify key mathematical ideas and select or design mathematically sound lesson sequences and units of study that develop student conceptual understanding, procedural skill and fluency, and ability to solve real-world and mathematical problems.

1. The teacher candidate appropriately sequences content for instruction within a lesson or unit of study and plans appropriate scaffolding to provide opportunities for students to access and master grade-level standards.

2. The teacher candidate anticipates student misconceptions which may arise during a lesson or unit of study, identifies key points in the lesson or unit to check for misconceptions, and identifies appropriate instructional strategies to respond to misconceptions, including but not limited to questioning, whole group discussion, problem sets, instructional tools, and representations that make the mathematics of the lesson explicit.

3. The teacher candidate selects or designs standards-based tasks that use varied strategies, including but not limited to real-life applications, manipulatives, models, and diagrams/pictures that present opportunities for instruction and assessment.

4. The teacher candidate selects or designs practice sets that include scaffolding and differentiation of mathematical content to provide opportunities for students to develop and demonstrate mastery.

5. The teacher candidate identifies appropriate student groupings, such as pairs or small groups, to develop student conceptual understanding, skill, and fluency with mathematical content as well as independent mathematical thinking.

B. The teacher candidate applies understanding of student mathematical language development to provide regular opportunities during instruction for students to

explain understanding both in writing and orally through classroom conversations.

1. The teacher candidate explains the connection between informal language to precise mathematical language to develop student ability to use precise mathematical language in explanations and discussions.

C. The teacher candidate applies understanding of the intersection of mathematical content and mathematical practices to provide regular, repeated opportunities for students to exhibit the math practices while engaging with the mathematical content of the lesson, including but not limited to the following:

1. using appropriate prompting and questioning that allows students to refine mathematical thinking and build upon understanding of the mathematical content of the lesson;

2. posing challenging problems that offer opportunities for productive struggle and for encouraging reasoning, problem solving, and perseverance in solving problems through initial difficulty;

3. facilitating student conversations in which students are encouraged to discuss each other's thinking in order to clarify or improve mathematical understanding;

4. providing opportunities for students to choose and use appropriate tools when solving a problem; and

5. prompting students to explain and justify work and providing feedback that guides students to produce revised explanations and justifications.

D. The teacher candidate applies knowledge of mathematical topics and relationships within and across mathematical domains to select or design and use a range of ongoing classroom assessments, including but not limited to diagnostic, formal and informal, formative and summative, oral and written, which determine student mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate identifies errors, gaps, and inconsistencies in student knowledge, skills, and mathematical reasoning to remediate or scaffold student learning during lesson implementation, using, but not limited to, the following strategies:

- a. oral and written explanations of the elements and structures of mathematics and the meaning of procedures, analogies, and real life experiences;

- b. manipulatives, models, and pictures or diagrams; and

- c. problem sets.

2. The teacher candidate uses trends in assessment results to plan lesson structure and sequence, instructional strategies, remediation, and enrichment opportunities for students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), amended LR 48:427 (March 2022), repromulgated LR 48:1029 (April 2022).

Subchapter G. Early Childhood Teacher Competencies

§335. Introduction

A. The early childhood teacher preparation competencies identify essential knowledge and skills for teacher

candidates seeking early childhood ancillary certification and certification in birth to kindergarten.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), amended LR 48:428 (March 2022), repromulgated LR 48:1029 (April 2022).

§337. Early Childhood Pedagogy Competencies

A. The teacher candidate designs instructional learning outcomes written in terms of what children will learn rather than do and includes indicators from applicable Louisiana birth to five early learning development standards (ELDS) domains, and are appropriate for diverse learners such as special education and ESL students.

B. The teacher candidate provides emotional and behavioral support to children as indicated by the following:

1. creating a positive environment that supports emotional connections between children and adults and between children and peers;
2. exhibiting an awareness and sensitivity to the emotional and learning needs of children;
3. allowing opportunities for exploration while providing comfort, reassurance, and encouragement; and
4. placing emphasis on the perspectives, interests, motivations, and points of view of the children.

C. The teacher candidate manages classroom organization to support child development as indicated by the following:

1. setting clear, age-appropriate expectations for child behavior;
2. supporting positive behavior by using effective methods, including but not limited to highlighting positive behaviors and redirecting misbehaviors;
3. promoting the ability of children to self-regulate behavior, including but not limited to using a proactive approach and planning to minimize disruptions;
4. managing instructional and learning time and routines so children have maximum opportunities to be engaged in learning activities;
5. maximizing the interest and engagement by being actively involved in the learning process; and
6. using a variety of materials and modalities to gain the interest and participation in activities.

D. The teacher candidate provides engaged instructional support for learning as indicated by the following:

1. using interactions and discussions to promote higher-order thinking skills and cognition;
2. focusing on promoting understanding rather than on rote instruction or memorization;
3. providing feedback that expands learning and understanding;
4. scaffolding learning to provide supportive guidance so that children can to achieve competencies and skills independently;
5. providing opportunities for conversations for the purpose of promoting opportunities for language use;
6. utilizing open-ended questioning techniques to allow children to put language together to communicate more ideas in increasingly complex ways;

7. modeling language use and forms through repeating and extending child responses and through self and parallel talk; and

8. using a variety of words and language forms that are new and unique to extend understanding of these parts of language.

E. The teacher candidate uses assessment to guide planning and understand child levels of growth and development as indicated by the following:

1. conducting observation-based assessments in a systematic, ongoing manner throughout daily routines and activities;
2. gathering and using assessment data for the purpose of planning instruction, activities, and experiences that further promote child development and learning;
3. reflecting on child assessment data and connections to teacher action to make changes to continuously improve practice; and
4. making decisions based on the progress of child development with reliability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1302 (July 2017), amended LR 48:428 (March 2022), repromulgated 1030 (April 2022).

Subchapter H. Other Certification Area Competencies

§339. Introduction

A. The knowledge and skills needed for teacher candidates pursuing certification in the following certification areas are defined in the following standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 48:428 (March 2022), repromulgated LR 48:1030 (April 2022).

§341. Other Special Education Areas

A. Early Interventionist Birth-Five Years: Council for Exceptional Children (CEC) Initial Special Education Early Childhood Specialty Set.

B. Deaf or Hard of Hearing K-12: CEC Initial Special Education Deaf and Hard of Hearing Specialty Set.

C. Visual Impairments/Blind K-12: CEC Initial Special Education Blind and Visually Impaired Specialty Set.

D. Academically Gifted: National Association for Gifted Children (NAGC) Teacher Preparation Standards for Gifted.

E. Significant Disabilities 1-12: CEC Initial Special Education Individualized Independence Curriculum Specialty Set.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 46:1375 (October 2020), amended LR 48:428 (March 2022), repromulgated LR 48:1030 (April 2022).

§343. Middle Grades 4-8 Education

A. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation.

B. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 48:429 (March 2022), repromulgated LR 48:1030 (April 2022).

§344. Early Childhood Ancillary Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:917 (May 2015), amended LR 43:2135 (November 2017), LR 46:1378 (October 2020), repealed LR 48:1031 (April 2022).

§345. Secondary Grades 6-12 Education

A. Agriculture Education: American Association for Agriculture (AAAE) National Standards for Teacher Education in Agriculture.

B. Business and Marketing Education: National Association for Business Teacher Education Association (NABTE) Business Teacher Education Standards.

C. Computer Science Education: International Society for Technology in Education (ISTE) Standards for Computer Science Educators.

D. Family and Consumer Sciences Education: American Association of Family and Consumer Sciences (AAFCS) Standards.

E. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers

F. Journalism Education: Association (JEA) Standards for Journalism Educators.

G. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation.

H. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers.

I. Technology Education: International Society for Technology in Education (ISTE) Standards and International Technology and Engineering Educators Association (ITEEA) Standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 48:429 (March 2022), repromulgated LR 48:1031 (April 2022).

§346. Family and Consumer Sciences (Occupational Programs)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), amended LR 38:3137 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020), repealed LR 48:1031 (April 2022).

§347. All Levels K-12 Education

A. Art Education: National Association of Schools of Art and Design (NASAD) Standards for Art Teacher Preparation.

B. Dance Education: National Association of Schools of Dance (NASD) Standards for Dance Teacher Preparation.

C. English as a Second Language Education: Teachers of English to Speakers of Other Languages (TESOL) Standards for Teacher Education Programs.

D. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers.

E. Health and Physical Education: Society of Health and Physical Educators (SHAPE) America Initial Health Education Teacher Education Standards and Initial Physical Education Teacher Education Standards.

F. Music Education: National Association of Schools of Music (NASM) Standards for Music Teacher Preparation.

G. Theater Education: National Association of Schools of Theatre (NAST) Standards for Theater Teacher Preparation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1304 (July 2017), amended LR 48:429 (March 2022), repromulgated LR 48:1031 (April 2022).

§348. Math for Professionals Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:220 (February 2009), amended LR 39:1463 (June 2013), LR 40:281 (February 2014), LR 44:2000 (November 2018), LR 45:228 (February 2019), LR 46:1378 (October 2020), repealed LR 48:1031 (April 2022).

§349. Dyslexia Ancillary Certificate (Optional)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2001 (November 2018), repealed LR 48:1031 (April 2022).

§350. Mentor Teacher Ancillary Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), amended LR 45:1460 (October 2019), LR 46:1379 (October 2020), LR 47:1492 (October 2021), repealed LR 48:1031 (April 2022).

§351. Content Leader Ancillary Certificate (Optional)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:231 (February 2019), amended LR 45:1460 (October 2019), repealed LR 48:1031 (April 2022).

§361. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), repealed LR 48:1031 (April 2022).

§401. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 34:432 (March 2008), repealed LR 48:1032 (April 2022).

§403. Child Nutrition Program Supervisor

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 33:280 (February 2007), LR 34:432 (March 2008), LR 46:1379 (October 2020), repealed LR 48:1032 (April 2022).

§405. Counselor K-12 (Counselor in a School Setting)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 38:1400 (June, 2012), LR 39:1463 (June 2013), LR 45:1055 (August 2019), repealed LR 48:1032 (April 2022).

§407. Educational Interpreter

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), amended LR 33:1616 (August 2007), repealed LR 48:1032 (April 2022).

§408. Educational Transliterator

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1617 (August 2007), repealed LR 48:1032 (April 2022).

§409. School Librarian

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), repromulgated LR 33:1617 (August 2007), amended LR 36:489 (March 2010), LR 39:1463 (June 2013), LR 46:1380 (October 2020), repealed LR 48:1032 (April 2022).

§410. Orientation and Mobility

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:894 (May 2009),

amended LR 46:1380 (October 2020), repealed LR 48:1032 (April 2022).

§411. School Nurse

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), amended LR 36:1998 (September 2010), LR 37:883 (March 2011), LR 38:44 (January 2012), LR 38:2366 (September 2012), LR 46:1380 (October 2020), repealed LR 48:1032 (April 2022).

§413. Social Worker

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:45 (January 2012), repealed LR 48:1032 (April 2022).

§414. Mental Health Professional Counselor

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:881 (March 2011), amended LR 44:2001 (November 2018), repealed LR 48:1032 (April 2022).

§415. Special Education Examiners

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:768 (March 2012), LR 46:1380 (October 2020), repealed LR 48:1032 (April 2022).

§417. Educational Leader in Special Education

Ancillary Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:1879 (November 2016), LR 43:1312 (July 2017), LR 45:1460 (October 2019), LR 46:1380 (October 2020), repealed LR 48:1032 (April 2022).

§421. Overview

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1811 (October 2006), amended LR 34:433 (March 2008), LR 37:884 (March 2011), LR 37:2135 (July 2011), LR 46:1380 (October 2020), repealed LR 48:1032 (April 2022).

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§501. Overview

A. An individual must have an official teaching credential, license, or certificate to provide instructional or other designated services in the Louisiana K-12 schools and

early learning centers. Louisiana issues three categories of teaching licenses: Standard, Nonstandard, and Ancillary. The first three Subchapters of this Chapter are devoted to these categories. A fourth Subchapter presents a policy for Special Considerations for Teachers Called to Active Military Duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 48:429 (March 2022), repromulgated LR 48:1032 (April 2022).

§503. Introduction

A. There are seven types of standard teaching certificates issued by the state of Louisiana:

1. professional Level 1, 2, and 3 certificates;
2. type C, B, and A certificates;
3. out-of-state certificate;
4. world language certificates (WLC);
5. practitioner 1, 2, and 3 licenses;
6. extended endorsement license (EEL); and
7. standard certificates for teachers in non-public schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), LR 48:429 (March 2022), repromulgated LR 48:1033 (April 2022).

§504. Career and Technical Certificate Types Issued between July 1, 2006 and September 1, 2014

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2752 (December 2009), amended LR 38:3137 (December 2012), LR 40:1329 (July 2014), repealed LR 48:1033 (April 2022).

§505. General Provisions

A. Non-Practicing Status or Operational Role Status for Standard Teaching Certificates

1. The LDE may grant:
 - a. non-practicing status to any teacher who applies after ceasing employment as a teacher or leader in a local education agency;
 - b. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.
2. Non-practicing status will take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.
 - a. If an educator was never employed in a Louisiana school system, the program provider may make the request.
3. Operational role status will take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.
4. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return to that role.
5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be

evaluated per student growth measures may apply through a local education agency for an extension of the certificate for the number of years remaining in the renewal period of the certificate.

6. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

7. The first date an educator can enter into non-practicing or operational role is August 1, 2012.

B. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of granting the exception. The final authority for approval and policy flexibility is at the discretion of the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:325 (March 2020), amended LR 48:429 (March 2022), repromulgated LR 48:1033 (April 2022).

§506. CTTIE-1 and CTTIE02 Certificate-Eligibility Requirements [Formerly §505]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1330 (July 2014), LR 45:1460 (October 2019), LR 46:1381 (October 2020), repealed LR 48:1033 (April 2022).

§507. Professional Level Certificates

A. Level 1 is the entry-level professional certificate, valid for three years. The level 2 and level 3 certificates are valid for five years.

1. Eligibility Requirements for Level 1 Professional Certificate

- a. Louisiana graduate:
 - i. successfully complete a state-approved traditional or alternate teacher preparation program:
 - (a). for alternate preparation completers, the applicant must receive mentoring by a school-based mentor teacher in accordance with §553 of this Chapter;
 - ii. have a minimum 2.50 undergraduate grade point average (GPA) on a 4.00 scale;
 - (a). an applicant who does not meet the GPA requirement may be certified if by meeting the following requirements in an alternate teacher preparation program:
 - (i). satisfactorily complete a personal interview by the program admissions officer;
 - (ii). if the program awards credit hours, the applicant shall achieve a minimum grade point average (GPA) of 3.00 in alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program;
 - (iii). if the program does not award credit hours, the applicant shall demonstrate mastery of

competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice; and

(iv). satisfactorily complete all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation;

iii. present appropriate scores on the core exams; the principles of learning and teaching (PLT) or other pedagogy exam(s) required for the area(s) of certification as specified in §303 of this Part; and the specialty area (content) exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was;

(a). See §303 of this Part for exam substitutions; and

iv. be recommended by a state-approved university or private program provider for certification.

b. Out-of-state graduate:

i. possess a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

(a). credentials may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education;

ii. hold a standard out-of-state teaching certificate, or if no certificate was issued, a letter from the state education agency (SEA) or teacher preparation program provider in the state of origin verifying eligibility in that state for a certificate in the certification area(s);

iii. pass all parts of Praxis exam(s) required for Louisiana certification:

(a). present appropriate scores on the core exams, the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification, and the specialty area (content) exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued;

(b). if applicant has obtained National Board Certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification;

(i). See §303 of this Part for exam substitutions.

iv. has completed student teaching, an internship, or year(s) of teaching experience as required by the teacher preparation program provider; and

v. has not been out of teaching in the five years immediately preceding first employment or application for a Louisiana certificate. A candidate who has not taught in five years may be issued a one-year non-renewable (OS1) certificate during completion of six semester hours required for the issuance of a three-year non-renewable (OS) certificate.

vi. A candidate who is certified in another state can qualify for exclusion from the BESE adopted exam(s)

required for Louisiana certification under the following criteria:

(a). meet all requirements for Louisiana certification except the Praxis exam requirements; have at least three years of successful teaching experience in another state, as verified by the out-of-state employing authority or SEA; and teach on an out-of-state certificate for one year in a Louisiana-approved public or an approved nonpublic school system;

(b). the employing authority must verify that the teacher has completed one year of successful teaching experience in a Louisiana approved public or an approved nonpublic school and is recommended for further employment;

(c). the employing authority must request that the teacher be granted a valid Louisiana teaching certificate.

c. Foreign Applicant (OS) Certificate eligibility requirements:

i. possess a minimum of a baccalaureate degree verified by an institution in the United States accredited in accordance with 34 CFR 602, or if the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements and submit the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education, or if the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

ii. credentials may be submitted to a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation, and the original course-by-course evaluation must include a statement verifying the comparability of the baccalaureate degree in the field of education.

d. Foreign Applicant—Level 1 Certificate eligibility requirements:

i. possess a minimum of a baccalaureate degree verified by an institution in the United States accredited in accordance with 34 CFR 602, or if the institution is located in Louisiana, the dean of the college of education must recommend the applicant for certification based upon Louisiana requirements with the original course-by-course evaluation including a statement verifying the comparability of the baccalaureate degree in the field of education, or if the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

ii. credentials may be submitted by an agency that follows the standard of the American Association of Collegiate Registrars and Admissions Officers (AACRAO) for evaluation, and the original course-by-course evaluation for certification must include a statement verifying the comparability of the baccalaureate degree in the field of education; and

iii. present appropriate scores on the core exams for the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification and the specialty area (content) exam(s) in the certification area(s) in which the teacher preparation program was completed or in which the initial certificate was issued.

(a). See §303 of this Part for exam substitutions.

B. Level 2 Professional Certificate eligibility requirements:

1. hold or meet eligibility requirements for a level 1 certificate;

2. successfully meet the standards of effectiveness for three years pursuant to state law and LAC 28:CXLVII (Bulletin 130):

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

3. accrue three years of experience in an approved educational setting.

4. If the level 2 certificate is the initial certificate, a state-approved teacher preparation program provider must submit the request.

5. If the level 1 certificated teacher qualifies for advancement to a level 2 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

C. Level 3 Professional Certificate eligibility requirements:

1. hold or meet eligibility requirements for a level 2 certificate;

2. earn a graduate degree from a college or university accredited in accordance with 34 CFR 602; and

3. have five years of experience in an approved educational setting.

a. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

4. If the level 3 certificate is initial certificate, a state-approved teacher preparation program provider must submit the request.

5. If the level 2 certificated teacher qualifies for advancement to a level 3 certificate, the request for the higher certificate must be submitted directly to the LDE by the employing authority.

D. Renewal/Extension Guidelines for Level 1, Level 2, and Level 3 Certificates

1. Level 1 certificate:

a. valid for three years initially and may be extended thereafter for a period of one year at the request of a Louisiana employing authority with extensions of Level 1 certificates being limited to two such extensions.

2. Level 2 and level 3 certificates:

a. valid for five years initially and may be renewed thereafter for a period of five years at the request of a Louisiana employing authority, with renewal of level 2 and level 3 certificates, contingent upon candidates successfully meeting the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to state law and Bulletin 130.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1033 (March 2022), repromulgated LR 48:430 (April 2022).

§509. Type C Certificates

A. Effective July 1, 2002, type C certificates are no longer issued for initial certification. The type C certificate is valid for three years. Teachers who hold type B and type A lifetime certificates will continue to hold these certificates.

Effective July 1, 2012, type B and type A lifetime certificates will no longer be issued to teachers holding type C certificates applying for advanced certificates. Teachers holding a type C certificate who wish to apply for more advanced certification credentials will be granted a level 2 certificate, upon meeting the standards of effectiveness for at least three years, pursuant to Bulletin 130 and R.S. 17:3902.

B. Type C Certificate Renewal Guidelines. The type C certificate may be renewed for an additional one-year period upon the request of the Louisiana employing authority, subject to the approval of the LDE. Type C certificates are limited to two such extensions.

C. Type B Certificate—a lifetime certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue where not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or the certificate is not revoked by the Board of Elementary and Secondary Education (BESE).

D. Type A Certificate—a lifetime certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue where not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or the certificate is not revoked by the BESE.

1. Eligibility requirements:

a. hold a type B or B* certificate;

b. successfully complete the local evaluation plan mandated by state law and Bulletin 130;

c. earn a graduate degree from an institution of higher education accredited in accordance with 34 CFR 602; and

d. have five years of experience in an approved educational setting.

1. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

2. The request for the higher certificate must be submitted directly to the LDE by the employing authority.

E. Process for Reinstating Lapsed Types B and A Certificates

1. A certificate will lapse for disuse if the holder allows a period of five consecutive calendar years to pass where not a regularly employed teacher for at least one semester, or 90 consecutive days.

2. To reinstate a lapsed certificate, the holder must present evidence of earning six semester hours of credit in state-approved courses during the five-year period immediately preceding the request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request of the Louisiana employing authority at the level that was attained prior to disuse for a period of one year, during which time the holder must complete reinstatement requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1798 (October 2006), amended LR 37:559 (February 2011), LR 38:3136 (December 2012), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020), LR 48:000 (March 2022), repromulgated LR 48:1035 (April 2022).

§511. Out-of-State (OS) Certificate

A. An out-of-state (OS) certificate, valid for a three-year period, is not renewable, and is issued to a teacher who has completed an out-of-state teacher preparation program and either holds or is eligible for a certificate in the state in which the program was completed. The teacher is not initially eligible for a level 1, 2, or 3 Louisiana certificate but meets Louisiana certification requirements with the exception of the Praxis/National Teacher Exam requirements. OS certification provides a transition period that permits the holder to be employed in Louisiana K-12 schools while completing Louisiana Praxis/NTE requirements or meeting Praxis exclusion eligibility requirements. For continued employment as a teacher in a Louisiana school system after the three-year period has elapsed, the OS certificate holder must fulfill guidelines for a level 1 or higher-level certificate.

B. OS Eligibility requirements:

1. earn a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

2. complete a teacher preparation program in another state;

3. hold a standard out-of-state teaching certificate, or if no certificate was issued, a letter from the state department of education or college of education dean verifying eligibility in that state for a certificate in the certification area(s);

4. complete student teaching or internship in a certification area, or in lieu of student teaching or internship have three years of successful teaching experience in a certification area;

5. if applicant earned a degree five or more years prior to the date of application, the educator must have been a regularly employed teacher for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana or application for a Louisiana certificate, or if lacking this experience, must earn six semester hours of credit in state-approved courses during the five year period immediately preceding application, and a candidate who has not taught in five years may be issued a one-year non-renewable (OS1) certificate while completing six semester hours required for the issuance of a three-year non-renewable (OS) certificate; and

6. beginning January 1, 2017, the LDE will issue a letter of eligibility for an OS certificate to requesting teachers at the request of the Louisiana employing authority.

C. Advancing from OS to Professional Level 1, 2, or 3 Certificate

1. Pass all parts of exam(s) required for Louisiana certification identified in §303:

a. present appropriate scores on the core exams; the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification, and the specialty area (content) exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued:

i. See §303 of this Part for exam substitutions; and

b. if applicant has obtained national board certification (NBC) in corresponding areas for which certification is being sought as well as certification/licensure

in the state of origin, the examination required for NBC will be accepted to fulfill the testing requirements for certification;

c. a candidate who is certified in another state can qualify for exclusion from the exam(s) required for Louisiana certification under the following criteria:

i. meet all requirements for Louisiana certification except the Praxis exam requirements with at least three years of successful teaching experience in another state, prior to issuance of the OS, as verified by the out-of-state employing authority or SEA, and teach on an OS certificate for one year in a Louisiana approved public or an approved nonpublic school system;

ii. the Louisiana employing authority verifies that completion of one year of successful teaching experience in a Louisiana approved public or an approved nonpublic school and has been recommended for further employment; and

iii. the employing authority requests issuance of a valid Louisiana teaching certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 35:894 (May 2009), LR 37:559 (February 2011), LR 37:882 (March 2011), LR 40:280 (February 2014), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020), LR 48:000 (March 2022), repromulgated LR 48:1036 (April 2022).

§513. World Language Certificate (WLC) PK-12

A. WLC certificate is valid for six years and may be issued to a foreign associate teacher who participates in the LDE Foreign Associate Teacher Program, and who teaches world language and/or immersion in grades PK-12.

B. WLC certificate allows the holder to receive the same benefits as a regularly certified teacher.

C. Eligibility guidelines:

1. minimum of baccalaureate degree in education or equivalent preparation in education from a foreign country with the status of the degree determined by the LDE, or if LDE staff cannot make a degree equivalent determination, the candidate credentials must be evaluated by a credentialing agency that follows the standards of the American Association of Collegiate Registrars and Admissions Officers (AACRAO), with the original course-by-course evaluation for certification submitted directly from the evaluating agency on "safe script" paper including a course-by-course evaluation;

2. a teaching certificate in the foreign country for the certification area and/or grade level that the candidate will teach in Louisiana;

3. evidence of two years of successful teaching experience in the country of origin with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

4. a native speaker of the language being taught.

D. Renewal Guidelines. Valid for six years initially and may be renewed thereafter for a period of six years at the request of a Louisiana employing authority. For renewal of a WLC certificate, candidates must successfully meet the standards of effectiveness for at least three years during the

six-year initial or renewal period pursuant to state law and Bulletin 130.

E. Professional Certificate. A professional level 1 certificate may be issued after successful completion of the PRAXIS core academic skills for educators, PRAXIS II content area examination(s), and PRAXIS principles of learning and teaching: K-6, 5-9, or 7-12. The test of English as a foreign language may be used in lieu of the PRAXIS core academic skills for educators. For renewal and reinstatement guidelines of a level 1 certificate, see in this Chapter.

F. A foreign language teacher in a certified foreign language immersion program who cannot be certified or issued a license to teach through the board's Foreign Associate Teacher Program may be allowed to teach without passing the required examination, provided the teacher has at least a baccalaureate degree and complies with state laws regarding a criminal background check.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 33:1618 (August 2007), LR 34:233 (February 2008), LR 35:642 (April 2009), LR 36:486 (March 2010), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 44:745 (April 2018), LR 44:2133 (December 2018), LR 45:1459 (October 2019), LR 48:000 (March 2022), repromulgated LR 48:1036 (April 2022).

§515. Practitioner Licenses

A. Issuance and Renewals

1. Practitioner licenses (PL) 1 and 2 may be issued for one school year, renewed annually, and held a maximum of three years while the holder completes an alternate program. Upon completion of the three years of employment on a PL certificate, the holder must fulfill guidelines for a level 1 or higher-level certificate for continued employment in a Louisiana school system.

2. The practitioner license 3 may be issued for one school year, renewed annually, and held a maximum of four years while the holder completes an alternate program. Upon completion of the four years of employment on a PL certificate, the holder must fulfill guidelines for a level 1 or higher-level certificate for continued employment in a Louisiana school system.

3. Practitioner Licenses 1-3. Beginning with the 2020-2021 academic year, in order to obtain the first renewal only of a practitioner license 1, 2, or 3 certificate, practitioner candidates participating in a residency as a teacher of record, must receive mentorship by a school-based mentor teacher who may collaborate with other personnel providing mentoring support, in accordance with LAC 28:XLV (Bulletin 996).

a. The school-based mentor teacher must be credentialed in accordance with §553 or §1369 of this Chapter.

b. The mentorship must be at least 15 percent, or 5 hours per week, of the instructional time of the school.

c. The mentorship must include intensive support, including:

- i. co-teaching;
- ii. collaborative planning; and
- iii. observation and feedback sessions.

4. Eligibility requirements:

a. minimum of a non-education baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

b. 2.50 or higher undergraduate grade point average (GPA) on a 4.00 scale to enter a non-university provider program; or a 2.20 or higher undergraduate GPA on a 4.00 scale to enter a college or university program; or be granted conditional admittance into an alternate teacher preparation program following a satisfactory personal interview by the program admission officer; and

c. passing scores on core academic skills for educators and current Praxis content area exam(s), or if no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. See §303 of this part for exam substitutions.

d. Special education mild/moderate certification candidates must qualify for admission to alternate programs by passing a Praxis specialty area exam, and secondary education candidates (grades 6-12) must pass a Praxis core subject area exam, or if there is no content Praxis exam adopted by the State in the specific secondary core subject area, candidates must demonstrate content mastery by presenting 30 semester credit hours in the core subject area.

5. The approved teacher preparation program provider shall submit the request for the initial practitioner license as well as renewals directly to the LDE.

6. Renewal Requirements. The candidate must remain enrolled in the practitioner teacher, certification-only, or master's degree alternate certification program and fulfill a minimum of six semester hours of coursework or equivalent contact hours per year for PL1, or nine semester hours or equivalent contact hours per year for PI2/3 to the extent that required semester hours remain in the program to be completed, teaching assignments, and prescribed activities identified by the program provider.

a. Beginning with the 2020-2021 academic year, the first renewal only of a PL 1, 2, or 3 will be conducted in accordance with §515.A of this Chapter.

7. For certification purposes, non-university providers and colleges or universities will submit signed statements to the LDE indicating that the student completing the practitioner teacher, certification-only, or master's degree program alternative certification path meets the following requirements:

a. passed all licensure exams required for certification pursuant to §503; and

b. completed all program requirements including the residency with a 2.50 or higher GPA for candidates in a university program;

c. if an applicant who does not meet the requirement of Subparagraph b of this Paragraph, certification may be issued if the following requirements in an alternate teacher preparation program are met:

i. satisfactory completion a personal interview by the program admissions officer;

ii. if the program awards credit hours, the applicant shall achieve a minimum GPA of 3.00 in alternate teacher preparation program courses by the end of the first 12 credit hours and successfully complete the program;

iii. if the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice; and

iv. satisfactory completion of all program requirements as set forth by BESE, including any requirements for clinical practice, at graduation;

d. demonstrate proficiency in reading and literacy competencies through successfully completing the required number of credit or contact hours in reading and literacy as specified in LAC 28:XLV (Bulletin 996) or passing a reading competency assessment noting that the reading competency assessment for early childhood PK-3, elementary 1-5, and special education candidates is the Praxis teaching reading exam, and middle grades 4-8 and secondary grades 6-12 will be required to take the required reading course credit hours or equivalent contact hours until an appropriate reading competency assessment is developed and adopted; and

e. complete prescriptive plans as determined by the preparation provider.

8. The teacher is restricted to the specific grade level and content area as designated on the practitioner license as outlined in Bulletin 996.

B. Practitioner License 1 is issued to a candidate who is admitted to and enrolled in a state-approved practitioner teacher program. Program requirements must be completed within the three-year maximum that the license can be held.

C. Practitioner License 2 is issued to a candidate who is admitted to and enrolled in a state-approved certification-only alternate certification program. Program requirements must be completed within the three-year maximum that the license can be held.

D. Practitioner License 3 is issued to a candidate who is admitted to and enrolled in a state-approved master's degree alternate certification program. Program requirements must be completed within the four-year maximum that the license can be held.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 35:221 (February 2009), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1376 (October 2020), LR 48:433 (March 2022), repromulgated LR 48:1037 (April 2022).

§517. Extended Endorsement License (EEL)

A. Extended Endorsement License (EEL) is issued for one school year, renewable annually, and may be held a maximum of three years while the holder pursues certification in the content area of the license.

B. Eligibility Requirements:

1. the individual holds a valid Louisiana teaching certificate of one of the following types: Level 1, Level 2, Level 3, Type A, Type B, Type C, OS;

2. the individual has passed the current content area exam(s) appropriate for the content area in which the Extended Endorsement License is being requested; and

3. the individual provides a detailed prescription that identifies any additional coursework or exams needed to

complete the area/level certification endorsement and signed by the superintendent and the human resources director of the employing local education agency.

C. Renewal Requirements. Teacher must successfully complete a minimum of nine credit hours of coursework per year, applicable toward certification in the content area of the license.

1. If fewer than nine hours are required to complete the certification, then all of the remaining hours must be taken.

2. If no credit hours remain to be taken, then the individual must provide evidence that the required exams were taken at a minimum of once per year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1339 (July 2007), amended LR 48:434 (March 2022), repromulgated LR 48:1038 (April 2022).

§519. Standard Certificates for Teachers in Nonpublic Schools

A. A standard certificate with an asterisk (*) following the certificate type is issued to a teacher in a nonpublic school. If the teacher enters a public school system in Louisiana, the educator will be required to meet the standards of effectiveness pursuant to state law and in accordance with LAC 28:CXLVII (Bulletin 130) for issuance of a level 2 or level 3 teaching certificate.

B. Level 2* (2-asterisk) Certificate—valid for five years.

1. Eligibility requirements:

a. a Louisiana level 1 certificate;

b. successfully taught for three years;

c. complete a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the level 2* certificate must be submitted directly to the LDE by the Louisiana employing authority.

C. Level 3* (3-asterisk) Certificate—valid for five years.

1. Eligibility requirements:

a. hold or be eligible to hold a Louisiana level 1, 2 or 2* certificate;

b. successfully taught for five years;

c. graduate degree from college or university accredited in accordance with 34 CFR 602; and

d. complete a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the level 3* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. Renewal Guidelines for Level 2* and Level 3* Certificates

a. A teacher must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period.

b. The Louisiana employing authority must request renewal of a level 2* or level 3* certificate.

D. Type B* (B-asterisk) Certificate—a lifetime nonpublic school certificate for continuous service, provided the holder does not allow any period of 5 or more consecutive years of disuse to accrue where not a regularly employed teacher for at least 1 semester, or 90 consecutive days, and/or certificate is not BESE.

1. Eligibility requirements:

a. a Louisiana type B certificate;
b. successfully taught for three years; and
c. complete a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the type B* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. The type B* certificate is valid for life of continuous service in a nonpublic school setting, and if the teacher enters a Louisiana public/charter school the requirement shall be to complete the local evaluation plan mandated by state law and Bulletin 130 regulations.

E. Type A* (A-asterisk) Certificate is valid for life of continuous service in a nonpublic school setting, provided the holder does not allow any period of 5 or more consecutive years of disuse to accrue where not a regularly employed teacher for at least 1 semester, or 90 consecutive days, and/or the certificate is not revoked by the BESE.

1. Eligibility requirements:

a. a Louisiana type B, or type B* certificate;
b. successfully taught for five years;
c. graduate degree from a college or university accredited in accordance with 34 CFR 602; and
d. complete a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the type A* certificate must be submitted directly to the LDE by the Louisiana employing authority.

3. The type A* certificate is valid for life of continuous service in a nonpublic school setting, and if the teacher enters a Louisiana public school the requirement shall be to successfully complete the local evaluation plan mandated by state law and Bulletin 130.

F. Reinstating Lapsed Types B* or A* Certificate

1. If the holder of a type B*, or type A* certificate allows a period of five consecutive calendar years to pass in which the educator is not a regularly employed teacher for at least one semester, or 90 consecutive days, the certificate will lapse for disuse.

2. To reinstate a lapsed certificate, the holder must present evidence that the educator earned six semester hours of credit in state-approved courses during the five-year period immediately preceding the request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request of the Louisiana employing authority at the level that was attained prior to disuse for a period of one year, during which time the holder must complete reinstatement requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1801 (October 2006), amended LR 36:752 (April 2010), LR 37:559 (February 2011), LR 38:1952 (August 2012), LR 43:1309 (July 2017), LR 46:1377 (October 2020), LR 48:435 (March 2022), repromulgated LR 48:1038 (April 2022).

§521. Certification of Personnel in Nonpublic School Systems Meeting Nonpublic Standards

A. As outlined in Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators, the standards listed below are the requirements to meet nonpublic certification standards.

B. Principals

1. A nonpublic school principal, assistant principal, or headmaster must hold a graduate degree in any area from an accredited institution or have principalship on the Louisiana teaching certificate. The principal is to be a full-time, on-site employee and may be a teacher as well as the educational administrator of the school.

2. Assistant principals who do not meet minimum qualifications may be retained in a school provided if employed in that school during the 1992-93 school year as an assistant principal.

3. A list of the exempted assistant principals is to be maintained on file in the LDE. Upon retirement or replacement, the assistant principal must be replaced with properly qualified personnel under the nonpublic school standards. The exempted individuals may not be transferred or employed by another school unless the requirements stated in the above standard are met.

C. Instructional Staff. Each member of the instructional staff teaching secular subjects, grade levels pre-kindergarten through 12, shall meet one of the following three options:

1. hold a valid Louisiana teaching certificate for the courses teaching;

2. qualify to teach in nonpublic schools by meeting all of the following criteria:

a. have a baccalaureate degree from an institution accredited in accordance with 34 CFR 602;

b. have a college major or the equivalent in the area of the teaching assignment, and for teachers in self-contained classrooms in grades 1 through 8, the major shall be in elementary education; and

c. earn 12 semester hours of Knowledge of the Learner and the Learning Environment, with a beginning teacher having a three-year period in which to meet the 12-semester hour requirement that provides the prospective teacher with a fundamental understanding of the learner and the teaching and learning process through coursework addressing the needs of the regular and the exceptional child, such as:

- i. child/adolescent development/psychology;
- ii. educational psychology;
- iii. the learner with special needs;
- iv. classroom organization and management; and
- v. multicultural education.

3. Teachers who do not meet the requirements of Paragraphs 1 or 2 of this Section may obtain a nonpublic temporary teaching authorization (T) issued by the LDE or a

diocesan superintendent for schools within the diocesan system, which is valid for one year, with renewal based upon the teacher completing six semester hours needed to complete the requirements of Paragraphs 1 or 2 of this Section.

a. Teachers of grades 1 through 8 without an elementary education major shall also work towards a practitioner's license through an alternative program as outlined in this part and Bulletin 996.

D. A teacher may teach in areas other than the major field for a period of time that is less than one-half of the school day provided at least 12 semester hours were earned in each such area, with an exception made for teachers in trade and industrial education classes who hold a degree from an institution accredited in accordance with 34 CFR602 and have earned 12 semester hours of professional education courses.

1. A graduate of a foreign university or college, regardless of the college major, may teach a foreign language if that language is his/her native tongue, and the teacher must earn 12 semester hours of professional education courses within a three year period.

E. Teachers of the pre-kindergarten class shall be certified or qualified in either elementary, kindergarten, or pre-kindergarten or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Family and Consumer Sciences.

F. Teachers of a kindergarten class shall be certified or qualified in either elementary or kindergarten or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Family and Consumer Sciences.

G. Staff members teaching religion at the high school level (9-12) for Carnegie units must have a minimum of a bachelor's degree. Staff members teaching religion that do not meet minimum qualifications may be retained in a school provided they were employed during the 1995-96 school year as teachers of religion.

H. Professional and/or technical personnel such as C.P.A.s, doctors, college or university professors, lab technicians, and attorneys may teach less than one-half of a school day in the area of expertise.

I. Credentials for graduates of foreign universities or colleges must be submitted to the American Association of Collegiate Registrars and Admissions Officers (AACRAO) or any agency approved by BESE, for evaluation according to the LDE procedures. After reviewing the evaluation, the local administrator shall determine if the applicant is qualified to teach according to the requirements of this Section, and a copy of the evaluation shall be kept on file in the principal's office.

1. Applicants with foreign credentials seeking state certification should follow procedures as outlined by the LDE.

J. Teachers in nonpublic schools seeking state certification shall follow the LDE procedure for submission.

1. Secondary and elementary personnel may teach grade levels preK-12 in the qualified areas.

K. A teacher may be considered qualified without having the 12 hours of Knowledge of the Learner and the Learning Environment courses contingent upon the following:

1. the teacher has documented experience at one of the following levels:

a. ten years teaching experience at the collegiate level as an assistant professor, associate professor, or full professor; or

b. ten years teaching experience in an approved elementary, middle, or secondary school; and

2. the teacher has the content knowledge qualifications required in §521 of this Part; or

3. the teacher has a graduate degree in the teaching area; and

4. the teacher has taught for a probationary period of at least one year with a satisfactory evaluation at the employing school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:426 (March 2022), repromulgated LR 48:1039 (April 2022).

§523. Local Education Agency Appeal

A. If a teacher evaluation demonstrates that the standards for effectiveness, as determined by BESE, have been met, using value-added data or other components of the evaluation, for three years during the initial certification or renewal process, a certificate shall be issued or renewed unless the LDE or BESE receives evidence from the LEA that justifies discontinuation.

B. Similarly, if a teacher evaluation demonstrates that the standards for effectiveness, as determined by BESE, have not been met, using either value-added data or other components of the evaluation, for three years during the initial certification or renewal process, the LDE shall not issue or renew a certificate unless evidence of effectiveness is received from the LEA that justifies the issuance of a certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2129 (October 2015), amended LR 48:437 (March 2022), repromulgated LR 48:1040 (April 2022).

Subchapter B. Nonstandard Teaching Credentials

§525. Introduction

A. There are five types of nonstandard teaching credentials issued in Louisiana: temporary authority to teach (TAT); out-of-field authorization to teach (OFAT); temporary employment permit (TEP); nonpublic temporary certificate (T); and resident teacher certificate (R). Nonstandard credentials are of a temporary nature but may be renewed under specified guidelines.

B. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE in accordance with BESE policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017), LR 48:437 (March 2022), repromulgated LR 48:1040 (April 2022).

§527. Temporary Authority to Teach (TAT)

A. Temporary authority to teach (TAT) is issued for one calendar year, while the holder pursues alternate certification program admission requirements or certification requirements. A TAT cannot be issued to teachers who previously held a temporary employment permit (TEP) or a standard teaching certificate.

B. Eligibility Requirements

1. The applicant must teach in a demonstrated area of need as evidenced by LEA-level workforce needs.

2. The applicant must have a baccalaureate or higher degree from an institution accredited in accordance with 34 CFR 602.

3. The applicant must possess passing scores on the core academic skills for educators in reading and writing examinations or appropriate scores on the ACT or SAT.

a. See §303 for exam substitutions.

4. The applicant must have at least a 2.20 undergraduate GPA. An applicant who does not meet the GPA requirement may be certified upon satisfactorily completion of a personal interview by the employing school system.

C. The employing school system must submit the application and provide an affidavit signed by the local superintendent, or the designee, verifying that good faith efforts for recruiting certified personnel have been made, including posting all positions for which TATs are issued and that there is no regularly certified, competent, and suitable person available for the position.

D. Renewal Requirements

1. TATs are valid for one year initially and may be renewed twice thereafter provided:

a. the applicant provides evidence that the required exam(s) for admission into a teacher preparation program has been taken at least twice since the issuance of the TAT;

b. the applicant provides evidence of meeting the standards of effectiveness pursuant to Bulletin 130;

c. the employing school system submits the application on behalf of the applicant and provides an affidavit signed by the local superintendent, or the designee, verifying that good faith efforts for recruiting certified personnel have been made, including posting all positions for which TATs are issued; and

d. there is no regularly certified, competent, and suitable person available for the position.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), amended LR 36:2547 (November 2010), LR 40:280 (February 2014), LR 44:2000 (November 2018), LR 45:1750 (December 2019), LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022).

§529. Out-of-Field Authorization to Teach (OFAT)

A. Out-of-Field Authorization to Teach (OFAT) is issued for one three-year period while the holder pursues

endorsement or add-on certification requirements. The OFAT is limited to two certification areas and is transferable to other employing school systems for the remaining validity period. If the teacher is actively pursuing certification in the field and the LDE has designated the area as an area that requires extensive hours for completion, up to two additional years of renewal may be granted. Issuance of subsequent OFAT requests may be considered once the previous OFAT certification area(s) have been added to the holder's standard teaching certificate.

B. Eligibility requirements:

1. issued to an applicant who holds a valid Louisiana out-of-state certificate;

2. temporary employment permit; or

3. a type C, type B or B* type A or A*, level 1, level 2 or 2*, or level 3 or 3* or OS teaching certificate but is teaching outside of the certified area(s).

C. OFAT Stipulations

1. LEAs must submit the application and provide an affidavit signed by the local superintendent, or the designee, verifying that good faith efforts for recruiting certified personnel have been made, including consulting the Teach Louisiana website, and that there is no regularly certified, competent, and suitable person available for the position, and that the applicant is the best-qualified person for the position.

2. If the teacher is actively pursuing certification in the field and the LDE designates the area as an area that requires extensive hours for completion, up to two additional years of renewal may be granted. Designated areas are as follows:

a. applicants pursuing certification in academically gifted, significant disabilities, early interventionist, deaf or hard of hearing, and visual impairments/blind may be granted two additional years of renewal; and

b. applicants pursuing certification in mild/moderate may be granted one additional year of renewal.

D. COVID-19 OFAT Extensions. Educators for whom the 2019-2020 school year was the final year of OFAT validity period and who were unable to successfully meet endorsement or add-on certification requirements due to the COVID-19 pandemic, shall be granted a one-year OFAT extension for the 2020-2021 school year. This OFAT extension is only available to educators employed in 2019-2020 as reported by school systems in the Profile for Educational Personnel (PEP).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 33:2355 (November 2007), LR 35:1487 (August 2009), LR 43:1311 (July 2017), LR 46:1377 (October 2020), LR 48:437 (March 2022), repromulgated LR 48:1041 (April 2022).

§531. Temporary Employment Permit (TEP)

A. Temporary Employment Permit (TEP) is issued for one school year, renewable annually, and may be held a maximum of three years while the holder pursues satisfaction of state Praxis requirements. Upon completion of the three years of employment on a TEP, for continued employment in a Louisiana school system, the holder must fulfill guidelines for a level 1 or higher-level certificate.

B. Eligibility Guidelines 1. TEP is issued to an applicant who meets all certification requirements with the exception of passing all portions of the NTE commons examination completed prior to February 20, 1985, but who scores within 10 percent of the composite score required for passage of all exams.

1. The Louisiana employing authority must submit the application to the LDE.

2. The Louisiana employing authority must submit a signed affidavit to the LDE stipulating that there is no other applicant meeting all certification requirements who is available for employment for a specific teaching position.

3. Issuance of a TEP shall not waive the requirement that the person must successfully complete the exam.

C. Eligibility Guidelines 2. TEP is issued to an individual who meets all certification requirements with the exception of passing one of the components of the NTE/Praxis examination(s) completed after February 20, 1985, but who has an aggregate score equal to or above the total required on all NTE/Praxis exams for the area of certification. The individual must submit the application and all required documents to the LDE.

D. Renewal Requirements. A TEP can be renewed twice, and only if evidence is presented that the required exam has been retaken twice within one year from the date the permit was last issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 43:1311 (July 2017), LR 48:438 (March 2022), repromulgated LR 48:1041 (April 2022).

§533. Nonpublic Temporary Certificate (T)

A. Nonpublic Temporary Certificate (T) is valid for one year; and is renewable.

B. Eligibility Guidelines. The T certificate is granted to teachers practicing in a nonpublic school setting that requires temporary credentialing to meet nonpublic school standards. When nonpublic standards are met in accordance with Bulletin 741 (Nonpublic) - Louisiana Handbook for Nonpublic School Administrators, the teacher serves in the nonpublic setting without a teaching certificate but has met the nonpublic standards.

C. Renewal Guidelines. The holder must earn six semester hours of professional coursework annually.

D. Availability of Required Courses. Documentation that necessary coursework was not available must be provided in the form of letters of verification from all universities in the accessible geographic area stating that the necessary coursework was not offered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 48:000 (March 2022), repromulgated LR 48:1042 (April 2022).

§535. Resident Teacher Certificate (R)

A. Beginning July 1, 2018, the resident teacher certificate (R) shall be required for individuals completing a one-year residency required for certification in Louisiana pursuant to Bulletin 996.

B. Resident teacher certificates are valid for one school year, are renewable, and may be held a maximum of three years while the holder pursues certification through a BESE-approved teacher preparation program.

C. Eligibility guidelines:

1. enrollment in a BESE-approved traditional, master's degree, or certification-only teacher preparation program;

2. placement in a classroom in a public or approved nonpublic school with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification pursuant to Bulletin 746;

a. resident teachers placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness pursuant to state law and Bulletin 130; and

3. passing scores on required core academic skills exams for initial issuance, including exam substitutions outlined §303 of this Part.

D. Renewal guidelines: passing scores on required content knowledge exams for renewal.

E. The request for the Resident Teacher license as well as renewal requests must be submitted directly to the LDE by the preparation provider.

F. The LDE will begin issuing resident teacher certificates to candidates completing residencies in BESE-approved programs with one-year residencies beginning July 1, 2017.

G. There shall be no fee charged for the resident teacher certificate issuance.

H. Holders of the resident teacher certificate may serve as a substitute teacher in the residency school system for up to ten days each semester. Such service shall not impede residency performance or ability to successfully complete the preparation program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1312 (July 2017), amended LR 1377 (October 2020), LR 48:483 (March 2022), repromulgated LR 48:1042 (April 2022).

Subchapter C. Ancillary Teaching Certificates

§537. Introduction

A. Types of Ancillary Certificates

1. Ancillary certificates are issued by the LDE for individuals who provide teaching, support, administrative, or supervisory services to children in pre-kindergarten through twelfth grade schools and early learning centers serving children from birth to five years old.

a. See Chapter 7 of this Part regarding ancillary certificates issued for individuals who provide support services in pre-kindergarten through twelfth grade schools and early learning centers serving children from birth to five years old.

b. See Chapter 15 of this Part regarding ancillary certificates issued for individuals who provide administrative and supervisory services in pre-kindergarten through twelfth grade schools.

2. Types of ancillary teaching certificates are as follows:

a. ancillary artist or talented;

- b. early childhood ancillary;
- c. nonpublic Montessori teacher;
- d. family and consumer sciences (occupational programs);
- e. Junior Reserve Officers Training Corps (JROTC) instructor;
- f. math for professionals;
- g. mentor teacher ancillary; and
- h. content leader ancillary.

3. Non-Practicing status or operational role status for ancillary teaching certificates may be granted in accordance with §505 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 41:917 (May 2015), LR 45:230 (February 2019), LR 46:1378 (October 2020), LR 48:439 (March 2022), repromulgated LR 48:1042 (April 2022).

§539. Artist or Talented Certificate

A. An ancillary artist or talented certificate is issued to an applicant who has earned an advanced degree in an artistic or talented field, or who has produced evidence of creative accomplishments over an extended period of time. An ancillary artist or ancillary talented certificate allows the holder to provide artistic and/or creative services in a regular classroom to children at any age level.

B. Artists Certificate (Art, Creative Writing, Drama, Dance, Music, Theatre, Visual Arts)

1. Certification is granted only in the specific artist area of art, creative writing, drama, dance, music, theatre, or visual arts requested.

2. Eligibility requirements:

- a. a written request from the Louisiana employing authority indicating that the person will be employed;
- b. substantive evidence of artistic and/or creative accomplishment over an extended period of time, submitted in the form of newspaper articles, brochures, catalogs, playbills, programs, magazines, published music, letters from accomplished peers, etc., noting that photographs, slides and actual artwork are only acceptable when document(s) verifying the artist authenticity of the work is included.

3. Renewal Guidelines. The initial validity period is for five years, with renewal thereafter for a period of five years at the request of an LEA with verification of successfully meeting the standards of effectiveness for at least three years during the initial certification or renewal period pursuant to Bulletin 130 and R.S. 17:3902.

4. The person holding such certification is not eligible for tenure.

C. Talented Certificate (Music, Theatre, or Visual Arts)

1. The certificate allows the certificate holder to provide talented services.

2. Certification is granted only in the specific talented area requested (visual art, music, or theatre).

3. Eligibility requirements:

- a. graduate degree in Art, Music, Theatre Liberal Arts, or Theatre Education or substantive evidence of artistic and/or creative accomplishment over an extended period of time, submitted in the form of newspaper articles, brochures,

catalogs, playbills, programs, magazines, published music, letters from accomplished peers, etc., noting that photographs, slides, and actual artwork are not acceptable;

b. written request from the LEA indicating that the individual will be employed as a talented teacher; and

c. the individual must have a minimum of one year of successful experience working with students in the specific arts area and at the level for which employed.

i. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

4. Renewal Guidelines. The initial period of validity is for five years initially and may be renewed thereafter for a period of five years at the request of the employing LEA. For renewal of the ancillary certificate, candidates must successfully meet the standards of effectiveness for at least three years during the initial certification or renewal period pursuant to Bulletin 130 and R.S. 17:3902.

5. Persons holding a talented certificate are not eligible for tenure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:762 (March 2012), LR 38:3136 (December 2012), LR 45:1459 (October 2019), LR 48:439 (March 2022), repromulgated LR 48:1043 (April 2022).

§541. Early Childhood Ancillary Certificate

A. The early childhood ancillary certificate authorizes an individual to teach in a publicly-funded early learning center serving children ages birth to five as defined in R.S. 17:407.33, unless program requirements mandate a professional-level certificate. After June 30, 2019, an individual shall have, at a minimum, an early childhood ancillary certificate to serve as a lead teacher in a publicly-funded early learning center.

B. Early Childhood Ancillary Certificates

1. Eligibility Requirements. An early childhood ancillary certificate shall be issued to an applicant who submits evidence of one of the following to the LDE:

- a. a baccalaureate degree or higher from a college or university accredited in accordance with 34 CFR 602;
- b. a current child development associate (CDA) credential, either infant/toddler, preschool or family childcare, awarded by the Council for Professional Recognition and a high school diploma or equivalent:

i. after July 1, 2018, all 120 clock hours of coursework for the CDA must be earned from a BESE-approved early childhood ancillary certificate program provider for initial issuance:

(a). an individual who has completed 36 or more clock hours of coursework for the CDA by July 1, 2018, may complete the remaining coursework for the CDA from any CDA provider;

(b). an individual who has not completed 36 or more clock hours of coursework for the CDA by July 1, 2018, must earn all 120 hours of coursework for the CDA from a BESE-approved early childhood ancillary certificate program provider;

(c). after July 1, 2018, individuals may submit a request to the LDE to waive the requirement that all 120 hours of coursework for the CDA be obtained from a BESE-

approved early childhood ancillary certificate program if the individual is able to demonstrate unavailability of enrollment options within a reasonable geographic proximity;

ii. after July 1, 2018, applicants who obtained a CDA or completed coursework from a provider that is not BESE-approved while residing in another state shall submit additional documentation of program components for approval;

iii. coursework counting toward the early childhood ancillary certificate shall include at least 10 training hours in each of the following subject areas:

(a). planning and implementing a safe and healthy learning environment;

(b). advancing physical and intellectual development;

(c). supporting social and emotional development;

(d). building productive relationships with families;

(e). managing an effective program operation;

(f). maintaining a commitment to professionalism;

(g). observing and recording child behavior; and

(h). understanding principles of child development and learning;

c. an associate degree in an early childhood related field from a college or university accredited in accordance with 34 CFR 602;

d. a technical diploma or certificate of technical studies in an early childhood related field from an accredited technical or community college:

i. after July 1, 2018, all coursework for technical diplomas and certificates of technical studies must be earned from a BESE-approved provider;

ii. after July 1, 2018, individuals may submit a request to the LDE to waive the requirement that coursework be obtained from a BESE-approved early childhood ancillary certificate program if the individual is able to demonstrate unavailability of enrollment options within a reasonable geographic proximity; and

e. a career diploma that has been approved by the Louisiana Pathways Career Development System, and in which coursework began prior to July 1, 2018.

2. Renewal Requirements:

a. For individuals meeting eligibility requirements with a CDA, the early childhood ancillary certificate shall be valid for a three-year period. The ancillary certificate may be renewed by the LDE at the request of the applicant employer with submission of either documentation of a renewed CDA credential, awarded by the Council for Professional Recognition, or documentation of:

i. either a 3 credit-hour course or 45 clock hours of approved training or professional development in early childhood care and education; and

ii. a minimum of 80 hours of work experience with young children or families with young children within the last three years.

b. For individuals meeting eligibility requirements with a baccalaureate degree or higher, associate degree, technical diploma, certificate of technical studies, or career diploma, the early childhood ancillary certificate shall be valid for a three-year period. The certificate may be renewed

by the LDE at the request of the applicant's employer with submission of documentation of:

i. either a 3 credit-hour course, 45 clock hours of training in early childhood care and education or a CDA credential earned from a BESE-approved early childhood ancillary certificate program and awarded by the council for Professional Recognition; and

ii. a minimum of 80 hours of work experience with young children or families with young children within the last three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:17:6(A)(10), (11), and (15), R.S. 17:7(6), and R.S. 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:917 (May 2015), amended LR 43:2135 (November 2017), LR 46:1378 (October 2020), LR 48:440 (March 2022), repromulgated LR 48:1043 (April 2022).

§543. Nonpublic Montessori Teacher Certificate

A. Louisiana Montessori teachers will be certified and issued Louisiana Montessori teaching certificates by the LDE.

B. Eligibility Requirements:

1. For a Type C Montessori Certificate—the teacher must have completed training from an approved provider listed in §1363 of this Part.

2. For a type B Montessori certificate:

a. at least one year of successful teaching experience in a Montessori school;

b. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

c. complete training from an approved provider listed in §1363 of this Part.

3. For type A, junior class A, and junior Montessori certificates:

a. a bachelor's degree from a college or university accredited in accordance with 34 CFR 602;

b. at least one year of successful teaching experience in a Montessori school;

c. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

d. complete training from an approved provider listed in §1363 of this Part.

C. This certificate is valid for five years initially and may be renewed thereafter for a period of five years at the request of a LEA. For renewal of the ancillary certificate, candidates must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:3136 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020), LR 48:000 (March 2022), repromulgated LR 48:1044 (April 2022).

§545. Family and Consumer Sciences Occupational Programs

A. An ancillary certificate issued in family and consumer sciences occupational programs authorizes an individual to teach in the areas of childcare, clothing service, food service,

housing and interior design, and institutional home management.

B. Provisional Certification eligibility requirements:

1. bachelor's degree in a family and consumer sciences specialty area;

2. 12 semester hours in professional education courses, to include organization and administration of family and consumer sciences occupational programs; and

3. minimum of 2,000 hours of successful work experience in the area of occupational certification.

C. Provisional Certification renewal requirements. Valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the ancillary certificate, candidates must successfully meet the standards of effectiveness for at least three years during initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902

D. Qualified Certification eligibility requirements:

1. complete requirements for provisional certification;

2. earn three years of teaching experience in family and consumer sciences occupational programs; and

3. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

E. Qualified Certification Renewal Requirements. Valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the certificate, candidates must successfully meet the standards of effectiveness for at least three years during initial or renewal period pursuant to Bulletin 130 and R.S.17:3902.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), amended LR 38:3137 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020), LR 48:441 (March 2022), repromulgated LR 48:1044 (April 2022).

§547. Junior Reserve Officers Training Corps Instructor (ROTC)

A. An ancillary certificate issued in ROTC authorizes an individual to teach Junior ROTC.

B. Eligibility requirements:

1. be retired from active duty in the retired grades of E-6-E-9, WO-1-CWO-5, 03-06; and

2. official recommendation by appropriate branch of the military service with certification by the appropriate department of defense.

C. Renewal requirements. Valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the certificate, candidates must successfully meet the standards of effectiveness for at least three years during initial or renewal period in accordance with Bulletin 130 and R.S.17:3902.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:432 (March 2008), amended LR 34:1610 (August 2008), LR 38:3137 (December 2012), LR 48:441 (March 2022), repromulgated LR 48:1045 (April 2022).

§549. Math for Professionals Certificate

A. An ancillary math for professionals certificate is issued to an applicant who has an undergraduate degree from a university accredited in accordance with 34 CFR 602 and/or evidence of a math and/or science work-related background.

B. Math for professionals certificate allows an individual to teach one or more mathematics courses.

C. Eligibility requirements:

1. meets at least one of the following:

a. earned 30 credit hours of mathematics;

b. earned a graduate degree in mathematics, engineering, or science content area; or

c. successful passing of the Praxis Secondary Mathematics: Content Knowledge test.

2. recommendation and support of current employing school system. Written request is required from the Louisiana employing authority indicating that the person will be employed in the area upon issuance of certification;

3. complete a district developed classroom readiness/training program, based on state guidelines.

D. Renewal requirements. Valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the certificate, a candidate must successfully meet the standards of effectiveness for at least three years during the initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

E. The holder of such certification is not eligible for tenure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:220 (February 2009), amended LR 39:1463 (June 2013), LR 40:281 (February 2014), LR 44:2000 (November 2018), LR 45:228 (February 2019), LR 46:1378 (October 2020), LR 48:441 (March 2022), repromulgated LR 48:1045 (April 2022).

§551. Dyslexia Ancillary Certificate (Optional)

A. Dyslexia Practitioner. The optional dyslexia practitioner ancillary certificate is issued to an individual to teach students with dyslexia.

1. Eligibility requirements:

a. hold a valid Louisiana teaching certificate; and

b. demonstrate completion of a multisensory-structured language training program accredited by a nationally-recognized accrediting organization, as posted on the LDE website, which shall include 45 hours of coursework and 60 hours of clinical work that is observed and monitored by a qualified professional; and

c. pass a multisensory-structured language education-related competency examination that is administered by a nationally-recognized professional organization that issues national certification.

2. Renewal Requirements. The certificate is valid for a period of five years and may be renewed thereafter at the request of the Louisiana employing authority.

a. Candidates shall successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with Bulletin 130 and R.S. 17:3902.

b. Candidates shall verify that the certificate issued by a nationally-recognized professional organization is in good standing at the time of the renewal request.

B. Dyslexia Therapist. The optional dyslexia therapist ancillary certificate is issued to an individual to teach students with dyslexia.

1. Eligibility requirements:

a. hold a valid Louisiana teaching certificate;

b. demonstrate completion of a multisensory-structured language training program accredited by a nationally-recognized accrediting organization, as posted to the LDE website, which shall include 200 hours of coursework and 700 hours of clinical work that is observed and monitored by a qualified professional; and

c. pass a multisensory-structured language education-related competency examination that is administered by a nationally-recognized professional organization, as posted on the LDE website, that issues national certification.

2. Renewal Requirements. The certificate is valid for a period of five years and may be renewed thereafter at the request of the Louisiana employing authority.

a. Candidates shall successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with Bulletin 130 and R.S. 17:3902.

b. Candidates shall verify that the certificate issued by a nationally-recognized professional organization is in good standing at the time of the renewal request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2001 (November 2018), amended LR 48:000 (March 2022), repromulgated LR 48:1045 (April 2022).

§553. Mentor Teacher (MT) Ancillary Certificate

A. Beginning September 1, 2020, the mentor teacher ancillary certificate will be required for individuals who serve as a mentor of undergraduate or post-baccalaureate teacher residents.

B. Provisional MT Certification. Individuals serving as mentors who have not successfully completed a BESE-approved mentor training program or mentor assessments will be issued a nonrenewable provisional mentor teacher ancillary certificate, valid for one calendar year from the date of issuance while the holder completes a BESE-approved mentor training program or mentor assessments.

C. Provisional certification eligibility requirements:

1. hold, or be eligible to hold, a valid type C, level 1 or higher Louisiana teaching certificate; or

2. if teaching in a charter school without a valid type C, level 1 or higher certificate, have at least two years of successful teaching in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902; or

3. if teaching in a nonpublic school without a valid type C, level 1, or higher certificate earn at least two years of effective ratings per local personnel evaluations; and

4. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

5. enroll in a BESE-approved mentor training program.

D. MT Ancillary Certification. Individuals who have completed a BESE-approved mentor teacher training program and earn a passing score on the Louisiana mentor teacher assessment series will be issued a mentor teacher ancillary certificate. For teachers holding a valid type C, Level 1 or higher Louisiana teaching certificate, see §1369 of this Part. The LDE will begin issuing mentor teacher ancillary certificates no later than July 1, 2019.

E. MT Ancillary certification eligibility requirements:

1. if teaching in a charter school without a valid type C, level 1 or higher certificate, have at least two years of successful teaching in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902; or

2. if teaching in a nonpublic school without a valid type C, level 1, or higher certificate earn at least two years of effective ratings per local personnel evaluations; and

3. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

4. successfully complete a BESE-approved mentor teacher training program; and

5. earn a passing score on the Louisiana mentor teacher assessment series.

6. Individuals who successfully complete LDE mentor teacher training from November 1, 2017 through July 31, 2020, are eligible for the mentor teacher ancillary certificate after passing the Louisiana mentor teacher assessment series.

7. Individuals who hold National Board certification are eligible for mentor teacher ancillary certification after passing the coaching-related components of the Louisiana mentor teacher assessment series.

8. Individuals who currently hold or are eligible to hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the ancillary certificate, which makes the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents.

9. Certified CLASS ® observers may apply for the ancillary certificate and upon issuance are eligible to serve as mentors of undergraduate or post-baccalaureate residents.

F. MT Ancillary Certificate Renewal Guidelines. Mentor teacher ancillary certificates are valid for five years and may be renewed at the request of the employing authority.

1. Teachers in charter schools who do not hold a level 1, 2, or 3 certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

2. Teachers in nonpublic schools who do not hold a level 1, 2, or 3 certificate must earn effective ratings per local personnel evaluations for at least three years during the five-year renewal period in order to renew the mentor teacher ancillary certificate.

G. For the 2020-2021 and 2021-2022 school years, the requirement that all undergraduate residents and post-baccalaureate candidates be placed with mentor teachers holding the ancillary mentor teacher certificate, the ancillary provisional mentor teacher certificate, or the Supervisor of Student Teaching certificate, is waived with the following contingencies.

1. Mentor teacher waivers will be granted on a case-by-case basis through the application process established by

the LDE and at no fee to the applicant, school system, or teacher preparation provider;

2. The waiver will be issued by the LDE for educators highly recommended by the mentor's principal and who possess one or more of the following qualifications:

- a. two years of highly effective Compass ratings;
- b. National Board Certification;
- c. statewide or national distinction for excellence in teaching;
- d. experience as a TAP mentor, master teacher, executive master teacher or certified TP evaluator;
- e. content leader experiences, as evidenced by participation in content leader training or redelivery of professional development; or
- f. master's or doctorate in education and exemplary experience hosting student teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), amended LR 45:1460 (October 2019), LR 46:1379 (October 2020), LR 48:442 (March 2022), repromulgated LR 48:1046 (April 2022).

§555. Content Leader (CL) Ancillary Certificate (Optional)

A. The content leader ancillary certificate is an optional certificate that districts may require. The LDE will begin issuing content leader ancillary certificates to candidates no later than July 1, 2019.

B. CL Ancillary Certificate eligibility requirements:

1. if teaching in a charter school without a valid type C, level 1 or higher certificate, have at least two years of successful teaching in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902; or
2. if teaching in a nonpublic school without a valid type C, level 1, or higher certificate, earn at least two years of effective ratings per local personnel evaluations; and
3. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;
4. successfully complete a BESE-approved content leader training program; and
5. have a passing score on the Louisiana content leader assessment series (see §303 of this Part).

C. Individuals who have successfully completed LDE content leader training from November 1, 2017 through July 31, 2020, in accordance with Paragraph 1 of this Subsection, are eligible for content leader ancillary certification.

D. Renewal Guidelines. The content leader ancillary certificate is valid for a period of five years and may be renewed at the request of the employing authority.

1. Teachers in charter schools who do not hold a level 1, 2, or 3 certificate must successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

2. Teachers in nonpublic schools who do not hold a level 1, 2, or 3 certificate must earn effective ratings per local personnel evaluations for at least three years during the five-year renewal period in order to renew the mentor teacher ancillary certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:231 (February 2019),

amended LR 45:1460 (October 2019), LR 48:442 (March 2022), repromulgated LR 48:1047 (April 2022).

Subchapter D. Special Considerations for Teachers Called to Active Military Duty

§557. Introduction

A. A teacher employed on a Louisiana certificate of any type who is called to active military duty will not be penalized for the time spent in active service. The educator must present copies of official documents indicating beginning and ending dates of active military duty when applying for renewal or extension of the certificate.

B. For the period of military service:

1. non-practicing status may be requested by the educator for the time in active service; and
2. additional time commensurate with the amount of time spent in active duty will be added to the validity period on the temporary or regular certificate, for the school year(s) or portion thereof spent in active military service.

C. Upon completion of the validity period, the renewal guidelines for temporary and/or regular certificates are effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), amended LR 48:443 (March 2022), repromulgated LR 48:1047 (April 2022).

Chapter 6. Endorsements to Existing Certificates

§601. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 37:1381 (May 2011), LR 40:2242 (November 2014), LR 45:1460 (October 2019), LR 46:1382 (October 2020), repealed LR 48:1047 (April 2022).

Subchapter A. Regular Education Level and Area Endorsements

§603. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), repealed LR 48:1047 (April 2022).

§604. Requirements to add Birth to Kindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, and R.S. 17:22(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:918 (May 2015), repealed LR 48:1047 (April 2022).

§605. Requirements to add Early Childhood (Grades PK-3)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006),

amended LR 37:883 (March 2011), repromulgated LR 37:1561 (June 2011), amended LR 37:3215 (November 2011), LR 38:44 (January 2012), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:918 (May 2015), LR 41:1270 (July 2015), LR 44:2001 (November 2018), repealed LR 48:1047 (April 2022).

§607. Requirements to add Elementary (Grades 1-5)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 38:44 (January 2012), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:1271 (July 2015), repealed LR 48:1048 (April 2022).

§609. Requirements to add Middle School (Grades 4-8) Specialty Area Endorsement for English, Mathematics, Science, or Social Studies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 37:881 (March 2011), LR 39:1464 (June 2013), repealed LR 48:1048 (April 2022).

§611. Requirements to add a Secondary (Grades 6-12) Specialty Core Content Area (English, Math, Foreign Language, Science, and Social Studies)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2266 (October 2010), LR 43:1312 (July 2017), repealed LR 48:1048 (April 2022).

§613. Requirements to Add a Secondary (Grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2547 (November 2010), LR 43:1313 (July 2017), repealed LR 48:1048 (April 2022).

§615. Requirements to add an All-Level (K-12) Area (Art, Dance, Foreign Language, Health and Physical Education, and Music)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2266 (October 2010), repealed LR 48:1048 (April 2022).

Subchapter B. Special Education Level and Area Endorsements

§621. Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), repealed LR 48:1048 (April 2022).

§623. Requirements to add Academically Gifted

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 45:1460 (October 2019), repealed LR 48:1048 (April 2022).

§625. Requirements to add Early Interventionist Birth to Five Years

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), amended LR 37:1382 (May 2011), LR 37:3215 (November 2011), LR 40:281 (February 2014), repealed LR 48:1048 (April 2022).

§627. Requirements to add Hearing Impaired K-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), LR 40:281 (February 2014), LR 45:1460 (October 2019), LR 46:1382 (October 2020), repealed LR 48:1048 (April 2022).

§630. Requirements to add Mild/Moderate (1-5), (4-8) and (6-12)—Mandatory 7/1/2010

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:1485 (August 2009), amended LR 37:553 (February 2011), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:1271 (July 2015), amended LR 46:1382 (October 2020), repealed LR 48:1048 (April 2022).

§631. Requirements to add Significant Disabilities 1-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 37:555 (February 2011), LR 39:1465 (June 2013), LR 45:1461 (October 2019), repealed LR 48:1048 (April 2022).

§633. Requirements to add Visual Impairments/Blind K-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 37:556 (February 2011), LR 39:1465 (June 2013), LR 40:281 (February 2014), LR 45:1461 (October 2019), repealed LR 48:1048 (April 2022).

Subchapter C. All Other Teaching Endorsement Areas

§641. Introduction

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), repealed LR 48:1049 (April 2022).

§643. Adapted Physical Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), repealed LR 48:1049 (April 2022).

§645. Adult Education Instructor

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 36:485 (March 2010), LR 45:1461 (October 2019), repealed LR 48:1049 (April 2022).

§647. Aerospace Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), repealed LR 48:1049 (April 2022).

§648. Algebra I

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:1386 (July 2008), amended LR 39:1465 (June 2013), LR 40:281 (February 2014), LR 45:228 (February 2019), LR 45:1461 (October 2019), repealed LR 48:1049 (April 2022).

§649. Bilingual Specialist

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), repealed LR 48:1049 (April 2022).

§651. Child Search Coordinator

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), repealed LR 48:1049 (April 2022).

§655. Computer Literacy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), repealed LR 48:1049 (April 2022).

§657. Cooperative Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 34:869 (May 2008), LR 46:1382 (October 2020), repealed LR 48:1049 (April 2022).

§659. Counselor K-12 (Counselor in a School Setting)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 33:1618 (August 2007), LR 38:1401 (June, 2012), LR 39:1465 (June 2013), LR 45:1056 (August 2019), repealed LR 48:1049 (April 2022).

§661. Driver and Traffic Safety Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), repealed LR 48:1049 (April 2022).

§663. Educational Diagnostician (Special Education)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 46:1382 (October 2020), repealed LR 48:1049 (April 2022).

§665. Educational Technology Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 34:2033 (October 2008), LR 38:766 (March 2012), LR 46:1382 (October 2020), repealed LR 48:1049 (April 2022).

§666. Elementary Mathematics Specialist

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2135 (July 2011), amended LR 45:1461 (October 2019), repealed LR 48:1049 (April 2022).

§667. English as a Second Language

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1821 (October 2006), repealed LR 48:1049 (April 2022).

§668. Instructional Coaching

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:767 (March 2012), repealed LR 48:1049 (April 2022).

§669. Montessori Teacher Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1821 (October 2006), amended LR 46:1383 (October 2020), repealed LR 48:1050 (April 2022).

§671. Reading Specialist

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 46:1383 (October 2020), repealed LR 48:1050 (April 2022).

§673. School Librarian

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 33:1618 (August 2007), repealed LR 48:1050 (April 2022).

§675. Mentor Teacher

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 47:1492 (October 2021), repealed LR 48:1050 (April 2022).

Chapter 7. Ancillary School Service Certificates

§701. Introduction

A. An individual must have an official license or certificate from the state to provide services to children in a Louisiana school setting. An ancillary certificate allows a qualified person who is not a certified teacher to provide such services. The holder of an ancillary certificate is authorized to perform only those services that are specifically stated on the certificate in Louisiana school systems.

B. Non-Practicing Status for all Ancillary Teaching Certificates or Operational Role Status for Ancillary Teaching Certificates may be issued by the LDE in accordance with §505.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 34:432 (March 2008), LR 48:444 (March 2022), repromulgated LR 48:1050 (April 2022).

Subchapter A. General Ancillary School Certificates

§703. Child Nutrition Program Supervisor

A. For certificates issued July 1, 2020 and beyond, minimum eligibility requirements:

1. LEAs with a student enrollment of 2,499 or less:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of

employment or completed within 30 calendar days of the date of employment; and

i. a bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and either a state-recognized certificate for school nutrition directors or at least one year of relevant food service experience; or

iii. an associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, and at least one year of relevant school nutrition program experience; or

iv. a high school diploma or state-issued high school equivalency credential and three years of relevant food service experience;

2. LEAs with a student enrollment of 2,500 - 9,999:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment; and

i. a bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a state-recognized certificate for school nutrition directors; or

iii. a bachelor's degree in any academic major and at least two years of relevant school nutrition program experience; or

iv. an associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, and at least two years of relevant school nutrition program experience;

3. for Child Nutrition Program supervisors in LEAs with a student enrollment of 10,000 or more:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment and:

i. a bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a state-recognized certificate for school nutrition directors; or

iii. a bachelor's degree in any major and at least five years of experience in management of school nutrition programs.

B. Renewal Guidelines. Valid for one year and renewable each year thereafter upon presentation of completion of twelve hours of annual continuing education/training. The annual training must include, but is not limited to, administrative practices including training in school meal application, certification and verification, and meal counting and claiming procedures, as applicable, and any other specific topics, as needed, to address program integrity or other critical issues. Continuing education/training required under this paragraph is in addition to the food safety training required in the first year of employment under §703 of this Part.

C. Reinstatement of a Lapsed Certificate. If a certificate holder allows a period of one calendar year to elapse where not employed as a child nutrition program supervisor, the applicant must verify evidence of having met the hiring standards under §703 of this Part.

D. Provisional Certificate. A provisional certificate may be issued to an individual employed as an acting child nutrition program supervisor.

1. Eligibility Requirements. For provisional certificates issued September 1, 2021 and beyond, the minimum requirements include:

- i. high school diploma (or equivalent);
- ii. 2 years of relevant school nutrition programs experience; and
- iii. at least 8 hours of food safety training either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment.

2. Renewal Guidelines. Valid for one year initially and renewable each year thereafter upon presentation of 12 hours of annual food service continuing education/training. A provisional certificate may be issued for a maximum of five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 33:280 (February 2007), LR 34:432 (March 2008), LR 46:1379 (October 2020), LR 48:444 (March 2022), repromulgated LR 48:1050 (April 2022).

§705. Counselor K-12 (Counselor in a School Setting)

A. Eligibility Requirements Prior to June 30, 2017. For candidates who completed all courses and degree requirements by June 30, 2017, the endorsement add-on requirements include:

1. graduate degree in school counseling from an institution accredited in accordance with 34 CFR 602 or a graduate degree with the equivalent hours and courses required for a graduate degree in school counseling; and

2. graduate training that includes 24 semester hours of professional courses distributed so that at least one course will be taken in each of the following basic areas:

- a. Principles and Administration of School Counseling Programs;
- b. career and lifestyle development;
- c. individual appraisal;
- d. counseling theory and practice;
- e. group processes;
- f. human growth and development;
- g. social and cultural foundations in counseling; and

h. supervised practicum in a school setting.

B. Eligibility requirements after June 30, 2017:

1. completion of a standards-based graduate degree program in counseling from a college or university accredited in accordance with 34 CFR 602 and approved by the Council for Accreditation of Counseling and Related Educational Program (CACREP), and candidates completing counseling programs not in the specialty area of school counseling must complete six credit hours of school counseling courses from a CACREP-accredited program;

2. practicum/internship requirements:

a. complete a practicum in counseling from a CACREP-accredited program to include 100 contact hours; and

b. complete an internship in counseling from a CACREP-accredited program to include 600 contact hours in a school setting; and

3. pass the PRAXIS examination in school guidance and counseling (0421 or 5421).

C. Renewal Requirements. Certification is issued for a period of five years. For purposes of maintaining a valid counseling certificate, any school counselor receiving initial or renewal certification after July 1, 2013, must successfully meet the standards of effectiveness for at least three years during the five-year validity period in accordance with Bulletin 130 and R.S. 17:3902.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 38:1400 (June, 2012), LR 39:1463 (June 2013), LR 45:1055 (August 2019), LR 48:000 (March 2022), repromulgated LR 48:1051 (April 2022).

§706. Educational Leader Certificate Level 2 (EDL 2) [Formerly §707]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:820 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 41:2129 (October 2015), LR 45:526 (April 2019), LR 45:1461 (October 2019), repealed LR 48:1051 (April 2022).

§707. Educational Interpreter

A. An Educational Interpreter certificate is issued to individuals who provide sign language interpreting services by facilitating communication within an instructional environment via an enhanced visual and/or tactile mode between and among deaf/hard of hearing and hearing individuals in situations in which those individuals are unable to communicate with one another using a speech and hearing mode.

B. This certificate is issued to individuals who have at least a standard high school diploma, HiSET, or a General Equivalency Diploma (GED) and who meet the guidelines outlined in this document. There are two basic types of certification for Educational Interpreters: Provisional and Qualified.

C. Provisional Educational Interpreter Certificate eligibility requirements:

1. complete an accredited interpreter preparation program with a minimum of a certificate of completion;
2. hold certification as a sign language interpreter/transliterater by a national or state organization or certifying body;
3. achieve an advanced level or higher, as measured by the sign language proficiency interview (SLPI) or sign communication proficiency interview (SCPI); or
4. pass the pre-hiring screening of the educational interpreter performance assessment (EIPA).

D. Provisional Educational Interpreter Certificate renewal requirements:

1. valid for one year, may be renewed annually at the request of the Louisiana employing authority, and can be held for a maximum of three years; and
2. renewable upon completion of 10 contact hours of professional development annually with course credit leading to a Qualified Certificate applied towards the 10 hours and accrued beginning with the issuance of the Provisional Educational Interpreter Certificate.

E. Qualified Educational Interpreter Certificate eligibility requirements:

1. pass the Educational Interpreter Assessment, Written Test; and
2. achieve a level of 3.0 on one of the standardized videotape versions of the Educational Interpreter Performance Assessment: American Sign Language (ASL), Manually Coded English (MCE), or Pidgin Signed English (PSE) at the Elementary and/or Secondary level.

F. Qualified Educational Interpreter Certificate renewal requirements:

1. valid for five years and may be renewed at the request of the Louisiana employing authority upon completion of six semester hours of credit or equivalent continuing professional development of 90 Contact hours.
2. the six hours of credit or 90 equivalent clock hours shall be directly and substantively related to one or more of the permits or certificates held by the applicant or related to the applicant's professional competency.
3. these hours shall be accrued beginning with the date of certification issuance.

G. An individual who does not meet the qualified certificate requirements may apply for a provisional certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), amended LR 33:1616 (August 2007), LR 48:000 (March 2022), repromulgated 48:1051 (April 2022).

§708. Educational Leader Certificate Level 3 (EDL 3) [Formerly §709]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 38:3139 (December 2012), LR 41:2129 (October 2015), LR 45:526 (April 2019), LR 45:1462 (October 2019), repealed LR 48:1052 (April 2022).

§709. Educational Transliterater

A. An educational transliterater certificate is issued to individuals who provide cued language transliteration services by facilitating communication within an instructional environment via an enhanced visual and/or tactile mode between and among deaf/hard of hearing and hearing individuals in situations in which those individuals are unable to communicate with one another using a speech and hearing mode.

B. This certificate is issued to individuals who have at least a standard high school diploma, HiSET, or a General Equivalency Diploma (GED) and who meet the guidelines outlined in this document. There are two basic types of certification for educational transliteraters: provisional and qualified.

C. Provisional Educational Transliterater Certificate eligibility requirements:

1. hold certification as a cued speech transliterater from a national or state recognized organization or certifying body; or
2. pass the cued American English competency screening.

D. Renewal requirements:

1. valid for one year and may be renewed annually at the request of the Louisiana employing authority for a maximum of three years; and
2. renewable upon completion of ten contact hours of professional development annually with course credit leading to a Qualified Educational Transliterater Certificate and may be applied toward the 10 hours and accrued beginning with the issuance of the Provisional Educational Transliterater Certificate.

E. Qualified Educational Transliterater Certificate eligibility requirements:

1. pass the Cued Language Transliterater State level Performance Assessment; or attain a level of 3.5 on the Educational Interpreter Performance Assessment-Cued Speech (EIPA-CS); and
2. pass the Cued Language Transliterater State Level Written Assessment.

F. Qualified Educational Transliterater Certificate renewal requirements:

1. May be renewed every five years at the request of the Louisiana employing authority upon completion of six semester hours of credit or equivalent continuing professional development (90 Contact hours).
2. The six hours of credit or 90 equivalent clock hours shall be directly and substantively related to one or more of the permits or certificates held by the applicant or related to the applicant's professional competency.
3. These hours shall be accrued beginning the date of issuance of the Qualified Educational Transliterater Certificate.

G. An individual who does not meet Qualified Educational Transliterater Certificate requirements may apply for a provisional certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1617 (August 2007),

amended LR 48:446 (March 2022), repromulgated 48:1052 (April 2022).

§710. Turnaround Specialist Certificate (TSC)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:645 (April 2009), amended LR 38:3139 (December 2012), repealed LR 48:1053 (April 2022).

§711. School Librarian

A. School Librarian eligibility requirements:

1. master's degree in library science from an institution accredited in accordance with 34 CFR 602; and
2. passing score on Praxis Library Media Specialist examination.

B. Renewal requirements:

1. candidates must successfully meet the standards of effectiveness for at least three years during the five-year period of validity pursuant to Bulletin 130 and R.S. 17:3902;
2. the Louisiana employing authority must request renewal of an ancillary school librarian certificate; and
3. valid for five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), repromulgated LR 33:1617 (August 2007), amended LR 36:489 (March 2010), LR 39:1463 (June 2013), LR 46:1380 (October 2020), LR 48:446 (March 2022), repromulgated LR 48:1053 (April 2022).

§712. Local Education Agency Appeal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2130 (October 2015), repealed LR 48:1053 (April 2022).

§713. Orientation and Mobility

A. Orientation and Mobility. Valid as long as holder maintains a current national certification in orientation and mobility.

1. Eligibility requirements:

- a. baccalaureate or graduate degree in orientation and mobility; or
- b. completion of an individual plan of study in orientation and mobility at a college or university accredited in accordance with 34 CFR 602; and
- c. current certification issued by the Academy for Certification of Vision Rehabilitation and Educational Professionals (COMS); or
- d. current certification issued by the National Blindness Professional Certification Board (NOMC).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:894 (May 2009), amended LR 46:1380 (October 2020), LR 48:446 (March 2022), repromulgated LR 48:1053 (April 2022).

§715. School Nurse

A. Type C School Nurse—valid for three years.

1. Eligibility requirements:

- a. current Louisiana licensure as a registered professional nurse; and
- b. minimum of two years of experience as a registered nurse.

2. Renewal Guidelines. May be renewed once for a three year period, upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.

B. Type B School Nurse—valid for five years.

1. Eligibility requirements:

- a. current Louisiana licensure as a registered professional nurse; and
- b. three years of experience as a type C school nurse.

2. Renewal Guidelines. May be renewed for a five-year period, upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.

C. Type A School Nurse—valid for five years.

1. Eligibility requirements:

- a. current Louisiana licensure as a registered professional nurse;
- b. baccalaureate degree in nursing or a health-related field from a college or university accredited in accordance with 34 CFR 602; and
- c. five years of experience as a certified type B school nurse.

2. Renewal Guidelines. May be renewed for a five-year period, except for those with a current certificate that is valid for life of continuous service. Upon presentation of a copy of current Louisiana licensure as a registered professional nurse and upon request of Louisiana employing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), amended LR 36:1998 (September 2010), LR 37:883 (March 2011), LR 38:44 (January 2012), LR 38:2366 (September 2012), LR 46:1380 (October 2020), LR 48:447 (March 2022), repromulgated LR 48:1053 (April 2022).

§717. Social Worker

A. Social Worker—issued to individuals with graduate degrees in social work or social welfare.

B. Provisional School Social Worker—valid for three years.

1. Eligibility requirements:

- a. a licensed master social worker (LMSW) issued under R.S. 37:2701 et seq.;
- b. an individual must work under the supervision of a licensed clinical social worker (LCSW) for a minimum of one hour per week if providing clinical social work services and complete a minimum of 20 continuing professional development/education units (CEUs) each year of the validity of this certificate. Of the 20 CEUs, 10 hours must be related to the provision of school social work services and/or

services to children. These CEUs will remain on file at the employing LEA.

2. Renewal Guidelines—nonrenewable.

C. Qualified School Social Worker:

1. Eligibility requirements:

a. licensed clinical social worker (LCSW), in accordance with R.S. 37:2701 et seq.; or

b. certificate as a licensed master social worker (LMSW), in accordance with R.S. 37:201 et seq.; receive a minimum of one hour per week of supervision by a LCSW, if providing clinical social work services, and have work experience in one or more of the following social work practice settings within the past five years:

i. school setting;

ii. mental health setting;

iii. correction setting;

iv. family/child/community service agency;

v. medical social services in which social services were delivered to families and children;

vi. private clinical practice in which social work services were delivered to adults, children, and families; or

vii. have graduate social worker field experience in the above social work practice settings plus two years of work experience, as verified by the Louisiana State Board of Certified Social Work Examiners.

2. This certificate is valid provided the holder maintains current Louisiana licensure as a social worker and completes a minimum of 20 continuing professional development/education units (CEUs) in the years of the validity of this certificate. Of the 20 CEUs, 10 hours must be related to the provision of school social work services and/or services to children. The CEUs will remain on file at the employing LEA. A social worker who changes employing school systems must provide a copy of a current Louisiana license to serve as a social worker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:45 (January 2012), LR 48:447 (March 2022), repromulgated LR 48:1053 (April 2022).

§719. Mental Health Professional Counselor

A. Provisional Mental Health Professional Counselor Certificate—valid for two years.

1. Eligibility requirements:

a. hold current Louisiana licensure as a provisional licensed professional counselor in Louisiana (PLPC), in accordance with R.S. 37:1101 et seq.; or

b. work under active supervision of a board-approved licensed professional counselor supervisor (BA LPC-S) (i.e., 1 hour of supervision per 20 client contact hours) and accrue 1,900 direct client contact hours, 1,000 indirect hours, and 100 clinical supervision hours under the board-approved licensed professional counselor supervisor (BA LPC-S); and

c. hold a current Louisiana licensure as a licensed marriage and family therapist (MFT) in accordance with R.S. 37:1101 et seq.; or

d. hold a current Louisiana licensure as a Licensed clinical social worker (LCSW), in accordance with R.S. 37:2701 et seq.; or

e. hold a current Louisiana certification as a certified school psychologist, in accordance with R.S. 17:7.1(D); or current Louisiana licensure as a psychologist, in accordance with R.S. 37:2351 et seq.; and

f. have two years of mental health counseling experience or school psychological services or school social work services within the last five years working directly with children, as verified by a previous or current employer; and

g. have a written request from the Louisiana employing school system indicating that the person will be employed upon issuance of certification.

2. Non-renewable.

B. Qualified Mental Health Professional Counselor

1. Eligibility requirements:

a. hold current Louisiana licensure as a licensed professional counselor in Louisiana (LPC) or as a provisional-licensed professional counselor (PLPC) in accordance with R.S. 37:1101 et seq.; or

b. hold a current Louisiana licensure as a licensed marriage and family therapist (LMFT) in accordance with R.S. 37:1101 et seq.; or

c. hold a current Louisiana licensure as a licensed clinical social worker (LCSW), in accordance with R.S. 37:2701 et seq.; or

d. hold a current Louisiana certification as a certified school psychologist, in accordance with R.S. 17:7.1(D); or current Louisiana licensure as a psychologist, in accordance with R.S. 37:2351 et seq.; and

e. have two years of experience as a provisional mental health professional counselor and the written request of the employing LEA.

2. Renewal Guidelines

a. This certificate is valid provided the holder maintains current Louisiana licensure as a LPC, LMFT, LCSW, or psychologist, or holds a current Louisiana certification as a certified school psychologist. A worker who changes employing school systems must provide a copy of a current Louisiana license or certificate to serve as a mental health professional counselor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:881 (March 2011), amended LR 44:2001 (November 2018), LR 48:447 (March 2022), repromulgated LR 48:1054 (April 2022).

§721. Special Education Examiners

A. State statute requires that each school district have assessment teams for the purpose of identifying and evaluating the individual needs of each child with exceptionalities. These teams may include any number of the specialists outlined in this Section. Persons serving on multidisciplinary teams who have competent authority numbers may continue to serve in this capacity.

B. Audiologist

1. Provisional certificate—valid for three years.

a. Eligibility requirements:

i. graduate degree in audiology or equivalent, as specified in R.S. 37:2651 et seq.;

ii. must work under supervision of a licensed audiologist.

- b. Non-renewable.
- 2. Qualified Licensed Audiologist—valid for life with continuous service.
 - a. Eligibility requirements:
 - i. graduate degree in audiology or equivalent, as specified in R.S. 37:2651 et seq.;
 - ii. current Louisiana licensure as an Audiologist.
 - b. Renewal guidelines: holder must present current Louisiana credential as a licensed Audiologist.
- C. Educational Diagnostician—valid for five years.
 - 1. Eligibility requirements:
 - a. hold current national certification as an educational diagnostician (NCED) through the National Certification of Educational Diagnostician Board.
 - 2. Renewal guidelines:
 - a. may be renewed every five years at the request of the LEA; and
 - b. complete 150 continuing learning units of district-approved and verified professional development over the five year validity period of the certificate; or
 - c. hold current national certification as an educational diagnostician (NCED) through the National Certification of Educational Diagnostician Board.
 - 3. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in where not a regularly employed as an educational diagnostician for at least one semester, or 90 consecutive days, the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence of six semester hours of credit earned in state-approved courses during the five-year period immediately preceding the request for reinstatement.
- D. School Psychologist
 - 1. Standard certificate—valid for five years.
 - a. Eligibility requirements:
 - i. completion of a school psychology training program that meets requirements of the current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists; or
 - ii. evidence of current and continuous certification as a Nationally Certified School Psychologist.
 - b. Levels
 - i. Level A—Applicants must meet requirements for the standard certificate and possess a doctoral degree from an institution accredited in accordance with 34 CFR 602, in school psychology or in psychology with a program of study emphasizing child development and knowledge and skills in education and assessment.
 - ii. Level B—Applicants must meet requirements for the standard certificate and possess a graduate or specialist degree from a school psychology training program in an institution accredited in accordance with 34 CFR 602.
 - c. Renewal Guidelines. The standard certificate must be renewed by the expiration date, every five years. A one-month grace period is allowed before the certificate is considered lapsed. The certificate may be renewed upon completion of the following:
 - i. at least one year of experience, or equivalent, as a school psychologist; and

- ii. one of the following:
 - (a). six semester hours of additional graduate credit in any of the areas specified in the Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists;
 - (b). an equivalent number of Continuing Professional Development/Education Units (9.0 CEU or 90 contact hours) in a variety of activities designed to maintain and expand a school psychologist's skills, and to ensure the provision of quality services;
 - (c). a combination of graduate credit hours and Continuing Professional Development/Education Units equivalent to six semester hours (each semester hour equals 1.5 Continuing Professional Development/Education Units), for a total of 9.0 Continuing Professional Development/Education Units; or
 - (d). evidence of current and continuous certification as a Nationally Certified School Psychologist since the last date of state certification or renewal.
- 2. Provisional certificate: valid for one year and renewable once for the completion of internship for the standard Type A or B certificate.
 - a. Eligibility requirements:
 - i. completed academic preparation in school psychology that meets requirements of current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists, except for the internship. The internship shall be completed during the time of the provisional certificate, in accordance with internship requirements in current Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists; and
 - ii. holder of a lapsed standard Type A or B certificate who has not met requirements for certification renewal.
 - b. Renewal guidelines: may be renewed for one additional year when necessary to complete the internship, and upon written request of applicant and of the director of the training program or intern supervisor.
- 3. Lapsed school psychologist certificates may be reinstated upon verification that the following conditions have been met. Credits submitted must have been earned within the five years of the last renewal request. A provisional certificate may be awarded for a one year period, during which time the individual must meet renewal requirements for the standard certificate:
 - a. at least one year of experience or equivalent as a school psychologist; and
 - b. one of the following:
 - i. six semester hours of additional graduate credit in any of the areas specified in the Standards for Training and Field Placement Programs in School Psychology established by the National Association of School Psychologists;
 - ii. an equivalent number of continuing professional development/education units (9.0 CEU or 90 contact hours) in a variety of activities designed to maintain

and expand a school psychologist's skills, and to ensure the provision of quality services;

iii. a combination of graduate credit hours and continuing professional development/education units equivalent to six semester hours (each semester hour equals 1.5 continuing professional development/education units), for a total of 9.0 continuing professional development/education units; or

iv. evidence of current and continuous certification as a Nationally Certified School Psychologist since the last date of state certification or renewal.

E. Supervisor of School Psychological Services—eligibility guidelines:

1. hold valid Louisiana Level A or Level B School Psychologist certification under current requirements; and

2. have at least three years of supervised experience as a school psychologist, of which at least two years have been in Louisiana.

F. Speech Pathology Assistant—valid for three years and renewable.

1. The word *assistant* designates that direct supervision by a certified and licensed speech/language pathologist is required.

2. Ancillary speech/language pathology assistant certificates authorize service as a speech pathology assistant only, not as a regular classroom teacher.

3. Eligibility requirements:

a. baccalaureate degree in speech/language pathology from an institution accredited in accordance with 34 CFR 602; and

b. complete at least 100 clock hours of supervised clinical practicum.

4. Renewal guidelines:

a. may be renewed for three years by request of the LEA;

5. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a speech pathology assistant for at least one semester, or 90 consecutive days, the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence of six semester hours of credit earned in state-approved courses during the five-year period immediately preceding the request for reinstatement.

G. Speech Pathologist

1. Provisional Certificate in Speech Pathology—valid for three years.

a. Eligibility requirements: graduate degree in speech pathology, or related field, from a college or university accredited in accordance with 34 CFR 602.

b. Renewal guidelines: nonrenewable.

2. Qualified certificate in speech pathology—valid for life with continuous service, provided the holder maintains a current Louisiana license to serve as a speech pathologist. Eligibility requirements are:

a. graduate degree in speech pathology, or related field, as specified under speech pathology guidelines, from a college or university accredited in accordance with 34 CFR 602; and

b. a valid Louisiana license to serve as a speech pathologist.

3. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a school speech pathologist for at least one semester, or 90 consecutive days, he/she must present evidence of having earned six semester hours of credit in state-approved courses. The six semester credit hours must be earned during the five-year period immediately preceding reinstatement.

H. Speech Therapist/American Speech and Hearing Association (ASHA)—A person who provides speech therapy services to students with speech and/or language impairments. Valid for three years.

1. Eligibility requirements:

a. verification that applicant holds ASHA Certificate of Clinical Competence;

b. ASHA verification that individual has met requirements for Certificate of Clinical Competence with a possible exception of the clinical fellowship year; or

c. verification from the director of an ASHA-certified training program, in which the applicant has completed a graduate degree, that ASHA requirements for the Certificate of Clinical Competence have been met with the possible exception of the clinical fellowship year.

2. For those who have not completed the clinical fellowship year, this designation will be noted on the certificate.

3. Renewal guidelines:

a. LEA may request renewal of the certificate; and

b. certificate may be changed to "valid for life with continuous service" with verification of three years of service as a speech therapist.

4. Reinstatement of a Lapsed Certificate. If certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a speech therapist in a school setting for at least one semester, or 90 consecutive days, the certificate lapses for disuse. To reinstate a lapsed certificate, the holder must present evidence of six semester hours of credit earned in state-approved courses during the five-year period immediately preceding request for reinstatement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:768 (March 2012), LR 46:1380 (October 2020), LR 48:448 (March 2022), repromulgated LR 48:1054 (April 2022).

§723. Educational Leader in Special Education Ancillary Certificate

A. The educational leader in special education ancillary certificate authorizes an individual to serve as a supervisor, director, or coordinator of special education in a school or district setting.

B. Issuance. This certificate is issued upon the request of the LEA.

C. Renewal Guidelines. Valid for a period of five years and may be renewed thereafter at the request of the LEA. Candidates must successfully meet the standards of effectiveness for at least three years during the five-year period of validity in accordance with Bulletin 130 and R.S. 17:3902. Such renewal shall constitute a renewal of the special education ancillary certificate only and shall not

qualify the candidate for the educational leader certificate level 1 (ELC 1), educational leader certificate level 2 (ELC 2), or educational leader certificate level 3 (ELC 3).

D. The candidate must:

1. hold one of the below valid Louisiana ancillary certificates:

- a. assessment teacher;
- b. educational consultant;
- c. educational diagnostician;
- d. certified school psychologist (Level B or Level

A);

- e. qualified speech pathologist;
- f. speech therapist;
- g. speech-language pathologist;
- h. speech and hearing therapist;
- i. qualified school social worker; or
- j. qualified licensed audiologist; and

2. have at least three years of experience working with students in the area of certification with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

3. complete a graduate degree program from an institution of postsecondary education accredited in accordance with 34 CFR 602;

4. provide documented evidence of leadership experiences (240 clock hours or more) at the school level; and

5. earn a passing score on the school leaders licensure assessment (SLLA) or other equivalent assessment as established by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:1879 (November 2016), LR 43:1312 (July 2017), LR 45:1460 (October 2019), LR 46:1380 (October 2020), LR 48:450 (March 2022), repromulgated LR 48:1056 (April 2022).

Subchapter B. School Therapists

§725. Overview

A. School Art Therapist—Valid as long as holder remains in the same school system.

1. Eligibility requirements:

a. verify successful completion of accredited art therapy degree program, and current registration or membership in the American Art Therapy Association; and

b. meet requirements of the educational program:

i. three semester hours, Introduction to Education of Exceptional Children; and

ii. three semester hours, Psychology of Exceptional Children; and

c. 50 percent of preclinical experience must have been directed toward a population aged zero through 21 years, in both institutional and school settings.

2. Renewal Guidelines. The LEA must request renewal with any change of employment to another school system.

B. Dance Therapist—valid as long as holder remains in same school system.

1. Graduate Level

a. Eligibility requirements:

i. graduate degree in dance therapy;

ii. requirements of the educational program:

(a). three semester hours, Introduction to Education of Exceptional Children; and

(b). three semester hours, Psychology of Exceptional Children;

iii. current registration or membership in the American Dance Therapy Association.

b. Renewal Guidelines: The Louisiana employing authority must request a renewal with any change of employment to another school system.

2. Bachelor's Level

a. Eligibility requirements:

i. bachelor's degree in dance therapy;

ii. requirements of the educational program:

(a). three semester hours, Introduction to Education of Exceptional Children; and

(b). three semester hours, Psychology of Exceptional Children;

iii. practicum for two semesters in both a clinical and a school setting with fifty percent of the practicum involving work with a population aged zero through 21 years; and

iv. current registration or membership the American Dance Therapy Association; and

b. Renewal Guidelines. The LEA must request renewal with any change of employment to another school system.

C. Music Therapist—valid as long as holder remains in same school system.

1. Eligibility requirements:

a. evidence of successful completion of an accredited music therapy degree program, and registration by the National Association of Music Therapy, Inc.;

b. meet the course requirements of the music therapy component of the degree program to include:

i. three semester hours, Introduction to Education of Exceptional Children;

ii. three semester hours, Psychology of Exceptional Children; and

iii. recreational music; and

iv. school music; and

c. 50 percent of pre-clinical and clinical experiences should be directed toward a population aged zero through 21 years, in both institutional and school settings.

2. Renewal Guidelines. The LEA must request renewal with any change of employment to another school system.

D. Occupational Therapy

1. Certified Licensed Occupational Therapist Assistant (COTA)—valid for five years; renewable.

a. Eligibility Requirements. A valid COTA license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners; and

b. must work under the supervision of a Licensed Occupational Therapist.

c. Renewal Guidelines. Applicant must present copy of current licensure, and renewal request submitted by the LEA.

2. Occupational Therapist Provisional Certification—valid for two years.

a. Eligibility Requirements. A temporary license to practice occupational therapy in Louisiana in compliance

with R.S. 37:3001-3014, as administered by the Louisiana State Board of Medical Examiners.

b. Renewal Guidelines—nonrenewable.

3. Occupational Therapist Full Certificate—valid for five years; renewable.

a. Eligibility Requirements. A valid license to practice occupational therapy in Louisiana in compliance with R.S. 37:3001-3014, as administered by the Board of Medical Examiners.

b. Renewal Guidelines. Applicant must present copy of current licensure, and renewal request submitted by the LEA.

E. Physical Therapy

1. Physical Therapist Assistant (PTA)—valid for five years.

a. Eligibility Requirements. A valid PTA license to assist in the practice of physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

b. A PTA must work under the supervision of a licensed physical therapist.

c. Renewal Guidelines. Applicant must present a copy of current licensure, and renewal request submitted by the LEA.

2. Physical Therapist Provisional Certification—valid for two years.

a. Eligibility Requirements. A temporary license to practice physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

b. Renewal Guidelines—nonrenewable.

3. Physical Therapist Full Certificate—valid for five years.

a. Eligibility Requirements: a valid Louisiana license to practice physical therapy in compliance with R.S. 37:2401-2424, as administered by the Louisiana State Board of Physical Therapy Examiners.

b. Renewal Guidelines: Applicant must present a copy of current licensure, and renewal request submitted by the LEA.

F. Certified Behavior Analyst

1. Assistant Behavior Analyst (BCaBA)

a. Eligibility requirements:

i. bachelor's degree from a college or university accredited in accordance with 34 CFR 602;

ii. current assistant level certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB;

iii. the word assistant designates that direct supervision by a BCBA is required; and

iv. a written request from the Louisiana employing authority indicating that the person will be employed upon certification issuance.

b. Renewal Guidelines. This certificate is valid provided the holder maintains current level certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB. A worker who changes employing school systems must provide a copy of current certification issued by BACB to serve as a behavior analyst.

2. Behavior Analyst (BCBA)

a. Eligibility requirements:

i. graduate degree from a college or university accredited in accordance with 34 CFR 602;

ii. current behavior analyst certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB; and

iii. a written request from the LEA indicating that the person will be employed upon certification issuance.

b. Renewal Guidelines. This certificate is valid provided the holder maintains current level certification issued by the Behavior Analyst Certification Board (BACB) or other nationally credentialing bodies as approved by the BACB. A worker who changes employing school systems must provide a copy of current certification issued by BACB to serve as a behavior analyst.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1811 (October 2006), amended LR 34:433 (March 2008), LR 37:884 (March 2011), LR 37:2135 (July 2011), LR 46:1380 (October 2020), LR 48:450 (March 2022), repromulgated LR 48:1057 (April 2022).

Subchapter C. Teacher Preparation Programs

§741. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 35:1231 (July 2009), repealed LR 48:1058 (April 2022).

§743. Elementary School Principal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 46:1383 (October 2020), repealed LR 48:1058 (April 2022).

§745. Secondary School Principal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 46:1383 (October 2020), repealed LR 48:1058 (April 2022).

§747. Parish or City School Superintendent

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411, amended LR 45:1462 (October 2019).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006), amended LR 45:1462 (October 2019), LR 46:1383 (October 2020), repealed LR 48:1058 (April 2022).

§749. Parish or City School Supervisor of Instruction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), amended LR 46:1383 (October 2020), repealed LR 48:1058 (April 2022).

§751. Parish or City School Supervisor/Director of Special Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), LR 46:1384 (October 2020), repealed LR 48:1059 (April 2022).

§753. Special School Principal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:1462 (October 2019), repealed LR 48:1059 (April 2022).

§755. Supervisory of Child Welfare and Attendance and/or Visiting Teacher

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:1384 (October 2020), repealed LR 48:1059 (April 2022).

Subchapter D. All Other Supervisory Endorsements

§781. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), repealed LR 48:1059 (April 2022).

§783. Supervisor of School Libraries – Eligibility Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:1463 (October 2019), LR 46:1384 (October 2020), repealed LR 48:1059 (April 2022).

§785. Supervisor of Parish or City Materials and/or Media Centers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:1384 (October 2020), repealed LR 48:1059 (April 2022).

§787. Supervisor of Student Teaching

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 37:2136 (July 2011), LR 45:232 (February 2019), LR 46:1384 (October 2020), repealed LR 48:1059 (April 2022).

Chapter 8. Certification Appeal Process

§801. Overview

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 43:1314 (July 2017), repealed LR 48:1059 (April 2022).

§803. Appeal Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 38:3140 (December 2012), LR 43:1314 (July 2017), LR 44:2002 (November 2018), LR 45:1750 (December 2019), LR 46:1384 (October 2020), repealed LR 48:1059 (April 2022).

Chapter 10. Definitions

§1001. Terms

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 37:560 (February 2011), LR 43:1314 (July 2017), LR 45:233 (February 2019), LR 46:1384 (October 2020), repealed LR 48:1059 (April 2022).

§1003. Acronyms

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 37:560 (February 2011), LR 43:1315 (July 2017), repealed LR 48:1059 (April 2022).

Chapter 11. Standards for Secondary Career and Technical Trade and Industrial Education Personnel

§1101. Introduction

A. Career and technical trade and industrial education (CTTIE) certificates authorize full-time or part-time employment for instructors of courses aligned to an area of expertise. The applicant being certified under the requirements found in this Part may teach CTTIE courses as listed on the LDE Teach Louisiana website (<http://www.teachlouisiana.net>).

B. Non-Practicing Status or Operational Role Status for CTTIE Certificates shall be in accordance with §505 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1812 (October 2006), amended LR 35:2752 (December 2009), LR 40:1329 (July 2014),

LR 46:1380 (October 2020), LR 48:452 (March 2022), repromulgated LR 48:1059 (April 2022).

§1103. Career and Technical Certificate Types Issued Prior to July 1, 2006

A. Vocational Technical Industrial Education (VTIE) Certificates—Issued prior to July 1, 2004

1. Vocational Temporary (VT)—valid for one year; renewable annually while holder completes required coursework.

2. Vocational Permanent (VP)—lifetime certificate for continuous service.

B. Career and Technical Trade and Industrial Education (CTTIE) Certificates—issued between July 1, 2004, and June 30, 2006.

1. CTTIE Temporary Certificate (CT)—valid for one year; renewable annually while holder completes required coursework.

2. CTTIE Permanent Certificate (CP)—lifetime certificate for continuous-service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1812 (October 2006), amended LR 35:2752 (December 2009), LR 48:452 (March 2022), repromulgated LR 48:1060 (April 2022).

§1105. Career and Technical Certificate Types

A. CTTIE-Provisional—a one-year, non-renewable certificate issued while instructor completes requirements for CTTIE-1.

B. CTTIE-1 Certificate—An entry-level industry-based teaching certificate, valid for three years initially and may be extended for a period of one year at the request of the LEA. CTTIE-1 certificates are limited to two such extensions. CTTIE teachers must successfully meet the standards of effectiveness pursuant to Bulletin 130 and R.S.17:3902 to advance to CTTIE-2.

C. CTTIE-2 Certificate. Valid for five years initially and may be renewed thereafter for a period of five years at the request of the employing LEA.

1. For renewal of the CTTIE-2 certificate, candidates must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period pursuant to Bulletin 130 and R.S. 17:3902.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2752 (December 2009), amended LR 38:3137 (December 2012), LR 40:1330 (July 2014), LR 48:000 (March 2022), repromulgated LR 48:1060 (April 2022).

§1107. CTTIE Certificate-Eligibility Requirements

A. CTTIE certificates are issued to instructors who teach courses listed on the Teach Louisiana website aligned to the area of expertise.

B. CTTIE Provisional Eligibility Requirements

1. Applicants shall hold a high school diploma, or have passed an equivalency test approved by the LDE.

2. Applicants shall have a minimum of four years of full time work experience or 7,680 hours of experience aligned to the CIP (Classification of Instructional Programs) area in the selected career and technical field, of which at least one year of full time work experience or 1,920 hours of

experience must have been acquired within the five calendar years immediately prior to certification:

a. technical diploma or associate degree, or out-of-state equivalent, registered apprenticeship, or LWC approved training provider aligned to work experience and CIP area will be given credit for two years or 3,840 hours of occupational experience if the training is in the field for which the applicant is applying;

b. graduates with a bachelor's degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for two years or 3,840 hours of experience;

c. graduates with an advanced degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

d. graduates with a technical degree in the selected field and a bachelor's degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

e. graduates with a bachelor's degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 and an industry based certification (IBC) in the selected field will be given credit for three years or 5,760 hours of occupational experience;

f. applicants holding current approved industry-based certification, aligned to work experience and CIP area will be given credit for two years or 3,840 hours of work experience. An industry-based certification may not be combined with educational attainment to qualify for a waiver from all required work experience.

g. applicants with an earned baccalaureate degree, and who hold an industry-based certification (IBC) in the selected instructional field aligned to work experience and CIP area may also apply years of teaching experience in that field toward the required work experience.

h. applicants with prior teaching experience at a postsecondary institution, registered apprenticeship, or LWC approved training provider in the selected instructional field may apply those years of teaching at a postsecondary institution toward the required work experience. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

3. In addition to CTTIE certification, a current license must be held when a state or national license is required in the workplace. A state or national license will be recognized as an industry-based certification.

a. Instructors providing content aligned to an industry-based certification must carry the IBC in which instruction will occur.

b. If a certifying agency requires specialized certification to instruct content, the instructor must carry the required certification.

C. CTTIE-1 Eligibility Requirements

1. Applicants shall hold a high school diploma, or have passed an equivalency test approved by the LDE.

2. Applicants shall have a minimum of four years of full time work experience or 7,680 hours of experience aligned to the CIP area in the selected career and technical

field, of which at least one year of full time work experience or 1,920 hours must have been acquired within the five calendar years immediately prior to certification:

a. technical diploma or associate degree, or out-of-state equivalent, registered apprenticeship, or LWC approved training provider aligned to work experience and CIP area will be given credit for two years or 3,840 hours of occupational experience if the training is in the field for which the applicant is applying;

b. graduates with a baccalaureate degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for two years or 3,840 hours of experience;

c. graduates with an advanced degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

d. graduates with a technical degree in the selected field and a baccalaureate degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

e. graduates with a baccalaureate degree aligned to work experience and CIP area from a college or university accredited in accordance with 34 CFR 602 and an industry based certification (IBC) in the selected field, will be given credit for three years or 5,760 hours of occupational experience;

f. applicants holding current approved industry-based certification aligned to work experience and CIP area will be given credit for two years or 3,840 hours of work experience, but an industry-based certification may not be combined with educational attainment to qualify for a waiver from all required work experience;

g. applicants with a baccalaureate degree and who hold an industry-based certification (IBC) in the selected instructional field aligned to work experience and CIP area may also apply years of teaching experience in that field toward the required work experience;

h. applicants with prior teaching experience at a postsecondary institution, registered apprenticeship, or LWC approved training provider in the selected instructional field may apply the years of teaching at a postsecondary institution toward the required work experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA.

3. In addition to CTTIE certification, a current license must be held when a state or national license is required in the workplace. A state or national license will be recognized as an industry-based certification.

a. Instructors who will be providing content aligned to an industry-based certification must carry the IBC in which instruction will occur.

b. If a certifying agency requires specialized certification to instruct content, the instructor must carry that certification.

4. Applicants shall complete a new instructor workshop prior to issuance of CTTIE-1. The LDE shall make available a list of new instructor course providers. Applicants with at least three years of effective K-12 teaching experience as defined by Bulletin 130 or three years

of post-secondary teaching experience are not subject to the New Instructor Workshop completion requirement.

C. CTTIE-2 Eligibility Requirements

1. Eligibility Requirements:

a. hold or meet eligibility requirements for a CTTIE-1;

b. successfully meet the standards of effectiveness for at least three years during the five-year renewal period pursuant to Bulletin 130 and R.S. 17:3902 with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

c. accrue three years of teaching experience in an approved educational setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1330 (July 2014), LR 45:1460 (October 2019), LR 46:1381 (October 2020), LR 48:452 (March 2022), repromulgated LR 48:1060 (April 2022).

§1109. CTTIE Areas of Specialization

A. Nurse Aide Training and Competency Evaluation Program (NATP/NATCEP)/ Certified Nursing Assistant (CNA) Eligibility Requirements:

1. applicant shall be a professional nursing program graduate with current Louisiana licensure as a registered nurse (RN) or licensed practical nurse (LPN);

2. all instructors shall have one of the following: CTTIE, VTIE, master's degree or above, or a CNA train the trainer certificate and meet nurse aide training and competency evaluation program (NATP/NATCEP) regulations, as mandated by the Louisiana Department of Health (LDH), Health Standards Section;

3. LPNs may serve as a certified nursing assistant/NATP instructor under the direct supervision of an RN. LPNs, under the general supervision of the primary instructor, may provide classroom and skills training instruction and supervision with two years of experience in provision of long term care services.

B. Certified Nursing Assistant, Program Coordinator Eligibility Requirements. The program coordinator shall have the following experience and qualifications:

1. current Louisiana licensure as a registered nurse (RN);

2. a minimum of two years of nursing experience, of which at least one year must be in the provision of long term care facility services such as a nursing home or skilled nursing facility;

3. completion of VTIE, CTTIE, CNA train-the-trainer program or a graduate degree; and

4. meet requirements mandated by the Louisiana Department of Health (LDH), Health Standards Section;

C. Emergency Medical Technician

1. An emergency medical technician (EMT) instructor must be approved by the Bureau of EMS.

D. Sports Medicine Eligibility Requirements

1. Sports medicine instructors shall have at least a Bachelor of Science degree and have a valid current state and/or national certification as an athletic trainer and meet all CTTIE requirements.

2. Applicants pursuing a graduate degree in athletic training who are working as an athletic trainer graduate assistant at a university accredited in accordance with 34 CFR 602 may count the work experience hours toward meeting the required work hours for the CTTIE application. CTTIE application must include a letter from the director of athletics at the university with the actual number of hours worked and assigned duties.

E. Jobs for America's Graduates (JAG) Louisiana Job Specialist eligibility requirements:

1. a bachelor's degree from a state-approved college or university accredited in accordance with 34 CFR 602, plus two years of full-time work experience, or 3,840 hours of work experience within four years of date of application; or

2. a valid standard Louisiana teaching or school counselor certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), LR 48:453 (March 2022), repromulgated LR 48:1061 (April 2022).

Chapter 12. Approved Courses to Reinstate Lapsed Certificates

§1201. Period of Validity

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), repealed LR 48:1062 (April 2022).

§1203. Reinstatement of a Lapsed Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:1385 (October 2020), repealed LR 48:1062 (April 2022).

§1205. Certificate Reinstatement Coursework

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:1385 (October 2020), repealed LR 48:1062 (April 2022).

§1207. Responsibility of the Employing Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), repealed LR 48:1062 (April 2022).

§1209. Early Childhood (PK, K, PK-3)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), repealed LR 48:1062 (April 2022).

§1211. Middle Grades (4-8, 5-8)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), repealed LR 48:1062 (April 2022).

§1213. Secondary (6-12, 7-12)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), repealed LR 48:1062 (April 2022).

§1215. Special Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), repealed LR 48:1062 (April 2022).

§1217. All Level (K-12)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), repealed LR 48:1062 (April 2022).

§1219. Ancillary Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), repealed LR 48:1062 (April 2022).

Chapter 13. Endorsements to Existing Certificates

§1301. Introduction

A. Endorsement areas are permanent credentials added to a teaching certificate. Upon completion of requirements for an additional area of certification, as outlined in this bulletin, the holder of a valid Louisiana teaching certificate may have the endorsement added. For endorsement purposes, the following apply.

1. A generalized reference to a Praxis exam means the current applicable exam(s) in policy, with the current established passing score(s).

2. Semester hours earned to add certification areas and/or levels to an existing certificate cannot include repeat or duplicate coursework.

3. A National Board Certified (NBC) teacher with an existing Louisiana teaching certificate is eligible for the

addition or add-on endorsement to a certificate of the corresponding area for which NBC is held.

4. All coursework used for add-on certification must be for regular credit, not of a remedial or developmental nature, and no final grade below a "C" will be accepted.

5. Semester hours earned from an institution accredited in accordance with 34 CFR 602 or equivalent contact hours from a non-university private provider of teacher and/or educational leader preparation program are acceptable for endorsement purposes. One semester hour is equivalent to 15 contact hours.

6. Non-university private providers of teacher and/or educational leader preparation programs must submit proposals for approval by LDE and BESE, as outlined in Chapter 5 of Bulletin 996: Standards for Approval of Teacher and/or Educational Leader Preparation Programs.

7. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

B. A formal request for an additional certification or credential on a teaching license must be submitted to the LDE. An official transcript from an institution accredited in accordance with 34 CFR 602, verifying successful completion of endorsement requirements and semester hours or documentation from the non-university private provider verifying successful completion of endorsement requirements in contact hours must accompany the request. The final authority for approval of additional certification is the LDE.

C. This Chapter has been divided into three Subchapters, as follows:

1. regular education level and area endorsements;
2. special education level and area endorsements; and
3. all other endorsement areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 37:1381 (May 2011), LR 40:2242 (November 2014), LR 45:1460 (October 2019), LR 46:1382 (October 2020), LR 48:454 (March 2022), repromulgated LR 48: 1062 (April 2022).

Subchapter A. Regular Education Level and Area Endorsements

§1303. Introduction

A. The following requirements must be completed to add an education certification level and/or a certification area to an existing valid teaching certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022).

§1305. Requirements to add Birth to Kindergarten

A. Individuals holding a valid early childhood certificate for PK-K, PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, or early interventionist certificate must achieve one of the following:

1. successfully teach on an extended endorsement license (EEL) certificate in birth to kindergarten for one year in an approved Louisiana licensed child care facility or publicly-funded early childhood program based on criteria determined by the LDE;

2. earn a passing score for Praxis—principles of learning and teaching early childhood (0621 or 5621); or

3. 12 semester hours of combined early childhood and kindergarten coursework.

B. The LEA must verify completion of one year of successful teaching experience in birth to kindergarten in an approved Louisiana licensed child care facility or publicly-funded early childhood program and recommend the applicant for further employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, and R.S. 17:22(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:918 (May 2015), amended LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022).

§1307. Requirements to add Early Childhood (Grades PK-3)

A. Individuals holding a valid elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8 must achieve one of the following:

1. successfully teach on an extended endorsement license (EEL) certificate in birth to kindergarten for one year in an approved Louisiana licensed child care facility or publicly-funded early childhood program based on criteria determined by the LDE;

2. earn a passing score for Praxis—principles of learning and teaching early childhood (0621 or 5621); or

3. earn 12 semester hours of combined early childhood and kindergarten coursework.

B. Individuals holding a valid upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary school certificate for grade levels 6-12, 7-12, or 9-12, special education certificate other than early interventionist, or an all-level K-12 certificate in the areas of art, dance, foreign language, health, physical education, health and physical education, or music) must achieve the following:

1. for endorsements prior to 9/1/15, earn a passing score for Praxis elementary education: content knowledge (0014 or 5014);

2. for endorsements issued 9/1/15 to 8/31/17, earn a passing score for Praxis elementary education: content knowledge (5018) or Praxis elementary education: multiple subjects (5001);

3. for endorsements issued 9/1/17 and beyond, earn a passing score for Praxis elementary education: multiple subjects (5001); and

4. earn a passing score for Praxis principles of learning and teaching early childhood (0621 or 5621) or accumulate 12 credit hours of combined early childhood and kindergarten coursework; and

5. earn nine semester hours of reading coursework or a passing score for Praxis teaching reading exam (0204 or 5204).

C. Individuals holding a valid early interventionist certificate must achieve the following:

1. earn a passing score for Praxis—Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001);

2. earn twelve credit hours of combined early childhood and kindergarten coursework; and

3. earn 9 semester hours of reading coursework or passing score for Praxis—teaching reading exam (0204 or 5204).

D. Individuals holding a valid birth to kindergarten certificate must achieve the following:

1. earn passing score for Praxis Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001); and

2. earn nine semester hours of reading coursework or passing score for Praxis—Teaching Reading exam (0204 or 5204).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 37:883 (March 2011), repromulgated LR 37:1561 (June 2011), amended LR 37:3215 (November 2011), LR 38:44 (January 2012), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:918 (May 2015), LR 41:1270 (July 2015), LR 44:2001 (November 2018), LR 48:455 (March 2022), repromulgated LR 48:1063 (April 2022).

§1309. Requirements to add Elementary (Grades 1-5)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3 must achieve the following:

1. earn a passing score for Praxis—Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001);

2. earn a passing score for Praxis—Principles of Learning and Teaching K-6 exam; and

3. earn nine semester hours of reading or passing score for Praxis—Teaching Reading exam (0204 or 5204).

B. Individuals holding a valid upper elementary or middle school certificate for grade levels 4-8, 5-8, and 6-8, secondary certificate grade levels 6-12, 7-12, or 9-12, special education certificate, or all-level K-12 certificate for art, dance, foreign language, health, physical education, health and physical education, or music) must achieve the following:

1. earn passing score for Praxis—Elementary Education: Content Knowledge (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001); or

2. accumulate:

- a. 12 semester hours of mathematics;
- b. 12 semester hours of science;
- c. 12 semester hours of English language arts; and
- d. 12 semester hours of social studies; and

3. earn a passing score for Praxis Principles of Learning and Teaching K-6 exam; and

4. earn nine semester hours of reading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 38:44 (January 2012), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:1271 (July 2015), LR 48:455 (March 2022), repromulgated LR 48:1064 (April 2022).

§1311. Requirements to add Middle School (Grades 4-8) Specialty Area Endorsement for English, Mathematics, Science, or Social Studies

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, or special education certificate must achieve the following:

1. earn a passing score for Praxis middle school specialty area exam in the specific content area; or accumulate 30 credit hours in the specialty content area; and

2. earn a passing score for Praxis Principles of Learning and Teaching 5-9 exam; and

3. earn six semester hours of reading or passing score for Praxis Teaching Reading exam (0204 or 5204).

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for Praxis middle school specialty area exam in the specific content area; or accumulate 30 credit hours in the specialty content area; and

2. earn a passing score for Praxis Principles of Learning and Teaching 5-9 exam; and

3. earn six semester hours of reading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1815 (October 2006), amended LR 37:881 (March 2011), LR 39:1464 (June 2013), LR 48:456 (March 2022), repromulgated LR 48:1064 (April 2022).

§1313. Requirements to add a Secondary (grades 6-12) Specialty Core Content Area (English, Math, Foreign Language, Science, and Social Studies)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, or special education certificate must achieve the following:

1. earn a passing score for Praxis secondary specialty area exam in the content area; or 30 credit hours in the specialty content area; and

2. earn a passing Praxis score for principles of learning and teaching 7-12 exam; or

3. if adding a foreign language after 6/30/13, earn a passing Praxis score for world languages pedagogy (0841).

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve a passing score for Praxis secondary specialty area

exam(s) required for the content area or 30 credit hours in the specialty content area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2266 (October 2010), LR 43:1312 (July 2017), LR 48:456 (March 2022), repromulgated LR 48:1064 (April 2022).

§1315. Requirements to Add a Secondary (grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, or special education certificate must achieve the following:

1. earn a passing score for Praxis secondary specialty area exam in the content area or 21 credit hours in the specialty content area; and

2. earn a passing Praxis score for principles of learning and teaching 7-12 exam.

B. Individuals holding a valid secondary certificate for grade levels 6-12, 7-12, or 9-12, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for the Praxis secondary specialty area exam; and

2. earn 21 credit hours in the specialty content area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2547 (November 2010), LR 43:1313 (July 2017), LR 48:456 (March 2022), repromulgated LR 48:1065 (April 2022).

§1317. Requirements to add an All-Level (K-12) Area (Art, Dance, Foreign Language, Health and Physical Education, and Music)

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for specialty area exam in the area of endorsement; or

2. earn 30 semester hours in the specialty area; and

3. for any foreign language add-on after 6/30/13 earn a passing Praxis score for world languages pedagogy (0841).

B. To add a second music area endorsement: an individual already certified in either instrumental music or vocal music may add the second music area as follows:

1. to add instrumental music, 12 semester hours to include brass, percussion, string, and woodwind instruments; or

2. to add vocal music, 12 semester hours to include piano and voice; or

3. the music content knowledge exam. The exam covers both instrumental and vocal music and can be used to add on either additional area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 36:2266 (October 2010), LR 48:457 (March 2022), repromulgated LR 48:1065 (April 2022).

Subchapter B. Special Education Level and Area Endorsements

§1321. Requirements to add Academically Gifted

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;

2. 15 graduate semester hours of prescribed coursework from the following list, either within a graduate degree program or as an add-on to an existing graduate degree:

- a. characteristics/study of gifted individuals;
- b. methods of teaching the gifted;
- c. social and emotional needs of the gifted;
- d. creative thinking and problem solving or curriculum development for the gifted;
- e. educational technology; and

3. three semester hours in a practicum for academically gifted, an internship for college credit in academically gifted, or three years of successful teaching experience in academically gifted with all out-of-state experience verified as successful by the out-of-state employing authority or SEA.

B. Academically gifted certification will be valid only in the teaching area(s) in which the individual is certified.

C. The secondary teacher of academically gifted students who is to award Carnegie units in the secondary subject area(s) must be certified in the subject area(s) in which Carnegie Units are awarded.

D. Elementary and secondary teachers who are also certified in academically gifted may offer approved special education elective or enrichment courses at either the elementary or secondary level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 45:1460 (October 2019), LR 48:457 (March 2022), repromulgated LR 48:1065 (April 2022).

§1323. Requirements to add Early Interventionist Birth to Five Years

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must achieve the following:

1. earn a passing score for Praxis exams: Principles of Learning and Teaching; Early Childhood (#0621 or 5621) and Special Education: Early Childhood (#0691);
2. earn 18 credit hours that pertain to infants, toddlers, and preschoolers, as follows:
 - a. foundations in early childhood education and early intervention;
 - b. understanding and working with families of young children;
 - c. assessment in early intervention;
 - d. early intervention methods;
 - e. teaming, physical and medical management in early intervention;
 - f. communication and literacy in early intervention;
3. earn nine semester hours of reading coursework.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), amended LR 37:1382 (May 2011), LR 37:3215 (November 2011), LR 40:281 (February 2014), LR 48:457 (March 2022), repromulgated LR 48:1066 (April 2022).

§1325. Requirements to add Deaf or Hard of Hearing K-12

A. Individuals holding a valid early childhood certificate for PK-K or PK-3, elementary certificate for grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate for grade levels 4-8, 5-8, or 6-8, secondary certificate for grade levels 6-12, 7-12, or 9-12, special education certificate, or an All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 21 semester credit hours that pertain to children who are deaf or hard of hearing;
2. introduction to special education;
3. physiological, psychosocial, historical, sociological, and cultural aspects of deafness;
4. language development that includes linguistic principles and assessment strategies in language acquisitions for deaf and hard of hearing;
5. speech and speech reading;
6. educational audiology, auditory assistive devices and technology;
7. instructional strategies and curriculum development for deaf and hard of hearing students; and
8. communication methodology; and

9. three semester hours of internship of students who are deaf or hard of hearing or three years of successful teaching experience of students who are deaf or hard of hearing with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

10. Proficiency in signed, cued, or oral communication evidenced by one or more of the following means:

- a. signed:
 - i. Intermediate on the Educational Sign Skills Evaluation: Teacher (ESSE:T);
 - ii. Advanced on the Signed Communication Proficiency Interview (SCPI); or
 - iii. Level III of the Educational Interpreter Performance Assessment;
- b. cued—mini-proficiency, as measured on the Basic Cued Speech Proficiency Rating Test (BCSPR c1983, Beaupre); or
- c. oral—successfully passing an additional course in Methods in Oral/Auditory Education; and

11. Passing score for Praxis exams—Special Education: Core Content Knowledge and Applications and Special Education: Education of Deaf and Hard of Hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), LR 40:281 (February 2014), LR 45:1460 (October 2019), LR 46:1382 (October 2020), LR 48:457 (March 2022), repromulgated LR 48:1066 (April 2022).

§1327. Requirements to add Mild/Moderate (1-5), (4-8), and (6-12)—Mandatory 7/1/2010

A. Mild/Moderate: 1-5—Individuals holding a valid early childhood certificate in PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, or Early Interventionist certificate must earn the following:

1. 18 semester hours to include the following coursework:
 - a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course designed for teachers to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening/ identification, educational placement considerations, and assessment and evaluation;
 - b. Fundamentals of Instructional Technology. Three semester hours of instructional, utility, and management software applications for school use for development of instructional materials, incorporation of commercially available software into lesson and unit structure, addressing the use of technology as it relates to UDL (Universal Design for Learning) and how UDL can be used to meet the needs of all students with language development issues;
 - c. Behavior Support and Intervention. Three semester hours to address the knowledge, skills and dispositions necessary for teachers to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;
 - d. Collaborative Teaming. Three semester hours that focuses on developing effective partnerships with parents, family members, general educators and related service providers;

e. Instructional Practices in Special Education. Three semester hours that provides teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address the strengths and needs of diverse learners in grades 1-5; and

f. Reading and Literacy. Three semester hours regarding all aspects of state reading competencies at the elementary level, to include literacy intervention for students with disabilities;

2. Passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications.

B. Mild/Moderate: 1-5. Individuals holding a valid upper elementary or middle school certificate grade levels 4-8, 5-8, or 6-8, secondary certificate grade levels 6-12, 7-12, or 9-12, all-level special education certificate in significant disabilities, visually impaired, or deaf or hard of hearing, or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course is designed for teachers to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings and to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening and identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours of instructional, utility, and management software applications for school use, development of instructional materials, incorporation of commercially available software into lesson and unit structure, the use of technology for UDL (Universal Design for Learning), and how UDL can be used to meet the needs of all students with language development issues;

c. Behavior Support and Intervention. Three semester hours regarding the knowledge, skills, and dispositions necessary to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

d. Collaborative Teaming. Three semester hours that focuses on developing effective partnerships with parents, family members, general educators, and related service providers;

e. Instructional Practices in Special Education. Three semester hours that provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address the strengths and needs of diverse learners in grade levels 1-5; and

f. Reading and Literacy. Three semester hours regarding all aspects of state reading competencies at the elementary level, to include literacy intervention for students with disabilities; and

2. passing score for Praxis exams—Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543), Principles of Learning and Teaching (PLT): K-6,

and Elementary Education: Content Knowledge Exam (0014 or 5014) prior to 9/1/15; effective 9/1/15 to 8/31/17 pass Elementary Education: Content Knowledge (5018) or Elementary Education: Multiple Subjects (5001); mandatory 9/1/17 pass Elementary Education: Multiple Subjects (5001).

C. Mild/Moderate: Middle Grades 4-8 and Secondary 6-12. Individuals holding a valid early childhood certificate in PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, or early interventionist certificate must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course designed for teachers to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings, and to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening and identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours in instructional, utility, and management software applications for school use, development of instructional materials, incorporation of commercially available software into lesson and unit structure, and the use of technology regarding UDL (Universal Design for Learning) and how UDL can be used to meet the needs of all students with language development issues;

c. Self-Determination and Transition. Three semester hours in self-determination and development, implementation and evaluation of self-management instructional programs for students with an emphasis on using self-management and learning strategies to facilitate self-determination and provides an understanding of the special education transition process as specified by federal and state guidelines with the focus on the design and implementation of transition planning that meets student physical, affective, cognitive, and communicative needs across the contexts of school, community, family life, career and vocation, and recreation/leisure;

d. Behavior Support and Intervention. Three semester hours of the knowledge, skills, and dispositions necessary for teachers to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

e. Collaborative Teaming. Three semester hours that focus on developing effective partnerships with parents, family members, general educators, and related service providers; and

f. Instructional Practices in Special Education. Three semester hours to provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address strengths and needs of diverse learners in grades 6-12 with concentration in areas of literacy and numeracy; and

2. Passing score for Praxis exams:

a. mild/moderate (4-8)

i. special education: core knowledge and mild to moderate applications (0543 or 5543);

ii. principles of learning and teaching (plt): 5-9; and

- iii. middle school content exam(s)
- b. mild/moderate (6-12)
 - i. special education: core knowledge and mild to moderate applications (0543 or 5543);
 - ii. principles of learning and teaching (plt): 7-12;
- and
- iii. secondary core content exam(s).

D. Mild/Moderate: Middle Grades 4-8 and Secondary 6-12. Individuals holding a valid upper elementary or middle school certificate in grade levels 4-8, 5-8, or 6-8 must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course is designed to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings and to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening and identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours of instructional, utility, and management software applications for school use regarding development of instructional materials and incorporation of commercially available software into lesson and unit structure to address the use of technology for UDL (Universal Design for Learning) and how UDL can be used to meet the needs of all students with language development issues;

c. Self-Determination and Transition. Three semester hours regarding self-determination and development, implementation, and evaluation of self-management instructional programs for students with an emphasis on using self-management and learning strategies to facilitate self-determination that provides the teacher with an understanding of the Special Education transition process as specified by federal and state guidelines and the focus on the design and implementation of transition planning that meets student physical, affective, cognitive, and communicative needs across the contexts of school, community, family life, career and vocation, and recreation and leisure;

d. Behavior Support and Intervention. Three semester hours to address the knowledge, skills, and dispositions necessary for teachers to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

e. Collaborative Teaming. Three semester hours to focus on developing effective partnerships with parents, family members, general educators, and related service providers; and

f. Instructional Practices in Special Education. Three semester hours to provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address strengths and needs of diverse learners in grades 6-12 with concentration in areas of literacy and numeracy; and

2. Passing score for Praxis exams:

a. mild/moderate (4-8)—special education: core knowledge and mild to moderate applications (0543 or 5543); and/or

b. mild/moderate (6-12):

i. special education: core knowledge and mild to moderate applications (0543 or 5543);

ii. principles of learning and teaching (plt): 7-12; and

iii. secondary core content exam(s).

E. Mild/Moderate: Middle Grades 4-8 and Secondary 6-12. Individuals holding a valid secondary certificate in grade levels 6-12, 7-12, or 9-12, all-level special education certificate for significant disabilities, visually impaired, or deaf or hard of hearing), or an all-level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 18 semester hours to include the following coursework:

a. Assessment and Evaluation of Students with Disabilities. Three semester hours in a course is designed to learn to select, adapt, and use instructional interventions and behavioral strategies with students in a variety of settings and to apply knowledge and skills in a 45-hour field-based experience using theoretical approaches, screening and identification, educational placement considerations, and assessment and evaluation;

b. Fundamentals of Instructional Technology. Three semester hours of instructional, utility, and management software applications for school use regarding development of instructional materials and incorporation of commercially available software into lesson and unit structure to address the use of technology for UDL (Universal Design for Learning) and how UDL can be used to meet the needs of all students with language development issues;

c. Self-Determination and Transition. Three semester hours regarding self-determination and development, implementation, and evaluation of self-management instructional programs for students with an emphasis on using self-management and learning strategies to facilitate self-determination that provides the teacher with an understanding of the Special Education transition process as specified by federal and state guidelines and the focus on the design and implementation of transition planning that meets student physical, affective, cognitive, and communicative needs across the contexts of school, community, family life, career and vocation, and recreation and leisure;

d. Behavior Support and Intervention. Three semester hours to address the knowledge, skills, and dispositions necessary for teachers to proactively and systematically address student needs that underlie the presence of problem behaviors in schools and class rooms;

e. Collaborative Teaming. Three semester hours to focus on developing effective partnerships with parents, family members, general educators, and related service providers; and

f. Instructional Practices in Special Education. Three semester hours to provide teachers with the ability to select and utilize appropriate instructional strategies, assistive technologies, and instructional materials to address strengths and needs of diverse learners in grades 6-12 with concentration in areas of literacy and numeracy; and

2. Passing score for Praxis exams:

a. mild/moderate (4-8):

- (i) special education: core knowledge and mild to moderate applications (0543 or 5543); and
 - (ii) principles of learning and teaching (plt): 5-9; and
 - (iii) middle school content exam(s); or
- b. mild/moderate (6-12)--special education: core knowledge and mild to moderate applications (0543 or 5543) and secondary content exam(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:1485 (August 2009), amended LR 37:553 (February 2011), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:1271 (July 2015), amended LR 46:1382 (October 2020), LR 48:458 (March 2022), repromulgated LR 48:1066 (April 2022).

§1329. Requirements to add Significant Disabilities 1-12

A. Individuals holding a valid early childhood certificate in grade levels PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate in grade levels 4-8, 5-8, 6-8, secondary certificate in grade levels 6-12, 7-12, or 9-12, special education certificate, or All-Level K-12 certificate in art, dance, foreign language, health, physical education, health and physical education, or music must earn the following:

1. 21 semester hours that pertain to children with significant disabilities, as follows:
 - a. assessment and evaluation;
 - b. curriculum development, modifications, and transition planning;
 - c. behavior support;
 - d. instructional strategies;
 - e. communication;
 - f. collaborative techniques and family partnerships;
 and
 - g. characteristics of students with significant disabilities, physical support, health and safety; and

2. Three semester hours of internship of students with significant disabilities; or three years of successful teaching experience of students with significant disabilities with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

3. Passing score for Praxis exams—Special Education: Core Knowledge and Severe to Profound Applications (0545 or 5545).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 37:555 (February 2011), LR 39:1465 (June 2013), LR 45:1461 (October 2019), LR: 48:000 (March 2022), repromulgated LR 48:1069 (April 2022).

§1331. Requirements to add Visual Impairments/Blind K-12

A. Individuals holding a valid early childhood certificate in grade levels PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8, upper elementary or middle school certificate in grade levels 4-8, 5-8, 6-8, secondary certificate in grade levels 6-12, 7-12, or 9-12, special education certificate, or All-Level K-12 certificate in art, dance, foreign language, health, physical education,

health and physical education, or music must earn the following:

1. 21 semester hours that pertain to children with visual impairments:
 - a. educational implications of low vision and blindness;
 - b. orientation and mobility for the classroom teacher;
 - c. assessment and evaluation techniques, including functional vision evaluation and reading media assessment;
 - d. assistive technology for students with visual impairments;
 - e. instructional strategies and materials for students with visual impairments;
 - f. introduction to Braille, including literary and Nemeth codes; or
 - g. Braille II; and
2. three semester hours of internship of students who are visually impaired or three years of successful teaching experience of students who are visually impaired or blind with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and
3. a passing score for Praxis Special Education: Core Knowledge and Applications (#0354 or 5354) and Special Education: Teaching Students with Visual Impairments (#0282).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 37:556 (February 2011), LR 39:1465 (June 2013), LR 40:281 (February 2014), LR 45:1461 (October 2019), LR 48:461 (March 2022), repromulgated LR 48:1069 (April 2022).

Subchapter C. All Other Teaching Endorsement Areas

§1333. Introduction

A. Information on endorsements for administrative and supervisory areas can be found in Chapter 15 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), LR 48:461 (March 2022), repromulgated LR 48:1069 (April 2022).

§1335. Adapted Physical Education

- A. Adapted physical education eligibility requirements:
1. valid Louisiana teaching certificate in physical education;
 2. basic requirements—three semester hours in each of the following:
 - a. motor development and learning;
 - b. introduction to the study of exceptional children;
 - c. tests and measurements (physical education, or educational, or psychological); and
 3. specialized coursework requirements in:
 - a. introducing physical education for all children with disabilities, three semester hours;
 - b. behavioral and educational impairment and physical education, two semester hours; plus practicum in behavioral and educational impairment and physical education, one semester hour for a total of three semester hours;
 - c. chronic disability and physical education, two semester hour, plus practicum in chronic disability and

physical education, one semester hour for a total of three semester hours; and

d. the physical education curriculum for children with disabilities, three semester hours with prerequisite courses in 1-2 of this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), LR 48:461 (March 2022), repromulgated LR 48:1069 (April 2022).

§1337. Adult Education Instructor

A. Eligibility requirements:

1. valid standard Louisiana teaching certificate; and
2. one of the following:
 - a. five years of adult education experience prior to implementation of certification requirements; or
 - b. 9-12 semester hours, as follows:
 - i. introduction to or foundations of adult education, three semester hours;
 - ii. practicum in adult education, three semester hours or three years of successful teaching experience in adult education: with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;
 - iii. reading instruction in adult education, three semester hours; and
 - iv. three semester hours from the following areas:
 - (a). materials, methods, and/or curricular development in adult education;
 - (b). adult learning and development;
 - (c). use of community resources;
 - (d). administration and supervision of adult education;
 - (e). guidance and counseling in adult education;
 - (f). competency-based adult education; and
 - (g). independent study, special problems, or issues in adult education.

B. An individual who holds certification both as an adult education instructor and as a parish/city supervisor of instruction may qualify to serve as Administrator and/or Supervisor of Adult Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 36:485 (March 2010), LR 45:1461 (October 2019), LR 48:461 (March 2022), repromulgated LR 48:1070 (April 2022).

§1339. Aerospace Education

A. Aerospace education eligibility requirements:

1. valid Louisiana teaching certificate and one of the following:
 - a. six semester credit hours in approved aerospace education; or
 - b. valid private pilot's license or higher rating and at least three semester hours of credit in an approved aerospace education workshop.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), LR 48:462 (March 2022), repromulgated LR 48:1070 (April 2022).

§1341. Algebra I

A. Eligibility requirements:

1. valid level 1 Louisiana teaching certificate or higher;
2. pass either the:
 - a. middle school principals of learning and teaching (PLT) exam; or
 - b. secondary PLT exam; and
3. pass the Middle School Mathematics exam; and
4. pass the Algebra I exam.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:1386 (July 2008), amended LR 39:1465 (June 2013), LR 40:281 (February 2014), LR 45:228 (February 2019), LR 45:1461 (October 2019), LR 48:462 (March 2022), repromulgated LR 48:1070 (April 2022).

§1343. Bilingual Specialist

A. An elementary, secondary, or all-level certified foreign language teacher may be certified as a bilingual specialist upon completion of the following:

1. Bilingual Methods I, practical training in the teaching of language arts and social studies in a bilingual-bicultural setting, three semester hours; and
2. Bilingual Methods II, practical training in the teaching of math and science in a bilingual-bicultural setting, three semester hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), LR 48:462 (March 2022), repromulgated LR 48:1070 (April 2022).

§1345. Child Search Coordinator

A. Eligibility requirements:

1. certification as a teacher, social worker, school counselor, school psychologist, psychologist, speech therapist, or other related special education field;
2. graduate degree;
3. six semester hours in special education; and
4. three years of experience in the certified or licensed special education area.

B. Persons functioning as Child Search Coordinators prior to September 1, 1989, who are certified/licensed special education personnel are not bound by these requirements and will be certified, provided they are recommended for continuation of employment by the parish supervisor/director of special education and approved by the superintendent of the LEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), LR 48:462 (March 2022), repromulgated LR 48:1070 (April 2022).

§1347. Computer Literacy

A. Eligibility requirements:

1. valid OS, Level 1 or higher teaching certificate; and
2. nine semester hours of coursework in educational technology or computer science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), LR 48:462 (March 2022), repromulgated LR 48:1070 (April 2022).

§1349. Counselor K-12 (Counselor in a School Setting)

A. Individuals who completed all courses and degree requirements by June 30, 2017, will have the endorsement added to certificates based upon graduate training that included 24 semester hours of professional courses distributed so that at least one course will be taken in each of the basic areas listed below:

1. principles and administration of school counseling programs;
2. career and lifestyle development;
3. individual appraisal;
4. counseling theory and practice;
5. group processes;
6. human growth and development;
7. social and cultural foundations in counseling; and
8. supervised practicum in a school setting, or three years of successful experience as a school counselor.

B. Eligibility requirements after June 30, 2017:

1. valid Louisiana teaching certificate;
2. completion of a standards-based graduate degree program in counseling from a college or university accredited in accordance with 34 CFR 602 approved by the Council for Accreditation of Counseling and Related Educational Program (CACREP) or candidates who completed counseling programs other than the specialty area of school counseling must complete six credit hours of school counseling courses from a CACREP-accredited program;
3. practicum/internship requirements:
 - a. complete a practicum in counseling from a CACREP-accredited program to include 100 contacts hours; or
 - b. complete an internship in counseling from a CACREP-accredited program to include 600 contact hours in a school setting; and
4. completion of the Praxis examination in school guidance and counseling (0421 or 5421).

C. Renewal Requirements. For purposes of maintaining a valid counselor endorsement, any school counselor receiving certification after July 1, 2013, is required to successfully meet the standards of effectiveness for at least three years during the five-year renewal period in accordance with Bulletin 130 and R.S. 17:3902.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 33:1618 (August 2007), LR 38:1401 (June, 2012), LR 39:1465 (June 2013), LR 45:1056 (August 2019), LR 48:462 (March 2022), repromulgated LR 48:1071 (April 2022).

§1351. Driver and Traffic Safety Education

A. Eligibility requirements:

1. valid Louisiana teaching certificate;
2. valid Louisiana driver's license;
3. driving record free of conviction of major accidents and/or repeated traffic violations; and
4. specialized education, as follows:
 - a. general safety education, three semester hours of basic safety information for home, school, traffic,

community, and industrial safety, and general information on the psychology of accident prevention;

b. basic information course in driver education, three semester hours of investigation of problems facing drivers, such as those of pedestrians, cycles, alcohol and drugs, and traffic engineering, and study in the philosophy of driver education in our society; and

c. curricular innovations and instructional devices, three semester hours of in-depth study of driver education and traffic safety curricular materials and familiarization with related instructional devices.

B. Conviction of repeated traffic violations or any major crime or accident involved in or related to the operation of a motor vehicle may result in revocation of this endorsement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 48:000 (March 2022), repromulgated LR 48:1071 (April 2022).

§1353. Educational Diagnostician (Special Education)

A. Eligibility requirements:

1. a minimum of a graduate degree in education earned from an institution of higher education accredited in accordance with 34 CFR 602;

2. hold a valid Type B or Level 2 Louisiana teaching certificate, and meet one of the following guidelines:

a. hold generic special education certification, with at least one year of classroom teaching experience in a properly certified area of special education; and

b. hold certification in at least two special education disability areas, with at least one year of teaching experience in a properly certified area of special education, noting that academically gifted is not an accepted special education area;

3. reading credit, as follows:

a. elementary/middle grades majors: six semester hours in diagnosis and remediation of reading problems with three semester hours that may be undergraduate coursework; or

b. secondary/all-level majors: nine semester hours of reading coursework, with six of the semester hours in diagnosis and remediation of reading problems and three of the semester hours in foundations of reading with three semester hours that may be undergraduate coursework;

4. have completed a minimum of 21 semester hours of graduate credit, as follows:

a. applied learning theory, three semester hours;

b. behavioral intervention strategies, including systematic behavioral assessment which must include 25 child contact hours, three semester hours;

c. consulting teacher strategies, three semester hours;

d. precision assessment and diagnostic/prescriptive strategies, three semester hours;

e. test theory, three semester hours;

f. educational diagnosis, three semester hours; and

g. supervised internship, to include 100 child contact clock hours in fieldwork involving the administration, scoring, and interpretation of norm-referenced and criterion-referenced individual educational tests, working with School Building Level Committees,

teacher consultation, and implications for educational intervention through the development of the individualized assessment/intervention plan, three semester hours, and may be completed while employed on a provisional endorsement.

B. Provisional Educational Diagnostician. A one year provisional endorsement as an Educational Diagnostician may be issued if all requirements have been completed, with the exception of the 100-contact-hour internship. The intern employed on a provisional endorsement must work under a certified Educational Diagnostician who has a minimum of five years of field experience in that position. At the time of employment, the Louisiana employing authority must submit verification of the supervision component. Until the internship is completed and the provisional status is removed from the intern certificate, the supervising Educational Diagnostician shall sign all reports and evaluations involving the intern.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 46:1382 (October 2020), LR 48:463 (March 2022), repromulgated LR 48:1071 (April 2022).

§1355. Educational Technology Areas

A. Educational Technology Facilitation

1. Eligibility requirements:

- a. valid Type B or Level 2 Louisiana teaching certificate and three years of teaching experience; and
- b. complete a minimum of nine semester hours, three semester hours per course, of graduate credit in educational technology as follows:
 - i. design and development of multimedia instructional units;
 - ii. educational telecommunications, networks, and the internet; and
 - iii. technology leadership in schools.

B. Educational Technology Leadership

1. Eligibility requirements:

- a. valid Type A or Level 3 Louisiana teaching certificate and five years of teaching experience;
- b. graduate degree from a institution of higher education accredited in accordance with 34 CFR 602; and
- c. minimum of 21 semester hours of graduate credit, as follows:
 - i. education technology coursework, nine semester hours:
 - (a). design and development of multimedia instructional units;
 - (b). educational telecommunications, networks, and the internet; and
 - (c). technology leadership in schools;
 - ii. educational technology leadership coursework, 12 semester hours:
 - (a). technology planning and administration;
 - (b). professional development for K-12 technology integration;
 - (c). educational technology research, evaluation, and assessment; and
 - (d). advanced telecommunications and distance education.

2. Persons who have met requirements in Subparagraphs B.1.a and B.1.c of this Section may be issued a non-renewable, non-extendable educational technology leadership provisional certificate that is valid for three years.

C. Online Instruction eligibility requirements:

1. Valid type B or level 2 Louisiana teaching certificate (requires three years of teaching experience) or equivalent out-of-state teaching certificate; and

2. Complete an online course or combination of online courses focused on the following topics:

- a. best practices in online course delivery;
- b. facilitation skills that foster reflective discussions in an online learning environment;
- c. effective strategies for assessing learning in the online environment;
- d. techniques for using online tools to address student learning needs;
- e. asynchronous discussion and online course-authoring tools; and
- f. ethical and legal issues related to the use of online resources; and

3. Complete an online teaching intern experience of at least one semester in length or successfully serve as an instructor/facilitator of an online course for at least six weeks in length.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 34:2033 (October 2008), LR 38:766 (March 2012), LR 46:1382 (October 2020), LR 48:463 (March 2022), repromulgated LR 48:1072 (April 2022).

§1357. Elementary Mathematics Specialist

A. In January 2010 the Association of Mathematics Teacher Educators (AMTE) adopted standards for elementary math specialists. These standards are included in *Standards for Elementary Math Specialists: A Reference for Teacher Credentialing and Degree Programs* and serve as the basis for the elementary mathematics specialist certification.

B. This certification will be available to individuals holding a valid early childhood certificate in PK-K or PK-3, elementary certificate in grade levels 1-4, 1-5, 1-6, or 1-8), or middle school mathematics certificate in grade levels 4-8, 5-8, or 6-8, or a secondary mathematics certificate in grade levels 6-12 or 7-12. The following must be achieved:

1. three years of successful teaching experience to include the teaching of mathematics with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

2. completion of 21 graduate hours of coursework reflective of the Specialized Mathematics Content for Teaching as outlined in the AMTE standards. The 21 graduate hours include:

- a. three semester hours of number and operations;
- b. three semester hours of algebra and functions;
- c. three semester hours of geometry and measurement;

d. three semester hours of data analysis and probability;

e. three semester hours in mathematics pedagogical content knowledge which must include learners and learning, teaching, curriculum, and assessment;

f. three semester hours of leadership which must cover leadership knowledge and skills; and

g. a three semester hour practicum to include leadership challenges and issues which mathematics leaders encounter. Candidates complete thirty-five hours of field experience shadowing a mathematics specialist and/or completing job-like activities in addition to participating in various projects, readings, and discussions as a member of a class.

C. A teacher certified to teach in any range of grades for PreK-6 may be the math teacher of record and assign grades to students in the grade levels certified. A secondary certified math teacher is allowed to teach math in grade levels 6-12 and/or serve as a math coach in grades PK-6. The EMS endorsement can be used to verify specialized knowledge in mathematics.

D. Valid for serving as an instructional coach in mathematics in grades PK-6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2135 (July 2011), amended LR 45:1461 (October 2019), LR 48:464 (March 2022), repromulgated LR 48:1072 (April 2022).

§1359. English as a Second Language

A. Eligibility requirements:

1. valid standard teaching certificate; and

2. successful completion of the following coursework:

a. methods for teaching English as a second language, three semester hours in theories and practical approaches and techniques for teaching English as a second language to elementary, secondary, and adult education students;

b. introduction to language and culture, three semester hours in the relationship of language acquisition to social and cognitive development;

c. structure of the English language, three semester hours in the distinctive sound patterns and grammatical systems of American English; and

d. curriculum design for the multicultural classroom, three semester hours in adapting curricula for the multi-ethnic classroom as well as a review of existing English as a second language materials for elementary, secondary, and adult education levels.

B. English as a second language certification will be valid only in the teaching area(s) in which an individual is certified and in teaching English as a Second Language I, II, III, and IV elective courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1821 (October 2006), amended LR 48:464 (March 2022), repromulgated LR 48:1073 (April 2022).

§1361. Instructional Coaching

A. Eligibility Requirements:

1. Valid Type B, Level 2, or higher Louisiana teaching certificate; and

2. Completion of 12 graduate hours to include the following areas:

a. advancing teacher leadership institute, three semester hours;

b. promoting instructional coaching institute, three semester hours;

c. school improvement and research, three semester hours; and

d. internship, three semester hours in which university and school districts collaborate to insure meaningful and practical experiences in actual school settings during the course of the educational leadership program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:767 (March 2012), LR 48:000 (March 2022), repromulgated LR 48:1073 (April 2022).

§1363. Montessori Teacher Certification

A. A credential to teach Montessori at the age levels prescribed by the training institution may be added to a standard teaching certificate for teachers who have completed training from one of the following entities:

1. American Montessori Society;
2. Association Montessori Internationale;
3. St. Nicholas Training Course of London;
4. The Montessori World Education Institute;
5. Montessori Institute of America;
6. Southwestern Montessori Training Institute;
7. International Montessori Council; or
8. any other course jointly approved by BESE and the Louisiana Montessori Association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1821 (October 2006), amended LR 46:1383 (October 2020), LR 48:465 (March 2022), repromulgated LR 48:1073 (April 2022).

§1365. Reading Specialist

A. This certification is valid for teaching and/or supervision of reading in grade levels 1-12.

B. Eligibility requirements:

1. valid Type B or Level 2 Louisiana teaching certificate;

2. advanced degree from an institution accredited in accordance with 34 CFR 602; and

3. included in or beyond the advanced degree of study must be 12 graduate hours of coursework in reading education, including:

a. three semester hours of foundations or survey of reading instruction;

b. six semester hours of diagnosis and correction of reading difficulties, including a testing/tutorial practicum under the supervision of qualified personnel; and

c. three semester hours of reading in the content areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 46:1383 (October 2020), LR 48:465 (March 2022), repromulgated LR 48:1073 (April 2022).

§1367. School Librarian

A. School library service eligibility requirements:

1. Valid Louisiana elementary or secondary teaching certificate;

2. 18 semester hours in library science, as follows:

a. elementary and/or secondary school library materials, nine semester hours;

b. organization, administration, and interpretation of elementary and/or secondary school library service, six semester hours; and

c. elementary and/or secondary school library practice, three semester hours; or three years of successful experience as a school librarian.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 33:1618 (August 2007), LR 48:465 (March 2022), repromulgated LR 48:1074 (April 2022).

§1369. Mentor Teacher

A. A certification to serve as a mentor of undergraduate or post-baccalaureate teacher residents may be added to a standard teaching certificate for teachers meeting the eligibility requirements.

B. Eligibility requirements:

i. hold, or be eligible to hold, a valid type C, level 1, or higher Louisiana teaching certificate;

ii. successfully complete a BESE-approved mentor teacher training program; and

iii. earn a passing score on the Louisiana mentor teacher assessment series.

C. Individuals who successfully complete LDE mentor teacher training from November 1, 2017 through July 31, 2020, are eligible for the mentor teacher add-on endorsement after passing the Louisiana mentor teacher assessment series.

D. Individuals who hold National Board certification are eligible for mentor teacher add-on endorsement after passing the coaching-related components of the Louisiana mentor teacher assessment series.

E. Individuals who hold or are eligible to hold a Louisiana Administrative or Supervisory Credential as listed in Chapter 15 of this Part may apply for the Mentor Teacher add-on endorsement, and allows the eligible individual to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher endorsement outlined in §1369 of this Part.

F. Individuals who currently hold or are eligible to hold National Institute for Excellence in Training (NIET) Teacher Evaluator Training Certification may apply for the Mentor Teacher add-on endorsement, and allows the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the

eligibility requirements for a mentor teacher endorsement outlined in §1369 of this Part.

G. Certified CLASS® observers may apply for the Mentor Teacher add-on endorsement, which allow the individual eligible to serve as a mentor of undergraduate or post-baccalaureate teacher residents without meeting the eligibility requirements for a mentor teacher endorsement outlined in §1369 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1074 (April 2022).

§1371. Content Leader

A. The content leader endorsement is an optional endorsement that districts may require.

B. Eligibility requirements for the content leader endorsement:

1. hold, or be eligible to hold, a valid type C, level 1, or higher Louisiana teaching certificate with all out-of-state experience verified as successful by the out-of-state employing authority or SEA.

2. successfully complete a BESE-approved content leader training program; and

3. earn a passing score on the Louisiana content leader assessment series in §303 of this Part).

C. Individuals who have successfully completed LDE content leader training from November 1, 2017 through July 31, 2020, in accordance with Paragraph 1 of this Subsection, are eligible for content leader ancillary certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1074 (April 2022).

Chapter 15. Administrative and Supervisory Credentials

§1501. Overview

A. An individual who serves as an administrator and/or supervisor in Louisiana schools is required to obtain the appropriate credential for the area of assignment. A teacher already certified in Louisiana may have an educational leader certificate issued to provide administrative or supervisory services in a Louisiana school system.

B. This Chapter is divided into three parts, as follows:

1. educational leadership certification structure;

2. administrative and supervisory endorsements that were superseded by the educational leadership certification structure; and

3. all other supervisory endorsements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 38:3138 (December 2012), LR 48:466 (March 2022), repromulgated LR 48:1074 (April 2022).

Subchapter A. The Educational Leadership Certificate

§1503. Introduction

A. The educational leadership certification structure provides for four levels of leader certification: teacher leader; educational leader level 1; educational leader level 2;

and educational leader level 3. The teacher leader certificate is an option for a teacher to be identified as a teacher leader and is not a state required credential for a specific administrative position. The educational leader level 1 certificate is an entry-level certificate for individuals seeking to qualify for school and/or district leadership positions such as assistant principals, principals, parish or city supervisors of instruction, supervisors of child welfare and attendance, special education supervisors, or comparable school/district leader positions. An individual advances from a level 1 to a level 2 certificate after successfully meeting standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902, and completing the required years of experience. The level 3 certificate qualifies an individual for employment as a district superintendent. The LDE will issue a letter of eligibility for an EDL certificate to requesting educators not currently serving in an educational leadership role.

B. Educational leadership preparation programs and induction programs must be aligned with state and national standards in accordance with LAC 28:CXXXVII.301 in Bulletin 125.

C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams, when not in violation of law. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 17:411, and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 33:819 (May 2007), LR 38:42 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 45:231 (February 2019), LR 48:466 (March 2022), repromulgated LR 48:1074 (April 2022).

§1505. Educational Leader Certificate Level 1 (EDL 1)

A. The EDL 1 certificate is needed for school and district educational leadership positions such as assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, special education supervisor, or comparable school/district leader positions. The EDL certificate is issued upon the request of the LEA upon employment to serve as an educational leader. An EDL 1 certificate may be obtained through either a master's degree pathway or through one of three alternate pathways.

1. Graduate Degree Pathway. To receive an entry-level EDL 1, the candidate must:

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in the area of certification;

b. complete a competency-based graduate degree preparation program in the area of educational leadership from an institution of higher education accredited in

accordance with 34 CFR 602, which may be inclusive of BESE-approved mentor teacher or content leader training;

i. If the graduate degree program was not in Educational Leadership then a letter from the dean of education or the dean of the graduate school will be considered and must be submitted verifying that the master's degree program is aligned with the National Policy Board for Educational Administration's Professional Standards for Educational Leaders (PSEL). The final authority for approval is at the discretion of the LDE; and

c. have a passing score on the BESE approved school leaders licensure assessment, in accordance with state requirements.

2. Alternate Pathway 1. The alternate pathway 1 is for individuals who already hold a graduate degree and seek issuance of an EDL 1. The candidate must:

a. hold or be eligible to hold a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

b. have previously completed a graduate degree program from an institution of higher education accredited in accordance with 34 CFR 602;

c. meet competency-based requirements, as demonstrated by completion of an individualized program of educational leadership from an institution of higher education accredited in accordance with 34 CFR 602 developed based on a screening of candidate competencies upon entering into a graduate alternative certification program and service as a mentor teacher, content leader, or BESE-approved mentor teacher or content leader training may fulfill a maximum of 40 percent of an individualized program; and

d. earn a passing score on the BESE approved school leaders licensure assessment in accordance with state requirements.

3. Alternate Pathway 2. The alternate pathway 2 is for individuals who already hold a graduate degree in education and seek issuance of an EDL 1. The candidate must:

a. hold or be eligible to hold, a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

b. have previously completed a graduate degree program in education from an institution of higher education accredited in accordance with 34 CFR 602;

c. provide documented evidence of leadership experiences of 240 clock hours or more at the school and/or district level, including service as a mentor teacher or content leader of up to 100 clock hours; and

d. have a passing score on the BESE approved school leaders licensure assessment in accordance with state requirements.

4. Alternate Pathway 3. The alternate pathway 3 is for persons who already hold a baccalaureate degree from an institution of higher education accredited in accordance with 34 CFR 602 and are seeking to receive an EDL 1 through a

competency-based educational leader practitioner (residency) program found in LAC 28:XLV (Bulletin 996, Chapter 7). The candidate must:

a. hold, or be eligible to hold, a Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

b. demonstrate strong knowledge of instruction through a rigorous screening process by an approved program provider;

c. complete a competency-based educational leader practitioner/residency preparation program in the area of educational leadership from a non-university provider or an institution of higher education accredited in accordance with 34 CFR 602 with service as a mentor teacher, content leader, or BESE-approved mentor teacher or content leader training allowed fulfill a maximum of 40 percent of the competency-based program; and

d. have a passing score on the BESE approved school leaders licensure assessment in accordance with state requirements.

5. EDL 1 Extensions

a. An EDL 1 is valid for three years initially and may be extended thereafter for a period of one year at the request of an LEA. EDL 1 certificates are limited to two such extensions.

b. Individuals who hold an educational leader certification and are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness as a leader for at least three years during the five-year initial or renewal period in order to renew.

c. Individuals who hold an educational leader certification and are employed in a leadership capacity at the district level must earn effective ratings as a leader per local personnel evaluations for at least three years during the five-year initial or renewal period in order to renew.

6. Districts may require participation in an education leader induction administered by the LEA.

AUTHORITYNOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017), LR 45:231 (February 2019), LR 45:526 (April 2019), LR 45:1461 (October 2019), LR 46:1383 (October 2020), LR 48:466 (March 2022), repromulgated LR 48:1075 (April 2022).

§1507. Educational Leader Certificate Level 2 (EDL 2)

A. To receive an EDL 2, the individual must:

1. hold or be eligible to hold a EDL 1 certificate, Louisiana provisional principal certification, or comparable level out-of-state educational leader certificate;

2. have three years of teaching experience;

3. if applicable, have all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

4. participate in an education leader induction administered, if required by the LEA;

5. for individuals who are employed in a leadership capacity at the school level, meet the standards of effectiveness as an educational leader for three years

pursuant to LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902; and

6. for individuals who are employed in a leadership capacity at the district level, earn effective ratings per local personnel evaluations for three years.

B. Renewal Requirements. An EDL 2 is valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of EDL 2 certificate:

1. Individuals who hold an educational leader certification and are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness as a leader for at least three years during the five-year initial or renewal period.

2. Individuals who hold an educational leader certification and are employed in a leadership capacity at the district level must earn effective ratings as a leader per local personnel evaluations for at least three years during the five-year initial or renewal period.

AUTHORITYNOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:820 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 41:2129 (October 2015), LR 45:526 (April 2019), LR 45:1461 (October 2019), LR 48:467 (March 2022), repromulgated LR 48:1076 (April 2022).

§1509. Educational Leader Certificate Level 3 (EDL 3)

A. This certificate is required in order to serve as a school system superintendent or assistant superintendent.

1. Eligibility requirements:

a. hold or be eligible to hold an EDL 2 or one of the Louisiana administrative/supervisory certifications that preceded the educational leadership certification structure;

b. three years of teaching experience;

c. five years of successful administrative or management experience in education at the level of assistant principal or above with assistant principal experience limited to a maximum of two years of the five years of experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

d. earn passing score on the BESE approved school superintendent assessment, in accordance with state requirements.

B. Renewal Requirements. An EDL 3 is valid for five years initially and may be renewed thereafter for a period of five years at the request of an LEA:

1. Individuals who hold an educational leader certification and are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness as a leader for at least three years during the five-year initial or renewal period.

2. Individuals who hold an educational leader certification and are employed in a leadership capacity at the district level must earn effective ratings as a leader per local personnel evaluations for at least three years during the five-year initial or renewal period.

AUTHORITYNOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006),

amended LR 38:3139 (December 2012), LR 41:2129 (October 2015), LR 45:526 (April 2019), LR 45:1462 (October 2019), LR 48:468 (March 2022), repromulgated LR 48:1076 (April 2022).

§1511. Non-Practicing Status for Educational Leader Certificates

A. In order to retain evaluation ratings toward certification renewal, the LDE may grant non-practicing status to any educational leader who applies after ceasing employment with the LEA in accordance with §505 of this Part.

B. The first date an educational leader may enter into non-practicing is August 1, 2012.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2129 (October 2015), amended LR 45:527 (April 2019), LR 48:468 (March 2022), repromulgated LR 48:1077 (April 2022).

§1513. Teacher Leader Endorsement (Optional)

A. As part of the educational leader certification structure a teacher may become certified as a teacher leader that allows principals the opportunity to provide leadership experiences to teachers at the school level and recruit potential educational leader candidates for school districts. Teacher leader is the certification needed by those who fill school site leadership roles such as serving as a school curriculum coordinator, chairperson or content teacher, the school improvement team chairperson, the lead teacher in developing and scheduling a special activity at the school site, or the lead teacher in the school preparation for a technical assistance visit.

B. Eligibility requirements:

1. valid type B, level 2, or higher Louisiana teaching certificate;

2. completion of a state-approved teacher leader program that requires, at minimum, the equivalent of six graduate hours, or 90 contact hours, including a combination of face-to-face and field-based professional development activities that:

a. may include the use of a cohort approach;

b. provides support from and monitoring by current outstanding administrators serving as mentors and/or facilitators;

c. includes an electronic component of online and/or compressed video to ensure participant access to key resources and to build a statewide network of qualified administrator candidates that could include the development of cohorts; and

d. requires the development and presentation of a culminating portfolio that provides evidence that knowledge gained and skills acquired are aligned with national and state leader standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 35:1232 (July 2009), LR 38:3139 (December 2012), LR 48:468 (March 2022), repromulgated LR 48:1077 (April 2022).

§1515. Local Education Agency Appeal

A. If an educational leader evaluation demonstrates that the standards of effectiveness, as determined by BESE, have been met, using value-added data or other components of the

evaluation, for three years during the initial certification or renewal process, a certificate shall be issued or renewed unless the LDE or BESE receives evidence from the LEA that justifies discontinuation.

B. Similarly, if an educational leader evaluation demonstrates that the standards of effectiveness, as determined by BESE, have not been met, using either value-added data or other components of the evaluation, for three years during the initial certification or renewal process, the LDE/BESE shall not issue or renew a certificate unless evidence of effectiveness is received from the LEA that justifies the issuance of a certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2130 (October 2015), LR 48:468 (March 2022), repromulgated LR 48:1077 (April 2022).

§1517. Educational Leader Certification Implementation Timeline

A. By the spring of 2019, the LDE will:

1. develop and recommend to BESE the adoption of a Louisiana leadership assessment series (LLAS) that serves as an alternative to the Praxis school leaders licensure assessment (SLLA) and that will be inclusive of assessment components from the Louisiana mentor teacher assessment series and the Louisiana content leader assessment series;

2. pilot and study the LLAS in the winter of 2019, to ensure suitability for use as a required assessment for the educational leader level 1 certification:

a. candidates for the educational leader, level 1 certification who earn a passing score on the LLAS during the pilot phase will be eligible for the educational leader, level 1 certificate, if the candidate has met all other requirements for the graduate degree pathway or one of three alternate pathways; and

3. review and report on the efficacy of the assessment, including, but not limited to, the passage rates and the number of educational leader, level 1 certificates issued.

B. Beginning in the spring of 2019, the LDE will begin issuing:

1. mentor teacher ancillary certificates upon successful completion of the Louisiana mentor teacher assessment series in accordance with §553 of this Part; and

2. content leader ancillary certificates upon successful completion of the Louisiana content leader assessment series in accordance with §555 of this Part.

D. Prior to September 1, 2019, the LDE will:

1. review Chapters 5 and 15 of this Part; and

2. recommend revisions to BESE as necessary and based on findings from a learning phase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:3886.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:232 (February 2019), amended LR 48:468 (March 2022), repromulgated LR 48:1077 (April 2022).

Subchapter B. Out-of-State Administrative Certification Structure

§1519. Out-of-State Principal Level 1 (OSP1)

A. This is a three year, non-renewable Louisiana certificate issued to an individual who holds comparable out-of-state certification as a principal or educational leader, authorizes the individual to serve as a principal or assistant

principal in a Louisiana public school system, and is issued upon employment as a principal or assistant principal in a Louisiana public school system.

1. Eligibility requirements:

a. a valid out-of-state certificate as a principal or comparable educational leader certificate;

b. a minimum of two years of successful experience as a principal or assistant principal in another state, as verified by the out-of-state employing authority or SEA;

c. must have been regularly employed as an assistant principal or principal for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana, or the applicant must earn six semester hours of credit in state-approved courses during the five year period immediately preceding issuance of the OSP1; and

d. An applicant who has not been regularly employed for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana may be issued a one-year non-renewable (OSP) certificate during completion of the six semester hours required for the issuance of a three-year non-renewable (OSP 1) certificate; and

2. Districts may require participation in an education leader induction administered by the LEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 35:2325 (November 2009), LR 38:43 (January 2012), LR 39:1465 (June 2013), LR 45:1462 (October 2019), LR 48:468 (March 2022), repromulgated LR 48:1077 (April 2022).

§1521. Out-of-State Principal Level 2 (OSP2)

A. An out-of-state principal level 2 (OSP2) is valid for five years initially and may be extended thereafter for a period of five years at the request of an LEA.

1. Eligibility requirements:

a. a valid OSP1 certificate;

b. completion of Louisiana PRAXIS requirements (School Leaders Licensure Assessment (1010) Prior to 12/31/09 or School Leaders Licensure Assessment (1011) Effective 1/1/10, or qualify for PRAXIS/NTE exclusion in accordance with R.S. 17:7.1(A)(7) by fulfilling the following:

i. a minimum of four years of successful experience as a principal in another state, as verified by the out-of-state employing authority or SEA;

ii. complete one year of employment as an assistant principal or principal in a Louisiana public school system while holding the three-year OSP 1 certificate; and

iii. the local superintendent or designee of the employing Louisiana public school system has recommended continued administrative employment in the following school year; and

c. participation in an education leader induction if required by the LEA.

B. Individuals who are employed in a leadership capacity at the school level successfully meeting the standards of effectiveness as an educational leader during the validity period of the OSP1 certificate must earn effective ratings per local personnel evaluations for at three years during the five-year initial or renewal period.

C. Renewal Requirements. For renewal of OSP2 certificate, candidates who are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness for at least three years during the five-year initial or renewal period in accordance with Bulletin 130 and R.S. 17:3902. Individuals who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 35:2325 (November 2009), LR 36:882 (March 2011), LR 38:43 (January 2012), LR 38:3139 (December 2012), LR 39:1466 (June 2013), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 48:469 (March 2022), repromulgated LR 48:1078 (April 2022).

§1523. Out-of-State Superintendent (OSS)

A. The out-of-state superintendent (OSS) certificate is valid only for the employing Louisiana public school district requesting issuance, is valid for five years from date of first appointment as a superintendent, and is renewable every five years.

1. Eligibility requirements:

a. employment by a Louisiana public school system to serve as a superintendent or an assistant superintendent;

b. a valid teaching certificate from another state with authorization to serve as a school superintendent;

c. a graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;

d. five years of successful administrative or management experience in education at the level of assistant principal or above with assistant principal experience limited to a maximum of two years of experience in that position; and

e. three years of successful teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA.

2. Renewal Requirements. For renewal of an OSS certificate, candidates who are employed in a leadership capacity at the school level must successfully meet the standards of effectiveness as a leader for at least three years during the five-year initial or renewal period pursuant to Bulletin 130 and R.S. 17:3902. Individuals who are employed in a leadership capacity at the district level must earn effective ratings per local personnel evaluations as a leader for at three years during the five-year initial or renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 38:3140 (December 2012), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 46:1383 (October 2020), LR 48:470 (March 2022), repromulgated LR 48:1078 (April 2022).

Subchapter C. Administrative and Supervisory Endorsements

§1525. Introduction

A. Effective June 30, 2006, universities cannot admit candidates into a leadership/administration program that has

not undergone the redesign and review process. Individuals who have completed all courses, testing requirements, and degree requirements under the position specific policy prior to 12/31/08 have until 12/31/2013 to accrue the five years of experience for the administrative certifications listed below:

1. elementary school principal;
2. secondary school principal;
3. parish or city school superintendent;
4. parish or city school supervisor of instruction;
5. parish or city school supervisor/director of special education;
6. special school principal; or
7. supervisor of child welfare and attendance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 35:1231 (July 2009), LR 48:470 (March 2022), repromulgated LR 48:1078 (April 2022).

§1527. Elementary School Principal

A. Eligibility requirements:

1. Type A or Level 3 Louisiana teaching certificate for the elementary school;
2. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;
3. five or more years of classroom teaching at elementary school level;
4. score of 620 on the Educational Administration and Supervision Area Exam of the NTE;
5. minimum of 30 semester hours of graduate credit, as follows:
 - a. educational administration and instructional supervision, nine semester hours:
 - i. foundations of or introduction to educational administration, or theory of educational administration;
 - ii. elementary school principal; and
 - iii. principles of instructional supervision in the elementary school;
 - b. professional education, 21 semester hours:
 - i. eighteen semester hours of three each:
 - (a). educational research;
 - (b). history or philosophy of education;
 - (c). elementary school curriculum;
 - (d). school law;
 - (e). school finance; and
 - (f). school personnel administration; and
 - ii. three semester hours of educational administration electives to be selected from the following:
 - (a). school-community relations;
 - (b). school facilities; and
 - (c). program development and evaluation in either professional education or in areas outside of professional education.

B. Individuals who meet requirements of Item A above are eligible for a provisional elementary school principal endorsement. Upon employment as a principal or assistant principal, an individual with provisional principal endorsement must enroll in the two year Principal Internship Program.

C. A regular elementary school principal endorsement will be added to the standard Type A certificate upon

satisfactory completion of the two year Principal Internship Program.

D. Individuals holding provisional or regular principal endorsements at the elementary school level may serve as principal of an elementary, middle, secondary, or combination grade-level school.

E. Elementary school assistant principals are required to meet the same standards as elementary school principals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 46:1383 (October 2020), LR 48:470 (March 2022), repromulgated LR 48:1079 (April 2022).

§1529. Secondary School Principal

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana teaching certificate for the secondary school;
2. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;
3. five or more years of classroom teaching at secondary school level;
4. score of 620 on the Educational Administration and Supervision Area Exam of the NTE;
5. minimum of 30 semester hours of graduate credit, as follows:
 - a. educational administration and instructional supervision, nine semester hours of three hours each:
 - i. foundations of or introduction to educational administration, or theory of educational administration;
 - ii. secondary school principal; and
 - iii. principles of instructional supervision in the secondary school;
 - b. professional education, 21 semester hours:
 - i. 18 semester hours, to include three semester hours from each of the following:
 - (a). educational research;
 - (b). history or philosophy of education;
 - (c). secondary school curriculum;
 - (d). school law;
 - (e). school finance;
 - (f). school personnel administration;
 - ii. three semester hours of educational administration electives to be selected from the following courses:
 - (a). school-community relations;
 - (b). school facilities; and
 - (c). program development and evaluation (either in professional education or in areas outside of professional education).

B. Individuals who meet the requirements of Item A above are eligible for a provisional secondary school principal endorsement. Upon employment as a principal or assistant principal, an individual with provisional principal endorsement must enroll in the two year Principal Internship Program under the auspices of the Administrative Leadership Academy.

C. A regular secondary school principal endorsement will be added to the standard Type A certificate upon satisfactory completion of the two year principal internship program.

D. Persons holding provisional or regular principal endorsements at the secondary school level may serve as principal of an elementary, middle, secondary, or combination grade-level school.

E. Secondary school assistant principals are required to meet the same standards as elementary school principals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006), amended LR 46:1383 (October 2020), LR 48:471 (March 2022), repromulgated LR 48:1079 (April 2022).

§1531. Parish or City School Superintendent

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana teaching certificate;

2. five years of successful school experience for a state, parish, or city as superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal in a State-approved system, or experience certified as equivalent to any of these by BESE or the LDE. Assistant principal experience is limited to a maximum of two years of experience in that position with all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

3. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;

4. 48 semester hours of graduate credit:

a. 30 semester hours in educational administration and supervision of instruction, as follows:

i. 18 semester hours, to include three semester hours in each of the following areas:

(a). foundations of (introductory) educational administration; or theory of educational administration;

(b). school law;

(c). principles of instructional supervision (elementary or secondary);

(d). school community relations;

(e). secondary or elementary school principalship; and

(f). school finance;

ii. 12 semester hours of electives in educational administration and instructional supervision from the following areas:

(a). school facilities;

(b). school personnel administration;

(c). group dynamics;

(d). office and business management;

(e). clinical supervision or internship or practicum in educational administration or instructional supervision; and

(f). program development and evaluation (in professional education or areas outside professional education);

5. professional education, 12 semester hours to include three semester hours in each of the following:

a. educational research;

b. history or philosophy of education;

c. elementary school curriculum; and

d. secondary school curriculum; and

6. six semester hours of electives from cognate fields outside of professional education related to educational administration and supervision in business, political science, psychology, sociology, or speech.

B. Assistant superintendents who supervise any part of the instructional program are required to meet the same standards as superintendents.

C. Assistant superintendents for non-instructional areas such as finance, management, facilities planning, and ancillary programs shall be certified as a school superintendent or meet the following requirements:

1. a minimum of five years of demonstrated successful administrative experience at a managerial level in education and/or related fields, either in the public or private sector;

2. graduate degree in educational administration, business administration, public administration, or a related area of study including, but not limited to, accounting, finance, banking, insurance, and law, from an institution of higher education accredited in accordance with 34 CFR 602;

3. responsibilities assumed by this category of administrators must be related to non-instructional programs, and experience obtained while at that level may not be used for meeting the certification requirements for superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411, amended LR 45:1462 (October 2019).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006), amended LR 45:1462 (October 2019), LR 46:1383 (October 2020), LR 48:471 (March 2022), repromulgated LR 48:1080 (April 2022).

§1533. Parish or City School Supervisor of Instruction

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana Teaching Certificate;

2. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602; and

3. minimum of 33 semester hours of graduate credit, to include:

a. 15 semester hours in educational administration and supervision:

i. foundations and theory of educational administration (three);

ii. principles of instructional supervision (six);

iii. elementary school curriculum (three); and

iv. secondary school curriculum (three);

b. professional education, 15 semester hours:

i. educational research (three);

ii. history or philosophy of education (three);

iii. school law (three); and

iv. six semester hours of electives from Instructional Evaluation, Statistics, Testing and Measurement, Learning Theory, or Program Development and Evaluation in professional education or areas outside professional education; and

c. three semester hours to be selected from Practicum in Instructional Supervision or Internship in Instructional Supervision and internship or clinical experience as an elementary or secondary school principal or instructional supervisor may be substituted for this requirement.

B. Individuals who meet requirements of Paragraphs A.1, 2, and Subparagraph 3.a may be issued a non-renewable, non-extendable supervisor of instruction provisional certificate valid for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), amended LR 46:1383 (October 2020), LR 48:472 (March 2022), repromulgated LR 48:1080 (April 2022).

§1535. Parish or City School Supervisor/Director of Special Education

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana teaching certificate with certification as a special education teacher;
2. five years of successful professional experience, at least three of which must have been in special education;
3. graduate degree from an institution of higher education accredited in accordance with 34 CFR 602;
4. minimum of 33 semester hours of graduate credit:
 - a. six semester hours of special education administration, with three semester hours in each area of special education administration that address the following competencies:
 - i. administration and organization of special education; and
 - ii. special education compliance;
 - b. professional education, 24 semester hours of instructional supervision, to include three semester hours in each of the following:
 - i. foundations and theory of educational administration;
 - ii. educational research;
 - iii. history and philosophy of education;
 - iv. school law;
 - v. school finance;
 - vi. curriculum;
 - vii. principles of instructional supervision; and
 - viii. three semester hours of electives to be selected from instructional evaluation, statistics, testing and measurement, learning theory, or program development and evaluation in professional education or areas outside professional education; and
 - c. three semester hours in either practicum in special education administration or internship in special education administration.

B. Persons who have met the requirements of Paragraphs A.1-3, three semester hours from A.4.a, and 12 semester hours from A.4.b may be issued a non-renewable, non-extendable Supervisor/Director of Special Education provisional certificate, valid for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), LR 46:1384 (October 2020), LR 48:472 (March 2022), repromulgated LR 48:1081 (April 2022).

§1537. Special School Principal

A. Special school principal eligibility requirements:

1. Certification requirements for elementary or secondary school principal must be completed. The same

certification standards as those required of principals apply if an individual is serving as an assistant principal;

2. graduate training in special education, including at least one course in administration/supervision of special education, and generic certification in one or more areas of exceptionalities served by that school;

3. five years of successful professional experience, at least three years of which must have been in special education; and

4. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:1462 (October 2019), LR 48:472 (March 2022), repromulgated LR 48:1081 (April 2022).

§1539. Supervisor of Child Welfare and Attendance and/or Visiting Teacher

A. Eligibility requirements:

1. valid Type A or Level 3 Louisiana teaching certificate;
2. graduate degree from an institution accredited in accordance with 34 CFR 602, including 15 semester hours of professional education at the graduate level to include three semester hours in each of the following areas:
 - a. principles of guidance and counseling;
 - b. supervision of child welfare and attendance and/or visiting teacher work;
 - c. school law;
 - d. social psychology;
 - e. psychology of child growth and development or human growth and development.

B. Social workers licensed under R.S. 37:2701 et seq. may be certified as visiting teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:1384 (October 2020), LR 48:473 (March 2022), repromulgated LR 48:1081 (April 2022).

Subchapter D. All Other Supervisory Endorsements

§1541. Introduction

A. In addition to those areas of supervision and administration embraced within the educational leader certification structure, the following supervisory endorsements are available to candidates holding a Louisiana teaching certificate:

1. supervisor of school libraries;
2. supervisor of parish or city materials and media centers; and
3. supervisor of student teaching.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), LR 48:473 (March 2022), repromulgated LR 48:1081 (April 2022).

§1543. Supervisor of School Libraries

A. Supervisor of school libraries eligibility requirements:

1. Type A or Level 3 Louisiana certificate authorizing school library service;

2. five or more years of successful experience as a school librarian with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

3. graduate degree in library science from an institution accredited in accordance with 34 CFR 602, including 12 semester hours of graduate training in library science and a minimum of 21 semester hours of undergraduate credit in library science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:1463 (October 2019), LR 46:1384 (October 2020), LR 48:473 (March 2022), repromulgated LR 48:1081 (April 2022).

§1545. Supervisor of Parish or City Materials and/or Media Centers

A. Supervisor of parish or city materials and/or media centers eligibility requirements:

1. Type A or Level 3 Louisiana teaching certificate;
2. advanced degree from an institution accredited in accordance with 34 CFR 602;
3. 15 semester hours of graduate course work in non-book media:
 - a. utilization of audiovisual materials (three);
 - b. media design and production (three);
 - c. administration of media programs (three); and
 - d. six semester hours of electives from courses such as photography, educational television, programmed instruction, media research, advanced production techniques, and communication theory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:1384 (October 2020), LR 48:473 (March 2022), repromulgated LR 48:1082 (April 2022).

§1547. Supervisor of Student Teaching

A. This is no longer a required endorsement that must appear on a certificate.

B. To qualify to perform this supervisory service, a teacher must meet one of the following eligibility criteria:

1. valid Type A or Level 3 Louisiana certificate in the field of the supervisory assignment;
2. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and successfully complete the three semester-hour course in the supervision of student teaching;
3. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and successfully complete assessor training through the Louisiana Teacher Assistance and Assessment Program; or
4. valid Type B or Level 2 Louisiana certificate and National Board Certification in the field of the supervisory assignment.

C. On September 1, 2023, the mentor teacher endorsement or ancillary certificate will replace the supervisor of student teaching certificate. The supervisor of student teaching certificate will no longer be issued effective December 31, 2020.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 37:2136 (July 2011), LR 45:232 (February 2019), LR 46:1384 (October 2020), LR 48:473 (March 2022), repromulgated LR 48:1082 (April 2022).

Chapter 17. Certification Appeal Process

§1701. Overview

A. The certification appeal process is available to an individual who has applied for certification and has been denied the requested certification due to the absence of certification requirements. The process provides such an individual the opportunity to have the appeal evaluated by the Teacher Certification Appeals Council (TCAC). TCAC will evaluate all appeals and submit a written report of findings for ratification by BESE. The decision of the TCAC is final.

B. Pursuant to *Louisiana Revised Statute* 17:7(6)(f), TCAC shall consist of nine members, who serve four-year terms, recommended by the state superintendent of education and approved by BESE as follows. Council membership:

1. Three council members shall be college of education faculty members, each of whom shall represent a postsecondary education institution participating in both traditional and alternative certification programs. The Louisiana Association of Colleges for Teacher Education, the Louisiana Association of Independent Colleges and Universities, and the Louisiana Association of Teacher Educators shall each submit a list of three nominees. The superintendent shall recommend one college of education faculty member from each such list.

2. Three council members shall be classroom teachers. The Associated Professional Educators of Louisiana, the Louisiana Association of Educators, and the Louisiana Federation of Teachers shall each submit a list of three nominees. The superintendent shall recommend one classroom teacher from each such list.

3. Three council members shall be certified school or system administrators. The Louisiana Association of School Executives, the Louisiana State Association of School Personnel Administrators, and the Louisiana Association of School Superintendents shall each submit a list of three nominees. The superintendent shall recommend one administrator from each such list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 43:1314 (July 2017), LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022).

§1703. Appeal Process

A. An applicant who is denied certification but seeks an appeal based upon legitimate grounds may submit a certification appeal application to the LDE. Only an individual who has been evaluated and denied certification through the LDE is eligible to file an appeal. The following restrictions apply:

1. An appeal cannot be initiated until:
 - a. an applicant has submitted a complete certification application to the LDE;
 - b. the application is reviewed by a certification specialist; and
 - c. the applicant is notified the requested certification is denied;
2. an appeal application is received by the certification office within 90 days from the date that the certification request was denied;
3. Appeals will not be considered for individuals who:
 - a. lack NTE/Praxis requirements for initial certification;
 - b. lack a minimum grade point average of 2.50 for initial certification and who did not meet the conditional admittance and program requirements as outlined in R.S. 17:7.1(A)(3);
 - c. lack reading requirements per R.S. 17:7.1(A)(4)(a);
 - d. lack 50 percent or more of courses or preparation program requirements required for certification;
 - e. lack the degree required for certification;
 - f. lack a degree from a college or university accredited in accordance with 34 CFR 602;
 - g. request issuance or renewal of a non-standard teaching certificate excluding the temporary authority to teach (TAT) certificate; or
 - h. failed to meet the standards of effectiveness for three years pursuant to Bulletin 130 and R.S. 17:3902; and
4. Appeals denied due to the issuance or renewal of certificates based on the standards of effectiveness must follow the grievance procedure through the LEA as identified in Bulletin 130.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 38:3140 (December 2012), LR 43:1314 (July 2017), LR 44:2002 (November 2018), LR 45:1750 (December 2019), LR 46:1384 (October 2020), LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022).

Chapter 21. State Guidelines Related to Qualifications for Paraprofessionals and Continuing Learning Units

§2101. General Provisions

A. This Chapter is divided into two sections:

1. paraprofessional qualifications; and
2. continuing learning units (CLUs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2053 (October 2007), amended LR 43:1315 (July 2017), LR 48:474 (March 2022), repromulgated LR 48:1083 (April 2022).

§2103. Paraprofessional Qualifications

A. Definition of Paraprofessional

1. For the purposes of title I, part A, a paraprofessional is an employee who provides instructional support in a program supported with title I, part A funds including paraprofessionals working in any of the following capacities:

- a. providing one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- b. assisting with classroom management, such as organizing instructional and other materials;
- c. providing instructional assistance in a computer laboratory;
- d. conducting parental involvement activities;
- e. providing support in a library or media enter;
- f. acting as a translator; or
- g. providing instructional support services under the direct supervision of a teacher [title I, section 1119(g)(2)].

2. Individuals functioning as interpreters or transliterators, who are providing communication assistance only and not instructional support, are not considered paraprofessionals under Title I if the individual possess one of the following educational interpreter certificates:

- a. ancillary provisional certificate; or
- b. qualified ancillary certificate.

3. Individuals who work in food services, cafeteria or playground supervision, personal care services, non-instructional computer assistance, and similar positions are not considered paraprofessionals under title I.

C. Requirements for Title I Paraprofessionals. All Title I paraprofessionals hired on or before January 8, 2002, and working in a program supported with title I funds must have met the following requirements by January 8, 2006. All title I paraprofessionals hired after January 8, 2002, must meet the following requirements to be hired:

1. possess a secondary school diploma or recognized equivalent including paraprofessionals who serve as translators or who conduct parental involvement activities; and

2. satisfy one of the following:

- a. pass a state approved assessment for paraprofessionals;
- b. obtain an associate (or higher) degree at a higher education institution; or
- c. complete two years of full-time study at an institution of higher education.

D. Louisiana Pathways for Paraprofessionals to Meet Federal Requirements. The U.S. Department of Education specifies that paraprofessionals should be able to demonstrate knowledge of and the ability to assist in instruction in the areas of reading, writing, and math, or in school readiness. Paraprofessionals are expected to have a working knowledge of the academic areas. Louisiana offers all paraprofessionals three ways to meet federal requirements.

1. State Test. A paraprofessional who passes the Educational Testing Service (ETS) para-pro assessment will meet state and federal requirements to be classified as a highly qualified paraprofessional. A paraprofessional who is not new to the profession, passes the ACT work keys assessment, and has successful observations will meet state and federal requirements to be classified as a highly qualified paraprofessional.

2. Two Years of Full-Time Study (48 Semester Credit Hours). State, district, and post-secondary education personnel collaborated in identifying course requirements

for paraprofessionals within a state approved institution of higher education that would assist paraprofessionals when instructing students in the areas of reading, writing, math, and school readiness.

3. Associate Degree. State, district, and post-secondary education personnel collaborated in identifying course requirements for paraprofessionals within a state-approved institution of higher education that would assist paraprofessionals when instructing students in the areas of reading, writing, math, and school readiness.

E. State-Approved Institutions of Higher Education. State-approved higher education institutions may offer coursework to paraprofessionals. To be approved by the state, institutions must be accredited by a nationally recognized accrediting entity or granted pre-accreditation status. Newly developed public institutions that are formally seeking accreditation may obtain pre-accreditation status from the state. A list of approved institutions is available from the LDE upon request.

F. Louisiana Definition: Highly Qualified Paraprofessional

1. New to the Profession. A paraprofessional must satisfy one of the following:

- a. passed the ETS para-pro assessment;
- b. has 2 years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from an institution of higher education accredited in accordance with 34 CFR 602. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is at school district discretion in addressing the needs of the specific job; or
- c. has associate of arts or associate of applied science degree from a state-approved institution of higher education or from an institution of higher education accredited in accordance with 34 CFR 602.

2. Not New to the Profession. A paraprofessional must satisfy one of the following:

- a. passed the ETS para-pro assessment;
- b. has 2 years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from an institution of higher education accredited in accordance with 34 CFR 602. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is at school district discretion in addressing the needs of the specific job;
- c. has associate of arts or associate of applied science degree from a state-approved institution of higher education or from an institution of higher education accredited in accordance with 34 CFR 602; or
- d. has successfully completed the ACT, Inc., work keys skills assessments and on-the-job observation.

G. Curriculum-based Pathways for Paraprofessionals. General education and teacher preparation coursework must address the K-12 state content standards, Louisiana components of effective Teaching, National Council for the

Accreditation of Teacher Education (NCATE) standards, and Praxis expectations. In addition to the ETS para-pro assessment, the state specified three curriculum-based pathways for paraprofessionals to meet federal requirements, as follows:

1. total of 48 credit hours:
 - a. general education courses—15 semester hours:
 - i. English composition—3 hours;
 - ii. English/reading—6 hours; and
 - iii. mathematics—6 hours; and
 - b. paraprofessional courses—for the remaining 33 semester hours, acceptance of credit for a course shown on a transcript from an approved institution of higher education is at school district discretion in addressing needs of a specific job:
 - i. guidelines for prescriptive plan requiring additional coursework—school districts should consider at least three hours of reading and at least 12 hours from a list of available paraprofessional courses, as follows:
 - (a). strategies for teaching and learning;
 - (b). assessment of learning;
 - (c). classroom and behavior management; and
 - (d). addressing the needs of exceptional children;
- and
- ii. discipline-specific electives may include as many as 12 hours of developmental or remedial courses;
2. associate of applied science degree—60+ credit hours:
 - a. general education courses—15 semester hours:
 - i. English composition—3 hours;
 - ii. humanities—3 hours;
 - iii. math: algebra—3 hours;
 - iv. natural sciences—3 hours; and
 - v. social and behavioral science—3 hours;
 - b. teacher preparation courses—child/adolescent development—3 hours;
 - c. paraprofessional courses—30 semester hours:
 - i. introduction to paraprofessional education—3;
 - ii. applied literacy development—3;
 - iii. strategies for teaching and learning—3;
 - iv. applied assessment of learning—3;
 - v. applied classroom behavior management—3;
 - vi. addressing the needs of exceptional children—3;
 - vii. application of computer technology—3;
 - viii. family, school, and community relations—3;
 - ix. health and safety in schools—3; and
 - x. paraprofessional practicum—teaching, learning, and record keeping—3;
3. associate of arts degree—60+ credit hours:
 - a. general education courses—54 semester hours:
 - i. English composition—6 hours;
 - ii. humanities: English literature—6 hours;
 - iii. math: algebra, etc.—12 hours;
 - iv. natural sciences—15 hours;
 - v. social and behavioral science—12 hours;
 - vi. fine arts—3 hours; and
 - b. teacher preparation courses—9 hours. Select three of the following:
 - i. child/adolescent development—3 hours;
 - ii. educational psychology—3 hours; and

iii. multicultural/exceptional education—3 hours:

- (a). educational technology—3 hours; or
- (b). children's literature—3 hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2056 (October 2007), amended LR 43:1315 (July 2017), LR 46:1385 (October 2020), LR 48:474 (March 2022), repromulgated LR 48:1083 (April 2022).

§2105. Continuing Learning Units (CLUs)

A. A continuing learning unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, CLUs are used to quantify an educator's participation in a district or system-approved, content-focused professional development activity aligned with the educator individual professional growth plan.

B. Educators may earn one CLU for each clock hour of active engagement in a district or system-approved high quality professional development activity. Each educator is responsible for maintaining required documentation and for reporting earned CLUs in a manner prescribed by the district or system. Earned CLUs will transfer across local education agencies (LEAs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 43:1317 (July 2017), LR 48:476 (March 2022), repromulgated LR 48:1085 (April 2022).

Chapter 23. Approved Courses to Reinstate Lapsed Certificates

§2301. Period of Validity

A. The period of validity for a Louisiana teaching certificate is subject to the provision that the certificate holder does not allow a period of five or more consecutive calendar years of disuse to accrue, and/or the certificate is not revoked by the State Board of Elementary and Secondary Education acting in accordance with law. As applicable to certificate validity, the term disuse is defined as a period of five consecutive calendar years in which a certificated individual is not a teacher of record for at least one semester, or 90 consecutive days. If such a period of disuse occurs, the certificate has lapsed. *Lapse* does not apply to certificates renewable via the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 48:476 (March 2022), repromulgated LR 48:1085 (April 2022).

§2303. Reinstatement of a Lapsed Certificate

A. Reinstatement of a lapsed certificate is made only on evidence that the holder has earned six semester hours of credit in approved courses from an institution of higher education accredited in accordance with 34 CFR 602. The credit must be earned within the five-year period immediately preceding request for reinstatement of the certificate. *Reinstatement* does not apply to certificates

renewable via the standards of effectiveness pursuant to Bulletin 130 and R.S. 17:3902.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:1385 (October 2020), LR 48:476 (March 2022), repromulgated LR 48:1085 (April 2022).

§2305. Certificate Reinstatement Coursework

A. Chapter 23 of this Part contains a list of coursework and content approved for reinstating a lapsed certificate. The following notes are applicable to certificate reinstatement coursework across all areas of certification.

1. Teachers with multiple certification areas may complete coursework specific to any of the certification areas.

2. Coursework must be reflected on a transcript from an institution of higher education accredited in accordance with 34 CFR 602.

3. Course credit must be earned within the five year period immediately preceding request for reinstatement of the certificate.

4. Coursework cannot be a repeat of prior coursework shown on a transcript, unless the student failed or earned a letter grade of D in the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:1385 (October 2020), LR 48:476 (March 2022), repromulgated LR 48:1085 (April 2022).

§2307. Responsibility of the Employing Authority

A. When a city or parish employing authority considers employment of a teacher whose certificate has lapsed or expired, the responsibility to notify the LDE is that of the employing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 48:477 (March 2022), repromulgated LR 48:1085 (April 2022).

§2309. Early Childhood (PK, K, PK-3)

A. Types of Approved Coursework to Reinstate an Early Childhood or an Elementary Grades certificate:

1. diagnostic and prescriptive reading;
2. reading in the content area;
3. other content in reading;
4. early numeracy concepts of mathematics;
5. other content in mathematics;
6. content in English/language arts;
7. content in science;
8. content in social studies;
9. classroom and/or behavior management;
10. technology in the classroom; and
11. teaching in an inclusive setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007),

amended LR 48:477 (March 2022), repromulgated LR 48:1085 (April 2022).

§2311. Middle Grades (4-8, 5-8)

A. Types of Approved Coursework to Reinstate a Middle Grades certificate:

1. diagnostic and prescriptive reading;
2. reading in the content area;
3. other content in reading;
4. early numeracy concepts of mathematics;
5. other content in mathematics;
6. content in English/language arts;
7. content in science;
8. content in social studies;
9. content specific to subject area of certification;
10. classroom and/or behavior management;
11. technology in the classroom; and
12. teaching in an inclusive setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:477 (March 2022), repromulgated LR 48:1086 (April 2022).

§2313. Secondary (6-12, 7-12)

A. Types of Approved Coursework to Reinstate a Secondary certificate:

1. diagnostic and prescriptive reading;
2. reading in the content area;
3. other content in reading;
4. content specific to subject area of certification;
5. classroom and/or behavior management;
6. technology in the classroom; and
7. teaching in an inclusive setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:477 (March 2022), repromulgated LR 48:1086 (April 2022).

§2315. Special Education

A. Types of Approved Coursework to Reinstate a Special Education certificate:

1. diagnostic and prescriptive reading;
2. reading in the content area;
3. other content in reading;
4. early numeracy concepts of mathematics;
5. other content in mathematics;
6. content in English/language arts;
7. content in science;
8. content in social studies;
9. content specific to subject area of certification;
10. classroom and/or behavior management;
11. technology in the classroom;
12. teaching in an inclusive setting; and
13. vocational and transition services for students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:477 (March 2022), repromulgated LR 48:1086 (April 2022).

§2317. All Level (K-12)

A. Types of approved coursework to reinstate an all-level certificate in art, dance, foreign language, health and physical education, or music:

1. content in reading;
2. content specific to subject area of certification;
3. classroom and/or behavior management;
4. technology in the classroom; and
5. teaching in an inclusive setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:477 (March 2022), repromulgated LR 48:1086 (April 2022).

§2319. Ancillary Certificate

A. Types of approved coursework to reinstate an ancillary certificate:

1. content specific to subject area of certification;
2. coursework included in a prescriptive degree program in which certificate holder is enrolled; and
3. classroom and/or behavior management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2059 (October 2007), amended LR 48:478 (March 2022), repromulgated LR 48:1086 (April 2022).

Chapter 25. Definitions

§2501. Terms

Accredited (formerly *regionally accredited*)—a term used to denote the status of public recognition that a nationally recognized accrediting agency grants to an educational institution or program that meets the agency standards and requirements in accordance with 34 CFR 602. When used in this Part, *regionally accredited* shall be replaced with *accredited* in accordance with 34 CFR 602.

Alternate Teacher Preparation Program—a pathway for candidates with a minimum of a baccalaureate degree earned at an institution accredited in accordance with 34 CFR 602 which combines professional knowledge with field experiences, including a one-year supervised internship in a school setting. For admission to an alternate program, applicants must demonstrate content mastery.

Ancillary Certificate—a type of Louisiana certificate that allows a qualified person who is not a certified teacher to provide services in a school setting.

Baccalaureate—a term used to denote an undergraduate degree or program such as bachelor of arts or bachelor of science.

Certification—a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in the schools under the jurisdiction of BESE.

Content Leader—a teacher who is responsible for delivery of professional development aligned with state academic standards who is LDE certified and has the knowledge, skills, and resources to provide high-quality, content-rich, and curriculum-specific professional development to yearlong residents, new teachers, and/or developing teachers in need of instructional support.

Content Leader Ancillary Certificate—a type of certificate that authorizes an individual to serve as a school- or district-based instructional expert who is responsible for delivery of professional development aligned with state content standards found throughout the Louisiana Administrative Code, Title 28, Education.

Continuing Learning Unit (CLU)—a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, the CLU is used to quantify educator participation in a system-approved content-focused professional development activity aligned with the educator individual professional growth plan.

Core Subject Areas—English, reading, language arts; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography.

Endorsement—a permanent certification, license, or credential added to an existing teaching certificate.

Graduate—a term used to denote a degree, coursework, or program beyond the baccalaureate degree level such as masters of education or masters of arts in teaching.

Industry Based Certification—a certificate that provides evidence that an individual has successfully demonstrated skill competencies in a specific set of work related tasks, single occupational area, or a cluster of related occupational areas such as certified landscape technician, ASE certification, or licensed cosmetologist.

Mentor Teacher—a teacher who supports aspiring teachers participating in undergraduate and post-baccalaureate. Mentor teachers use a cycle of coaching focused on instructional decisions to meet the needs of all students. Mentors may co-teach with yearlong residents or may support teachers without co-teaching. Mentors may also support new teachers or developing teachers in need of coaching, including teachers with an intensive assistance plan, in accordance with LAC 28:CXLVII Bulletin 130.

Mentor Teacher Ancillary Certificate—a type of certificate that authorizes an individual to serve as a mentor for undergraduate or post-baccalaureate teacher residents.

Non-Education Baccalaureate Degree—a baccalaureate degree earned through an institution of higher education accredited in accordance with 34 CFR 602 that does not result in eligibility for teacher certification in the state in which the program is approved to operate.

Non-Standard Certificate—a temporary certification, license, or credential issued to an applicant who is pursuing full credentialing as a teacher. To have this certificate re-issued for year 2 and for year 3, an applicant must meet specified renewal requirements.

Paraprofessional—an employee who provides instructional support in a program supported with Title I, Part A funds.

Post-Baccalaureate Alternate Certification Program—a program offered prior to July 1, 2002, that provided opportunities for individuals with a minimum of a baccalaureate degree to become certified public school teachers. Applicants seeking certification under this program submitted an official transcript for evaluation to a Louisiana college or university with an approved teacher education program.

Regionally Accredited—see the definition for accredited in this Section.

Regularly Employed—a term used to denote an individual who is a full-time or part-time employee of a school system, and who is not hired on a day-to-day basis.

Standard Certificate—a credential issued by the LDE to an individual who has met all requirements for full certification as a teacher.

Teacher—an employee of a city or parish school board or of a BESE special school who holds a teaching certificate and whose legal employment requires certification under the regulations of BESE.

Teacher Education Program Completer—an individual who satisfies all requirements of a traditional teacher preparation undergraduate degree program or of an approved alternate teacher preparation program.

Teaching Certificate—a license, permit, or certificate issued by the LDE to an individual who has met all state requirements for certification as a teacher.

Temporary License—a teaching authorization held for a limited period and is not a standard certificate. See *non-standard certificate* above.

Traditional Teacher Preparation Program—a bachelor of arts or bachelor of science degree program that includes general education courses, certification focus area(s), professional education courses, field experiences, and student teaching in a school setting.

Undergraduate—a term used to denote a degree, coursework, or program at the baccalaureate degree level such as a bachelor of art or bachelor of science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 37:560 (February 2011), LR 43:1314 (July 2017), LR 45:233 (February 2019), LR 46:1384 (October 2020), LR 48:478 (March 2022), repromulgated LR 48:1086 (April 2022).

§2503. Acronyms

BESE—Board of Elementary and Secondary Education.

CLU—continuing learning unit.

CTTIE—career and technical trade and industrial education.

INTASC—Interstate New Teacher Assessment and Support Consortium.

LCET—Louisiana components of effective teaching.

LDE—Louisiana Department of Education

NASDTEC—National Association of State Directors of Teacher Education and Certification.

NCATE—National Council for Accreditation of Teacher Education.

OFAT—out-of-field authority to teach, a non-standard license.

TAT—temporary authorization to teach, a non-standard license.

TEP—temporary employment permit, a non-standard license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006),

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RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
(LAC 28:XLV.101, 501, 503, 505, 507, 509, 511, 513, 749, and 1301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:XLV. *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The revisions establish a quality rating system for all BESE-approved Early Childhood Ancillary Certificate (ECAC) programs, including an improvement planning process for low-performing programs, an implementation timeline, and descriptions of calculation methods and data reporting requirements. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 1. Introduction

§101. Purpose

A. ...
B. This bulletin establishes policies relative to the initial and ongoing approval of teacher, early childhood ancillary certificate, and educational leader preparation programs relative to the following:

1. the initial approval of a teacher and educational leader preparation program from which graduates or completers may be certified per Part CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, Chapter 2, Subchapter A, and the initial approval of an early childhood ancillary certificate program from which completers may earn an early childhood ancillary certificate per Part CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network* and Part CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, Chapter 3, subsection 305;

2. - 3. ...

4. the fulfillment of all other obligations pursuant to federal and state law with respect to the initial and ongoing approval of teacher, early childhood ancillary certificate, and educational leader preparation programs from which graduates or completers may be certified; and the ongoing approval of early childhood ancillary certificate programs, including the establishment and implementation of a uniform early childhood ancillary certificate quality rating system to serve as the basis for such ongoing approval decisions;

5. the fulfillment of these duties and obligations in alignment with the Board of Regent's (BOR) constitutional authority to regulate public institutions of higher education.

C. - D. ...

E. Beginning July 1, 2024, a uniform process for initial and ongoing early childhood ancillary certificate program approval that applies equally to university and non-university early childhood ancillary certificate programs will be used. A uniform early childhood ancillary certificate program quality rating system will serve as the basis for renewal decisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1730 (August 2002), amended LR 30:2453 (November 2004), LR 35:2326 (November 2009), LR 43:2485 (December 2017), LR 45:902 (July 2019), LR 48:1088 (April 2022).

Chapter 5. Louisiana Early Childhood Ancillary Certificate Program Accountability, Renewal, and Approval

§501. Ongoing Approval of Early Childhood Ancillary Certificate Programs

A. In order to offer a BESE-approved early childhood ancillary certificate program that allows early childhood educators to earn a Louisiana early childhood ancillary certificate, early childhood ancillary certificate providers shall follow the process/procedures detailed in Chapter 3 of this document.

B. The LDE shall annually produce and make publicly available a performance profile and quality rating for each BESE-approved early childhood ancillary certificate program.

C. Renewal decisions shall be made every two years beginning with the first accountability cycle and shall be based on the quality ratings produced annually. Early childhood ancillary certificate programs that earn an ineffective rating (Level 1) for two of any consecutive three fiscal years may not be recommended for BESE-approval during the renewal period.

D. Early childhood ancillary certificate programs that do not maintain a quality rating of level 3 or above on the Louisiana early childhood ancillary certificate program quality rating system and as reported in the annual quality rating shall participate in a continuous improvement planning process with the LDE, including the following:

1. program development of an improvement plan that includes specific improvement goals, timelines, and measures of success;

2. approval of the improvement plan by LDE staff; and

3. progress reports submitted by the program provider to LDE staff as established in the approved plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1088 (April 2022).

§503. Early Childhood Ancillary Certificate Quality Rating System Participation and Performance Profile Implementation Timeline

A. For early childhood ancillary certificate programs that obtain BESE approval prior to September 1, 2022:

1. The 2021-2022 academic year will be a pilot phase for the early childhood ancillary certificate program quality rating system. BESE-approved early childhood ancillary certificate programs will be given the opportunity to participate in a pilot on-site review using the rubric maintained by the LDE. If produced, individual early childhood ancillary certificate program performance profiles will not be published.

2. The 2022-2023 and the 2023-2024 academic years will be a learning phase. There will be no consequences for early childhood ancillary certificate programs as a result of performance profiles or quality ratings during the learning phase. Performance profiles for the 2022-2023 and the 2023-2024 learning phase will be publicly available in 2024-2025 and will clearly indicate that the performance profile is informational and assigned during a learning phase.

3. The 2024-2025 academic year will be the first year of the initial two-year renewal cycle.

B. For early childhood ancillary certificate programs that obtain BESE approval after September 1, 2022, but prior to September 1, 2023:

1. The 2023-2024 academic year will be a learning phase. There will be no consequences for early childhood ancillary certificate programs as a result of performance profiles or quality ratings during the learning phase. Performance profiles for the 2022-2023 and the 2023-2024 learning phase will be publicly available in 2024-2025 and will clearly indicate that the performance profile is informational and assigned during a learning phase.

2. The 2024-2025 academic year will be the first year of the initial two-year renewal cycle.

C. For early childhood ancillary certificate programs that obtain BESE approval after September 1, 2023, the renewal cycle will begin on September 1 of the year directly following BESE approval.

D. Beginning with the 2022-2023 academic year, any early childhood ancillary certificate program that obtains BESE approval prior to September 1 of that academic year must participate in the early childhood ancillary certificate program quality rating system during that academic year. BESE approval shall be terminated for any program that does not participate in the quality rating system or any component thereof.

E. Beginning with the fall semester of 2026, the LDE will annually produce and make publicly available on the LDE website a performance profile and quality rating for each BESE-approved early childhood ancillary certificate program. The quality rating will not be used to make judgments about renewal of early childhood ancillary certificate program approval until the spring semester of 2027.

F. Beginning with ratings assigned in the fall semester of 2026, Louisiana early childhood ancillary certificate quality rating system results will serve as the basis for early childhood ancillary certificate program renewal. The renewal cycle will be two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1088 (April 2022).

§505. Louisiana Early Childhood Ancillary Certificate Quality Rating System

A. The Louisiana early childhood ancillary certificate quality rating system shall serve as the basis for the renewal of early childhood ancillary certificate program approval. The rating system shall:

1. include multiple measures of early childhood ancillary certificate program success;
2. result in an annual report and performance profile for each BESE-approved early childhood ancillary certificate program; and
3. result in an annual quality rating for each approved early childhood ancillary certificate program.
 - a. The ratings shall be:

Quality Rating	Composite Score Range
Level 1: Ineffective	1.00 <x< 1.44
Level 2: Effective: Emerging	1.45 <x< 2.44
Level 3: Effective	2.45 <x< 3.44
Level 4: Highly Effective	3.45 <x< 4.00

B. The Louisiana early childhood ancillary certificate quality rating system shall include but not be limited to the following domains:

1. Early Childhood Ancillary Certificate Program Experience. As measured by on-site reviews of each early childhood ancillary certificate program, the on-site review shall be conducted at the early childhood ancillary certificate program level and shall result in one rating. An on-site review shall be conducted every other year for each early childhood ancillary certificate program. When logistically and fiscally feasible and appropriate, the program may request the specific years and semesters during which the on-site review is conducted to provide a comprehensive candidate view. Such requests must be submitted to the LDE no less than one year before the renewal period begins.

a. On-site reviews may be conducted by the LDE or by a BESE-approved contractor with demonstrated expertise in early childhood teacher preparation. The evaluation tools used to conduct on-site reviews shall align to the requirements set forth in this bulletin and provide for a holistic rating between 1 and 4.

b. The LDE will maintain and publish a rubric for on-site reviews.

2. Building Workforce Capacity. The capacity shall be measured by the progress toward attainment of the early childhood ancillary certificate by program candidates:

a. Program candidates shall include candidates who teach in Type III child care centers, enroll in the early childhood ancillary certificate program, and receive a scholarship through Louisiana Pathways to attend the BESE-approved program.

b. Progress toward attainment of the early childhood ancillary certificate will be measured by program candidates attainment of credentialing milestones, including satisfactory academic progress, attainment of the CDA, and LDE-issued certification.

3. Early Childhood Teacher Quality. Quality shall be measured by program candidates CLASS® scores.

a. The CLASS® scores collected for the program completer in the observation period directly following program completion will be used for the performance profile year in which the observation occurs.

b. Program completers shall include candidates who teach in Type III child care centers, enroll in the early childhood ancillary certificate program, receive a scholarship through Louisiana Pathways to attend the BESE-approved program, and complete coursework to graduate from the program;

c. CLASS® scores will be calculated using the local CLASS® observations after any domain-level replacement by observations conducted the LDE third party contractor, as defined in Part CLXVII, Bulletin 140–Louisiana Early Childhood Care and Education Network.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1089 (April 2022).

§507. Quality Rating Calculation

A. The quality rating for an early childhood ancillary certificate program shall be calculated by weighting each domain.

1. Early childhood ancillary certificate program experience shall be weighted at 50 percent;

2. Building workforce capacity shall be weighted at 25 percent; and

3. Early childhood teacher quality shall be weighted at 25 percent.

B. The quality rating corresponds to the composite score range listed below.

Quality Rating	Composite Score Range
Level 1: Ineffective	1.00 <x< 1.44
Level 2: Effective: Emerging	1.45 <x< 2.44
Level 3: Effective	2.45 <x< 3.44
Level 4: Highly Effective	3.45 <x< 4.00

C. The early childhood ancillary certificate program experience score shall be determined by the on-site review rating. All numbers used in the on-site review calculation process shall be rounded to the nearest tenth, unless otherwise specified.

ECAC Program Experience Rating	Score Range
Level 1: Ineffective	1.0-1.44
Level 2: Effective: Emerging	1.45-2.44
Level 3: Effective	2.45-3.44
Level 4: Highly Effective	3.45-4.0

D. The building workforce capacity score shall be determined by the calculation of an index score, to be calculated as follows.

1. The number of candidates in each category below will be multiplied by the corresponding index points.

Candidate Completion	Index Points
Starts program but does not complete any course intervals within a year of cohort completion	0
Completes only the initial course interval within a year of cohort completion	25
Completes first and second intervals of coursework but does not obtain a CDA within a year of cohort completion	50
Completes coursework and obtains a CDA but does not obtain the ECAC within a year of cohort completion	75
Obtains the ECAC within a year of cohort completion	100

2. The totals for each category in Paragraph 1 of this Subsection will be added together.

3. The sum of the totals for each category will be divided by the total number of program participants who began the cohort, yielding an index score between 0 and 100.

4. Using the index score, a building workforce capacity score between one and four will be assigned based upon the following ranges.

Building Workforce Capacity	Score Range
Level 1: Ineffective	<65
Level 2: Effective: Emerging	65.0-75.0
Level 3: Effective: Proficient	75.1-84.9
Level 4: Highly Effective	≥85

5. The building workforce capacity score will be calculated a year after cohort completion and updated annually as a lagging indicator.

E. Early childhood teacher quality will be determined by the calculation of an index score based on CLASS® observations conducted in accordance with Bulletin 140 §503 in the observation period immediately following the candidate completion of the program.

1. The number of candidates with a CLASS® score in each category below will be multiplied by the corresponding index points.

Candidate CLASS® Scores	Index Points
Level 1: Ineffective (below 1.00-2.99)	0
Level 2: Effective: Emerging (3.00 to 4.49)	50
Level 3: Effective: Proficient (4.50 to 5.99)	75
Level 4: Highly Effective (6.00 to 7.00)	100

2. The totals for each category in Paragraph 1 of this Subsection will be added together.

3. The sum of the totals for each category will be divided by the total number of program completers who have an observation in the semester following candidate graduation, yielding an index score between 0 and 100.

4. Using the index score, an early childhood teacher quality score between a range of one and four will be assigned.

Early Childhood Teacher Quality Score	Score Range
Level 1	<65
Level 2	65.0-75.0
Level 3	75.1-84.9
Level 4	≥85

F. The LDE shall analyze results from the 2022-2024 learning cycle and may recommend additional policy for BESE consideration for 2024-2025 and beyond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1090 (April 2022).

§509. Informational Metrics

A. The LDE may publish informational metrics that provide additional detail regarding the early childhood ancillary certificate quality rating system domains and other measures of early childhood ancillary certificate program quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1091 (April 2022).

§511. Reporting for the Accountability System

A. Programs shall submit cohort information for each candidate participating in a BESE-approved ECAC program follow the candidate’s initial CLASS® observation, at the completion of a cohort, and one year after the graduation of the cohort. Early childhood ancillary certificate programs shall report to the LDE, in the manner specified by the LDE, the following.

Data Categories	Data Elements
Candidate and Graduate Biographical and Program Data	Name
	Birthdate
	Teacher Identification number (if applicable)
	Social Security Number
	Gender
	Race/Ethnicity
	Name of employing Type III Center
	Date candidate admitted to program
	Date candidate completed first interval
	Date candidate completed second interval and any additional course intervals
	Initial CLASS scores from observation conducted by the ECAC program
	Second CLASS scores from observation conducted by the ECAC program
	Date candidate graduated or completed program
Information for candidates who dropped including reasons for dismissal or departure and date of last attendance	
Candidate Admissions	Candidate employment verification
	Candidate experience in ECE
Graduate Completion Data	Date graduate obtained CDA and certificate number
	Date graduate obtained ECAC and certificate number

B. Program completers shall be defined as candidates who completed the programs during the most recent academic year, which is defined as July 1 to June 30.

C. Regularly-reported data, coupled with certification and teacher quality data from the LDE, shall form the official record for the calculation of the program quality rating. The LDE shall provide for a data verification process for the official record as outlined in this bulletin.

D. Preparation providers shall report candidate data subject to the provisions of FERPA only when candidates have provided the necessary permissions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1091 (April 2022).

§513. Data Verification, Appeals, and Waivers

A. A data verification process and procedures for appeals and waivers shall be used to correct inaccurate quality rating data and address unforeseen and aberrant factors affecting teacher preparation providers.

1. The LDE shall establish a data verification process for preparation providers to correct inaccurate quality rating data. The LDE shall provide a period(s) of not less than 15 calendar days for final review, correction, and verification of accountability data. All data correction must occur during the designated data verification period. Each preparation provider must collect documentation for every data element that is submitted for correction and maintain documentation on file for at least four years. The LDE shall review all data corrections during the verification period and grant approval of data proven valid. The LDE may request documentation to support the validity of the corrections.

2. An appeal is a request for the calculation or recalculation of the quality rating or any component score. The appeal procedure is created to address issues when the literal application of program accountability or program renewal policy does not consider certain unforeseen and unusual circumstances. Appeals shall not be available for failure to correct data during the data verification process.

3. A waiver is a temporary withholding of accountability decisions or required components of the quality rating system for no more than one accountability year. The waiver procedure is created to address issues when the literal application of program accountability or program renewal policy does not consider certain unforeseen circumstances. Waivers shall be denied to aggrieved parties attempting to subvert the intent of provisions outlined in federal or state law or policy.

4. The procedure for appeals and waivers is as follows:

a. A preparation provider may request an appeal/waiver by submitting a written request to the state superintendent of education within 15 calendar days of the LDE release of the preparation provider performance profile.

b. All appeal/waiver requests must clearly state the specific reasons for requesting the appeal/waiver and the reasons why the appeal/waiver should be granted and must include any necessary supporting documentation.

c. Supporting documentation for appeal/waiver requests should clearly outline the unforeseen and unusual factors that generate the request. The preparation provider shall be responsible for supplying the LDE with information necessary for recalculating accountability components per applicable policy.

d. Data corrections shall not be grounds for an appeal/waiver, as all data corrections shall be made prior to release of performance profiles regardless of the source of the errors.

e. The LDE shall review all timely-submitted appeal/waiver requests and, if the request meets guidelines established in this section, shall make recommendations to

BESE following the close of the appeal/waiver period. The LDE shall notify the preparation provider of the recommendations and allow the provider to respond in writing. The LDE recommendations and preparation provider responses will be forwarded to BESE for final disposition, as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6) and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1091 (April 2022).

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter D. Alternate Educational Leader Preparation Programs

§749. Minimum Requirements for Early Childhood Ancillary Certificate Programs

A. - A.1. ...

2. training hours and professional portfolio requirements that can be used to complete a child development associate (CDA) credential, either in family child care, infant/toddler, or preschool, awarded by the Council for Professional Recognition.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:903 (July 2019). LR 48:1092 (April 2022).

Chapter 13. Identifications of Acronyms

§1301. Acronyms

[Formerly §601]

A. Listed below are the full identifications of acronyms used in this publication.

BESE—Board of Elementary and Secondary Education.
* * *

CDA—Child Development Associates credential

CHEA—Council for Higher Education.

ECAC—Early Childhood Ancillary Certificate

IEP—individualized education plan.
* * *

USDOE—U.S. Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002), amended LR 30:2459 (November 2004), LR 35:2331 (November 2009), LR 36:754 (April 2010), LR 37:566 (February 2011), LR 40:1002 (May 2014), LR 48:1092 (April 2022).

Shan N. Davis
Executive Director

2204#038

RULE

Board of Elementary and Secondary Education

High School Assessment Requirements
(LAC 28: CXV.2318 and 2319)

Editor’s Note: This Rule is being repromulgated in order to correct a submission error. The original Rule in its entirety may be viewed on pages 859-860 of the July 20, 2021 *Louisiana Register*.

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28: XI, Accountability/Testing, Subpart 1, Bulletin 111—The Louisiana School, District, and State Accountability System; and LAC 28: CXV in Bulletin 741—Louisiana Handbook for School Administrators. In light of the COVID-19 pandemic, the aforementioned revisions enable high school seniors enrolled during the spring 2021 semester and graduating by August 31, 2021, to substitute the following in lieu of the LEAP 2025 high school assessment requirement:

1. an ACT composite score of 17 or higher for all students; or
2. a score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or
3. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment; or
4. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic/fair) or above, with such instruction provided by a qualified teacher.

This Rule is hereby adopted on the day of promulgation.

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. - B.6.a. ...

7. Students enrolled in a course for which there is an EOC or LEAP 2025 test must take the EOC or LEAP 2025 test.

a. The EOC or LEAP 2025 test score shall count a percentage of the student’s final grade for the course. During the transition to new tests, the requirement to count a LEAP 2025 test score as a percentage of the student’s final grade will be waived for high school state assessments as follows:

i. English I, English II, algebra I, and geometry scores from the fall 2017 administration; the decision to include scores from these assessments in final grades in spring 2018 shall be a district decision that must be outlined in the pupil progression plan.

ii. U.S. history scores from the fall and spring administrations in 2017-2018; and

iii. biology scores from the fall and spring administrations in 2018-2019.

b. The percentage shall be between 15 percent and 30 percent inclusive, and shall be determined by the LEA.

i. For students with disabilities identified under IDEA who meet the participation criteria found in *Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities*, §405.B and R.S. 17:183.2, the EOC test score shall count for 5 percent of the students’ final grade for the course.

c. The grades assigned for the EOC test achievement levels shall be as follows.

EOC Achievement Level	Grade
Excellent	A

EOC Achievement Level	Grade
Good	B
Fair	C
Needs Improvement	D or F

d. The DOE will provide conversion charts for various grading scales used by LEAs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 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 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:000 (July 2021), repromulgated LR 48:1092 (April 2022).

§2319. The Career Diploma

A. - B.6.a. ...

7. Students enrolled in a course for which there is an EOC or LEAP 2025 test must take the EOC or LEAP 2025 test.

a. The EOC or LEAP 2025 test score shall count a percentage of the student’s final grade for the course. During the transition to new tests, the requirement to count a LEAP 2025 test score as a percentage of the student’s final grade will be waived for high school state assessments as follows:

i. English I, English II, algebra I, and geometry scores from the fall 2017 administration; the decision to include scores from these assessments in final grades in spring 2018 shall be a district decision that must be outlined in the pupil progression plan.

ii. U.S. history scores from the fall and spring administrations in 2017-2018; and

iii. biology scores from the fall and spring administrations in 2018-2019.

b. The percentage shall be between 15 percent and 30 percent inclusive, and shall be determined by the LEA.

i. For students with disabilities identified under IDEA who meet the participation criteria found in *Bulletin 1530—Louisiana’s IEP Handbook for Students with Exceptionalities*, §405.B and R.S. 17:183.2, the EOC test score shall count for 5 percent of the students’ final grade for the course.

c. The grades assigned for the EOC test achievement levels shall be as follows.

EOC Achievement Level	Grade
Excellent	A
Good	B

EOC Achievement Level	Grade
Fair	C
Needs Improvement	D or F

d. The DOE will provide conversion charts for various grading scales used by LEAs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 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 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:000 (July 2021), repromulgated LR 48:1093 (April 2022).

Shan N. Davis
Executive Director

2204#067

RULE

**Board of Regents
Office of Student Financial Assistance**

Scholarship/Grant Programs—M.J. Foster Promise Program (LAC 28:IV.Chapter 22)

The Louisiana Board of Regents has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 22. M.J. Foster Promise Program
§2201. General Provisions**

A. Act 457 of the 2021 Regular Session of the Louisiana Legislature establishes the M.J. Foster Promise Program in R.S 17:3047 et seq. The Act provides that the board shall establish the criteria for initial and continuing eligibility and other requirements not otherwise provided in the statutes. The Act further provides that the M.J. Foster Promise Program shall be administered by the board through the Louisiana Office of Student Financial Assistance.

B. Description and Purpose. The M.J. Foster Promise Program provides financial assistance to eligible students enrolled in two year public post-secondary institutions and accredited proprietary schools to pursue an associate degree

or a shorter term credential aligned with Louisiana's workforce priorities.

C. **Effective Date.** Awards shall be made, and these rules shall apply, beginning with the 2022-2023 academic year.

D. **Authority to Audit.** By participating in the scholarship and grant programs administered by the board and described in LAC 28:IV, all participants grant the board, LOSFA, and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's administration of the programs for the purpose of determining the institution's compliance with state law and the board's rules and regulations.

E. **Discrimination Prohibition.** The exclusion of a person from equal opportunity for an M.J. Foster Promise Program grant by the board because of race, religion, sex, handicap, national origin or ancestry is prohibited. No policy or procedure of this agency shall be interpreted as superseding or contradicting this prohibition.

F. **Criminal Penalties.** If an erroneous award has been made and the board determines that the award was made based upon incorrect information submitted by the student or the student's parent(s) or court-ordered custodian, the board may seek reimbursement from the student, the student's parent(s) or court-ordered custodian, and if it is further determined that the award was made due to an intentional misrepresentation by the student, the student's parent(s) or court-ordered custodian, then the board shall refer the case to the attorney general for investigation and prosecution. If a student or the student's parent(s) or court-ordered custodian is suspected of having intentionally misrepresented the facts which were provided to the board and used by it to determine the eligibility of the student for the program and the board has referred the case to the attorney general for investigation, then the student shall remain ineligible for future award consideration pending an outcome of said investigation which is favorable to the student.

G. **Award amount.** The award amount shall be applied only to tuition and fees required for enrollment. A student who is eligible for the Taylor Opportunity Program for Students (TOPS) as well as the M.J. Foster Promise Program shall receive the highest award available only.

1. For programs which exceed one year, the award amount shall not exceed \$3,200 per academic year for a student enrolled full time, or an amount proportional to the hours in which the student is enrolled if enrolled less than full time.

2. For programs which can be completed in less than one year, the award amount may exceed the amount provided for in Paragraph 1 of this Subsection.

3. In no case shall a student be awarded more than \$6,400 over a three year period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1093 (April 2022).

§2203. Definitions

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

Academic Year—for purposes of this program, the academic year begins on July 1 and ends on the following June 30.

Administering Agency—the Louisiana Board of Regents (the Board) through the Louisiana Office of Student Financial Assistance (LOSFA).

Continuous Enrollment—

a. earn at least one shorter-term postsecondary education credential per year if enrolled in a qualified program below the associate degree level; or

b. enroll in the fall and spring semester at each academic year if enrolled in a qualified program at the associate degree level.

Eligible Colleges—two-year public postsecondary institutions and accredited proprietary schools licensed by the board in the state of Louisiana.

Louisiana Resident—

a. a dependent or independent student whose true, fixed, and permanent home of residence is Louisiana as reported on the free application for federal student aid (FAFSA);

b. a dependent student whose non-custodial parent completes a residency affidavit in Subparagraph f below that establishes Louisiana residency;

c. a veteran of the United States Armed Forces who received an honorable discharge or general discharge under honorable conditions within the twenty-four months preceding the date of application and who has become a resident of Louisiana since separation from the United States Armed Forces;

d. the spouse or dependent child of a resident of Louisiana on active duty with the United States Armed Forces who is stationed outside Louisiana but who claims Louisiana as the state of legal residence and who has filed a Louisiana state income tax return for the most recent two years;

e. the spouse or dependent child of a nonresident of Louisiana on active duty with the United States Armed Forces who is stationed in Louisiana under permanent change of station orders and who, not later than one hundred eighty days after reporting, changes his military personnel records to establish Louisiana as the official state of legal residence and complies with Louisiana income tax laws and regulations for the time period while stationed in Louisiana;

f. if the dependent or independent student does not report Louisiana as his true, fixed, and permanent home of residence as Louisiana on the FAFSA, the board may require an independent student applicant or the parent of a dependent student applicant to show proof of residency. Residency may be established by completion of a standard affidavit developed by the board. Such affidavits must be completed in their entirety by the independent student applicant or by at least one parent of the dependent student applicant and be sworn to and notarized by a licensed notary public. Further, the affiant shall be required to submit records in support of the affidavit to include the following records and such other records as may be required by the board:

i. if registered to vote, a Louisiana voter registration card; and

ii. if licensed to drive a motor vehicle, a Louisiana driver's license; and

iii. if owning a motor vehicle located in Louisiana, a Louisiana registration for that vehicle; and

iv. if earning a reportable income, Louisiana tax returns for the most recent two years.

Qualified Program of Study—one of five industry sectors that are predominated by high-demand, high-wage jobs that are aligned to the state’s workforce priorities as determined by the Advisory Council.

Steady Academic Progress—for students enrolled full time, make sufficient progress toward completion of the program of study in which the student is enrolled such that he is expected to graduate before or within 100 percent of the time allotted for completion of such program. For a student enrolled less than full time, before or within the maximum time period for which he may receive an M.J. Foster Promise Program award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1094 (April 2022).

§2205. Initial Eligibility

A. To be eligible for an M.J. Foster Promise Award, a student must:

1. be 21 years of age as of the date the school bills LOSFA for your award;

2. have earned a high school diploma or equivalent or co-enroll in a qualified program of study and in a program to earn a high school credential that is recognized by the state of Louisiana;

3. be a U.S. Citizen;

4. be a Louisiana Resident as defined in §2203;

5. have not previously earned an undergraduate degree at the associate level or above;

6. complete the Free Application for Federal Student Aid (FAFSA);

7. if served in the U.S. Armed Forces and been separated from service, have received an honorable discharge or a general discharge under honorable conditions;

8. meet the admission requirements of the institution he plans to attend; and

9. enroll and remain enrolled in an eligible program of study through the 14th class day at semester schools, or, for any qualifying summer sessions, students attending proprietary schools, and students enrolled in a program that is not provided on a traditional semester/term basis, through the end of the last day to drop and receive a full refund for the course of study in which enrolled.

10. agree to reside and work full time in Louisiana for a minimum of one year after the completion of the last program of study for which funding is received.

11. agree to perform each year funding is received at least 20 hours of community service or participate in at least 20 hours in an internship, apprenticeship, or mentorship that is related to the qualified program of study.

B. In addition to the above, the applicant must certify that:

1. he is not currently imprisoned; and

2. he has not been convicted of a violent crime as defined in R.S. 14:2(B); and

3.a. he has a family income that does not exceed three hundred percent of the federal poverty guidelines published by the United States Department of Health and Human Services; or

b. certify that he is currently unemployed or has been underemployed for a period of at least six months prior to the date he would receive a grant.

C. All applicants will be required to agree that the Board of Regents and the Louisiana Office of Student Financial Assistance may verify the applicant’s criminal history, employment records, and income information. Submission of an application for a grant under this Chapter constitutes express permission for the Louisiana Department of Corrections and Public Safety, the Louisiana State Police, the Louisiana Department of Revenue, and the Louisiana Workforce Commission to release personally identifiable information to LOSFA for the purposes of verification and program reporting. An individual’s personally identifiable information will be maintained in a secure environment and will not be released except as necessary to administer this program and for audit purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1095 (April 2022).

§2207. Continuing Eligibility

A. To maintain eligibility to receive an M.J. Foster Promise Award, a recipient must:

1. annually complete the Free Application for Federal Student Aid;

2. annually complete the on-line application for an M.J. Foster Promise Program award;

3. make steady academic progress as defined in §2203;

4. remain in good academic standing at the college in which enrolled;

5. maintain continuous enrollment, unless granted an exception for cause in accordance with §2103 of these rules;

7. maintain a cumulative grade point average of at least 2.00 calculated on a 4.00 scale in a qualified program for which letter grades are issued;

8. maintain steady academic progress in a qualified program for which letter grades are not issued;

9. not be incarcerated and not have a conviction for any crime of violence as defined in R.S. 14:2(B);

10. if served in the U.S. Armed Forces and been separated from service, have received an honorable discharge or a general discharge under honorable conditions;

11. have received the award for not more than three consecutive academic years unless an exception for cause is granted in accordance with §2103 of these rules;

12. have not used the award to earn more than 60 hours of college credit; and

13. certify the completion of at least 20 hours of community service or 20 hours of participation in an apprenticeship, internship, or mentorship for the prior calendar year.

B. A recipient may continue to receive an award under this section after he has completed one or more qualified programs of study other than an associate’s degree if:

1. he continues to meet all of the continuing eligibility requirements set forth in §2207.A.; and

2. he has not exhausted the maximum award eligibility of \$6,400; and

3. he has not received the award for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1095 (April 2022).

§2209. Responsibilities of Eligible Colleges

A. Initial Eligibility. Eligible colleges must determine:

1. that an applicant meets the enrollment requirements at the college;

2. that an applicant is enrolled in an eligible program of study;

3. that an applicant has attained a high school diploma or is co-enrolled in a program to attain a high school equivalency diploma; and

4. the appropriate award amount for the student as determined in accordance with §2201.G. and its M.J. Foster Promise Program packaging policy.

B. Continuing Eligibility. Eligible Louisiana institutions must determine whether a recipient is in good academic standing.

C. Packaging Policy

1. Eligible colleges must establish and use a policy on M.J. Foster Promise Program packaging that provides:

a. procedures for compliance with these rules and the guidance established by the board and published by LOSFA for determining the award amount;

b. record retention to comply with Subsection I of this Section;

c. the basis used to establish award amounts;

d. awards amounts for less than full-time students;

e. procedures for identification of transfer students and ensuring transfer students receive awards on the same basis as home students;

f. procedures that identify students who meet the criteria provided in §2211.F. when sufficient funding is not available to fund all eligible students; and

g. method for determining that a student has made steady academic progress.

2. Eligible colleges must revise the institution's M.J. Foster Promise Program packaging policy as necessary to reflect changes to the applicable legislation and administrative rules promulgated by the board to implement this program.

D. Award Amount. Eligible Louisiana institutions must establish the award amounts for each individual student based on the institution's financial aid packaging policy. The amount awarded must comply with the requirements and limitations established in these rules and the guidance published by LOSFA.

E. Submission of Payment Requests. Each semester, quarter or term, eligible Louisiana institutions shall submit a payment request to LOSFA for students enrolled at the institution who have been determined eligible for an M.J. Foster Promise Program as follows:

1. for each student eligible for an award who is enrolled at the end of the fourteenth class day for semester schools (the ninth class day for quarter and term schools), or for any qualifying summer sessions, students attending

proprietary schools, or students enrolled in a program that is not provided on a traditional semester/term basis, at the end of the last day to drop and receive a full refund for the course of study in which enrolled;

2. the payment request shall include the:

a. Social Security number;

b. college code;

c. term;

d. date;

e. program type

i. associate's degree;

ii. certificate program (one year);

iii. certificate program (two year);

iv. CareerTech (1 – 8 credits);

v. CareerTech (9 or more credits);

vi. diploma program;

vii. credential of value;

viii. on ramp credential.

ix. concurrent enrollment in a program that results in a high school equivalency diploma;

f. CIP code for the course of study in which enrolled;

g. degree level code for the course of study in which enrolled;

h. increment key for the course of study in which enrolled;

i. amount requested for each student;

j. anticipated time to complete program of study

i. less than one year;

ii. more than one year.

F. At the end of every semester or term, or upon completion of a program of study, the following shall be reported:

1. hours attempted, if enrolled in an associate's degree program;

2. hours earned, if enrolled in an associate's degree program; and

3. whether the student completed his program of study.

G. Over Payments

1. No institution shall submit a payment request for M.J. Foster Promise Program funds which would result in a student receiving an annual total of more than is authorized in §2201.G.

2. Eligible Louisiana institutions certify by submitting a payment request for an M.J. Foster Promise Program grant that the institution will:

a. reimburse LOSFA for the total amount of any award that is disbursed to ineligible students; and

b. for any amount of an award that is in excess of the maximum lifetime award (\$6,400).

H. Excess Award. In the event an excess award occurs during the fall semester or quarter or the winter quarter due to receipt of additional gift aid, the school shall reduce the award amount for the spring accordingly. In the event an excess award occurs during the spring semester or quarter due to receipt of additional gift aid, the school shall document the reason for the excess award.

I. Over Award. In the event the student's total aid exceeds his financial need for tuition and fees, any federal loan aid included in the total aid package shall be reduced, then M.J. Foster Promise Program grant, institutional and

other aid in accordance with institutional practice, then the Louisiana GO Grant, shall be reduced by the amount of any remaining over award.

J. Records Retention. Records pertaining to an M.J. Foster Promise Program grant are subject to audit as required by the board and the Louisiana Legislative Auditor. Eligible Louisiana institutions shall maintain all records for a minimum of three years from creation. All such records shall be made available upon request by the board and/or the Louisiana Legislative Auditor.

K. Each eligible Louisiana institution shall provide a copy of its M.J. Foster Program packaging policy as required by §2209.C to LOSFA, when requested.

L. Audits. Eligible Louisiana institutions that participate in the M.J. Foster Promise Program grant LOSFA and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's administration of the program for the purpose of determining the institution's compliance with state law and applicable rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1096 (April 2022).

§2211. Responsibilities of the Louisiana Office of Student Financial Assistance

A. LOSFA shall provide an on-line application that must be completed by any student who wishes to apply for an M.J. Foster Promise Program award.

B. LOSFA shall determine whether an applicant meets the initial eligibility criteria set forth in §2205.A.1-7, 10-11, and B.

C. LOSFA shall provide a roster of eligible applicants to eligible colleges.

D. LOSFA shall provide an on-line application that must be completed by any student who wishes to apply for an M.J. Foster Promise Program award.

E. LOSFA shall determine whether an applicant meets the initial eligibility criteria set forth in §2205.A.1-7, 10-11, and B.

F. LOSFA shall provide a roster of eligible applicants to eligible colleges.

G. LOSFA shall pay each eligible college the amount requested by the eligible college in accordance with the provisions of §2209.E.

H. LOSFA shall maintain a database of all students who have received an M.J. Foster Promise Program award, including, but not limited to, all information reported by eligible colleges in accordance with §2209. In the event LOSFA receives a payment request in an amount that would exceed the maximum amount payable to a student, LOSFA will require the school to rebill.

I. Adequacy of Funding. In the event available funding is not sufficient to fund all eligible award applicants, awards shall be provided in the order in which complete applications are received. Priority shall be given to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received an award.

J. LOSFA shall audit eligible Louisiana institutions to ensure compliance with these rules.

K. LOSFA shall enter into Memoranda of Understanding with the Louisiana Department of Public Safety and Corrections, the Louisiana State Police, the Louisiana Department of Revenue, and the Louisiana Workforce Commission for the purpose of obtaining data to verify applicant statements and reporting.

L. Establishment of Working Group

1. LOSFA shall establish a working group to identify all federal, state, and local programs that provide assistance to individuals and families to support award recipients' pursuit of higher education.

2. Such working group shall consist of representatives from all of the following:

a. the Louisiana Department of Children and Family Services;

b. the Louisiana Department of Health;

c. the Louisiana Department of Education;

d. the Louisiana Workforce Commission;

e. the Louisiana Department of Veterans Affairs;

f. the Louisiana Association of Student Financial Aid Administrators;

g. the Office of Student Financial Assistance;

h. the Louisiana Department of Public Safety and Corrections; and

i. any other entity identified as providing financial or other support to individuals seeking to pursue a higher education.

3. LOSFA shall compile, post, and update a list of all such programs on its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1097 (April 2022).

§2213. Responsibilities of the Louisiana Board of Regents

A. Advisory Council

1. The Board of Regents shall convene an Advisory Council to perform the following functions for the purpose of identifying qualified programs of study for the M.J. Foster Promise Program:

a. identify not more than five industry sectors and that lead to high demand, high wage jobs that are aligned to state workforce priorities;

b. review postsecondary education requirements of each job identified;

c. identify programs of study at the associate level and below that lead to the identified jobs in each industry sector; and

d. at least once every three years, review the state's return on investment in awards made.

2. Identification of industry sectors, high demand high wage jobs, and required degrees and credentials of the identified jobs shall, at a minimum, be based upon the following:

a. a review of the most current statewide and regional industry and occupational forecasts approved by the Occupational Forecasting Conference and the Louisiana Workforce Investment Council;

b. a review of nationally recognized databases for industry and occupational projections; and

c. input from the regional development organizations in each region.

3. The advisory council shall identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and to gain employment in the job for which training was received. Such mechanisms shall include the provision of college academic and career counseling and employer partnerships for developing mentorship programs and work-based learning experiences.

4. The advisory council shall consist of the following members:

- a. the chancellor of Louisiana State University at Eunice.
- b. the chancellor of Southern University at Shreveport.
- c. the president of the Louisiana Community and Technical College System.
- d. the commissioner of higher education.
- e. the state superintendent of education.
- f. the secretary of the Louisiana Department of Economic Development.
- g. the executive director of the Louisiana Workforce Commission.
- h. the chairman of the Louisiana Workforce Investment Council.
- i. the secretary of the Louisiana Department of Revenue.

5. The advisory council shall meet by January 1, 2022, and at least once every three years thereafter to review the workforce priorities of the state and each of its workforce regions and designate qualified programs of study.

B. The Board of Regents shall enter into Memoranda of Understanding with the Louisiana Department of Public Safety and Corrections, the Louisiana State Police, the Louisiana Department of Revenue, and the Louisiana Workforce Commission for the purpose of obtaining data to verify applicant statements and reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 48:1097 (April 2022).

Robyn Rhea Lively
Senior Attorney

2204#009

RULE

**Department of Health
Bureau of Health Services Financing
and
Office of Behavioral Health**

Adult Mental Health Services
Crisis Stabilization
(LAC 50:XXXIII.6307)

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health have

amended LAC 50:XXXIII.6307 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

Subpart 7. Adult Mental Health Services

Chapter 63. Services

§6307. Covered Services

A. The following mental health services shall be reimbursed under the Medicaid Program:

- 1. ...
- 2. rehabilitation services, including community psychiatric support and treatment (CPST), psychosocial rehabilitation (PSR), and peer support services;
- 3. crisis intervention; and
- 4. crisis stabilization.

B. - B.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1015 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020), amended LR 46:1680 (December 2020), LR 48:1098 (April 2022).

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

Dr. Courtney N. Phillips
Secretary

2204#043

RULE

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

Adult Residential Care Waiver
(LAC 50:XXI.Chapters 301, 303, 305, 307, and 309)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services have repealed LAC 50:XXI.Subpart 15 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers

Subpart 15. Adult Residential Care

Chapter 301. General Provisions

§30101. Introduction

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2442 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

§30103. Target Population

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, and the Office of Aging and Adult Services, LR 35:2442 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

§30105. Request for Services Registry

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2443 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

§30107. Programmatic Allocation of Waiver Opportunities

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35: 2443 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and, LR 48:1099 (April 2022).

§30109. Waiver Costs Limit

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2443 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

Chapter 303. Services

§30301. Covered Services

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2243 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

§30303. Comprehensive Plan of Care

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2444 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

Chapter 305. Admission and Discharge Criteria

§30501. Admission Criteria

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2444 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

§30503. Admission Denial or Discharge Criteria

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2444 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

Chapter 307. Provider Participation

§30701. ARC Provider Responsibilities

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2442 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

§30703. Support Coordination Agency Responsibilities

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2445 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

§30705. Reporting Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2445 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

§30707. Recordkeeping

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2445 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1099 (April 2022).

Chapter 309. Reimbursement
§30901. General Provisions

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2446 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1100 (April 2022).

§30903. Provider Reimbursement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:2446 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1100 (April 2022).

§30905. Room and Board

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, and the Office of Aging and Adult Services, LR 35:2446 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1100 (April 2022).

§30907. Cost Reporting

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, and the Office of Aging and Adult Services, LR 35:2446 (November 2009), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 48:1100 (April 2022).

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

Dr. Courtney N. Phillips
Secretary

2204#044

RULE

Department of Health
Bureau of Health Services Financing

Professional Services Program
Reimbursement Methodology
(LAC 50:IX.15113)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:IX.15113 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter B. Physician Services

§15113. Reimbursement Methodology

A. ...

1. If there is no equivalent Medicare fee, the Medicaid fee shall be set based on the Medicare fee for a similar service. In the absence of any applicable Medicare fee, the fee shall be set at the Medicaid fee for a similar service or the Medicaid fee for other states.

2. If establishing a Medicaid fee based on Medicare rates results in a fee that is reasonably expected to be insufficient to ensure that the service is available to beneficiaries, an alternate methodology shall be used. The fee shall be set at the Medicaid fee for a similar service or the Medicaid fee for other states.

B. - M. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:477 (April 2021), LR 47:887 (July 2021), LR 48:1100 (April 2022).

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

Dr. Courtney N. Phillips
Secretary

2204#045

RULE

Department of Health Office of Public Health

Sanitary Code—Community Water System Accountability
(LAC 51:XII.101, 151, 169, 177, 319, 335,
401, 403, 405, 407, 409, 411 and 1905)

Under the authority of R.S. 40:4, 40:5, and 40:5.9.1 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Department of Health, Office of Public Health (LDH-OPH), has amended Part XII (Water Supplies) of the Sanitary Code (LAC 51). When effective, the amendments to Part XII will assist LDH-OPH in ensuring the sustainability of the drinking water infrastructure through an accountability process for community water systems.

In accordance with Act 98 of the 2021 Regular Legislative Session, the adoption of Chapter 4 (Community Water System Accountability Rule) of Part XII is to provide an accountability process for community water systems by establishing a letter grade schedule with clear and objective standards and expectations for grading community water systems. Act 98 requires LDH-OPH to publish the first letter grades by January 1, 2023. Section 409 establishes a new requirement for community water systems to have a rate study conducted every five years by a LDH-approved qualified entity which includes the Louisiana Rural Water Association; thereby, reducing the fiscal impact of compliance with this requirement for small community water systems.

The remaining amendments in the Rule are updates and clarifications which do not impose any new requirements. The amendment to Section 169 eliminates the oil lubrication restriction for well line shafts pump settings less than 400 feet and eliminates the well pump spacer requirement, both of which have now been determined to be against current practices. The amendment to §177 removes a requirement that conflicts with the American Water Works Association standard for granular activated carbon when it is used for treating disinfection by-products. The amendment to §319 corrects a typo from the previous rulemaking. The amendment to §335 updates the minimum system pressure requirement as previously adopted in 2018 and updates an outdated code citation. The amendment to §1905 clarifies that the Tier 1 public notice is required to be issued to customers within 24 hours as required by federal regulations.

The effective date of the adoption of Chapter 4 and the additional amendments to Part XII is April 20, 2022.

For the reasons set forth above, Part XII (Water Supplies) of the Sanitary Code (LAC 51:XII) is amended as follows. This Rule is hereby adopted on the day of promulgation.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XII. Water Supplies

Chapter 1. General

§101. Definitions

[formerly paragraph 12:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the *Sanitary Code*, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

* * *

Community Water System—community water supply.

* * *

LSPC—Louisiana State Plumbing Code, i.e., Part XIV (Plumbing) of this Code (LAC 51:XIV) became null and void on January 1, 2016 per Act 836 of the 2014 Regular Legislative Session. See the Louisiana State Uniform Construction Code (LAC 17:I.Chapter 1) for state plumbing regulations.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:258(B), R.S. 36:254(B)(7), R.S. 40:4(A)(8), R.S. 40:4.13(D)(1)(2), R.S. 40:5(A) (2)(3)(5)(6)(17)(20), and R.S. 40:1281.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1318 (June 2002), amended LR 28:2513 (December 2002), LR 30:1194 (June 2004), LR 30:2326 (October 2004), LR 35:484 (March 2009), LR 35:1240 (July 2009), LR 38:2375 (September 2012), LR 38:2793 (November 2012), LR 38:3232 (December 2012), amended by the Department of Health, Office of Public Health, LR 43:84 (January 2017), LR 44:296 (February 2018), effective August 1, 2018, LR 44:1251 (July 2018), effective August 1, 2018, LR 48:1101 (April 2022).

Subchapter B. General Design

§151. Disinfection

A. Water from new systems, or from any new part(s) of existing systems shall not be furnished for consumer's use until all wells, pipes, tanks, and equipment which can convey or store potable water are disinfected in accordance with American Water Works Association (AWWA) procedures as required in §§169, 225, and 245 of this Part.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(8), 40:4.13.D.(1)(2) and 40:5(A)(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:303 (February 2018), effective August 1, 2018, amended LR 48:1101 (April 2022).

Subchapter C. Source Development

§169. Groundwater

A. - H.1.b. ...

c. use lubricants that meet NSF International/American National Standards Institute (NSF/ANSI) Standard 60 or use well water itself as a lubricant.

I.d. - 3.c. ...

i. conform to §235 of this Part; where such standards exist, or in the absence of such standards, conform to applicable product standards and be acceptable to the state health officer. Any lubricants, fittings, brackets, tape or other appurtenances shall meet NSF/ANSI Standards 60/61, where applicable; and

ii. be capable of supporting the weight of the pump, piping, water and appurtenances and of withstanding the thrust, torque and other reaction loads created during pumping. The actions of fatigue from repeated starting and stopping of the pump shall be considered when choosing a pipe and fittings.

4. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(8), 40:4.13.D.(1)(2) and 40:5(A)(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:305 (February 2018), effective August 1, 2018, amended LR 48:1101 (April 2022).

Subchapter D. Treatment

§177. Filtration Design

A. - A.6.c.iii.(b). ...

iv. Granular activated carbon (GAC) shall be in accordance with AWWA B604 and the design of shall meet the following:

(a). There shall be provisions for a free chlorine residual and adequate contact time in the water following the filters and prior to distribution (See §177.C and §177.D).

(b). There shall be means for periodic treatment of filter material for control of bacterial and other growth.

(c). Provisions shall be made for frequent replacement or regeneration. Regeneration of GAC shall be in accordance with AWWA B604.

6.c.v. - 10.a ...

b. filtered water shall be used for backwashing filters except in the application of GAC filters for removing formed disinfection by-products;

c. washwater pumps shall be in duplicate except in the application of GAC filters or an alternate means of obtaining washwater is available;

A.10.d. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(8), 40:4.13.D.(1)(2) and 40:5(A)(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:313 (February 2018), effective August 1, 2018, amended LR 48:1102 (April 2022).

Chapter 3. Water Quality Standards

§319. Significant Deficiencies Identified in Sanitary Surveys

A. - C. ...

D. For all public water systems, except as otherwise specified in this Part, failure to comply with any of the following requirements has been determined by the state health officer to be a significant deficiency and shall be corrected in accordance with §319.B of this Part:

1. - 15. ...

16. §344 of this Part;

17. - 26. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), 40:4.13(D)(1)(2) and R.S. 40:5(A)(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 43:85 (January 2017), amended LR 44:345 (February 2018), effective August 1, 2018, LR 44:1251 (July 2018), effective August 1, 2018, amended LR 48:1102 (April 2022).

§335. Distribution

[formerly paragraph 12:012-1]

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

D. [formerly paragraph 12:012-3] Where pumps are used to draw water from a water supply distribution system or are placed in a system to increase the line pressure, provision must be made to limit the pressure on the suction side of the pump to not less than 20 psi (pounds per square inch) gauge. Where the use of automatic pressure cut-offs is not possible, such pumps must draw water from a tank, supplied with water from a water distribution system through an air gap that complies with ASME Standard A112.1.2-2004.

E. [formerly paragraph 12:012-4] All public water supplies shall be operated and maintained to provide a minimum positive pressure of 20 psi gauge at all service connections at all times.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(8), R.S. 40:5(A)(5)(6), and R.S. 40:1285.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1325 (June 2002), amended LR 38:2794 (November 2012), amended by the Department of Health, Office of Public Health, LR 48:1102 (April 2022).

Chapter 4. Community Water System Accountability Rule

§401. Statement of Purpose

A. Pursuant to Act 98 of the 2021 Regular Legislative Session, the LDH-OPH adopts a letter grade schedule for community water systems to provide an accountability process to support drinking water infrastructure sustainability for the citizens of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1102 (April 2022).

§403. General Provisions

A. The requirements established in this Chapter are applicable to community water systems as defined in this Part and under R.S. 40:5.8.

B. For each active community water system (CWS), LDH-OPH shall determine and publish an annual letter grade and score in accordance with this Chapter. The CWS annual letter grade shall be based on the CWS final score calculated in accordance with §407 of this Part using the letter grade schedule standards specified in §405 of this Part.

1. The letter grades and scores published January 1, 2023 are preliminary and shall be finalized and republished no later than May 1, 2023 on the LDH-OPH website. For subsequent years starting in 2024, the final letter grades and scores shall be published on the LDH-OPH website by May 1 each year. The published letter grades and scores are not subject to change after May 1 until the next annual letter grade and score is published.

C. Community water systems shall include their final letter grade and score in their annual Consumer Confidence Report (a.k.a. Annual Water Quality Report) that is posted on the water systems website.

D. For any community system that receives a letter grade of "D" or "F", LDH-OPH shall give notice to the State Bond Commission, the Louisiana Public Service Commission, Louisiana Legislative Auditor and the Attorney General in accordance with Act 98 of the 2021 Regular Legislative Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1102 (April 2022).

§405. Letter Grade Schedule

A. The letter grade and score for community water systems shall be based on the following standards and point deductions.

1. For federal water quality violations history:

a. five points shall be deducted for each maximum contaminant level (MCL) violation incurred during the graded year;

b. five points shall be deducted for each Lead and Copper Rule treatment technique (TT) violation inclusive of failure to install corrosion control treatment or failure to maintain optimal water quality parameters for optimized corrosion control treatment incurred for the last monitoring period; and

c. an additional 10 points shall be deducted for non-compliance with an administrative order issued for MCL or TT violations.

d. the total points deducted for federal water quality violations shall not exceed 30.

2. For state violations history:

a. one point shall be deducted for each chlorine residual violation incurred during the graded year;

b. five points shall be deducted for failure to have a duly-certified operator at a ground water system;

c. ten points shall be deducted for failure to have a duly-certified operator at a surface water system; and

d. five points shall be deducted for a water outage and/or a boil notice issued by the state health officer.

e. the total points deducted for state violations shall not exceed 10.

3. For water system financial sustainability:

a. five points shall be deducted for failure to have and submit a rate study (per §§409 and 411 of this Part) or failure to have implemented an adequate rate (as indicated by the system's rate study);

b. five points shall be deducted for failure to have a current audit (if applicable);

c. ten points shall be deducted if a fiscal administrator is appointed for the municipality; and

d. five points shall be deducted for circumstances that affect the fiscal control of the community water system.

e. the total points deducted for financial sustainability shall not exceed 10.

4. For operation and maintenance performance history:

a. three points shall be deducted for each unresolved significant deficiency. Such deficiencies shall include lack of cross-connection control, record keeping, maintenance and other applicable deficiencies specified in §319.D of this Part;

b. the total points deducted for operation and maintenance performance history shall not exceed 15.

5. For infrastructure violations:

a. five points shall be deducted for each unresolved significant deficiency. Such deficiencies shall include frequent low water pressure events, no standby power, single source, failed components and other applicable significant deficiencies specified in §319.D of this Part.

b. the total points deducted for infrastructure violations shall not exceed 20.

6. For customer satisfaction:

a. one point shall be deducted for each validated water complaint (per event) concerning water quality or quantity received either by the water system or LDH-OPH for the graded year; or

b. ten points shall be deducted for failure to submit the complaint log by the deadline specified in §411 of this Part;

c. the total points deducted for customer satisfaction shall not exceed 10.

7. For level of secondary contaminants:

a. five points shall be deducted for either iron or manganese detected (LDH-OPH test results) in the finished drinking water above their respective secondary maximum contaminant level (0.3 mg/L for iron and 0.05 mg/L for manganese);

b. the total points deducted for secondary contaminants shall not exceed five.

B. Extra points may be granted and added to the final score of the community water system in accordance with this Subsection.

1. Five points can be granted for having and submitting supporting documentation for any of the following:

a. an asset management plan;

b. a storage assessment and maintenance program;

c. a well assessment and maintenance program;

d. participation in a capacity development program approved by LDH-OPH; or

e. participation in a management training program approved by LDH-OPH.

2. The total points added for extra points shall not exceed 10.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1102 (April 2022).

§407. Calculation of Letter Grade and Score

A. The score for each community water system shall be calculated per the following method:

1. Using the Letter Grade Schedule in §405 of this Part, sum the points deducted for each standard specified in §405.A.1-7.b and subtract the total point deduction from 100. Extra points can be added to the final score if granted per §405.B of this Part. See Table 407.A.1 (below) for an example of the grade score calculation.

Table 407.A.1 Letter Grade Score Calculation Example	
Grade Standards	Point Deductions
1. Federal Water Quality Violations	0
2. State Violations	2
3. Financial Sustainability	0
4. Operation and Maintenance Performance	3
5. Infrastructure Violations	0
6. Customer Satisfaction	5
7. Level of Secondary Contaminants	5
Total Point Deduction	15
Extra Points	5
Score = 100 – Total Point Deduction + Extra Points (Score = 100 – 15 + 5)	90
Letter Grade	A

B. The letter grade for each community water system shall be assigned based on Table 407.B (below) using the score calculation specified in §407.A.1 of this Part.

Table 407.B	
Letter Grade	Point Value
A	≥ 90
B	80 - 89
C	70 - 79

Table 407.B	
Letter Grade	Point Value
D	60 - 69
F	≤ 59

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1103 (April 2022).

§409. Financial Sustainability Requirements

A. Community water systems shall have a rate assessment or study performed every 5 years by a qualified entity approved by the state health officer. Qualified entities include, but are not limited to, a Louisiana licensed professional engineer, a certified public accountant (CPA), or the Louisiana Rural Water Association (LRWA).

1. A rate study shall include a rate analysis completion report containing the following:

- a. the completed rate analysis;
- b. the rate analysis summary letter that includes the rate analysis findings and recommendations to maintain sustainability; and

c. documentation that includes the dates that the rate analysis was presented to the legally responsible person for the community water system and the decision to implement or reject the rate analysis findings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1104 (April 2022).

§411. Reporting Requirements

A. Community water systems shall submit the following information to LDH-OPH in a format approved by LDH-OPH by January 31 of each year starting 2023 unless specified otherwise in this Section.

1. A rate study performed on or after April 20, 2017 and in accordance with §409.A of this Part along with the current water rates for the community water system and any documentation authorizing and adopting the last rate increase. Unless updated, a rate study is not required to be submitted every year.

2. The last annual report (as submitted to Louisiana Secretary of State) and the prior year financial report for the company owning the community water system, or a prior year audit report (as submitted to the Louisiana Legislative Auditor) for the political subdivision (e.g., municipality) over the community water system.

3. A demonstrated flushing plan with verification of implementation if directed by LDH-OPH to have a flushing program to mitigate poor water quality in the distribution system as required by Louisiana Revised Statutes 40:1281.12.

4. A complaint log containing all water related complaints received by the community water system for the previous calendar year as required by Louisiana Revised Statutes 40:1281.12.

5. The documentation for items listed in §405.B.1 of this Part if the community water system wants to receive extra points per §§405.B and 407.A.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1104 (April 2022).

Chapter 19. Public Notification Rule

§1905. Tier 1 Public Notice

A. Delivery. When a Tier 1 public notice is required under the National Primary Drinking Water Regulations, §913, §1139.B, or §1317.A.1 of this Part, and after consultation with the Office of Public Health (see Subsection C of this Section for after-hours contact procedures), the public water system shall, unless directed otherwise by the Office of Public Health in writing, furnish a notice to customers via broadcast media (such as radio and television stations) and daily newspapers serving the area as soon as possible but not later than 24 hours after the public water system learns of the violation or situation. The public water system shall also ensure that the actual public notice prepared by the water system is published in a daily or weekly newspaper serving the area as soon as possible but no later than 48 hours after the violation or failure.

* * *

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:486 (March 2009), amended by the Department of Health, Office of Public Health, LR 48:1104 (April 2022).

Joseph Kanter, MD, MPH
State Health Officer
and
Dr. Courtney N. Phillips
Secretary

2204#047

RULE

**Department of Insurance
Office of the Commissioner**

Regulation 120—Administrative and Agency
Proceedings Instituted Against a License
(LAC 37:XIII.Chapter 181)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has promulgated Regulation 120—Administrative and Agency Proceedings Instituted Against a License. Regulation 120 establishes three types of notice requirements applicable to administrative and agency proceedings instituted against a license, including (1) notice of wrongful conduct, (2) notice of regulatory action, and (3) notice of summary suspension. Regulation 120 also prescribes the time delays for each of the respective notices sent to a licensee. Lastly, Regulation 120 provides a mechanism for requesting a stay, and it further addresses related procedures governing administrative actions against

a license in accordance with R.S. 22:2191, et seq. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 181. Regulation Number 120—Administrative and Agency Proceedings Instituted Against a License

§18101. Authority

A. This regulation is promulgated on behalf of the Department of Insurance by the Commissioner of Insurance pursuant to the authority granted under Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18103. Purpose

A. The purpose of this regulation is to establish procedures for governing the institution of administrative and agency proceedings resulting in administrative action with respect to a license in accordance with R.S. 22:2191, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18105. Scope and Applicability

A. Regulation 120 sets forth procedures and time delays that govern the institution of administrative and agency proceedings resulting in administrative action instituted against any licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18107. Severability

A. The provisions of this Subpart are severable. If any provision or item of this Subpart, or application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Subpart which are to be given effect without the invalid provision, item, or application of the Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2834 (December 2004), amended LR 48:1105 (April 2022).

§18109. Definitions

A. Strictly for purposes of Regulation 120, the following terms are defined as follows.

License—any and all authorizations, certificates of authority, licenses, registrations, or other written instruments, acknowledgements, or statutory decrees, establishing that a person or entity is authorized to conduct the business of insurance in accordance with Title 22.

Licensee—all persons and entities issued a “license” by the Department of Insurance or otherwise authorized by statute to conduct the business of insurance in this state. Additionally, the term “licensee,” as used in this regulation,

includes approved unauthorized insurers, as defined in Chapter 2 of the Louisiana Insurance Code.

Administrative Proceedings—proceedings in an administrative tribunal adjudicated by an administrative law judge and conducted in accordance with Chapter 12 of the Louisiana Insurance Code, R.S. 22:2191, et seq. and the Administrative Procedure Act, R.S. 49:950, et seq.

Agency Proceedings—proceedings instituted or conducted by the Commissioner of Insurance.

Commissioner—the Commissioner of Insurance, his deputy, or the Department of Insurance, as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18111. Actions Against License; Notice of Wrongful Conduct; Opportunity to Show Compliance

A. Prior to the institution of an agency proceeding regarding the revocation, suspension, annulment, or withdrawal of a license, the Commissioner shall give the licensee notice of the wrongful conduct alleged and an opportunity to show compliance with all lawful requirements for the retention of the license in accordance with R.S. 49:950 et seq. The notice of wrongful conduct shall be in writing, mailed or delivered personally to the licensee at the last known address or principal place of business identified in the Department’s database for the licensee, and it must include the particulars set forth under Subpart B. herein.

B. The notice of wrongful conduct shall include a statement of the legal authority and alleged facts or conduct under which the Department’s enforcement action is based. The notice of wrongful conduct shall also include references to the applicable provisions of Title 22 and regulations promulgated by the Department, and it shall advise the licensee of the opportunity to show compliance with all lawful requirements for retention of the license.

C. The licensee shall have 20 calendar days from the mailing or personal delivery of the notice of wrongful conduct by the Commissioner to demonstrate compliance with all lawful requirements for retention of the license as specified in the notice of wrongful conduct, unless the Commissioner determines that an extension of time is warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18113. Notice of Regulatory Action

A. If the licensee fails to demonstrate compliance with all lawful requirements of Title 22 for retention of the license to the satisfaction of the Commissioner within 20 calendar days of the mailing or personal service of the notice of wrongful conduct, or within any extension of time approved by the Commissioner, a notice of regulatory action may be issued. The notice shall be in writing and issued via mail or by personal delivery to the last known address or principal place of business identified in the Department’s database for the licensee. The revocation, suspension, annulment, or withdrawal of a license shall take effect 10 calendar days from the date of issuance of the notice of

RULE

**Department of Revenue
Policy Services Division**

regulatory action, unless otherwise provided in Title 22. The licensee shall have the right to timely demand an administrative hearing to contest the notice of regulatory action in accordance with R.S. 22:2191, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18115. Notice of Summary Suspension or Order

A. Notwithstanding any other provision of this regulation, if the Commissioner finds that the public health, safety, or welfare of Louisiana citizens imperatively requires emergency action, the Commissioner may issue a notice of summary suspension or order to the licensee, setting forth the basis for such a finding. The notice of summary suspension or order shall be in writing, mailed or delivered personally to the licensee at the last known address or principal place of business identified in the Department's database for the licensee, and it may be issued while agency proceedings for license revocation or other adverse actions authorized by R.S. 49:961(C) are pending, unless otherwise provided in Title 22. The licensee shall have the right to timely demand an administrative hearing to contest the notice of summary suspension or order in accordance with R.S. 22:2191, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1106 (April 2022).

§18117. Stay of Action

A. A demand for an administrative hearing shall not operate as an automatic stay of any order issued by the Commissioner or any action taken or proposed to be taken by the Commissioner unless such relief is granted by the Division of Administrative Law pursuant to R.S. 22:2204 and the Administrative Procedure Act, R.S. 49:950, or as otherwise provided in Title 22. All demands for hearing and requests for a stay of action shall be filed in accordance with Chapter 12 of the Louisiana Insurance Code, R.S. 22:2191, et seq. and held in accordance with the Administrative Procedure Act, R.S. 49:950, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2204, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1106 (April 2022).

§18119. Effective Date

A. This regulation shall become effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1106 (April 2022).

James J. Donelon
Commissioner

2204#016

Partnership Returns-Electronic Filing Requirements; Filing Extensions for Partnerships Filing Partnership/Partnership Composite Returns (LAC 61:III.1507 and 2505)

Under the authority of R.S. 47:201, R.S. 47:1511, R.S. 47:1514, and R.S. 47:1520 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:III.1507 and 2505.

The primary purpose of these amendments is to require electronic submission for both the filing and requests for extension of filing the partnership/partnership composite tax return by any partnership required to so file. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment

§1507. Partnership Returns-Electronic Filing Requirements

A. Every partnership that files a Louisiana Partnership Tax Return, except for those partnerships filing composite partnership returns, shall be required to file the return electronically with the Department of Revenue using the electronic format prescribed by the department. For taxable periods beginning on or after January 1, 2021, partnerships filing composite partnership returns must also file a Louisiana Partnership Return electronically. The format shall be as follows:

A.1. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:201, R.S. 47:1511, and R.S. 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1639 (September 2018), amended by the Department of Revenue, Policy Services Division, LR 48:1106 (April 2022).

Chapter 25. Returns

§2505. Filing Extensions for Partnerships filing Partnership/Partnership Composite Returns

A. Revised Statute Title 47, Section 1514 provides that the secretary may grant a reasonable extension to file any tax return due under this subtitle, not to exceed six months, from the date the return is due.

1. To obtain a filing extension for filing a partnership/partnership composite return, partnerships must make the request on or before the tax return's due date.

2. A partnership must request a state filing extension by submitting an electronic application.

A.3. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:1514.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 40:801 (April 2014), amended by the Department of Revenue, Policy Services Division, LR 48:1106 (April 2022).

Kimberly J. Lewis
Secretary

2204#021

RULE

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

**Hunter Education Program Certification Policy
(LAC 76:I.312)**

The Wildlife and Fisheries Commission has amended the Hunter Education Program Certification Policy (LAC 76:I.312). Under the current Rule, the minimum age requiring a basic hunting license is 16, so at this time hunter education students 16 and above taking the approved computer based (online) hunter education course receive their hunter education card upon successful completion of the course. In 2021, the Louisiana legislature made changes to the Department of Wildlife and Fisheries license structure that will change the minimum age requiring a basic hunting license to 18 effective June 1, 2022. If the current Rule remains unchanged, this would raise the online-only hunter

education certification age to 18 on June 1, 2022. The change keeps the minimum age for computer based hunter education certification at age 16. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

**Part I. Wildlife and Fisheries Commission
and Agencies Thereunder**

Chapter 3. Special Powers and Duties

Subchapter C. Hunter Safety Program

§312. Hunter Education Program Certification Policy

A. - E. ...

F. Minimum age for certification in all courses within the Louisiana Hunter Education Program shall be as follows:

1. classroom based hunter education course—age 10;
2. computer based hunter education course—age 16;
3. blended computer based and field day combination course—age 10.

G. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:699.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:1396 (July 2007), amended LR 46:1613 (November 2020), LR 48:1107 (April 2022).

Jack Montoucet
Secretary

2204#026

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Board of Veterinary Medicine

Examinations (LAC 46:LXXXV.303 and 803)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV. Chapters 1-15, regarding the licensure of veterinarians and registered veterinary technicians in the State of Louisiana. Chapter 3 of the rules amends §303.B.4.b. to afford the board greater discretion in determining when a licensed veterinarian applying for a Louisiana license has been a practicing veterinarian in the five year period preceding the date of application for Louisiana licensure when the passing of the national examination (NAVLE) is older than five years. Chapter 8 rewrites and renumbers the rules concerning the licensure of registered veterinary technicians. It deletes the requirement that applicants for a certificate of approval take and pass a state practical examination, adds a requirement that an applicant for a certificate of approval take and pass a state board examination, and provides for a process of the waiver of the retaking of the national examination (VTNE) where the passing score occurred more than three years before the application for a certificate of approval. This Rule is adopted on the date of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 3. Licensure Provisions

§303. Examinations

A. - B.4.a. ...

b. has worked as a licensed veterinarian an average of 32 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of five years immediately preceding his application.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 8:66 (February 1982), amended LR 8:144 (March 1982), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:343 (March 1993), LR 19:1327 (October 1993), LR 23:964 (August 1997), LR 25:2232 (November 1999), LR 28:1982 (September 2002), LR 38:1592 (July 2012), LR 40:308 (February 2014), LR 41:2151 (October 2015), amended by the Department of Agriculture and Forestry, LR 48:

Chapter 8. Registered Veterinary Technicians

§803. Examinations

A. ...

B. A state board examination shall be required of all applicants for licensure as a registered veterinary technician in Louisiana. No person shall obtain any certificate to practice as a registered veterinary technician without

successfully passing the Louisiana state board examination. No waivers of the state board examination shall be granted.

C. A passing score on the VTNE shall be deemed to be the pass point as determined by the examining agency contracted with by the board for the formulation, administration and/or grading of the VTNE.

D. The state board examination shall consist of no fewer than 25 questions taken from the veterinary practice act statutes and rules promulgated by the board.

E. A passing score on the state board examination for veterinary technicians shall be deemed to be the correct answering of at least 70 percent of the questions on the state examination.

F. The administration of the VTNE shall be in accordance with rules, practices, policies or procedures prescribed by the AAVSB or by any person or persons with whom the AAVSB may have contracted to administer said exam. The VTNE may be administered by members of the Louisiana Board of Veterinary Medicine or any of the agents, employees, or designees of the board.

G. The state board examination for veterinary technicians may be prepared, administered, and graded by the members of the Louisiana Board of Veterinary Medicine or may be prepared, administered, and/or graded, in whole or in part, by any person, firm corporation, or other entity selected, requested, or designated to do so by the Louisiana Board of Veterinary Medicine.

H. In order to receive a certificate to practice as a registered veterinary technician in the state of Louisiana, an applicant must pass both the VTNE and the state board examination.

I. A passing score on either required examination will be given effect for a period of three years. Should an applicant pass one of the required examinations but fail to pass the other required examination for a period of three years, such applicant will thereafter be required to pass both examinations notwithstanding such applicant’s previous passing of one of the required examinations.

J. The requirement for taking the national examination (VTNE) may be waived when an applicant:

a. holds a current valid license or certificate in good standing as a registered or certified veterinary technician in another state, district, or territory of the United States; and

b. has been employed as a registered or certified veterinary technician an average of 32 hours per week in a private practice or its equivalent continuously and without substantial interruption for a period of three years immediately preceding his application.

K. An applicant for certification may only sit for the national examination a maximum of five times. Thereafter, the applicant will no longer be eligible for certification in Louisiana and any application will be rejected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), amended LR 20:1380 (December 1994). LR 40:309

(February 2014), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 48:

Family Impact Statement

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

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

Poverty Impact Statement

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

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

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery. Comments will be accepted until 3:00 p.m. on Tuesday, May 10, 2022. All written comments must be dated and include full name and original signature of the person submitting the comments.

Public Hearing

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared B. Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery; however, such request must be received by no later than 3:00 p.m. on Tuesday, May 10, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 9:30 a.m. on Thursday, May 26, 2022 at

5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should email Jared B. Granier at director@lsbvm.org on or after May 12, 2022. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Examinations

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

There will be no costs or savings to state or local governmental units, except for those associated with publishing the rule amendment (estimated at \$750 in FY 2022). The rule amendment allows greater board discretion regarding the licensure of veterinarians (DVM) and registered veterinary technicians (RVT). All current licensees and potential applicants for licensure will be informed of this rule amendment via the board's regular newsletter, the board's website, and by email which results in minimal costs to the board.

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

The rule amendment is anticipated to increase revenue by \$2,360 as a result of applicants for RVT licensure paying a \$40 fee associated with taking the required state board examination. The increase in revenues estimate assumes 59 RVT applications are submitted for the state board examination (59 applicants x \$40 fee).

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

The rule amendment affords the board greater discretion when reviewing applicants for DVM licensure for waiver of the national examination re-take requirement for applicants with scores older than five years. Applicants for DVM licensure who choose to petition for the waiver of the national examination re-take requirement for scores older than five years could potentially receive a more favorable determination from a less restrictive rule for waiver eligibility status, thus having a potentially positive effect on the timeframe for license issuance.

The rule amendment regarding the RVT's national examination waiver will improve the board's discretionary review of applicants for RVT licensure whose national examination scores older than three years. Currently, there is a possible waiver. Applicants for RVT licensure who choose to petition for the waiver of the national examination re-take requirement for expired scores could potentially receive a more favorable determination of waiver eligibility status, thus having a potentially positive effect on the timeframe for license issuance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The number of licensed DVMs and RVTs is anticipated to increase as a result of the rule amendment.

Joseph B. Bonurant, Jr.
President
2204#046

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences

Industrial Hemp
(LAC 7:XIII.Chapter 13)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:1461 et seq., notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Agricultural and Environmental Sciences, intends to amend LAC 7:XIII.1303, 1315, 1319, 1321, 1327, 1329, 1332, 1335, 1337, and 1341 of the Industrial Hemp Rules and Regulations. The proposed amendments are being made in accordance with and in relation to: adding additional definitions, clarifying statutory references, adding a USDA form to documentation requirements and notification of analysis release, adding approved varieties and prohibited varieties to approval requirements, adding prohibited variety to prohibitions, adding more categories to production reports, clarifying THC level for negligent violations, adding the USDA platform system for LDAF reporting and clarifying which industrial hemp plants are subject to destruction.

Title 7
AGRICULTURE AND ANIMALS
Part XIII. Seeds

Chapter 13. Industrial Hemp
Subchapter A. General Provisions
§1303. Definitions

A. ...
B. The following words and terms shall have the following meanings.

Approved Variety—industrial hemp variety or strain that has been tested a minimum of three years in Louisiana and all official LDAF test results have shown the variety or strain at or below the compliant THC level.

Farm Service Agency ("FSA") Lot ID—a unique number generated by the USDA Farm Service Agency consisting of the farm number, tract number, field number, and subfield number. This unique number is generated from the submittal of the FSA 578 Form.

Growing Season—the calendar year in which an industrial hemp crop is produced.

Industrial Hemp Greens—hemp leaves from immature plants germinated from seed in which the plants are no more than ten (10) inches tall and which are also not yet flowering.

Industrial Hemp Microgreens—immature hemp seedlings intended for human consumption that are:

- a. cut off above the soil or substrate;
b. harvested prior to flowering;
c. not more than 14 days after germination; and
d. not taller than 5 inches.

Industrial Hemp Transplants—hemp seedlings, rooted cuttings, or immature plants produced from tissue culture or

other means of reproduction, which are not harvested, but transplanted into a larger container or field to allow for maturing and harvesting.

Prohibited Variety—an industrial hemp variety or strain that meets one or more of the following:

- a. ...
b. an official LDAF sample test result that is greater than 1.0 percent total THC;
c.

Remediate or Remediation—the process of rendering non-compliant cannabis compliant by removing and destroying, in the presence of and by a method approved by LDAF, all flower material, while retaining stalk, stems, leaf material, and seeds, or by shredding the entire plant into a biomass-like material. All hemp plant material that has undergone remediation shall be sampled and retested for THC compliance.

School—a public or private institution or that portion of a public or private institution which provides teaching for any grade from kindergarten through twelfth grade.

Variety Designation List—a list of industrial hemp varieties published by LDAF that, based on official LDAF test results, designates the varieties in the following categories: not yet tested, non-designated, variety of concern, approved or prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462 and R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:170 (February 2020), LR 47:438 (April 2021), amended LR 47:1833 (December 2021), LR 48:

Subchapter B. Licenses
§1315. Criminal Background Check

NOTE: See §1305.H.1-2 for criminal conviction prohibitions regarding licensure

A. The applicant for each seed producer, grower, processor, or handler license shall undergo and pay for a criminal background check in accordance with La. R.S. 3:1465(D).

B. If the applicant is a business entity, the individual applying for a license, and the designated responsible party shall undergo and pay for a criminal background check.

C. Each individual who is required to undergo and submit a criminal background check shall:

1. submit a criminal background check application to the Louisiana State Police as set forth in R.S. 3:1465(D);

C.2. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:173 (February 2020), LR 47:439 (April 2021), amended LR 47:1835 (December 2021), LR 48:

Subchapter D. Seed Producers and Growers
§1319. Requirements for Seed Producers and Growers

A. - K.3. ...

L. Along with the required planting reports, grower and seed producer licensees shall provide LDAF with the

corresponding Farm Service Agency FSA 578 form for each planting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR Title 7, Part XIII 137 Louisiana Administrative Code January 2022 46:173 (February 2020), LR 47:439 (April 2021), amended LR 47:1835 (December 2021), LR 48:

§1321. Seed Acquisition and Approval

A. - G. ...

H. Seed of industrial hemp varieties designated as an “approved variety” shall be exempt from the requirements of Subsection A of this Section.

I. Seed of industrial hemp varieties designated as a “prohibited variety” shall not be acquired, planted, grown, offered for sale, or distributed for planting purposes in Louisiana.

J. Upon request from LDAF, a licensed seed producer shall provide a seed distribution list within 48 hours of the request showing locations where and to whom industrial hemp seed was distributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431, R.S. 3:1436, R.S. 3:1445, 3:1463, R.S. 3:1464, R.S. 3:1465, and R.S. 3:1466.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:174 (February 2020), LR 47:440 (April 2021), amended LR 47:1836 (December 2021), LR 48:

Subchapter E. Restrictions and Prohibitions

§1327. Prohibitions

A. - A.14. ...

15. sell, offer for sale, expose, distribute, transport or plant industrial hemp seed which has been designated by LDAF as a “prohibited variety.”

16. produce industrial hemp with a total THC concentration level greater than 1.0 percent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, R.S. 3:1465, R.S. 3:1466, R.S. 3:1467, R.S. 3:1468, R.S. 3:1470, and R.S. 3:1471.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:175 (February 2020), LR 47:440 (April 2021), amended LR 47:1836 (December 2021), LR 48:

Subchapter F. Reporting, Research, and Record-Keeping

§1329. Production Reports

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

c. total amount of industrial hemp seed sold;

d. total value of industrial hemp seed sold; and

e. current industrial hemp plant parts in storage and location of that storage.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1466.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:175 (February 2020), LR 47:440 (April 2021), LR 48:

§1332. Reporting to USDA

A. LDAF shall submit to USDA a report providing the contact information and the status of the license issued for

each grower and seed producer. The report shall be submitted by the first of each month. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted through the USDA’s online Hemp eManagement Platform (HeMP) system or by any other manner of submission that may be required by USDA. The report shall contain the following information:

A.1. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:176 (February 2020), LR 48:

Subchapter H. Sampling, Testing, Remediation, and Destruction

§1335. THC Sampling and Testing

A. - E.7. ...

8. A notification of analysis for official LDAF collected samples shall not be released until the licensee has submitted a valid FSA 578 form to LDAF for the lot represented by the sample.

9. No industrial plants or plant parts for which a THC analysis is pending shall be transferred, transported, sold, marketed, or otherwise disposed of until approved by LDAF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468. HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:177 (February 2020), LR 47:440 (April 2021), amended LR 47:1838 (December 2021), LR 48:

§1337. Remediation and Destruction

A. All industrial hemp plants or plant parts that are noncompliant with the acceptable industrial hemp THC level shall be remediated or destroyed in compliance with this Chapter. Any industrial hemp plants or plant parts that test greater than 1.0 percent total THC shall be destroyed.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:177 (February 2020), amended LR 47:1839 (December 2021), LR 48:

Subchapter I. Enforcement

§1341. Corrective Action Plan for Negligent Violations and Mandatory Reporting

A. - A.1. ...

2. failing to obtain a seed producer, grower, handler, or processor license from LDAF; or

3. producing industrial hemp exceeding the acceptable hemp THC level. A person that has made reasonable efforts to grow industrial hemp and produces cannabis that does not have a total THC concentration of more than 1.0 percent shall not be deemed to have committed a negligent violation.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR

Family Impact Statement

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

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

Poverty Impact Statement

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

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

Small Business Statement

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

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules via U.S. Mail or hand delivery. Written submissions must be directed to Lester Cannon, Director of the Seed Programs, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3004, Baton Rouge, LA 70806 and must be received no later than 4:00 p.m. on May 10, 2022. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Industrial Hemp

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

The proposed rules will have no associated costs or saving to the Louisiana Department of Agriculture and Forestry (LDAF) other than the cost of rule promulgation in FY 22, which is normally included in the department's annual operating budget. The proposed rules will have no associated costs or savings to local governmental units. The rules are being proposed in accordance with La. R.S. 3:1464 pertaining to the authority of the Louisiana Commissioner of Agriculture and Forestry to adopt rules and regulations necessary for the Louisiana Industrial Hemp program. The proposed rules amend LAC 7:XIII.1303, 1315, 1319, 1321, 1327, 1329, 1332, 1335, 1337, and 1341 of the Industrial Hemp Rules and Regulations.

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

The proposed rules are not anticipated to have any effect on revenue collections for state or local government units. The proposed rules do not add any additional fees.

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

Under the proposed rules the only anticipated fiscal impact to directly affected persons/industrial hemp licensees is the rule change that provides that any plants or plant parts that test greater than 1.0% Total THC shall be destroyed. The current rule allows crops that test greater than 1.0% Total THC to be re-tested but the proposed rule mandates destruction. The exact fiscal impact is unknown but would be to the extent of the value of the crop to be destroyed. However, licensees growing industrial hemp are aware that they should not be producing industrial hemp that tests greater than 1.0% Total THC

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of the proposed rules is not anticipated to impact competition and employment.

Dane Morgan
Assistant Commissioner
2204#0122

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Seed Programs—Analysis Test and Labeling of Seed (LAC 7:XIII.131)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:1433 and R.S. 3:1436, notice is hereby given that Department of Agriculture and Forestry ("Department") intends to amend and adopt the Rule set forth below. The Rule adds a minimum of eight point type to coated seed labeling requirements instead of requiring that the "ultimate purchaser is able to read the information easily and without strain" which is too vague and leaves room for various interpretations of type size. There is another provision in LAC 7:XIII.131 that requires label information be no smaller than eight point type so this revision makes the

minimum label type size consistent. This Rule, once promulgated, will become effective on January 1, 2023.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 1. General Provisions

Subchapter C. Labels; Records; Standards; Noxious

Weed Seed

§131. Analysis Test; Labeling of Seed

A. - K.5. ...

L. Coated Seed. Each package of coated seed shall have the following additional information stated on the front of each package using a minimum of eight point type. The following required information shall be set forth in a clear and conspicuous manner:

1. the words "coated seed;"
2. a statement giving the maximum amount of coating material contained within the package;
3. a statement referring purchaser to the product label for additional information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433 and 3:1436.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Seed Commission, LR 12:825 (December 1986), LR 16:492 (June 1990), LR 37:270 (January 2011), LR 37:2979 (October 2011), repromulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 39:2705 (October 2013), amended LR 40:746 (April 2014), LR 43:1897 (October 2017), LR 44:1852 (October 2018), effective January 1, 2023 LR 48:

Family Impact Statement

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

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

Poverty Impact Statement

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

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

Small Business Statement

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

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

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Lester Cannon, Director of the Seed Programs, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3004, Baton Rouge, LA 70806 and must be received no later than 4 p.m. on May 10, 2022. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Seed Programs
Analysis Test and Labeling of Seed**

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

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule amends LAC 7:XIII.131(L) by adding a minimum type size to the already required coated seed labels.

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

The proposed rule change will not result in any effect on revenue collections of state or local governmental units.

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

The proposed rule change will result in minimal or no costs to directly affected persons which are the seed manufacturers. Currently, seed manufacturers have to include a coated seed label on their products. If the label already contains lettering that is at least 8 point type, then no changes will need to be made. If their current label is less than 8 point type then they will need to change their labels and get the new type requirement in place starting January 1, 2023. Considering the effective date is many months away, it will allow ample time for seed manufacturers to change their labels prior to the next growing season.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed action is not anticipated to have a material effect on competition or employment.

Dane Morgan
Assistant Commissioner
2204#019

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

Food and Drink Limit (LAC 52:I.Chapter 17)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has initiated rulemaking procedures to make amendments to the rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and section 1115.1C of the Code of Governmental Ethics.

**Title 52
ETHICS**

Part 1. Board of Ethics

Chapter 17. Code of Governmental Ethics

§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2022, the limit for food, drink or refreshments provided in R.S. 42:1115.1A and B is \$70.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018).

Family Impact Statement

The proposed rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule changes have no known impact on poverty, as described in R.S. 49:972.

Small Business Analysis

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:956.6

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

Public Comments

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, LA 70821, telephone (225) 219-5600, until 4:45 p.m. on May 10, 2022.

Kathleen M. Allen
Ethics Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Food and Drink Limit

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

The estimated cost to implement the proposed rule change is \$320 in FY 21-22, which accounts for the cost to publish the Notice of Intent and the rule in the State Register. The proposed rule will create no other estimated implementation costs or savings to state or local governmental units. The proposed rule provides for raising the monetary limit on the

receipt of food and drink by a public employee and public servant from sixty-five (\$65) dollars to seventy (\$70) dollars pursuant to Section 1115.1C of the Code of Governmental Ethics.

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

The proposed rule will have no anticipated effect on revenue collections of state or local governmental units.

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

The proposed action will affect all public employees and public servants by setting a standard monetary limit on the receipt of food and drink.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no anticipated effect on competition and employment.

Kristy Gary
Deputy Ethics Administrator
2204#025

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Business Development
and**

Louisiana Economic Development Corporation SSBCI

**Collateral Support Program ARPA 2021
(LAC 19:VII.Chapter 91)**

The Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104, 36:108 and 51:2312, hereby give notice of their intent to adopt rules for the Collateral Support Program for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Collateral Support Program ARPA 2021".

Title 19

CORPORATION AND BUSINESS

**Part VII. Louisiana Economic Development
Corporation**

Subpart 13. Collateral Support Program

**Chapter 91. SSBCI Collateral Support Program
ARPA 2021**

§9101. Purpose

A. The Louisiana Economic Development Corporation (LEDC or Corporation) wishes to stimulate the flow of private capital, including short, medium and long-term loans, lines of credit loans, and other related financial assistance for the sound financing of the development, expansion, and retention of small business concerns in Louisiana, as a means of helping them grow and expand their businesses and of providing higher levels of employment, income growth, and expanded economic opportunities, especially to small businesses owned by socially and economically disadvantaged individuals (SEDI).

B. Through The American Rescue Plan Act of 2021, which reauthorized the State Small Business Credit Initiative

(SSBCI), the U.S. Congress has appropriated funds to be allocated and disbursed to the states that have created programs to increase the amount of capital made available by private lenders to small businesses, and the State of Louisiana has been approved to receive and disburse SSBCI funds within the SSBCI Program. The Louisiana Department of Economic Development (LEDC), which will be working with and through the LEDC, has been designated to provide services for the SSBCI, including the collateral support program (CSP), which by a master lender CSP participation agreement previously entered into, and a LEDC CSP loan and deposit agreement, each between LEDC and the lender, will provide for the LEDC to place a cash deposit with the lender to make additional capital available for a portion of the loan, and to serve as cash collateral for a portion of the loan. The Louisiana Economic Development Corporation (LEDC), working with LED, will utilize SSBCI funds to increase access to credit and capital funding to further assist small businesses statewide, to expand loan capabilities to a broader range of businesses statewide, to direct a greater concentration on those small businesses, and to reach, identify and promote small business growth in low and moderate income communities, in minority communities, in other underserved communities, and to small businesses owned by socially and economically disadvantaged individuals across our state.

C. The CSP establishes pledged cash collateral accounts with participating lenders to enhance loan collateral for qualified small business borrowers exhibiting a shortfall in collateral and who would not otherwise be able to obtain financing on acceptable terms and conditions. Collateral deposits are established on an individual loan basis and are available to cover loan losses in the event of default by the borrower. Upon loan maturity and repayment, deposits are returned to LEDC for recycling to other qualified small business borrowers.

D. Interested small businesses will be referred to participating lenders for loan and collateral support deposit qualification purposes. Participating lenders will apply to LEDC for collateral support deposits on behalf of their qualified small business borrowers. Participating lenders are responsible for their own credit underwriting decisions and originating the loans. LEDC's responsibilities are: to ensure compliance with CSP requirements; to establish and manage collateral support accounts; to promote and market the CSP through outreach activities to inform lenders, small businesses and trade associations of the Program; to generate increased small business activity, awareness and access to additional sources of capital to start and expand existing business opportunities, as well as participation in the Program; and to report to the U.S. Treasury.

E. In considering approval or acceptance of the loans presented to LEDC through lenders having previously agreed to participate in the Collateral Support Program (CSP), the corporation will consider sound business purpose loans and lines of credit, so long as SSBCI resources permit. The BOARD OF DIRECTORS OF THE CORPORATION recognizes that collateralizing loans and lines of credit carries certain risks and is willing to undertake reasonable exposure.

F. LEDC will monitor the program, including the repayment progress of borrowers, as well as the servicing

performance of participating lenders, in order to ensure successful outcomes in the form of program utilization and eventual securing of funds for these groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§9103. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in prevailing federal guidelines issued by the U.S. Treasury, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Accepted Loan—a loan accepted by LEDC as eligible under the collateral support program (CSP).

Affiliate of the Borrower—any person or entity directly or indirectly controlled by the Borrower or directly or indirectly controlling the Borrower or under common control with the Borrower. For purposes of this definition, a person controls another person if such person directly or indirectly, or acting through or in concert with one or more persons:

a. owns, controls, or has the power to vote twenty percent (20 percent) or more of any class of voting securities or interests of the other person;

b. controls in any manner the election or appointment of a majority of the directors or management of the other person; or

c. has the power to exercise a controlling influence over the management or policies of the other person.

Affiliate of the Lender—any person or entity directly or indirectly controlled by the lender or directly or indirectly controlling the lender or under common control with the lender. For purposes of this definition, a person controls another person if such person directly or indirectly, or acting through or in concert with one or more persons:

a. owns, controls, or has the power to vote 20 percent or more of any class of voting securities or interests of the other person;

b. controls in any manner the election or appointment of a majority of the directors or management of the person; or

c. has the power to exercise a controlling influence over the management or policies of the other person.

Board—the Board of Directors of Louisiana Economic Development Corporation (LEDC).

Borrower—an eligible borrower which is the recipient of a loan which is, has been, or will be registered by the lender under the CSP for collateral support through a Collateral Deposit Account.

Business Day—any day other than a Saturday, Sunday, or any other day on which commercial banks in Louisiana are required or authorized to be closed.

CDFI-Community Development Financial Institution—has the meaning given that term under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

CDFI Investment Area—as defined by Treasury for the SSBCI Program, are generally low-income, high-poverty geographies that receive neither sufficient access to capital

nor support for the needs of small businesses, including minority-owned businesses.

Collateral Deposit Account—the interest bearing account or certificate of deposit opened with lender in the name of LEDC pledged as collateral for an accepted eligible loan.

Corporation—the Louisiana Economic Development Corporation (LEDC).

CSP—the Collateral Support Program.

CSP Application— program application for the collateral support request where the lender and borrower each sign and agree to abide by the assurances and certifications as required by the U.S. Treasury.

CSP Collateral Analysis Form—form completed by the lender evaluating the borrower's collateral value position.

CSP Claim Form—form completed by the lender to LEDC in the event of a default and subsequent loan loss.

Default—delinquent in making payment, when due, of any installment of principal or interest on any note, for a period of more than 90 days.

Eligible Borrower—a Louisiana Business Enterprise which meets all requirements of federal law and the CSP.

Eligible Loan—a loan (or a line of credit) that meets the criteria for an eligible loan under the CSP in effect at the time the loan is registered and for which each of the assurances, representations and warranties set forth in the CSP is true and correct.

Enrolled Loan—a loan (or a line of credit loan) which has been approved for acceptance in the CSP and in which the loan instruments have been fully executed.

Financial Institution—also referred to herein as a *Bank*, *Financial Lending Institution*, *Lending Institution*, *Commercial Lending Entity*, or *Lender*—includes any insured depository institution, insured credit union, or community development financial institution, as those terms are defined in Section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

LED—the Louisiana Department of Economic Development (LED).

LEDC—the Louisiana Economic Development Corporation (LEDC).

LEDC CSP Loan and Deposit Agreement—the Loan and Deposit Agreement (“Deposit Agreement”), to be executed by LEDC and the lender, for the deposit of cash collateral by LEDC with the lender, as security for a portion of the loan accepted under this program.

Lender—an insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in Section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) which is experienced in the making of loans to businesses of the type provided for under the CSP, has an office and business operations in the State of Louisiana, and is regulated by the Office of the Comptroller of the Currency (including by merger, the Office of Thrift Supervision), the Federal Reserve Board, the Louisiana Department of Finance or similar regulatory agency. All participating lenders must execute a lender Participation Agreement with LEDC; and is the entity that will make or originate the accepted eligible loan with the eligible borrower under this program.

Lender Insider—an executive officer, director, or principal shareholder of the lender, or a member of the immediate family of an executive officer, director or principal shareholder of the lender, or a related interest of such executive officer, director, principal shareholder or member of the immediate family. For the purposes of this provision, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* shall have the respective meaning ascribed thereto in Federal Reserve Act Sections 22(g) and (h), Federal Reserve Board Regulation O and applicable Office of the Comptroller of the Currency or Office of Thrift Supervision.

Loan—any temporary advance or provision of money to an eligible borrower by the participating lender for a business purpose, usually for a limited term and requiring the payment of interest along with the repayment of the loaned funds under the CSP, that is evidenced by a promissory note that obligates the borrower to repay the advance. When used herein, the word loan includes a line of credit loan.

Loss—any principal amount due and not paid at a time the lender determines in a manner consistent with its normal method and timetable for making such determinations that a qualified loan is uncollectible and is to be charged off as a loss. The amount included in the loss shall not exceed the unpaid principal balance of the enrolled loan.

Master Lender CSP Participation Agreement—agreement between lender and LEDC accepting the lender as an approved CSP participating lender whereby the Participating lender agrees to program assurances and certifications as required by the U.S. Treasury.

Net Proceeds of the Loan—the gross loan amount less costs incurred in issuing the loan which are paid by the borrower out of the gross loan amount.

Participating Lender—a financial institution that has executed an agreement with the Louisiana Economic Development Corporation (LEDC) to participate in the program.

Program—the Collateral Support Program

Small and Emerging Business—a Louisiana business certified as a Small and Emerging Business (SEB) by the Louisiana Department of Economic Development's Small Business Services.

Small Business Concern—for purposes of size eligibility for this program will be limited to businesses with 100 employees or less.

Socially and Economically Disadvantaged Individual (SEDI) Owned Business—

a. business enterprises that certify that they are owned and controlled by individuals who have had their access to credit on reasonable terms diminished as compared to others in comparable economic circumstances, due to their:

i. membership of a group that has been subjected to racial or ethnic prejudice or cultural bias within American Society;

ii. gender;

iii. veteran status;

iv. limited English proficiency;

v. physical handicap;

vi. long-term residence in an environment isolated from the mainstream of American society;

vii. membership of a federally or state-recognized Indian Tribe;

viii. long-term residence in a rural community;

ix. residence in a U.S. Territory;

x. residence in a community undergoing economic transitions (including communities impacted by the shift towards a net-zero economy or deindustrialization); or

xi. membership of another “underserved community” as defined in Executive Order 13985;

b. business enterprises that certify that they are owned and controlled by individuals whose residences are in CDFI investment Areas, as defined by Treasury for the SSBCI Program;

c. business enterprises that certify that they will operate a location in a CDFI Investment Area, as defined by Treasury for the SSBCI Program; or

d. business enterprises that are located in CDFI Investment Areas, as defined by the U.S. Treasury for the SSBCI Program.

Very Small Business—a business with fewer than 10 employees; may include independent contractors and sole proprietors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§9105. Application Process

A. Any applicant/borrower(s) applying for either a loan or a line of credit will be required first to contact a CSP participating financial lending entity that is willing to entertain, originate, process and service such a loan or line of credit with the prospect of an LEDC cash collateral deposit, and the participating lender will then contact LEDC for qualification and shall submit a complete application to LEDC for its review, approval and acceptance. The financial lender shall also submit to LEDC the lender’s assurances, certifications, representations and warranties, and shall be responsible for obtaining and submitting to LEDC assurances of eligibility, including certifications, representations and warranties from each borrower, all as required by the American Rescue Plan Act of 2021 and the SSBCI.

B. Information submitted to LEDC with the application representing the applicant/borrower’s business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Louisiana Public Records Law, R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of its duty will be used solely by and for LEDC.

C. The following CSP submission and review policies shall be followed.

1. The participating lender is expected to use its best efforts to provide small Louisiana businesses, SEDI, with the maximum practicable opportunity to participate in the CSP.

2. The participating lender shall request approval from LEDC to become an approved participating lender under the CSP by executing a master lender participation agreement.

3. The borrower’s completed Louisiana Economic Development Corporation CSP Loan Packet must be submitted by the lender to LEDC to include:

a. borrowers completed CSP application and related information and materials.

b. small and emerging businesses (SEBs) applying for assistance under the Program will have to submit a copy of the certification from the Louisiana Department of Economic Development’s Small Business Services, along with the request for financial assistance.

c. businesses applying for consideration as a SEDI owned business will have to self-certify under conditions in Subparagraph a-c as noted above in §9103 under SEDI-owned business definition.

d. the participating lender shall submit to LEDC its complete analysis and evaluation, proposed loan structure, and commitment letter to the borrower. LEDC staff may do its own review and evaluation of the application packet. The participating lender shall submit to LEDC the same pertinent data that it submitted to the lending institution’s loan committee, whatever pertinent data the lending institution can legally supply.

e. lender’s and borrower’s signed assurances and certifications as required by the U.S. Treasury.

4. LEDC staff will review the application and analysis, and then approve and accept or disapprove and reject the application, if the dollar amount of the loan is within the staff’s board approved authority, or make recommendations to the board committees and to the board for approval and acceptance or disapproval and rejection.

5. The LEDC’s board of directors, or the board’s designated committee, will review only the completed applications and related materials submitted by LEDC staff and may approve and accept or disapprove and reject applications for approval or acceptance or the designated board committee may simply make recommendations to the LEDC board for its decision.

6. The applicant/borrower(s) or their designated representative(s), and the loan officer or a representative of the lender shall be required to attend the LEDC’s board of directors meeting wherein the application will be considered by the board; but shall not be required to attend meetings of the LEDC Staff or the designated board committee, unless the LEDC requests their presence.

7. LEDC’s board of directors, or the board’s designated committee that has considered the application has the final approval and acceptance or disapproval and rejection authority for such applications; except for those loans which shall be within the staff’s authority to approve or disapprove, as established by the LEDC board, the staff shall have the final approval and acceptance or disapproval and rejection authority, unless the board overrules the staff’s decision.

8. The lender will be notified within three to five business days by mail or e-mail of the outcome of the application process.

9. Funds approved for each CSP application will have a reservation period of 90 calendar days from the approval date.

a. If an approved CSP loan does not close within 90 calendar days from the final LEDC approval date, the reservation period will expire and funds will be released to the general program fund to be used for other CSP requests, unless an extension has been approved by LEDC board or its designated committee, or LEDC staff.

b. Once a reservation period has expired, a lender will need to re-apply and start the application and review process over with a new or up-dated application.

D. The following CSP Loan Closing Policies shall be followed by the lender:

1. An LEDC CSP Loan and Deposit Agreement, including LEDC's terms, and any stipulations or requirements, will be mailed or e-mailed by LEDC staff to the lender for review within five business days of approval and acceptance by either LEDC Staff, LEDC's board of directors, or the board's designated committee.

2. Lender shall notify LEDC of its loan closing five business days prior to the closing date.

3. LEDC will open and pledge an interest bearing collateral deposit account (a certificate of deposit) with the lender in LEDC's name, as follows:

a. the cash collateral deposit provided to the lender will be funded in two phases; 50 percent of the approved collateral deposit support will be funded at the time of the loan closing (within two business days) and the remaining approved collateral deposit support will be deposited within 30 calendar days after LEDC is notified by lender in writing of a default against the lender's loan and a request for the additional funding.

4. At the loan closing, lender will execute the LEDC CSP loan and deposit agreement, and will return the signed original to LEDC with the loan documents.

5. Immediately following the loan closing the lender will furnish to LEDC copies of all fully executed loan documents.

E. Loan Purpose Requirements and Prohibitions. In addition to the application process provisions provided above, and in connection with each and any loan (including a line of credit loan) that the participating lender requests be approved and accepted by LEDC to be enrolled under this program, the lender shall also be responsible for obtaining and providing LEDC with the lender's application assurances and certifications as well as application assurances and certifications from each applicant/borrower stating that the loan proceeds shall not be used for any impermissible purpose under the SSBCI program, and the loan proceeds shall be used for an "eligible business purpose", as that term is defined in §9107.A hereinafter; and additionally:

1. The loan proceeds shall be used for a "business purpose." A business purpose includes, but is not limited to, start-up costs, working capital, business procurement, franchise fees, equipment, inventory, as well as the purchase, construction, renovation or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of business purpose excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership, the purchase of securities; and lobbying activities as defined in section 3(7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

2. The loan proceeds will not be used to:

a. repay any delinquent federal or state income taxes unless the borrower has a payment plan in place with the relevant taxing authority; or

b. repay taxes held in trust or escrow, e.g. payroll or sales taxes; or

c. reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance; or

d. to purchase any portion of the ownership interest of any owner of the business.

3. The borrower is not:

a. an executive officer, director, or principal shareholder of the financial institution lender; or

b. a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

c. a related interest of any such executive officer, director, principal shareholder, or member of the immediate family.

NOTE: For the purposes of these three borrower restrictions, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

4. The borrower is not:

a. a business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil, investments in stock market, and dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business; or

NOTE: Permissible borrowers include state-designated charitable, religious, or other non-profit or eleemosynary institutions, government-owned corporations, consumer and marketing cooperatives, and faith-based organizations provided the loan is for a business purpose as defined above.

b. a business that earns more than half of its annual net revenue from lending activities; unless the business is a non-bank or non-bank holding company certified as a Community Development Financial Institution; or

c. a business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or

d. a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of otherwise legal products that are to be used in connection with an illegal activity, such as selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined in SBA Standard Operating Procedures 50 10 6; or

e. a business engaged in gambling enterprises, unless the business earns less than 33 percent of its annual net revenue from lottery sales.

5. No principal of the borrowing entity has been convicted of a sex offense against a minor (as such terms are defined in §111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20 percent or more ownership interest in the partnership; and if a corporation, limited liability company, association or a development company, each director, each of the five most

highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.”

6. The corporation shall not knowingly approve any CSP request if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Nor should they approve any CSP request if the applicant/borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations in which the applicant/borrower or his/hers/its principle management has not been reinstated into society.

F. The financial institution lender must also provide to LEDC with the application, in connection with each loan to be enrolled under this Chapter 91 Program, and assurances affirming:

1. the loan has not been made in order to place under the protection of the approved state Capital Access Program (CAP) prior debt that is not covered under the approved state CAP and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

2. the loan is not a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender;

3. no principal of the financial institution lender has been convicted of a sex offense against a minor (as such terms are defined in §111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as if a sole proprietorship, the proprietor; if a partnership, each partner; if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.

4. The borrower business structure either is a sole proprietor qualified to do and doing business in Louisiana, or is a for-profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above or other entity which is registered and authorized to conduct business in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§9107. Eligibility/Ineligibility for Participation in this Program

A. This program is for loans (including lines of credit) for an “eligible business purpose”, having a principal amount of \$1,000,000 or less, to eligible borrowers doing business in Louisiana having 100 employees or less at the time the loan is enrolled in this program. An *eligible business purpose* includes but is not limited to: start-up costs; working capital; business procurement; franchise fees;

and acquisition of equipment, inventory, or services used in the production, manufacturing, or delivery of a business’s goods or services, or the purchase, construction, renovation, or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of *eligible business purpose* excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership for investment or leasing; the purchase of securities; and lobbying activities as defined in Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

B. The loan should be a new extension of credit to the borrower, and shall NOT be used to support existing extensions of credit, including but not limited to prior loans, lines of credit, or other borrowings that were previously made available as a part of a state small business credit enhancement program; NO portion of the loan shall be used for any guaranteed or unguaranteed portion of a Small Business Administration (SBA) guaranteed loan or any other federal loan without prior written consent of the U.S. Treasury; and SBA guaranteed loans shall NOT be purchased through this program.

C. In connection with the business purpose for the requested loan the applicant/borrower(s) shall create or retain in this State at least one new permanent full-time job.

D. The following businesses shall be eligible for participation in this program, except for those ineligible businesses and purposes hereinafter shown:

1. small business concerns organized as a sole proprietorship qualified to do and doing business in Louisiana, or either a for profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above, or other entity which is registered and authorized to conduct business in the state of Louisiana that maintain an office in Louisiana;

2. small and emerging businesses (SEBs) certified by LED’s small business services that maintain an office in Louisiana;

3. small businesses owned by socially and economically disadvantaged individuals (SEDI);

4. funding requests for any eligible business purpose may be considered, except for the following ineligible businesses or purposes:

a. restaurants (except for regional or national franchises), grills, cafes, fast food operations, motorized vehicle, trailer, curb-side, sidewalk or street vender food operations, and any other business or project established for the principal purpose of dispensing cooked food for consumption on or off the premises that have been in business less than two years;

b. bars, saloons, daiquiri shops, operations for the sale of alcoholic popsicles and other alcoholic food items, packaged liquor stores, including any other business or project established for the principal purpose of dispensing, packaging, or distributing alcoholic beverages;

c. any business or establishment which has gaming or gambling as its principal business;

d. any business or establishment which has consumer or commercial financing or lending activities as its business;

e. any business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants;

f. any business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as stock market investments, dealing in commodities futures, wildcatting for oil, and other speculative activities;

g. any business engaged in activities that are prohibited by applicable federal, state or local law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of products that are to be used in connection with any illegal activity, such as but not limited to selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined by SBA Standard Operating Procedures 50 10 6; or

h. funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation, rental, or any other passive real estate investment purposes;

i. funding for the purpose of establishing a park, theme park, amusement park, or camping facility;

j. funding for the principal purpose of refinancing existing debt; a refinancing of a loan previously made to the borrower by the lender or an affiliate of the lender; or a loan made in order to place under the CSP prior debt that is not covered under the CSP and that is or was owed by the borrower to the lender or to an affiliate of the lender;

k. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business; for the purpose of purchasing any portion of the ownership interest of any owner of a business; or for buying out any family member or reimbursing any family member;

l. funding for the purpose of reimbursing funds owed to any owner, including any equity injection or injection of capital for the business's continuance;

m. funding for paying any person to influence or attempt to influence any agency, elected official, officer or employee of a state or local Government in connection with lobbying activities, the making, award, extension, continuation, renewal, amendment, or modification of any State or Local Government contract, grant, loan or cooperative agreement as such terms are defined in 31 U.S.C. §1352;

n. funding for paying any costs incurred in connection with:

i. any defense against any claim or appeal of the United States Government, any agency or instrumentality thereof (including the U.S. Department of Treasury), against the State of Louisiana, or

ii. any prosecution of any claim or appeal against the United States Government, any agency or instrumentality thereof (including the U.S. Department of Treasury), which the State of Louisiana instituted or in which the State of Louisiana has joined as a claimant;

o. funding to be used to pay any delinquent federal or state income taxes, as well as any taxes held in trust or escrow, such as payroll taxes or sales taxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§9109. General Lender Provisions

A. The Louisiana Economic Development Corporation will be guided by the following general principles in approving or accepting loans or lines of credit under this program.

1. The corporation shall confirm that the financial institution lender has sufficient commercial lending experience and financial and managerial capacity to participate in this program. The corporation may utilize, among other resources, the lender's most recent call report or audited financial statement showing the percentage of commercial loans in its portfolio.

2. The corporation shall not knowingly approve any loan (or line of credit loan) if the applicant/borrower has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness, state or federal taxes, or a bankruptcy proceeding; nor shall the corporation approve any loan if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Further, the corporation shall not approve any loan if the applicant/borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations in which the applicant/borrower or his/her/its principle management has not been reinstated into society.

3. The terms or conditions imposed and made part of any loan (or line of credit) authorized by vote of the corporation's board, or its designated board committee, or LEDC staff shall not be amended or altered by any member of the board or employee of the LEDC or the Department of Economic Development except by subsequent vote of approval by the board, or designated board committee at the next meeting of the board or committee in open session with full explanation for such action.

4. Each participating lender shall be required to have a meaningful amount of its own capital resources at risk in each small business loan included in this program. Such lenders shall bear at least 20 percent or more of the loss from a small business loan default. The LEDC accepted loan (including line of credit loan) enrolled into this program shall not be sold, assigned to, or participated with other lenders (within lender's 20 percent risk interest, as described above), or otherwise transferred by lender without the prior written consent of the LEDC board.

5. The corporation shall not subordinate its position to other creditors.

B. Interest Rates. On all loans (or lines of credit), the interest rate is to be negotiated between the borrower and the lender, but shall not exceed the National Credit Union Administration's (NCUA) interest rate ceiling for loans made by federal credit unions as described in 12 U.S.C. § 1757(5)(A)(vi)(I) and set by the NCUA board. Further, on all loans and lines of credit, the interest rate shall not exceed the lesser interest rate of either: the National Credit Union Administration (NCUA) interest rate ceiling, that established by the Federal Credit Union Act (FCUA), that established by

the Office of the Comptroller of the Currency (OCC), or applicable State legislation that may be enacted.

C. Borrower's Collateral

1. The value of the borrower's collateral shall be determined according to the lender's normal lending criteria and policy. The borrower is required to provide collateral to the loan as the intent of the CSP is to enhance loan collateral for qualified small business borrowers exhibiting a shortfall in collateral as required by the lender and who would not otherwise be able to obtain financing on acceptable terms and conditions.

2. The collateral position may be negotiated, but it shall be no less than a sole second position.

3. Borrower's Collateral Value Determination

a. Lender shall be required to verify the collateral value using commonly accepted collateral coverage standards.

b. The appraiser must be certified by a recognized organization in the area of the collateral.

c. The appraisal shall not be more than 90 days old, except in the instance of real estate which shall not be more than six months old.

4. Acceptable collateral from the borrower may include, but shall not be limited to, the following:

a. fixed assets—business real estate, buildings, fixtures;

b. business equipment, machinery, inventory;

c. accounts receivable with supporting aging schedule; but not to exceed 80 percent of receivable value.

5. Unacceptable borrower collateral may include, but shall not be limited to the following:

a. stock in applicant/borrower company and/or related companies;

b. personal items or borrower's primary residence;

c. intangibles; including but not limited to, digital currency such as cryptocurrency and non-fungible tokens (NFTs);

d. leasehold improvements.

6. Personal guarantees may be offered and accepted but will not count toward the value of the collateral; if to be used, signed and dated Personal Financial Statements of the guarantors must also be submitted to LEDC.

D. Equity Requirements

1. Equity requirements shall be determined according to the lender's normal credit criteria and policy, but in no case shall the equity position be less than 10 percent.

2. Equity is defined to be:

a. cash;

b. paid-in capital;

c. paid-in surplus and retained earnings; or

d. partnership capital and retained earnings.

3. No research, development expense nor intangibles of any kind will be considered equity.

E. Limit on the Amount of LEDC's Cash Collateral Deposit. For small business loans or lines of credit under this program, the corporation's loan cash collateral deposit shall be:

1. no greater than 50 percent, and not to exceed \$250,000, of the total principal amount of the loan (or line of credit) for loans or lines of credit amounts equal to or less than \$500,000;

2. no greater than 25 percent, and not to exceed \$250,000, of the total principal amount of the loan (or line of credit) for loans or lines of credit amounts greater than \$500,000, but not to exceed \$1,000,000.

F. Terms

1. Maturity, collateral, and other loan terms shall be negotiated between the borrower and the lender, and the LEDC shall have an opportunity to approve the terms of such loans prior to the closing; but loan term periods with regard to various types of loans shall be limited as follows:

a. for equipment term loans, term periods may extend for up to and not exceed five years.

b. for Revolving Lines of Credit (RLOC), term periods may extend for up to and not exceed three years.

c. for Non-Revolving Lines of Credit (NRLOC), term periods may extend for up to and not exceed two years.

d. for business real estate term loans, term periods may extend for up to and shall not exceed five years.

G. LEDC Program Fees

1. LEDC may charge a \$100 application fee, unless the board of directors, the board's designated committee, or LEDC staff waives the application fee.

2. Depending on the applicant/borrower's equity position in the business, LEDC will charge a collateral deposit program fee of up to 2 percent on the collateralized loan deposit amount, unless the board, the board's designated committee, or LEDC staff waives the collateral deposit program fee.

H. Use of Loan Funds (including Line of Credit Funds):

1. Loan funds shall be used for business purposes, including but not limited to the purchase of fixed assets, including buildings that will be owner occupied to the extent of at least 51 percent by the borrower for its own business purposes.

2. Loan funds may be used for the purchase of business equipment, machinery, or inventory.

3. Loan funds may be used for a line of credit for business accounts receivable or inventory.

4. Debt restructure may be considered by LEDC, but will not be considered when the debt:

a. exceeds 25 percent of the total loan;

b. pays off a creditor or creditors who are inadequately secured;

c. provides funds to pay off a debt to principals of the borrower business; and/or

d. provides funds to pay off family members.

5. Loan funds may not be used to buy out stockholders or equity holders of any kind, by any other stockholder or equity holder.

6. Loan funds may not be used to purchase any speculative investment or for real estate development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§9111. General Agreement Provisions

A. Master Lender CSP Participation Agreement

1. The lender shall conduct all of the customer/borrower interaction, and shall be responsible for the proper administration and monitoring of the loan (or line

of credit), including monthly invoicing, collections, and loan workouts, and the proper liquidation of the collateral in the event of a default.

2. The lender shall agree to underwrite each loan (including line of credit) using its normal underwriting criteria and will perform a credit analysis of the borrower for each loan, assuming full responsibility for credit and ongoing security of the loan and will follow prudent industry loan underwriting processes and will determine that the collateral support to be provided under the CSP will be instrumental in order for the lender to make the loan. Lender will also determine that the amount required for deposit to the LEDC's collateral deposit account does not exceed the amount necessary to provide sufficient collateral for the loan.

3. The lender shall be responsible for the preparation of all loan (including line of credit) documents to be used in connection with such loans made and accepted under this program.

4. The lender shall rely solely on the funds deposited with the lender by LEDC in the cash collateral deposit account (the principal amount, but not the accrued interest on the deposit which is not included as a portion of the security for the unpaid principal due on the loan) provided as security for the repayment of the agreed percentage of the principal amount of the unpaid principal balance due on the loan made and accepted under this program. The lender shall indemnify and hold harmless the LEDC, the state of Louisiana, including any commissioners, directors, participants, officers, agents, employees and contractors (collectively, the "Indemnified Person(s)") who shall not be liable to the lender for any reason arising out of or related in any way to the loan, the loan documents or the participation agreement, against all claims, costs and expenses. This Section shall survive the payment in full of the loan, any return or draw upon the cash collateral deposit for the loan, or any termination of the applicable deposit agreement or other loan documents.

5. The LEDC accepted loan (including line of credit) enrolled into this program shall not be sold, assigned, participated with other lenders (within lender's 20 percent risk interest, as provided above in §9109.A.4), or otherwise transferred by lender without the prior written consent of the LEDC board.

6. Loan delinquency will be defined according to the lender's normal lending policy. Notification of delinquency will be made to the corporation in writing by lender submitting a completed, signed and dated CSP banker loan status monthly report within five business days after the end of the month/reporting period as stated in the Master lender CSP participation agreement.

7. If default by borrower continues for more than 90 calendar days in making payment, when due, of any installment of principal or interest on any note, the lender may demand in writing to LEDC to fully fund the deposit account by submitting a completed, signed and dated claim form notifying LEDC of the default reasonably describing the circumstances of the default. LEDC will deposit the remaining cash deposit of 50 percent of the current principal balance within 30 days after LEDC receives the written demand. Once the full collateral support deposit is requested

for the deposit account, the lender may begin their standard collection and liquidation process.

8. All collection efforts, legal and liquidation processes shall be handled by the lender. In all collection efforts, legal and liquidation processes through foreclosure or otherwise, the lender will sell the collateral, handle the legal proceedings and documents, and absorb all expenses associated with these activities. All servicing actions, including collections, shall be the responsibility of the holder who shall follow accepted standards of loan servicing and collection employed by prudent lenders generally.

9. Thereafter, should any funds remain in the deposit account after the withdrawal and application of such funds, the remaining amount on deposit shall be returned by lender to LEDC, plus all interest accrued on the deposit account, which accrued interest on LEDC's deposit account is not included as a portion of the collateral securing the loan.

B. LEDC CSP Loan and Deposit Agreement

1. The LEDC CSP loan and deposit agreement shall provide for the pledge by LEDC of cash collateral to the lender under this collateral support program (CSP). On or about the closing of the loan documents, LEDC shall deposit with the lender cash collateral in an amount not to exceed 50 percent of the principal amount of the loan, and not to exceed a maximum of \$250,000, on loan amounts no greater than \$500,000; or LEDC shall deposit with the lender cash collateral in an amount not to exceed 25 percent of the principal amount of the loan, and not to exceed a maximum of \$250,000, on loan amounts greater than \$500,000 but less than \$1,000,000, accepted by LEDC under this program to be placed in an interest bearing account or certificate of deposit (the LEDC CSP loan and deposit account or deposit account) in the name of LEDC to be maintained with the lender until the loan has been repaid, or the deposited funds are applied to the payment of not to exceed 25 percent or 50 percent (depending on the principal amount of the loan) or \$250,000 of the outstanding unpaid principal balance (but not the interest, lender fees or costs of collection) due on the loan; and thereafter, should any funds remain in the deposit account after the application of such funds, the remaining amount shall be returned by lender to LEDC, plus all interest accrued on the deposit account which is not included as a portion of the collateral securing the loan.

2. The corporation's cash collateral deposit shall be no greater than 25 percent or 50 percent (depending on the principal amount of the loan) for qualifying loan amounts not to exceed \$250,000 of the total original principal amount of the loan (or line of credit). LEDC's cash collateral deposit shall be pledged by LEDC to provide security for the payment of the agreed percentage of the principal amount of the loan or line of credit, not including interest due thereon. The lender shall retain an at risk position on each loan (or line of credit) of at least 20 percent of the original principal amount of the loan, or as payments are made and funds from other efforts are applied to the loan, and the principal amount is thereby reduced, lender's risk shall be likewise reduced to 20 percent of the unpaid principal balance remaining due, plus all interest accrued on the loan.

3. There may be from time to time, in the event LEDC elects to do so, a reduction of the LEDC's cash collateral deposit in proportion to the principal reduction of the

amortized portion of the loan or line of credit; or if no principal reduction has occurred in any annual period of the loan (or line of credit), a reduction in the cash collateral deposit amount may be made in proportion to the remaining life of the loan or line of credit.

4. The LEDC's cash collateral deposit will secure and cover up to no more than 25 percent or 50 percent (depending on the principal amount of the Loan) on the unpaid balance on the principal amount owed only. The remaining 50 percent of the approved collateral support deposit will be deposited with the lender within 30 days of the time that LEDC receives the completed, signed and dated claim form as mentioned in §9111.A.7 above.

5. The corporation's cash collateral deposit account shall not be cross-pledged nor cross-collateralized with any other loan.

C. Reporting

1. Reporting will be required by all lenders under this program as required by the U.S. Treasury under the SSBCI program and as required by the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§9113. Confidentiality

A. Confidential information in the files of the corporation and its accounts acquired in the course of its duty is to be used solely for the corporation. The corporation is not obliged to give out any credit rating or confidential information regarding the applicant/borrower. (See Louisiana Attorney General's Opinion #82-860.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§9115. Conflict of Interest

A. No member of the corporation, employee thereof, or employee of the Department of Economic Development, or members of their immediate families shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void, and no action shall be maintained thereon against the corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§9117. Guidelines

A. The Louisiana Economic Development Corporation (LEDC), or the Louisiana Department of Economic Development, also known as Louisiana Economic Development (LED), as the administrators of this program, may make, create, or issue from time to time Guidelines interpreting, construing, explaining and/or supplementing these Rules; and may revise, supplement, or otherwise change or modify the Guidelines at any time with or without notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The purpose of this program is to utilize federal SSBCI funds to strengthen state programs that support private financing to small businesses with less than 500 employees. Voluntary participation in the program could also cause a direct economic impact on some very small businesses that have no more than 10 employees, if meeting certain criteria. However, the benefit from additional funding received, at a nominal cost of some additional planning and paperwork associated with the application process and reporting requirements should provide a positive impact to any small businesses that choose to apply to the program.

Public Comments

Interested persons should submit written comments on the proposed Rules to Marissa Doin through the close of business on Tuesday, May 24, 2022 at Department of Economic Development, 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to Marissa.Doin@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 1:30 p.m. on Wednesday, May 25, 2022 in the Griffon Conference Room at the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Collateral Support Program ARPA 2021

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

There will be no incremental costs or savings to state or local governmental units due to the implementation of these rules, since they will be managed by existing staff under the current budget. The proposed rule establishes program guidelines for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Collateral Support Program ARPA 2021".

Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113 M, of which a portion will be devoted to the Collateral Support program. The current estimate is \$11 M for this program. These Federal funds may be utilized for any additional administrative costs in connection with the new program.

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

There is no expected direct impact or effect on revenue collections or state or local governmental units.

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

SSBCI funds are Federal funds (Department of the US Treasury) intended to support new and existing small businesses as a response to the economic effects of the COVID-19 pandemic. US Treasury guidance for SSBCI funds also states that these funds will support socially and economically disadvantaged individuals (SEDI).

Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113 M, of which a portion will be devoted to the Collateral Support program. The current estimate is \$11 M for this program. The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The long term effects of the overall SSBCI program could be significant. The program should result in a significant amount of additional capital being deployed in Louisiana over the program's existence, due to the potential to leverage Federal SSBCI funds to attract private capital matches. The impact of this additional capital could be extensive, particularly for new and existing small businesses and SEDIs.

Anne G. Villa
Undersecretary
2204#062

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Business Development
and
Louisiana Economic Development Corporation**

**SSBCI Loan Guaranty ARPA 2021
(LAC 19:VII.Chapter 5)**

The Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104, 36:108 and 51:2312, hereby give notice of their intent to adopt Rules for the Loan Guaranty Program for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Loan Guaranty ARPA 2021".

Title 19

CORPORATION AND BUSINESS

Part VII. Louisiana Economic Development Corporation

**Subpart 1. Small Business Loan Guaranty Program
Chapter 5. SSBCI Loan Guaranty ARPA 2021**

§501. Purpose

A. The purpose of this program is to utilize federal SSBCI funds to strengthen state programs that support private financing to small businesses as a response to the

economic effects of the COVID-19 pandemic, in accordance with prevailing federal guidelines issued by the U.S. Treasury.

B. The Louisiana Economic Development Corporation (LEDC) will utilize SSBCI funds from ARPA 2021 to increase access to credit and capital funding to further assist small businesses statewide, to expand loan capabilities to include a broader range of businesses statewide, to direct a greater concentration on those small businesses, and to reach, identify and promote small business growth, especially to Socially and Economically Disadvantaged Businesses (SEDI) and Small and Emerging Businesses (SEB).

C. This LEDC program and the SSBCI funding will be marketed through outreach activities to inform venture capital funds, local foundations, small businesses, trade associations, incubator associations, and economic development organizations of the program, and to generate increased small business activity, awareness of and access to additional sources of capital to start and expand existing business opportunities, as well as participation in the program. The marketing will also be used to find investment opportunities located in the underserved markets that will be targeted with SSBCI funds.

D. The LEDC will also monitor these plans, including the progress of individual businesses receiving investments and the performance of participating venture capital organizations, to ensure successful outcomes in the form of program utilization and eventual securing of funds for these groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§503. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in prevailing federal guidelines issued by the U.S. Treasury, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Board—Board of Directors of Louisiana Economic Development Corporation.

Borrower—also referred to herein as the *applicant/borrower* or *customer/borrower*; the business person or entity borrowing and accepting the loaned funds from the Lender.

CDFI-Community Development Financial Institution (CDFI)—has the meaning given that term under Section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

CDFI Investment Area—areas defined by CDFI which are generally low-income, high-poverty geographies that receive neither sufficient access to capital nor support for the needs of small businesses, including minority-owned businesses. For purposes of SSBCI, Treasury has determined that the entirety of American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands constitute a CDFI Investment Area.

Corporation—Louisiana Economic Development Corporation.

Disabled Person's Business Enterprise—a small business concern which is at least 51 percent owned and controlled by a disabled person, as defined by the federal Americans with Disabilities Act of 1990.

Financial Institution—also referred to herein as a *Bank*, *Financial Lending Institution*, *Lending Institution*, *Commercial Lending Entity*, or *Lender*; includes any insured depository institution, insured credit union, or community development financial institution, as those terms are defined in Section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

Lead Lender—the bank or other lender that makes or originates the loan with the borrower.

LED—Louisiana Department of Economic Development.

LEDC—Louisiana Economic Development Corporation.

Lender—also referred to herein as the *applicant/lender*; the Financial Institution originating the loan and providing the loan funds to the Borrower.

Lender Insider—an executive officer, director, or principal shareholder of the Lender, or a member of the immediate family of an executive officer, director or principal shareholder of the Lender, or a related interest of such executive officer, director, principal shareholder or member of the immediate family. For the purposes of this provision, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* shall have the respective meaning ascribed thereto in Federal Reserve Act Sections 22(g) and (h), Federal Reserve Board Regulation O and applicable Office of the Comptroller of the Currency or Office of Thrift Supervision.

Loan—the temporary provision of money or funds for a business purpose, usually for a limited term and requiring the payment of interest along with the repayment of the loaned funds. As used herein, the word “*loan*” includes a line of credit loan guarantee, term loan guarantee and loan participation.

Loan Guaranty or Guarantee—an agreement to pay the loan of another borrower, up to any limit in the amount guaranteed as provided in the agreement, in case the original borrower defaults in or is unable to comply with his repayment obligation.

Loan Participation—an agreement to participate as a lender in a loan or to acquire from the lender a share or ownership interest in a loan. A *purchase participation* or *purchase transaction* is one in which the State purchases a portion of a loan originated by a lender; and a *companion loan*, a *parallel loan*, or a *co-lending participation* is one in which the lender originates a loan and the State originates a second loan to the same borrower. (In the latter case, the State’s second loan may be subordinate or co-equal to the first loan originated by the lender.) *Loan Participations* enable the State to act as a lender, in partnership with a financial institution lender, to provide small business loans at attractive terms.

Permanent Full-Time Jobs—refers to direct jobs which are not contract jobs, that are permanent and not temporary in nature, requiring employees to work an average of 30 or more hours per week.

Small and Emerging Business—a Louisiana business certified as a Small and Emerging Business (SEB) by the Louisiana Department of Economic Development's Small Business Services.

Small Business Concern—as defined by SBA for purposes of size eligibility as set forth by 13 C.F.R. 121.

Socially and Economically Disadvantaged Individual (SEDI) Owned Business—(for the purposes of this program)

a. business enterprises that certify that they are owned and controlled by individuals who have had their access to credit on reasonable terms diminished as compared to others in comparable economic circumstances, due to their:

i. membership of a group that has been subjected to racial or ethnic prejudice or cultural bias within American society;

ii. gender;

iii. veteran status;

iv. limited English proficiency;

v. physical handicap;

vi. long-term residence in an environment isolated from the mainstream of American society;

vii. membership of a federally or state-recognized Indian Tribe;

viii. long-term residence in a rural community;

ix. residence in a U.S. territory;

x. residence in a community undergoing economic transitions (including communities impacted by the shift towards a net-zero economy or deindustrialization); or

xi. membership of another *underserved community* as defined in U.S. Executive Order 13985;

b. business enterprises that certify that they are owned and controlled by individuals whose residences are in CDFI Investment Areas, as defined in prevailing federal guidelines issued by the U.S. Treasury;

c. business enterprises that certify that they will operate a location in a CDFI Investment Area, as defined in prevailing federal guidelines issued by the U.S. Treasury; or

4. business enterprises that are located in CDFI Investment Areas, as defined in prevailing federal guidelines issued by the U.S. Treasury.

Very Small Business—a business with fewer than 10 employees; may include independent contractors and sole proprietors

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§505. Application Process

A. Any applicant/borrower(s) applying for either a loan, loan guarantee, line of credit guarantee, loan guaranty or loan participation will be required first to contact a financial lending institution (a bank or other commercial lending entity) that is willing to entertain, originate, process and service such a loan or line of credit with the prospect of a guaranty or a participation, and the lender will then contact LEDC for qualification and shall submit a complete application to LEDC for review and approval. The financial institution shall also be responsible for obtaining assurances of eligibility from each borrower.

B. Businesses applying for consideration as a SEDI owned business will have to self-certify under conditions in Clauses i -iii to the extent allowed under the Louisiana Public Records Law, R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of its duty will be used solely by and for LEDC.

C. Loan Purpose Requirements and Prohibitions. In addition to the application process provisions provided in the Section mentioned in the above Subsection A, in connection with each loan to be enrolled under this Chapter 3 program the financial institution lender shall also be responsible for obtaining and providing to LEDC with the lender's application an assurance from each borrower stating that the loan proceeds shall not be used for any impermissible purpose under the SSBCI Program. And additionally, each financial institution lender must also obtain and provide to LEDC with its application under this Chapter 3 program an assurance from the borrower affirming:

1. The loan proceeds must be used for a business purpose. A business purpose includes, but is not limited to, start-up costs, working capital, business procurement, franchise fees, equipment, inventory, as well as the purchase, construction renovation or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of business purpose excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership, the purchase of securities; and lobbying activities as defined in Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

2. The loan proceeds will not be used to:

- a. repay a delinquent federal or state income taxes unless the borrower has a payment plan in place with the relevant taxing authority; or
- b. repay taxes held in trust or escrow, e.g. payroll or sales taxes; or
- c. reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance; or
- d. purchase any portion of the ownership interest of any owner of the business.

3. The borrower is not:

- a. an executive officer, director, or principal shareholder of the financial institution lender; or
- b. a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lenders; or
- c. a related interest of an such executive officer, director, principal shareholder, or member of the immediate family.

(For the purposes of these three borrower restrictions, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.)

4. The borrower is not:

- a. a business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil and dealing in commodities futures, unless those activities are

incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business; or

NOTE: Permissible borrowers include state-designated charitable, religious, or other non-profit or eleemosynary institutions, government-owned corporations, consumer and marketing cooperatives, and faith-based organizations provided the loan is for a *business purpose* as defined above.

b. a business that earns more than half of its annual net revenue from lending activities; unless the business is a non-bank or non-bank holding company certified as a community development financial institution; or

c. a business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or

d. a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of otherwise legal products that are to be used in connection with an illegal activity, such as selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined in SBA Standard Operating Procedures 50 10 6; or

e. a business engaged in gambling enterprises, unless the business earns less than 33 percent of its annual net revenue from lottery sales.

5. No principal of the borrowing entity has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as "if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20 percent or more ownership interest in the partnership; and if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity."

D. The financial institution lender must also provide to LEDC with its application, in connection with each loan to be enrolled under this program, an assurance affirming:

1. the loan has not been made in order to place under the protection of the approved state capital access program (CAP) prior debt that is not covered under the approved state CAP and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

2. the loan is not a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender unless under the following conditions:

a. a lender may refinance a borrower's existing loan, line of credit, extension of credit, or other debt originally made by an unaffiliated lender only if the following conditions are met:

i. the amount of the refinanced loan or other debt is at least 150 percent of the previous outstanding balance;

ii. the transaction results in a 30 percent reduction in the fee-adjusted APR contracted for the term of the new debt, to help ensure that SSBCI funding is used only for transactions that meaningfully benefit borrowers by providing access to sustainable products; and

iii. proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

b. a lender may use SSBCI funds to support a new extension of credit that repays the amount due on a matured loan or other debt that was previously used for an eligible business purpose when all the following conditions are met:

i. the amount of the new loan or other debt is at least 150 percent of the outstanding amount of the matured loan or other debt;

ii. the new credit supported with SSBCI funding is based on a new underwriting of the small business's ability to repay the loan and new approval by the lender;

iii. the prior loan or other debt has been paid as agreed and the borrower was not in default of any financial covenants under the loan or debt for at least the previous 36 months (or since origination, if shorter); and

iv. proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

3. No principal of the financial institution lender has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, "principal" is defined as "if a sole proprietorship, the proprietor; if a partnership, each partner; if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity."

E. The following submission and review policies shall be followed:

1. a completed Louisiana Economic Development Corporation application form must be submitted to LEDC;

2. small and emerging businesses (SEBs) applying for assistance under that provision will have to submit a copy of the certification from the Louisiana Department of Economic Development's Small Business Services, along with the request for financial assistance;

3. businesses applying for consideration under the disabled person's business enterprise provision shall submit adequate information to support the disabled status;

4. the applicant/lender shall submit to LEDC its complete analysis and evaluation, proposed loan structure, and commitment letter to the borrower. LEDC staff may do its own analysis and evaluation of the application, independent of the lending institution's analysis and evaluation;

5. the applicant/lender shall submit to LEDC the same pertinent data that it submitted to the lending institution's loan committee, whatever pertinent data the lending institution can legally supply;

6. LEDC staff will review the application and analysis, and then make recommendations. The staff will work with the applicant/lender on terms of the loan, including interest rate, maturity, collateral, other loan terms, and any LEDC loan stipulations or requirements;

7. the LEDC's board screening committee or the board's other designated committee will review only the completed applications submitted by LEDC staff and may approve or disapprove applications within its authority as established by the LEDC Board, or will make recommendations to the LEDC Board;

8. the applicant/borrower(s) or their designated representative, and the loan officer or a representative of the lending institution are not required to attend the board screening committee or other designated committee meeting unless requested by LEDC or its staff to do so;

9. the applicant/borrower(s) or their designated representative, and the loan officer or a representative of the lending institution shall be required to attend the LEDC's Board of Directors meeting wherein the application will be considered by the Board;

10. LEDC's Board of Directors, the Board Screening Committee, or the Board's other designated committee that has considered the application within its authority has the final approval authority for such applications.

11. the applicant/borrower or the lending institution will be notified within five (5) business days by mail or e-mail of the outcome of the application process;

12. an LEDC commitment letter, including LEDC's terms, and any stipulations or requirements, will be mailed or e-mailed by LEDC staff to the lending institution within five (5) business days of approval by the LEDC Board or its committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§507. Eligibility/Ineligibility for Participation in This Program

A. Funding requests for any business purpose may be considered, however, the following businesses and purposes shall be considered.

1. Eligible:

a. small business concerns authorized to do and doing business in Louisiana, that maintain an office in Louisiana; small business concerns organized as a sole proprietorship qualified to do and doing business in Louisiana, or either a for profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above, or other entity which is registered and authorized to conduct business in the State of Louisiana that maintain an office in Louisiana

b. certified small and emerging businesses (SEBs) certified by LED's small business services that maintain an office in Louisiana ;

c. disabled person's business enterprises authorized to do and doing business in Louisiana, that maintain an office in Louisiana.

2. Ineligible:

a. restaurants (except for regional or national franchises), including grills, cafes, fast food operations, motorized vehicle, trailer, curb-side, sidewalk or street vender food operations, and any other business or project established for the principal purpose of dispensing cooked food for consumption on or off the premises having been in operations less than two years;

b. bars, saloons, daiquiri shops, operations for the sale of alcoholic popsicles and other alcoholic food items, packaged liquor stores, including any other business or project established for the principal purpose of dispensing, packaging, or distributing alcoholic beverages;

c. any business or establishment which has gaming or gambling as its principal business;

d. any business or establishment which has consumer or commercial financing as its business;

e. funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation, rental, or any other passive real estate investment purposes;

f. funding for the principal purpose of refinancing existing debt unless under the following conditions:

i. a lender may refinance a borrower's existing loan, line of credit, extension of credit, or other debt originally made by an unaffiliated lender only if the following conditions are met:

(a). the amount of the refinanced loan or other debt is at least 150 percent of the previous outstanding balance;

(b). the transaction results in a 30 percent reduction in the fee-adjusted APR contracted for the term of the new debt, to help ensure that funding is used only for transactions that meaningfully benefit borrowers by providing access to sustainable products; and

(c). proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

ii. a lender may use funds to support a new extension of credit that repays the amount due on a matured loan or other debt that was previously used for an eligible business purpose when all the following conditions are met:

(a). the amount of the new loan or other debt is at least 150 percent of the outstanding amount of the matured loan or other debt;

(b). the new credit supported with funding is based on a new underwriting of the small business's ability to repay the loan and new approval by the lender;

(c). the prior loan or other debt has been paid as agreed and the borrower was not in default of any financial covenants under the loan or debt for at least the previous 36 months (or since origination, if shorter); and

(d). proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

g. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business;

h. funding for the purpose of establishing a park, theme park, amusement park, or camping facility;

i. funding for the purpose of buying out any family member or reimbursing any family member;

j. funding for the purpose of pyramid sales;

k. funding activities related either directly or indirectly to cryptocurrency.

B. In addition to the eligibility and ineligibility provisions above, applicant/borrowers lines of credit guarantees and loan guarantees in connection with this program shall meet the following criteria:

1. the applicant/borrower(s) shall employ 500 employees or less at the time the loan is enrolled in this program;

2. this credit support shall not be extended to applicant/borrower(s) that have more than 750 employees;

3. any loan supported in this Program shall not exceed a principal amount of \$ 5,000,000;

4. any credit extended through this Program shall not exceed a principal amount of \$ 20,000,000;

5. SSBCI funds utilized in this Chapter 3 Program will be permitted only for new extensions of credit; that is, funds of the SSBCI program shall not be used to support existing extensions of credit, including but not limited to prior loans, lines of credit or other borrowing, that were previously made available as part of a state small business credit enhancement program unless under the following conditions:

a. a lender may refinance a borrower's existing loan, line of credit, extension of credit, or other debt originally made by an unaffiliated lender only if the following conditions are met:

i. the amount of the refinanced loan or other debt is at least 150 percent of the previous outstanding balance;

ii. the transaction results in a 30 percent reduction in the fee-adjusted APR contracted for the term of the new debt, to help ensure that SSBCI funding is used only for transactions that meaningfully benefit borrowers by providing access to sustainable products; and

iii. proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

b. a lender may use SSBCI funds to support a new extension of credit that repays the amount due on a matured loan or other debt that was previously used for an eligible business purpose when all the following conditions are met:

i. the amount of the new loan or other debt is at least 150 percent of the outstanding amount of the matured loan or other debt;

ii. the new credit supported with SSBCI funding is based on a new underwriting of the small business's ability to repay the loan and new approval by the lender;

iii. the prior loan or other debt has been paid as agreed and the borrower was not in default of any financial covenants under the loan or debt for at least the previous 36 months (or since origination, if shorter); and

iv. proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

6. Small Business Administration (SBA) guaranteed loans shall not be purchased in loan participations through this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§509. General Loan Guaranty and Participation Provisions

A. The Louisiana Economic Development Corporation will be guided by the following general principles in approving loan guaranties, line of credit guaranties, or loan participations:

1. The corporation shall confirm that the financial institution lender has sufficient commercial lending experience and financial and managerial capacity to participate in this program. The corporation may utilize, among other resources, the financial institution's most recent

call report showing the percentage of commercial loans in its portfolio.

2. The corporation shall not knowingly approve any loan guarantee, line of credit guarantee, or loan participation if the applicant/borrower has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness, state or federal taxes, or a bankruptcy proceeding; nor shall the corporation approve any loan, line of credit, loan guarantee or participation if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Further, the corporation shall not approve any loan guarantee, line of credit guarantee, or participation if the applicant/ borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations.

3. The terms or conditions imposed and made part of any loan guarantee, line of credit guarantee, or loan participation authorized by vote of the corporation board, its board screening committee or its other designated committee shall not be amended or altered by any member of the board or employee of the Department of Economic Development except by subsequent vote of approval by the board, its board screening committee or other designated committee at the next meeting of the board or committee in open session with full explanation for such action.

4. Each financial institution lender shall be required to have a meaningful amount of its own capital resources at risk in each small business loan included in this program. Such lenders shall bear at least 20 percent or more of the loss from a small business loan default.

5. The corporation shall not subordinate its position to other creditors.

B. Interest Rates

1. On all loans or lines of credit guarantees, the interest rate is for each individual loan, at the time of obligation, may not exceed the National Credit Union Administration's (NCUA) interest rate ceiling for loans made by federal credit unions as described in 12 U.S.C. § 1757(A)(vi)(I) and set by the NCUA board. . Further, on all loan or line of credit guarantees, the interest rate is to be negotiated between the borrower and the lender, but shall not exceed the lesser interest rate of either; the National Credit Union Administration's (NCUA) interest rate ceiling, that established by the Federal Credit Union Act (FCUA), that established by the Office of Comptroller of the Currency (OCC), or applicable State legislation that may be enacted.

C. Equity Requirements

1. The borrower must infuse not less than 15 percent into the equity in an existing or expanding business, or for a start-up operation or acquisition loan request.

D. Limit on the Amount of LEDC's Guarantee

1. The corporation's loan guarantee shall be no greater than 80 percent of a loan not to exceed a guaranty amount of \$1,500,000.

E. Terms

1. All of the provisions contained in §109.F.1.a. - c. of Chapter 1 of the Small Business Loan Guaranty Program,

with regard to term periods of various types of loan guaranties, shall also apply to this Chapter 3 Program.

F. LEDC Program Fees

1. LEDC will charge a guaranty fee not to exceed a maximum amount of 2 percent of the guaranteed loan amount, except that:

a. the guaranty program fee will be automatically waived for SEDI and SEB small business types; or

b. unless the board, the board screening committee or other designated committee waives the guaranty program fee.

2. LEDC will charge no application fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§511. General Guaranty Agreement Provisions

A. Guaranty Agreement

1. The lending institution shall conduct all of the customer/borrower interaction, and shall be responsible for the proper administration and monitoring of the loan or line of credit, including monthly invoicing, collections, and loan workouts, and the proper liquidation of the collateral in the event of a default.

2. The loan or line of credit shall not be sold, assigned, participated out, or otherwise transferred without the prior written consent of the LEDC board.

3. If liquidation through foreclosure occurs, the lender will sell the collateral, handle the legal proceedings, and absorb all expenses associated with these activities.

4. There will be a reduction of the guarantee:

a. in proportion to the principal reduction of the amortized portion of the loan or line of credit;

b. if no principal reduction has occurred in any annual period of the loan or line of credit, a reduction in the guarantee amount will be made proportional to the remaining guarantee life.

5. The guarantee will cover the unpaid principal amount owed only.

6. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined in the guarantee agreement. Notification of delinquency will be made to the corporation in writing by submitting a completed, signed and dated SBLGP banker loan status monthly report within five business days after the end of the month/reporting period as stated in the guaranty agreement.

B. Loan Participation Agreement

1. The lending institution shall conduct all of the customer/borrower interaction, and shall be responsible for the proper administration and monitoring of the loan, including monthly invoicing, collections, and loan workouts, and the proper liquidation of the collateral in the event of a default.

2. The lead lender will hold no less participation in the loan than that equal to LEDC's, but not to exceed its legal lending limit.

3. The lead lender may sell other participations with LEDC's consent.

4. Should liquidation through foreclosure occur, the lender will sell the collateral and handle the legal

proceedings and absorb all expenses associated with these activities.

5. The lender is able to set its rate according to risk, and may blend its rate with the LEDC rate to yield a lower overall rate to a project.

6. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined in the participation agreement. Notification of delinquency will be made to the corporation in writing by submitting a completed, signed and dated SBLGP banker loan status monthly report within five business days after the end of the month/reporting period, as stated in the loan participation agreement.

C. Borrower Agreement

1. At the discretion of LEDC, the borrower will agree to strengthen management skills by participation in a form of continuing education acceptable to LEDC.

2. The borrower shall provide initial proof as well as an annual report of job creation, including the number of jobs, job titles and salaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§513. Confidentiality

A. Confidential information in the files of the corporation and its accounts acquired in the course of its duty is to be used solely for the corporation. The corporation is not obliged to give out any credit rating or confidential information regarding the applicant/borrower. (See Louisiana Attorney General's Opinion #82-860.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§515. Conflict of Interest

A. No member of the corporation, employee thereof, or employee of the Department of Economic Development, or members of their immediate families shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void, and no action shall be maintained thereon against the corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§517. Guidelines

A. The Louisiana Economic Development Corporation (LEDC), or the Louisiana Department of Economic Development, also known as Louisiana Economic Development (LED), as the administrator of this program for LEDC, may make, create, or issue from time to time

guidelines interpreting, construing, explaining and/or supplementing these rules; and may revise, supplement, or otherwise change or modify the guidelines at any time with or without notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The purpose of this program is to utilize federal SSBCI funds to strengthen state programs that support private financing to small businesses with less than 500 employees. Voluntary participation in the program could cause a direct economic impact on some very small businesses that have no more than 10 employees, if meeting certain criteria. However, the benefit from additional funding received, at a nominal cost of some additional planning and paperwork associated with the application process and reporting requirements should provide a positive impact to any small businesses that choose to apply to the program.

Public Comments

Interested persons should submit written comments on the proposed Rules to Kelly Raney through the close of business on Tuesday, May 24, 2022 at Department of Economic Development, 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to Kelly.Raney@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 1:30 p.m. on Wednesday, May 25, 2022 in the Griffon Conference Room at the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: SSBCI Loan Guaranty ARPA 2021**

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

There is no incremental costs or savings to state or local governmental units due to the implementation of these rules, since they will be managed by existing staff under the current budget. The proposed rule establishes program guidelines for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Loan Guaranty ARPA 2021".

Title 19
CORPORATION AND BUSINESS
Part VII. Louisiana Economic Development
Corporation

Subpart 9. Micro Loan Program
Chapter 76. SSBCI Micro Lending Program ARPA
2021

§7601. Purpose

A. The Louisiana Economic Development Corporation (LEDC) wishes to stimulate the flow of private capital, short term loans, lines of credit loans, and other financial assistance through a mission driven focus in creating a revolving loan fund for the sound financing of the development, expansion, and retention of small business concerns in Louisiana as a means of helping to start or grow their business and of providing employment, income growth, and expanded economic opportunities, especially to Small Businesses owned by Socially and Economically Disadvantaged Individuals (SEDI) and to those Very Small Businesses (VSB).

B. Through the American Rescue Plan Act of 2021, which reauthorized the State Small Business Initiative (SSBCI), the U.S. Congress has appropriated funds to be allocated and disbursed to the states that have created programs to increase the amount of capital made available by private lenders to small businesses, and the State of Louisiana has been approved to receive and disburse SSBCI funds within the SSBCI Program. The Louisiana Department of Economic Development, which will be working with and through LEDC, has been designated to provide services for the SSBCI, including the Micro Lending Program (MLP), which by a Program Participation Agreement previously entered into, between LEDC and the Lender to make additional capital available for the loan. The LEDC will utilize SSBCI funds to increase access to credit and capital funding to further assist small businesses statewide, to expand loan capabilities to a broader range of businesses statewide, to direct a greater concentration to those small businesses, and to reach, identify and promote small business growth in low and moderate income communities, in minority communities, in other underserved communities, and to small businesses owned by socially and economically disadvantaged individuals across our state.

C. By partnering with Louisiana CDFIs and other qualifying lenders who share a similar mission driven focus as the purpose of this program, LEDC will provide funding to participating CDFIs, and other qualifying lenders having been approved as a participating lender, for the purpose of making direct loans up to \$100,000 to small businesses meeting the SSBCI criteria as outlined in the program participation agreement.

D. Interested small businesses will be referred to participating Lenders for loan qualification purposes. Participating Lenders will apply to LEDC for acceptance to enroll a loan or line of credit under the Program on behalf of their qualified small business borrowers. Participating Lenders are responsible for their own credit underwriting

Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113M, of which a portion will be devoted to the Loan Guaranty program. The current estimate is \$1.5 M for this program. These Federal funds may be utilized for any additional administrative costs in connection with the new program.

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

There is no expected direct impact or effect on revenue collections or state or local governmental units.

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

SSBCI funds are Federal funds (Department of the US Treasury) intended to support new and existing small businesses as a response to the economic effects of the COVID-19 pandemic. US Treasury guidance for SSBCI funds also states that these funds will support socially and economically disadvantaged individuals (SEDIs).

Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113 M, of which a portion will be devoted to the SSBCI Loan Guaranty ARPA 2021 program. The current estimate is \$1.5 M for this program. The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The long term effects of the overall SSBCI program could be significant. The program should result in a significant amount of additional capital being deployed in Louisiana over the program's existence, due to the potential to leverage Federal SSBCI funds to attract private capital matches. The impact of this additional capital could be extensive, particularly for new and existing small businesses and SEDIs.

Anne G. Villa
Undersecretary
2204#063

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development
Office of Business Development
and
Louisiana Economic Development Corporation

SSBCI Micro Lending Program ARPA 2021
(LAC 19:VII.Chapter 76)

The Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104, 36:108 and 51:2312, hereby give notice of their intent to adopt Rules for the Micro Lending Program for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Micro Lending Program ARPA 2021".

decisions and originating the loans. LEDC's responsibility is: to ensure compliance with the Micro Lending Program requirements; ensure compliance with the SSBCI requirements as directed by Treasury, as well as participation in the program; and to report to the U.S. Treasury.

E. In considering acceptance of the loans presented to LEDC through Lenders having agreed to participate in the Micro Lending Program, the Corporation will consider sound business purpose loans and lines of credit, so long as SSBCI resources permit. The board of directors of the corporation recognizes that loan participations carry certain risks and are willing to undertake reasonable exposure.

F. LEDC will monitor the program, including the repayment progress of borrowers, as well as the servicing performance of participating lenders, in order to ensure successful outcomes in the form of program utilization and eventual securing of funds for these groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§7603. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in prevailing federal guidelines issued by the U.S. Treasury, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Board—Board of Directors of Louisiana Economic Development Corporation.

Borrower—also referred to herein as the *applicant/borrower* or *customer/borrower*; the business person or entity borrowing and accepting the loaned funds from the Lender.

Corporation—Louisiana Economic Development Corporation.

CDFI—Community Development Financial Institution - has the meaning given that term under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994

CDFI Investment Area—defined in 12 C.F.R. § 1805.201(b)(3)(ii)—are generally low-income, high-poverty geographies that receive neither sufficient access to capital nor support for the needs of small businesses, including minority-owned businesses.

Eligible Loan—a loan or line of credit commitment made by the lender to the borrower which meets the established SSBCI criteria.

Enrolled Loan—a loan enrolled by the Lender to a Borrower pursuant to the terms of the Lender Participation Agreement whereby the eligible loan has been accepted in writing by LEDC.

LED—Louisiana Department of Economic Development.

LEDC—Louisiana Economic Development Corporation.

Lender—for purposes of this Program Chapter, also referred to herein as the *lender*; the Community Development Financial Institution or other qualifying lender sharing a similar mission driven focus as this program and who has been approved by LED as a participating MLP

lender to originate the loan and provide the loan funds to the Borrower.

Lender Insider—means an executive officer, director, or principal shareholder of the lender, or a member of the immediate family of an executive officer, director or principal shareholder of the lender, or a related interest of such executive officer, director, principal shareholder or member of the immediate family. For the purposes of this provision, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* shall have the respective meaning ascribed thereto in Federal Reserve Act Sections 22(g) and (h), Federal Reserve Board Regulation O and applicable Office of the Comptroller of the Currency or Office of Thrift Supervision.

Loan—the temporary provision of money or funds for a business purpose, usually for a limited term and requiring the payment of interest along with the repayment of the loaned funds. As used herein, the word *loan* includes a line of credit or term loan originated by a participating CDFI, or other participating lender, of this chapter.

Lender Loan Documents—written documentation evidencing an Enrolled Loan from the Lender to the Borrower pursuant to the Micro Loan Program describe herein and includes, but is not limited to, a loan agreement, note, mortgage, security agreement and guaranty agreement.

Maximum Enrolled Loan Amount—the aggregate outstanding amount of \$500,000 for any enrolled loans or loans of a borrower or any common enterprise in which the borrower has an ownership interest.

Micro Loans—those loans ranging in size from \$1,000 to \$100,000.

Micro Lending Program (MLP)—an OSCP program approved by Treasury which is the subject of this Chapter

Passive Real Estate Ownership—ownership of real estate for the purpose of deriving income from speculation, trade or rental, except that such term shall not include:

- a. the ownership of that portion of real estate being used or intended to be used for the operation of the business of the owner of the real estate; or
- b. ownership of real estate for the purpose of construction or renovation, until the completion of the construction or renovation phase.

Small Business Concerns—for purposes of size; eligibility for this program will be limited to businesses with 100 employees or less.

Socially and Economically Disadvantaged Individual (SEDI) Owned Business—

- a. business enterprises that certify that they are owned and controlled by individuals who have had their access to credit on reasonable terms diminished as compared to others in comparable economic circumstances, due to their:
 - i. membership of a group that has been subjected to racial or ethnic prejudice or cultural bias within American Society;
 - ii. gender;
 - iii. veteran status;
 - iv. limited English proficiency;
 - v. physical handicap;
 - vi. long-term residence in an environment isolated from the mainstream of American society;

- vii. membership of a federally or state-recognized Indian Tribe;
- viii. long-term residence in a rural community;
- ix. residence in a U.S. Territory;
- x. residence in a community undergoing economic transitions (including communities impacted by the shift towards a net-zero economy or deindustrialization); or
- xi. membership of another *underserved community* as defined in Executive Order 13985;
- b. business enterprises that certify that they are owned and controlled by individuals where residences are in CDFI investment Areas, as defined in 12 C.F.R. §1805.201(b)(3)(ii);
- c. business enterprises that certify that they will operate a location in a CDFI Investment Area, as defined in 12 C.F.R. §1805.201(b)(3)(ii); or
- d. business enterprises that are located in CDFI Investment Areas, as defined in 12 C.F.R. § 1805.201(b)(3)(ii).

Very Small Business—a business with fewer than 10 employees; may include independent contractors and sole proprietors

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§7605. Application Process

A. Applicant is required to first contact a participating community development financial lending institution (CDFI), or other participating lender, under the Louisiana Economic Development (LED) SSBCI Micro Lending Program that is willing to entertain, originate, process and service such a loan or line of credit; and confirms the loan request is an SSBCI eligible loan before completing the program enrollment application process with LEDC. The participating Lender will then contact LEDC for qualification and shall submit a complete micro lending program enrollment application to LEDC for its review and acceptance as an enrolled loan, or enrolled line of credit, under the program. The lender shall also submit to LEDC the lender's assurances, certifications, representations and warranties, and shall be responsible for obtaining and submitting to LEDC assurances of eligibility, including certifications, representations and warranties from each borrower, all as required by the American Rescue Plan Act of 2021.

B. Information submitted to LEDC with the enrollment application representing the applicant's business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Public Records Law, R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of duty will be used solely by and for LEDC.

C. In order to enroll a loan under the SSBCI Micro Lending Program, the lender shall

- 1. file the loan for enrollment by delivering or causing to be delivered to LEDC a copy of the program enrollment application packet as may be specified by LEDC, bearing an execution signature of an authorized officer of the lender;
- 2. submit such additional documentation required for Lender to review and underwrite the loan request;

3. executed lender and borrower assurances, certifications and information reasonably required by the corporation and related to the loan to be enrolled. The loan shall be deemed enrolled in the SSBCI Micro Lending Program at such time as the program enrollment application is accepted, in writing, by LEDC.

D. Businesses applying for consideration as a SEDI owned business will have to self-certify under conditions in Paragraphs a - c as noted above in §7503 under SEDI-Owned Business definition.

E. The following micro lending program submission and review policies shall be followed.

1. A completed Louisiana Economic Development Corporation Micro Lending Program enrollment application form along with information identified by LEDC as appropriate must be submitted to LEDC prior to any loan closing.

2. The participating lender is expected to use its best efforts to provide small Louisiana businesses, SEDI, with maximum practicable opportunity to participate in the micro lending program.

3. The borrower's completed micro lending program enrollment application packet must be submitted by the lender to LEDC and include:

4. Borrower's completed LED micro lending program enrollment application and related information and materials.

5. The participating lender shall submit to LEDC its complete analysis and evaluation, proposed loan structure, and commitment letter to the borrower. LEDC staff may do its own review and evaluation of the enrollment application packet. The participating lender shall submit to LEDC the same pertinent data that it submitted to the lending institution's loan committee, whatever pertinent data the lending institution can legally supply.

6. Businesses applying for consideration as a SEDI owned business will have to self-certify under conditions in Paragraphs a - c as noted above in §7503 under SEDI-owned business definition.

7. Lender and borrower signed assurances and certifications as required by Treasury at the time of application for enrollment.

8. LEDC staff will review the enrollment application for completeness and compliance requirements as required by treasury under the SSBCI program and then approve and accept as an enrolled loan or disapprove and reject the enrollment application, if the dollar amount of the loan is within its board approved authority, or make recommendations to the board committees and to the board for approval and acceptance as an enrolled loan or disapproval and rejection under the micro lending program.

9. The LEDC's board screening committee, the board's other designated committee, or the board itself, may review only the completed enrollment applications and related materials submitted by LEDC staff and may approve and accept as an enrolled loan or disapprove and deny applications for enrollment under the program within the committee's authority as established by the LEDC board, or board committees will make recommendation to the LEDC board for its decision.

10. The applicant/borrower or their designated representative(s), and the loan officer or a representative of

the lender may be required to attend the LEDC's board of directors meeting wherein the program enrollment application will be considered by the board.

11. LEDC's board of directors, the board screening committee, or the board's other designated committee that has considered the enrollment application within its authority has for such enrollment applications; except for those loans which shall be within the staff's authority to approve and accept for enrollment or disapprove, as established by the LEDC board, the staff shall the final approval of acceptance as an enrolled loan under the program or disapproval and denial authority, unless the board overrules the staff's decision.

12. The LEDC staff will report to the board monthly those loans accepted for enrollment under the program, as well as those loans not approved by the lender under the program.

13. Loans originated by participating community development financial institutions (CDFIs), or other participating lenders, under the micro lending program must qualify under the SSBCI treasury guidance. Lenders interested in participating under the program must first gain approval by LEDC. CDFIs, and other participating lenders, will reference their internal credit policies to underwrite the loan for acceptable terms and structure. The lender is responsible for all loan closing documentation.

14. LEDC staff will email the Lender within 3 business days of the loan closing written notice that the enrollment application has been approved and accepted as an enrolled loan under the micro lending program.

F. Loan Purpose Requirements and Prohibitions. In addition to the application process provisions provided in the Section mentioned in the above subparagraph A, in connection with each loan to be enrolled under this Chapter the lender shall also be responsible for obtaining and providing to LEDC with the lender's enrollment application an assurance from each borrower stating that the loan proceeds shall not be used for any impermissible purpose under the SSBCI Program. And additionally, each lender must also obtain and provide to LEDC with its enrollment application under this Chapter an assurance from the borrower affirming:

1. The loan proceeds must be used for a business purpose. A business purpose includes, but is not limited to, start-up costs, working capital, business procurement, franchise fees, equipment, inventory, as well as the purchase, construction renovation or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of *business purpose* excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership, the purchase of securities; and lobbying activities as defined in Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

2. The loan proceeds will not be used to:

a. repay a delinquent federal or state income taxes unless the borrower has a payment plan in place with the relevant taxing authority; or

b. repay taxes held in trust or escrow, e.g. payroll or sales taxes; or

c. reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance; or

d. purchase any portion of the ownership interest of any owner of the business.

3. The borrower is not:

a. an executive officer, director, or principal shareholder of the financial institution lender; or

b. a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lenders; or

c. a related interest of such executive officer, director, principal shareholder, or member of the immediate family.

NOTE: For the purposes of these three borrower restrictions, the terms *executive officer*, *director*, *principal shareholder*, *immediate family*, and *related interest* refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.)

4. The borrower is not:

a. a business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil, investments in stock market and dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business; (Note: Permissible borrowers include state-designated charitable, religious, or other non-profit or eleemosynary institutions, government-owned corporations, consumer and marketing cooperatives, and faith-based organizations provided the loan is for a *business purpose* as defined above.) or

b. a business that earns more than half of its annual net revenue from lending activities; unless the business is a non-bank or non-bank holding company certified as a community development financial institution; or

c. a business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants; or

d. a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of otherwise legal products that are to be used in connection with an illegal activity, such as selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined in SBA Standard Operating Procedures 50 10 6; or

e. a business engaged in gambling enterprises, unless the business earns less than 33 percent of its annual net revenue from lottery sales.

f. The corporation shall not knowingly accept any enrollment applications under the Micro Lending Program if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Nor should they accept any

enrollment applications under the micro lending program if the applicant/borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations in which the applicant has not been reinstated into society.

5. No principal of the borrowing entity has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20 percent or more ownership interest in the partnership; and if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.

G. The lender must also provide to LEDC with its enrollment application, in connection with each loan to be enrolled under this Chapter, an assurance affirming:

1. The loan has not been made in order to place under the protection of the approved state Capital Access Program (CAP) prior debt that is not covered under the approved state CAP and that is or was owed by the borrower to the lender or to an affiliate of the lender.

2. The loan is not a refinancing or a loan previously made to that borrower by the lender or an affiliate of the lender.

3. No principal of the lender has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)). For the purposes of this certification, *principal* is defined as if a sole proprietorship, the proprietor; if a partnership, each partner; if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.

4. The corporation shall not knowingly accept any enrollment applications under the Micro Lending Program if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Nor should they accept enrollment applications under the Micro Lending Program if the applicant/borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations in which the applicant has not been reinstated into society.

5. The borrower business structure is a for-profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above or other entity which is registered and authorized to conduct business in the state of Louisiana that maintain an office in

Louisiana. The borrower business structure is a sole proprietor qualified to do business in Louisiana that maintains an office in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§7607. Eligibility/ Ineligibility for Participation in This Program

A. This program is for loans (including lines of credit) for an eligible business purpose, having a principal amount of \$500,000 or less, to eligible borrowers doing business in Louisiana having 100 employees or less at the time the loan is enrolled in this program. An *eligible business purpose* includes but is not limited to: start-up costs; working capital; business procurement; franchise fees; and acquisition of equipment, inventory, or services used in the production, manufacturing, or delivery of a business's goods or services, or the purchase, construction, renovation, or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of *eligible business purpose* excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership for investment or leasing; the purchase of securities; and lobbying activities as defined in Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

B. The loan should be a new extension of credit to the borrower, and shall not be used to support existing extensions of credit, including but not limited to prior loans, lines of credit, or other borrowings that were previously made available as a part of a state small business credit enhancement program; no portion of the loan shall be used for any guaranteed or unguaranteed portion of a Small Business Administration (SBA) guaranteed loan or any other federal loan without prior written consent of the treasury; and SBA guaranteed loans shall NOT be purchased through this program.

C. In connection with the business purpose for the requested loan the applicant/borrower(s) shall create or retain in this state at least one new permanent full-time jobs.

D. In addition to the eligibility and ineligibility provisions provided in the Section, the applicant/borrowers loans and lines of credit in connection with this Chapter shall meet the following criteria:

1. the applicant/borrower(s) shall employ 100 employees or less at the time the loan is enrolled in this Program. The borrower business structure is a for-profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above or other entity which is registered and authorized to conduct business in the state of Louisiana that maintain an office in Louisiana;

2. the borrower business structure is a sole proprietor qualified to do business in Louisiana that maintains an office in Louisiana. Small and emerging businesses (SEBs) certified by LED's small business services that maintain an office in Louisiana;

3. small and emerging businesses (SEBs) certified by LED's Small Business Services that maintain an office in Louisiana;

4. small businesses owned by socially and economically disadvantaged individuals (SEDI) that meet the SEDI definition above;

5. small business concerns as defined above for size purposes.

E. The small business is domiciled in Louisiana with preference given to socially and economically disadvantaged individuals as defined herein this Chapter.

F. Funding request for all but the following may be considered:

1. restaurants having been in business less than two years, except for regional or national franchises;

2. bars, saloons, daiquiri shops, operations for the sale of alcoholic popsicles and other alcoholic food items, packaged liquor stores, including any other business or project established for the principal purpose of dispensing, packaging, or distributing alcoholic beverages;

3. any establishment which has gaming or gambling as its principal business;

4. any establishment which has consumer or commercial financing as its business;

5. funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation;

6. direct or indirect activities related to cryptocurrency;

7. any business engaged in pyramid sales;

8. any business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of products that are to be used in connection with any illegal activity, such as but not limited to selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); this category of business includes direct and indirect marijuana businesses, as defined by SBA Standard Operating Procedures 50 10 6;

9. funding for the principal purpose of refinancing existing debt; a refinancing of a loan previously made to the borrower by the Lender or an affiliate of the lender; or a loan made in order to place under the micro lending program prior debt that is not covered under this program and that is or was owed by the borrower to the Lender or to an affiliate of the lender;

10. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business; for the purpose of purchasing any portion of the ownership interest of any owner of the business; or for buying out any family member or reimbursing any family member;

11. funding for the purpose of reimbursing funds owed to any owner, including any equity injection or injection of capital for the business's continuance;

12. funding for paying any person to influence or attempt to influence any agency, elected official, officer or employee of a state or local Government in connection with lobbying activities, the making, award, extension, continuation, renewal, amendment, or modification of any State or Local Government contract,

grant, loan or cooperative agreement as such terms are defined in 31 U.S.C. §1352;

13. funding for paying any costs incurred in connection with:

a. any defense against any claim or appeal of the United States Government, any agency or instrumentality thereof (including the U.S. Department of Treasury), against the State of Louisiana; or

b. any prosecution of any claim or appeal against the United States Government, any agency or instrumentality thereof (including the U.S. Department of Treasury), which the state of Louisiana instituted or in which the state of Louisiana has joined as a claimant;

14. funding to be used to pay any delinquent federal or state income taxes, as well as any taxes held in trust or escrow, such as payroll taxes or sales taxes.

15. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business;

16. funding for the purpose of establishing a park, theme park, amusement park, or camping facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§7609. General Loan Provisions

A. Those CDFIs, and other qualifying lenders, participating in the Micro Lending Program shall be guided by the following general principles in making loans.

1. The lender shall not knowingly approve any loans if the applicant has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness including state or federal taxes, or bankruptcy proceeding; nor shall the lender approve any loan if the applicant has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit.

2. The terms or conditions imposed and made part of any enrolled loan authorized by vote of the corporation board shall not be amended or altered by any member of the board or employee of the Department of Economic Development except by subsequent vote of approval to accept the changes of said enrolled loan by the board, its board screening committee or other designated committees at the next meeting of the board or committee in in open session with full explanation for such action.

B. Loan amounts under this program are intended to be smaller in size and may range from \$1,000 to \$100,000.

C. Interest Rates

1. On all loans or lines of credits under this chapter, at the time of obligation, the interest rate is to be negotiated between the lender and borrower, but shall not exceed the National Credit Union Administration's (NCUA) interest rate ceiling for loans made by federal credit unions as described in 12 U.S.C. §1757(A)(vi)(I) and set by the NCUA board. Further, on all loans or lines of credits, the interest rate shall not exceed the lesser interest rate of either; the National Credit Union Administration (NCUA) interest rate ceiling, that established by the Federal Credit Union Act (FCUA), that established by the Office of the Comptroller of

the Currency (OCC), or applicable state legislation that may be enacted.

D. Borrower's Collateral

1. The value of the borrower's collateral shall be determined according to the lender's normal lending criteria and policy. Loans greater than \$50,000 shall require collateral.

2. Collateral position shall be negotiated but will be no less than a sole second position.

3. Unacceptable collateral includes: :

a. stock in applicant company and/or related companies;

b. personal residence

E. Equity

1. Equity requirements shall be determined according to the lenders normal loan criteria and policy.

F. Terms

1. Terms may be negotiated with the lender but in no case shall the terms exceed five years.

GLEDC Fees

1. LEDC may charge a \$100 application fee, unless the board, the board screening committee, other designated committee, or LEDC staff waives the application fee.

2. LEDC will waive the application fee for SEDI, SEB and VSB business types.

3. LEDC may charge a program fee up to \$500 for loans less than \$25,000 or may charge a program fee up to 2 percent for loans greater than \$25,000.

H. Use of Funds

1. Purchase of fixed assets, including buildings that will be occupied by the applicant to the extent of at least 51 percent.

2. Purchase of equipment, machinery, or inventory.

3. Line of credit for accounts receivable or inventory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§7611. General Agreement Provisions

A. Program Participation Agreement

1. The lender shall market the micro lending program, identify eligible borrowers for the program, originate the loan, conduct all of the customer/borrower interaction, and shall be responsible for the proper administration and monitoring of the loan (or line of credit), including monthly invoicing, collections, and loan workouts, and the proper liquidation of the collateral in the event of a default.

2. The lender shall agree to underwrite each loan (including line of credit) using its normal underwriting criteria and will perform a credit analysis of the borrower for each loan, assuming full responsibility for credit and ongoing security of the loan and will follow prudent industry loan underwriting processes and will determine that the funds to be provided under the micro lending program will be instrumental in order for the Lender to make the loan.

3. The lender shall be responsible for the preparation of all loan (including line of credit) documents to be used in connection with such loans made and accepted under this program.

4. The lender is able to set its rate according to risk but shall not exceed that stated in the treasury SSBCI guidance under this program.

5. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined. Notification of delinquency will be made to the corporation in writing and verbally in a time satisfactory to the bank and the corporation on the monthly lender loan status report.

B. Reporting

1. Reporting will be required by all participating lenders under this program as required by treasury under the SSBCI program and as required by the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§7613. Confidentiality

A. Confidential information in the files of the corporation and its accounts acquired in the course of duty is to be used solely for the corporation. The corporation is not obliged to give credit rating or confidential information regarding applicant. Also see Attorney General Opinion Number 82-860.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§7615. Conflict of Interest

A. No member of the corporation, employee thereof, or employee of the Department of Economic Development, members of their immediate families shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section the same shall be null and void and no action shall be maintained thereon against the corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

§7617. Guidelines

A. The Louisiana Economic Development Corporation (LEDC), or the Louisiana Department of Economic Development, also known as Louisiana Economic Development (LED), as the administrator of this program for LEDC, may make, create, or issue from time to time guidelines interpreting, construing, explaining and/or supplementing these rules; and may revise, supplement, or otherwise change or modify the guidelines at any time with or without notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108 and 51:2312

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, LR 48:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The purpose of this program is to utilize federal SSBCI funds to strengthen state programs that support private financing to small businesses with less than 500 employees. Voluntary participation in the program could also cause a direct economic impact on some very small businesses that have no more than 10 employees, if meeting certain criteria. However, the benefit from additional funding received, at a nominal cost of some additional planning and paperwork associated with the application process and reporting requirements should provide a positive impact to any small businesses that choose to apply to the program.

Public Comments

Interested persons should submit written comments on the proposed Rules to Shamelda Pete through the close of business on Tuesday, May 24, 2022 at Department of Economic Development, 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to Shamelda.Pete@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 1:30 p.m. on Wednesday, May 25, 2022 in the Griffon Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: SSBCI Micro Lending Program ARPA 2021

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

There will be no incremental costs or savings to state or local governmental units due to the implementation of these rules, since they will be managed by existing staff under the current budget. The proposed rule establishes program guidelines for the Micro Lending Program for the State Small Business Credit Initiative (SSBCI) authorized by the American Rescue Plan Act (ARPA) of 2021, otherwise known as "SSBCI Venture Capital ARPA 2021".

Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113 M, of which a portion will be devoted to the Micro Lending program. The current estimate is \$9 M for this program. These Federal funds may be utilized for any additional administrative costs in connection with the new program.

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

There is no expected direct impact or effect on revenue collections or state or local governmental units.

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

SSBCI funds are Federal funds (Department of the US Treasury) intended to support new and existing small businesses as a response to the economic effects of the COVID-19 pandemic. US Treasury guidance for SSBCI funds also states that these funds will support socially and economically disadvantaged individuals (SEDIs).

Louisiana anticipates receiving over \$74 M with incentives which could bring total Federal funding for the SSBCI program to \$113 M, of which a portion will be devoted to the Micro Lending program. The current estimate is \$9 M for this program. The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The long term effects of the overall SSBCI program could be significant. The program should result in a significant amount of additional capital being deployed in Louisiana over the program's existence, due to the potential to leverage Federal SSBCI funds to attract private capital matches. The impact of this additional capital could be extensive, particularly for new and existing small businesses and SEDIs.

Anne G. Villa
Undersecretary
2204#064

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development Office of Business Development and Louisiana Economic Development Corporation

Small Business Loan Guaranty Program (SBLGP)
(LAC 19:VII.Chapter 1)

The Department of Economic Development, Office of Business Development and the Louisiana Economic Development Corporation, as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104, 36:108 and 51:2312, hereby give notice of their intent to amend Rules for the Small Business Loan Guaranty Program ("SBLGP").

Title 19

CORPORATION AND BUSINESS Part VII. Louisiana Economic Development Corporation

Subpart 1. Small Business Loan Guaranty Program Chapter 1. Loan Guaranty Policies

§101. Purpose

A. ...

B. The corporation will consider sound business loans, lines of credit, loan guaranties and loan participations so long as resources permit. The board of directors of the

corporation recognizes that lending money, guaranteeing loans or participating in loans carries certain risks and is willing to undertake reasonable exposure.

C. ...

AUTHORITY NOTE: Promulgated in accordance with LA. R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:445 (June 1989), re-promulgated LR 23:40 (January 1997), LR 26:2255 (October 2000), amended LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:993 (April 2012), LR 48:

§103. Definitions

* * *

Line of Credit—Repealed.

Lender Insider—an executive officer, director, or principal shareholder of the lender, or a member of the immediate family of an executive officer, director or principal shareholder of the lender, or a related interest of such executive officer, director, principal shareholder or member of the immediate family. For the purposes of this provision, the terms executive officer, director, principal shareholder, immediate family, and related interest shall have the respective meaning ascribed thereto in Federal Reserve Act Sections 22(g) and (h), Federal Reserve Board Regulation O and applicable Office of the Comptroller of the Currency or Office of Thrift Supervision.

Loan—the temporary provision of money or funds for a business purpose, usually for a limited term and requiring the payment of interest along with the repayment of the loaned funds. As used herein, the word “loan” includes a line of credit loan guarantee, term loan guarantee and loan participation.

* * *

Small and Emerging Business—a Louisiana business certified as a Small and Emerging Business (SEB) by the Louisiana Department of Economic Development's Small Business Services.

* * *

AUTHORITY NOTE: Promulgated in accordance with LA. R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:40 (January 1997), amended LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:993 (April 2012), LR 48:

§105. Application Process

A. Any applicant/borrower(s) applying for either a loan guarantee, line of credit guarantee, or loan participation will be required first to contact a financial lending institution (a bank or other commercial lending entity) that is willing to entertain, originate, process and service such a loan or line of credit with the prospect of a guaranty or a participation, and the lender will then contact LEDC for qualification and shall submit a complete application to LEDC for review and approval. The financial institution shall also be responsible for obtaining assurances of eligibility from each borrower.

B. – C.1. ...

2. Small and Emerging Businesses (SEBs) applying for assistance under that provision will have to submit a

copy of the certification from the Louisiana Department of Economic Development's Small Business Services, along with the request for financial assistance.

3. – 10. ...

11. The applicant/borrower or the lending institution will be notified within five business days by mail or e-mail of the outcome of the application process.

12. An LEDC commitment letter, including LEDC's terms, and any stipulations or requirements, will be mailed or e-mailed by LEDC staff to the lending institution within five business days of approval by the LEDC Board or its committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:446 (June 1989), amended LR 23:40 (January 1997), LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:994 (April 2012), LR 48:

§107. Eligibility/Ineligibility for Participation in this Program

A. - B. ...

1. Small business concerns organized as a sole proprietorship qualified to do and doing business in Louisiana, or either a for profit corporation, partnership, limited liability company, limited liability partnership, joint venture, cooperative, non-profit entity with an eligible business purpose as defined above, or other entity which is registered and authorized to conduct business in the State of Louisiana that maintain an office in Louisiana;

2. Small and Emerging Businesses (SEBs) certified by LED's Small Business Services that maintain an office in Louisiana;

3 - 4. ...

a. restaurants (except for regional or national franchises), including grills, cafes, fast food operations, motorized vehicle, trailer, curb-side, sidewalk or street vender food operations, and any other business or project established for the principal purpose of dispensing cooked food for consumption on or off the premises having been in operations less than two years;

b. bars, saloons, daiquiri shops, operations for the sale of alcoholic popsicles and other alcoholic food items, packaged liquor stores, including any other business or project established for the principal purpose of dispensing, packaging, or distributing alcoholic beverages;

c. - e. ...

f. funding for the principal purpose of refinancing existing debt unless under the following conditions:

i. a lender may refinance a borrower's existing loan, line of credit, extension of credit, or other debt originally made by an unaffiliated lender only if the following conditions are met:

(a). the amount of the refinanced loan or other debt is at least 150 percent of the previous outstanding balance;

(b). the transaction results in a 30 percent reduction in the fee-adjusted APR contracted for the term of the new debt, to help ensure that funding is used only for transactions that meaningfully benefit borrowers by providing access to sustainable products; and

(c). proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

ii. a lender may use funds to support a new extension of credit that repays the amount due on a matured loan or other debt that was previously used for an eligible business purpose when all the following conditions are met:

(a). the amount of the new loan or other debt is at least 150 percent of the outstanding amount of the matured loan or other debt;

(b). the new credit supported with funding is based on a new underwriting of the small business's ability to repay the loan and new approval by the lender;

(c). the prior loan or other debt has been paid as agreed and the borrower was not in default of any financial covenants under the loan or debt for at least the previous 36 months (or since origination, if shorter); and

(d). proceeds of the transaction are not used to finance an extraordinary dividend or other distribution.

g. - i. ...

j. funding for the purpose of pyramid sales;

k. funding activities related either directly or indirectly to cryptocurrency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:446 (June 1989), amended LR 23:41 (January 1997), LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:994 (April 2012), LR 48:

§109. General Loan Guaranty and Loan Participation Provisions

A. The Louisiana Economic Development Corporation will be guided by the following general principles in approving loan guaranties, line of credit guaranties, or loan participations.

1. The corporation shall confirm that the financial institution lender has sufficient commercial lending experience and financial and managerial capacity to participate in this program. The corporation may utilize, among other resources, the financial institution's most recent call report showing the percentage of commercial loans in its portfolio.

2. The corporation shall not knowingly approve any loan guarantee, line of credit guarantee, or loan participation if the applicant/borrower has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness, state or federal taxes, or a bankruptcy proceeding; nor shall the corporation approve any loan, line of credit, loan guarantee or participation if the applicant/borrower has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit or any legal proceeding involving a criminal violation other than misdemeanor traffic violations. Further, the corporation shall not approve any loan guarantee, line of credit guarantee, or participation if the applicant/ borrower or his/her/its principle management has a criminal record showing convictions for any criminal violations other than misdemeanor traffic violations.

3. The terms or conditions imposed and made part of any loan guarantee, line of credit guarantee, or loan participation authorized by vote of the corporation board, its board screening committee or its other designated committee shall not be amended or altered by any member of the Board or employee of the Department of Economic Development except by subsequent vote of approval by the board, its board screening committee or other designated committee at the next meeting of the board or committee in open session with full explanation for such action.

4. Each financial institution lender shall be required to have a meaningful amount of its own capital resources at risk in each small business loan included in this program. Such lenders shall bear at 20 percent or more of the loss from a small business loan default.

5. The corporation shall not subordinate its position to other creditors.

B. Interest Rate

1. On all loans or lines of credit guarantees, the interest rate is to be negotiated between the borrower and the lender, but shall not exceed the lesser interest rate of either; 5 percent per annum above New York prime as published in the Wall Street Journal at either a fixed or variable rate; the interest rate cap as established by either the Federal Credit Union Act (FCUA), that established by the Office of the Comptroller of the Currency (OCC), or applicable State legislation that may be enacted.

2. ...

C. Collateral

1. The value of the collateral shall be no less than the guaranteed portion of the loan.

2. The value of the collateral required for certified small and emerging businesses loans may be up to 80 percent.

3. The collateral position may be negotiated, but it shall be no less than a sole second position.

4. Collateral Value Determination

a. The appraiser must be certified by a recognized organization in the area of the collateral.

b. The appraisal shall not be more than 90 days old, except for real estate loans, which shall not be more than 6 months old.

5. Acceptable collateral may include, but shall not be limited to, the following:

a. fixed assets—business real estate, buildings, fixtures;

b. equipment, machinery, inventory;

c. accounts receivable with supporting aging schedule; but not to exceed 80 percent of receivable value (to be used with personal guarantee only).

6. Unacceptable collateral may include, but shall not be limited to the following:

a. stock in applicant/borrower company and/or related companies;

b. personal items or borrower's primary residence;

c. intangibles; to include but not limited to, digital currency such as cryptocurrency and NFTs.

7. Personal guarantees may be offered but will not count towards the value of the collateral; if to be used, a signed and dated personal financial statements of the guarantors must also be submitted to LEDC.

D. Equity Requirements

1. Equity required will be no less than 15 percent of the loan or line of credit amount for a start-up operation, or acquisition, or expansion. However, if the equity requirement as noted above is not available for a guarantee the following chart may be applied which provides for a guarantee fee attached to a lesser equity position.

Equity %	Guarantee Fee
15 %	3.00 %
14 %	3.20 %
13 %	3.40 %
12 %	3.60 %
11 %	3.80 %
10 %	4.00 %

*In no case shall the equity position be less than 10 percent.

2 - 3. ...

E. Limit on the Amount of LEDC's Guarantee:

1. For small business loans, the corporation's loan guarantee shall be no greater than 80 percent of a loan not to exceed a guaranty amount of \$1,500,000.

2. For certified small and emerging business loans, or disabled person's business enterprise loans, the corporation's loan guarantee shall be no greater than 90 percent of a loan not to exceed a guaranty amount of \$1,500,000.

3. For small businesses, the corporation's loan participation shall be no greater than 40 percent, but in no case shall it exceed \$1,500,000.

4. For certified small and emerging businesses, or disabled person's business enterprises, the corporation's loan participation shall be no greater than 50 percent, but in no case shall it exceed \$1,000,000.

F. Terms

1. Maturity, collateral, and other loan terms shall be negotiated between the borrower and the applicant/lending institution, and the LEDC shall have an opportunity to approve the terms of such loans prior to the closing; but guaranty term periods with regard to various types of loan guaranties shall be limited as follows:

a. for revolving lines of credit (RLOC) guarantee term periods may extend for up to and not exceed seven years.

b. for equipment term loans guarantee term periods may extend for up to and not exceed 10 years.

c. for real estate term loans guarantee term periods may extend for up to and shall not exceed 25 years.

G. LEDC SBLGP Program Fees

1. LEDC will charge a guaranty program fee not to exceed a maximum amount of 4 percent on the guaranteed loan amount, unless the board, the board screening committee or other designated committee waives the guaranty fee.

2. LEDC will charge a \$100 application fee, unless the board, the board screening committee or other designated committee waives the application fee.

3. LEDC will share in a pro-rata position in any fees assessed by the lender on a loan participation.

4. LEDC will waive the application fee and program fee for businesses certified by LED as an SEB.

H. Use of Loan Funds

1. Loan funds may be used for business purposes, including but not limited to the purchase of fixed assets, including buildings that will be occupied by the applicant/borrower to the extent of at least 51 percent.

2. Loan funds may be used for the purchase of equipment, machinery, or inventory.

3. Loan funds may be used for a line of credit for accounts receivable or inventory.

4. Debt restructure may be considered by LEDC, but will not be considered when the debt:

a. exceeds 25 percent of the total loan, with the following exception:

i. a maximum of 35 percent may be considered on a guaranteed loan, but the guaranteed percentage will be decreased by 5 percent;

b. pays off a creditor or creditors who are inadequately secured;

c. provides funds to pay off a debt to principals of the borrower business; and/or

d. provides funds to pay off family members.

5. Loan funds may not be used to buy out stockholders or equity holders of any kind, by any other stockholder or equity holder.

6. Loan funds may not be used to purchase any speculative investment or real estate development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 23:41 (January 1997), LR 26:2256 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:995 (April 2012), LR 40:LR: (January 2018), LR 48:

§111. General Guaranty Agreement Provisions

A. - A.2 ...

3. If liquidation through foreclosure occurs, the lender will sell the collateral, handle the legal proceedings, and absorb all expenses associated with these activities.

4. - 5. ...

6. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined in the guarantee agreement. Notification of delinquency will be made to the corporation in writing by submitting a completed, signed and dated SBLGP banker loan status monthly report within five business days after the end of the month/reporting period and as stated in the guarantee-agreement.

B. Loan Participation Agreement

1. - 3 ...

4. Should liquidation through foreclosure occur, the lender will sell the collateral and handle the legal proceedings and absorb all expenses associated with these activities.

5. ...

6. Delinquency will be defined according to the lender's normal lending policy and all remedies will be outlined in the participation agreement. Notification of delinquency will be made to the corporation in writing by

submitting a completed, signed and dated SBLGP banker loan status monthly report within five business days after the end of the month/reporting period; as stated in the loan participation agreement.

C. – C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 23:42 (January 1997), LR 26:2257 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:996 (April 2012), LR 48:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The purpose of this program is to strengthen state programs that support private financing to small businesses with less than 500 employees. Voluntary participation in the program could cause a direct economic impact on some very small businesses that have no more than 10 employees, if meeting certain criteria. However, the benefit from additional funding received, at a nominal cost of some additional planning and paperwork associated with the application process and reporting requirements should provide a positive impact to any small businesses that choose to apply to the program.

Public Comments

Interested persons should submit written comments on the proposed Rules to Kelly Raney through the close of business on Tuesday, May 24, 2022 at Department of Economic Development, 617 North Third Street, 11th Floor, Baton Rouge, LA 70802 or via email to Kelly.Raney@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 1:30 p.m. on Wednesday, May 25, 2022 in the Griffon Conference Room at the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Small Business Loan Guaranty Program (SBLGP)

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

There will be no incremental costs or savings to state or local governmental units due to the implementation of these

rules, since they will be managed by existing staff under the current budget. The proposed rule amends program guidelines for the existing Small Business Loan Guaranty Program (“SBLGP”), including the primary change of increasing the guaranty percentage from 75% to 80% and lowering the value of collateral required for SEB’s to 80%. This program will likely be used in conjunction with the new SSBCI loan guaranty program

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

There will be no reductions in revenues to the State General Fund (Direct) to the extent that entities take advantage of this program. Based on LED historical data, LEDC has awarded 1 loan for \$1.2M since 2011. The proposed rule changes will not affect local governmental units.

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

The program will require adherence to the application procedures which will involve submission of paperwork by the applicants. However, recipients will benefit by obtaining access to capital made available to them through the program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The long term effects of this state program, in conjunction with the SSBCI program could be significant. The program should result in a significant amount of additional capital being deployed in Louisiana over the program’s existence, due to the potential to leverage Federal SSBCI funds to attract private capital matches. The impact of this additional capital could be extensive, particularly for SEB’s.

Anne G. Villa
Undersecretary
2204#065

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards
and Practices (LAC 28:XI.Chapter 53)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:XI:Subpart 3 in Bulletin 118—*Statewide Assessment Standards and Practices*. The aforementioned revisions are in response to a request by the Board at the October 2019 meeting directing BESE staff to work with the Louisiana Department of Education (LDE) staff to recommend policy revisions to Bulletins allowing for certification notations and/or possible license censure options. Bulletin 118 revisions align test security policy and further clarifies terminology related to assessment proctors, scoring, irregularities, cheating and security violations that may clarify terminology and impact educator credentials. These proposed revisions do not amend any test security process or procedure. The purpose of these changes is to define terminology more specifically.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

**Subpart 3. Bulletin 118—Statewide Assessment
Standards and Practices**

Chapter 53. Test Security

§5303. Definitions

[Formerly LAC 28:CXL303]

Access—physically handling secure test materials, including reading, reviewing, or analyzing test items or student responses, either before, during, or after testing, except where providing approved accommodations.

Cheating—a test security violation committed by an educator in order to alter student or school assessment results by inappropriately accessing secure test materials in violation of Bulletin 118, LAX 28:XI. Chapter 53.

Erasure—erasing answers on paper and pencil test, as well as changing answers online.

Secure Materials—test materials that contain test items or student responses and to which access is restricted. Secure test materials include:

1. student test booklets;
2. student answer documents;
3. student log-in information; and
4. any other materials that contain test items or student responses.

Oath of Security—attestation that a test administrator has received required testing procedure training and vows to comply with all policies set forth.

Test Security Violation—actions(s) committed by an educator during the handling or administration of secure materials that compromises the validity of assessment results and may result in voiding test scores.

Testing Irregularity— an error in test handling or administration that compromises reliability regarding the security of the test or the accuracy of the test data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6 et seq., R.S. 416 et seq., and R.S. 441 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 34:65 (January 2008), LR 40:2510 (December 2014), LR 48:

§5305. Test Security Policy

[Formerly LAC 28:CXL305]

A. The state Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious.

A.1. - A.3.i. ...

j. fail to report any testing irregularities to the district test coordinator, who must report such incidents to the LDE;

k. participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in the section.

A.4. - A.4.k. ...

5. Procedures for investigating a test security violation or testing irregularity must, at a minimum, include the following.

A.5.a. - A.17. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:391.7(C)-(G).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 33:424 (March 2007), LR 33:2033 (October 2007), LR 34:65 (January 2008), LR 34:431 (March 2008), LR 34:1351 (July 2008), LR 35:217 (February 2009), LR 37:858 (March 2011), repromulgated LR 37:1123 (April 2011), amended LR 38:747 (March 2012), LR 39:1018 (April 2013), LR 40:2510 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:1857 (October 2018), LR 47:566 (May 2021), LR 48:

§5309. Erasure Analysis and Online Answer Changes

[Formerly LAC 28:CXL309]

A. - A.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1530 (July 2005), amended LR 32:234 (February 2006), LR 33:257 (February 2007), LR 35:217 (February 2009), LR 35:443 (March 2009), LR 40:2512 (December 2014), LR 43:634 (April 2017), LR 44:463 (March 2018), LR 44:1857 (October 2018), LR 48:

§5311. Violations of Test Security

[Formerly LAC 28:CXL311]

A. The test security policy approved by the SBESE requires that the LDE establish procedures to deal with breaches of test security. District authorities provide the LDE information about voiding student tests because of student violations observed during test administration or violations by school personnel or others that are reported. In addition, the scoring process produces information regarding written responses that have common elements, which indicate a student brought unauthorized materials to testing and used them to assist in writing; that indicate that teacher interference might have been a significant factor, and in which troubling content was evident. Procedures for dealing with these issues follow.

A.1. - A.1.d. ...

2. Violations by School Personnel or Other Persons. All suspected instances of cheating should be reported directly to the school's district test coordinator (DTC) for further investigation, and a report of the incident must be sent by the DTC to LDE. If it is deemed necessary to void tests, the DTC must submit a completed void form to the LDE. The original void verification form along with a written report of the investigation carried out must be mailed to the LDE. Educators determined by the LEA and/or LDE investigation to have participated in cheating may receive certification sanctions as defined in Bulletin 746, Chapter 19.

A.3. - A.3.d.i. ...

4. Disturbing Content. If student responses with disturbing content are discovered during the scoring process, the scoring contractor will notify the appropriate staff member at the LDE, Division of Assessments and Accountability.

a. Professional assessment personnel review the responses. If it is determined that disturbing content causes a compelling need to break confidentiality, LDE will, within five business days, contact the district superintendent to summarize findings and inform the superintendent that materials are being mailed regarding the alert.

b. Issues regarding troubling content are for the district's information to assist the student and do not require further communication with LDE, nor is the notice a violation of test security.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1531 (July 2005), amended LR 33:257 (February 2007), LR 35:217 (February 2009), LR 43:635 (April 2017), LR 44:464 (March 2018), LR 44:1858 (October 2018), LR 48:

§5312. Testing Irregularities

[Formerly LAC 28:CXL.312]

A. - F.3. ...

G. Student actions including but not limited to inappropriate access, test material damage or destruction, or failure to follow testing protocol, may result in a testing irregularity and be reported as outlined in this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:390 (March 2006), amended LR 33:257 (February 2007), LR 34:66 (January 2008), LR 34:1351 (July 2008), LR 35:218 (February 2009), LR 36:967 (May 2010), LR 38:33 (January 2012), amended LR 38:748 (March 2012), LR 38:2358 (September 2012), LR 40:2512 (December 2014), LR 44:464 (March 2018), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

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

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 118—Statewide Assessment Standards and Practices

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

The proposed revisions will not impact costs or savings to state or local governmental units.

These revisions align test security policy related to assessment proctors, scoring, irregularities, cheating, and security violations with proposed revisions to Bulletin 746.

These proposed revisions do not amend any test security process or procedure. The purpose of these changes is to define terminology more specifically.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#051

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Literacy Skills and Assessment (LAC 28: CXV.509 and 2307)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXV in Bulletin 741—*Louisiana Handbook for School Administrators*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy and would revise the annual literacy assessment and require successful completion of approved foundational literacy skills courses for educators. Further, the revisions require scientific, research-based interventions during school hours for students measured at below grade level on the annual literacy assessment as well as development of a foundational literacy skills plan for students in kindergarten through third grade.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§509. Completion of Approved Foundational Literacy Skills Course

A. The LDE shall develop a list of approved professional development courses designed for educators that provide foundational literacy skills instruction based on the science of reading and include information on instructing students regarding phonemic awareness, phonics, fluency, vocabulary, and comprehension.

1. Not later than the beginning of the 2023-2024 school year, each teacher and administrator must successfully complete at least one approved professional development course and provide documentation of successful completion of the course to the employing school. A teacher or administrator who provides documentation of

completion of an approved professional development program within the five years prior to 2023 shall be considered in compliance with the provisions of this Paragraph.

a. For the purposes of this Section, “teacher” means kindergarten through third grade teacher who teaches reading, math, science, or social studies.

b. For the purposes of this Section, “administrator” means a principal or assistant principal of a school that includes kindergarten through third grade.

2. Any teacher or administrator hired after August 1, 2023, must provide documentation to the employing school of successful completion of an approved professional development course within two years of the date of employment.

3. Beginning May 1, 2022, and annually thereafter, each LEA shall report to the department the number and percentage of teachers and administrators who have successfully completed an approved professional development course. Reported data shall be included in LDE school progress profiles.

4. Waivers to use professional development courses that have not been included in the department list of approved professional development courses must be submitted in writing to the LDE and are subject to approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S.17:24.10; and R.S. 17:24.12.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2307. Literacy Assessment

A. Each LEA shall require that every child enrolled in kindergarten-third grade be given the BESE-approved literacy assessment within the first 30 days of the school year. The results of this assessment shall be used to plan instruction and provide appropriate and timely intervention. The results of the assessment will also provide information required by R.S. 17:24.9, student reading skills; requirements; reports.

1. Each student administered a literacy assessment will be identified as reading below, at, or above grade level. Students scoring above grade level may be considered for evaluation into a gifted program.

2. For students with significant hearing or visual impairment, nonverbal students, or students with significant cognitive impairment, the LEA will provide an alternate assessment recommended by the LDE.

3. Each LEA will report to the LDE assessment results by child within the timeframes and according to the guidance established by the LDE.

4. For grades 1-3, the school should use the prior year’s latest assessment level to begin appropriate intervention until the new assessment level is determined.

5. Any student scoring below grade level in reading based upon assessment and/or progress monitoring must be provided scientific, research-based reading intervention upon identification. The reading intervention shall do all of the following:

a. provide explicit, direct instruction that is systematic, sequential, and cumulative in language development, phonological awareness, phonics, fluency, vocabulary, and comprehension, as applicable;

b. provide targeted small group reading interventions based on student need in phonological awareness, phonics including decoding and encoding, vocabulary, or comprehension; and

c. be implemented during regular school hours.

B. Each LEA shall administer the literacy assessment provided by the LDE for each grade level to meet kindergarten-third grade literacy assessment requirements.

C. Beginning June 1, 2023, and triennially thereafter, each school shall use data from the literacy assessment in order to develop and submit to LDE the school foundational literacy plan for students in kindergarten through third grade pursuant to R.S. 17:24.9.

1. Each foundational literacy skills plan shall include:

a. the amount of time to be devoted daily to foundational literacy skills and a description of how the instructional time will be utilized;

b. a list of English language arts textbooks and instructional materials adopted by the school;

c. a description of the interventions and supports available to students identified as having literacy skills below grade level; and

d. a description of the professional development in foundational literacy skills instruction provided to teachers who teach kindergarten through third grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S.17:24.4; R.S. 17:24.9; and R.S.17:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1289 (June 2005), amended LR 38:1224 (May 2012), LR 39:2214 (August 2013), LR 42:1878 (November 2016), LR 45:36 (January 2019), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

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

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators

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

There will be increased costs for the Department of Education (LDE) to create the literacy assessment required by the proposed revisions and to provide professional development courses to K-3 teachers and administrators. The LDE plans to utilize \$4.5 M in federal funding from the Elementary and Secondary School Emergency Relief (ESSER) grant for the

creation of the literacy assessment pursuant to Act 438 of 2021, and \$5 M ESSER funds to develop the required professional development course pursuant to Act 108 of 2021.

Local school systems may experience increased costs related to personnel and materials if they do not already have reading interventions in place. This cost is indeterminable and will vary among districts. However, to assist districts in implementing the measure, LDE is developing the diagnostic intervention tool described above, and has allocated \$7.8 M in ESSER funding to provide current school personnel with a foundational literacy professional development course from a list of approved vendors.

Local personnel may experience a temporary increase in workload to develop the required literacy plan, which will be revised every three years. Existing LDE staff will review the literacy plans. Each teacher who teaches kindergarten through third grade reading, math, science, or social studies and each administrator of a school that includes kindergarten through third grade will complete the foundational literacy training. Any teacher or administrator hired after August 1, 2023, must provide documentation to the employing school of successful course completion within two years of the date of employment.

The proposed revisions update the annual literacy assessment and require successful completion of approved foundational literacy skills courses for educators. The policy requires that children in kindergarten through third grade are given the BESE-approved literacy assessment within the first 30 days of school and that results are reported to LDE. In addition, the changes mandate scientific, research-based interventions during school hours for students measured at below grade level on the annual literacy assessment. Data from the literacy assessment will be used to develop the required foundational literacy skills plan in which students in kindergarten through third grade are enrolled beginning June 1, 2023, in accordance with R.S. 17:24.9. Teachers and administrators of students in these grade levels shall complete one approved professional development course by the beginning of the 2023-2024 school year. Any teachers hired after August 1, 2023, must complete such a course within two years of employment, and systems shall report the successful completion to LDE annually beginning May 1, 2022, pursuant to R.S. 17:24.12.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

There will be increased income to vendors of foundational literacy professional development courses. The LDE has allocated \$7.8 M in ESSER funding to local school systems for use in purchasing access to professional development courses from a list of approved vendors: (1) The AIM Institute for Learning & Research; (2) Associated Professional Educators of Louisiana; (3) Keys to Literacy; and (4) Voyager Sopris Learning.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an impact on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#52

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 745—Louisiana Teaching Authorizations of School Personnel (LAC 28:CLXXII.Chapter 1)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to repeal LAC 28: CLXXII. *Bulletin 745—Louisiana Teaching Authorizations of School Personnel*. The proposed repeal removes repetitive language and re-establishes the Teaching Authorization requirement as a section in LAC 28: CXXXI. *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

Title 28

EDUCATION

Part CLXXII. Bulletin 745—Louisiana Teaching Authorizations of School Personnel

§101. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), repealed LR 48:

§103. Teaching Authorizations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), amended LR 45:900 (July 2019), repealed LR 48:

§104. Issuance of a Denied Teaching Authorization

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:901 (July 2019), repealed LR 48:

§105. Suspension and Revocation of Teaching Authorizations for Criminal Offenses

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:39 (January 2019), Repealed LR 48:

§107. Suspension and Revocation of Teaching

Authorizations Due to Participation in Cheating

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:40 (January 2019), Repealed LR 48:

§109. Suspension and Revocation of Teaching Authorizations due to Fraudulent Documentation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), Repealed LR 48:

§111. Reinstatement of Teaching Authorizations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), amended LR 45:901 (July 2019), Repealed LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 745—Louisiana Teaching Authorizations of School Personnel

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed revisions will not impact costs or savings to state or local governmental units.
The proposed repeal removes repetitive language and re-establishes the Teaching Authorization requirement as a section in LAC 28: CXXXI. Bulletin 746 – Louisiana Standards for State Certification of School Personnel.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#053

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—General Teacher Competencies (LAC 28:CXXXI.Chapter 3)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI in Bulletin 746—*Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy. The proposed revisions will update teacher preparation competencies to align and reinforce the requirements in R.S.17:24.9 in order to design and implement an integrated and comprehensive curriculum that develops teacher candidates’ understanding of content, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. Educators are required to design evidence-based content and pedagogical knowledge in reading to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia. Also required is implementation of behavior management and trauma-informed principles and practices for the classroom, as well as other developmentally-appropriate practices for the classroom to ensure that students can effectively access literacy instruction.

**Title 28
EDUCATION**

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Subchapter C. General Teacher Competencies

§309. General Competencies

A. - E. ...

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in cognitive, socio-emotional, language, and physical development, incorporating trauma-informed principles.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:24.9, R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1296 (July 2017), LR: 48:

Subchapter E. English Language Arts and Literacy Teacher Competencies

§323. Content Knowledge Competencies

A. - B.6. ...

C. The teacher candidate demonstrates understanding of the stages of language, reading, and writing development.

1. The teacher candidate explains the progression, connection, and reciprocal relationships among the major components of early literacy development, including the typical and atypical development of skills in the areas of language, phonological processing, vocabulary, morphology, orthography, semantics, syntax, and discourse; reading, print awareness, decoding, fluency, and comprehension; and spelling and writing development including pre-literate, early emergent, emergent, transitional, and conventional.

2. The teacher candidate defines, explains, produces, and classifies the basic phonetic structure and orthographic rules and patterns of the English language, including but not limited to phonemes, graphemes, diagraphs, blends, r-controlled vowels, hard and soft consonants, and explains the relation to the progression of reading and writing development.

3. The teacher candidate identifies, explains, and categorizes the six basic syllable types in English spelling and explains principles of teaching word identification and spelling, giving examples illustrating each principle.

4. - 8. ...

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. 17:24.9, R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1298 (July 2017), LR 48:

§325. English Language Arts Content Pedagogy Competencies

A. - B.3. ...

4. The teacher candidate fluently applies principles of explicit and direct teaching: modeling, leading, giving, guided practice, and reviewing.

5. The teacher candidate implements multisensory and multimodal techniques to enhance instruction.

6. The teacher candidate designs and teaches routines to support a complete lesson format, from the introduction of a word recognition concept to fluent application in meaningful reading and writing.

C. - C.7. ...

8. The teacher candidate designs and implements research-based adaptations of instruction for students with advanced literacy skills and for students with weaknesses in working memory, attention, executive function, or processing speed.

D. - D.6. ...

7. The teacher candidate understands and explains types of assessments specific to early literacy skills, along with their purposes, strengths, and limitations, as well as national norms associated with literacy skills.

8. The teacher candidate administers and interprets both print and electronic early literacy assessment for

purposes including but not limited to formative or summative assessment, diagnostic purposes, and progress monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:24.9, R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1299 (July 2017), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the

drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel

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

The proposed revisions will not impact costs or savings to state or local governmental units. Teacher preparation program providers are not expected to incur additional costs as many programs report that they already meet these requirements.

Proposed revisions will update teacher preparation competencies to align and reinforce the requirements in R.S.17:24.9 in order to design and implement an integrated and comprehensive curriculum that develops teacher candidates understanding of content, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. Teacherpreparation program providers are not expected to incur additional costs as many programs report that they already meet these requirements.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

Teacher preparation program providers other than public universities may experience increased workload or costs to update courses of study to meet the requirements of the proposed provisions if they have not already incorporated the additional requirements; however, this impact is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#059

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.525, 536 and Chapters 9 and 19)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions are in response to a request by the board at the October 2019 meeting directing BESE staff to work with the Louisiana Department of Education (LDE) staff to recommend policy revisions to Bulletins allowing for certification notations and/or possible license censure options. The repeal and re-establishment of Chapters 1 through 8 and Chapters 10 through 13 of Bulletin 746 were approved by BESE at the August 2021 board meeting and will become rule on March 20, 2022. The currently proposed revisions repeal Chapter 9 and re-establish the policy as Chapter 19 in the newly re-established Bulletin 746. BESE policy requires sanctions on an educator credential for certain criminal offenses, submission of fraudulent documentation, professional license censure, participation in cheating, and/or failure to meet the standards of effectiveness. Further, the updates clarify definitions, convictions or offenses considered, and sanctions that can be imposed upon educator credentials, and updates and aligns the three bulletins regarding actions and the issuance and sanction of Louisiana educator credentials. Additionally, language from *Bulletin 745—Louisiana Teaching Authorizations of School Personnel*, which was approved for repeal at the March 2022 BESE meeting, is re-established as a section in Bulletin 746.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 5. Teaching Credential, Licenses and Certifications

Subchapter B. Nonstandard Teaching Credentials

§525. Introduction

A. There are six types of nonstandard teaching credentials issued in Louisiana: temporary authority to teach (TAT); out-of-field authorization to teach (OFAT); temporary employment permit (TEP); nonpublic temporary certificate (T); resident teacher certificate (R); and teaching authorization (TA). Nonstandard credentials are of a temporary nature but may be renewed under specified guidelines.

B. A teaching authorization (TA) is a nonstandard credential that only indicates a cleared background check. It is not the equivalent of a teaching certificate and does not substantiate the enrollment in or completion of an educator preparation program.

C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE in accordance with BESE policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017), LR 48:

§536. Teaching Authorizations

A. In accordance with Act 634 of the 2018 Regular Legislative Session, and effective July 1, 2018, a teaching authorization (TA) shall be required for individuals seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. A TA will be issued, sanctioned, or reinstated in accordance with policy outlined in this Bulletin, LAC 28:CXXI.Chapter 19.

C. Eligibility Guideline. The applicant is seeking employment in a Louisiana public or nonpublic school in a role in which a Louisiana teaching certificate is not required.

D. A request for a TA must be submitted directly to the LDE by the employing school governing authority where the individual is seeking employment.

E. A TA is valid only for the period for which the individual is employed by the employing school governing authority that submits the initial TA request.

F. An individual that changes employing school systems must be issued a new TA.

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), and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 9. Actions Related to the Suspension/Denial and Revocation of Louisiana Certificates

§901. Overview

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 38:3140 (December 2012), LR 44:264 (February 2018), LR 45:1056 (August 2019), repealed LR 48:

§903. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1056 (August 2019), repealed LR 48:

§904. Criminal History Reporting [Formerly §903.B-C]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, 17:6, and 17:15.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1056 (August 2019), LR 45:1750 (December 2019), repealed LR 48:

§905. Denial of Initial or Renewal Certificates

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 44:266 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1057 (August 2019), repealed LR 48:

§906. Issuance of a Denied Certificate

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:1999 (September 2010), amended LR 38:763 (March 2012), LR 44:266 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), repromulgated LR 45:234 (February 2019), LR 45:1057 (August 2019), repealed LR 48:

§907. Suspension and Revocation of Certificates for Criminal Offenses

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 44:266 (February 2018), LR 45:1058 (August 2019), repealed LR 48:

§908. Suspension and Revocation of Certificate/Endorsement Due to Participation in Cheating

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3140 (December 2012), amended LR 44:267 (February 2018), LR 45:1058 (August 2019), repealed LR 48:

§909. Suspension and Revocation of Certificates due to Fraudulent Documentation Pertaining to Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 38:764 (March 2012), LR 44:267 (February 2018), LR 45:1059 (August 2019), repealed LR 48:

§910. Suspension and Revocation of Certificates due to Professional License/Certificate Censure

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2003 (November 2018), amended LR 45:1059 (August 2019), repealed LR 48:

§911. Issuance or Renewal of Certificates – Standards for Effectiveness

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), R.S. 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1059 (August 2019), repealed LR 48:

§913. Reinstatement of Suspended or Revoked Certificates [Formerly §911]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 17:411, and 42:17.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 34:2560 (December 2008), LR 36:1999 (September 2010), LR 38:764 (March 2012), LR 44:268 (February 2018), LR 44:2003 (November 2018), LR 44:2133 (December 2018), LR 45:1060 (August 2019), repealed LR 48:

Chapter 19. Actions Related to the Suspension/Denial and Revocation of Louisiana Certificates

§1901. Overview

A. Educator credentials can be sanctioned for a conviction of certain criminal offenses, for the submission of fraudulent documentation, for professional license censure, for failure to meet the standards for effectiveness, or for participation in cheating. This chapter presents the circumstances that result in sanction plus the criteria under which reinstatement or issuance may be obtained. Conditions and mandates for issuance and sanction outlined in this chapter will be the same for all educator credentials issued by the Louisiana Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1903. Definitions

Applicant—any person applying for a Louisiana Department of Education issued educator credential.

Board or BESE—the Board of Elementary and Secondary Education as a whole and/or any of its standing committees.

Cheating—as determined by the LDE in accordance with LAC 28:XI, Bulletin 118—*Statewide Assessment Standards and Practices*, a testing irregularity and/or test security violation committed by an educator in order to alter student or school assessment results in violation of Bulletin 118, LAC 28:XI.Chapter 53. The determination is made by the LDE in consultation with the LEA.

Credential—documentation issued by the LDE to validate educator qualifications including but not limited to certification, authorization, permit, or license.

Convicted or Conviction—any proceedings in which the accused person pleads guilty or no contest, and those proceedings that are tried and result in a judgment of guilty. Convictions also include matters that have been granted expungement and/or deferred disposition under Louisiana CCP Article 893 or 894.

Department or LDE—the Louisiana Department of Education.

Educator—a teacher, substitute teacher, or administrator of a public or nonpublic elementary or secondary school or school system.

Fraudulent Document—any paper, instrument, or other form of written or electronic text that is false, altered, or counterfeit, and that is used as a subterfuge or device to induce the issuance or reinstatement of an educator credential.

LEA—local education agency.

Offense or Crime—those listed in R.S. 15:587.1(C) and any felony offense whatsoever.

Records Review—official board procedure for consideration of an educator appeal regarding credential issuance, reinstatement, or sanction.

Sanction—action or censure imposed upon educator credentials by the LDE and/or BESE including but not limited to denial, suspension, revocation, reprimand, investigation, or monitor.

Teaching Authorization (TA)—as defined in section 536 of this part, a TA is required for individuals seeking employment as an administrator, teacher, or substitute teacher in any public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1905. Sanction of Educator Credentials

A. Denial. An application to the LDE for initial, update, or renewal of educator credentials will be rejected in accordance with the restrictions defined in this chapter.

B. Suspension. An educator credential can be inactivated for a prescribed period of time, indefinitely, or pending further action by the board. During a period of suspension, the credential may not be updated or renewed. Expired credentials will be processed relative to future eligibility.

C. Revocation. An educator credential has been voided by board consideration and motion as mandated in statute or policy.

D. Reprimand. Formal warning noted on educator credential history.

E. Monitor. For test security violations regarding cheating, an educator will not be issued a test code and may not administer state assessments for a prescribed period of time from 1 to 5 years.

F. Sanctions, including application denial, placed upon educator credentials will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE, and

written notification will be forwarded to the applicant, educator, local education agency, and/or BESE, as applicable.

G. Notification. Written and/or electronic communication sent upon determination of any action or sanction applied to educator credentials.

1. Written documentation will be forwarded via postal service to the last known address on file for the educator.

2. Written and/or electronic documentation will also be forwarded to any employing agency or institution that has submitted documentation as part of the application or credentialing process.

3. An educator will have 10 days to provide proof of mistaken identity or misinformation prior to official action.

H. Denials due to failure to meet the standards for effectiveness will not be reported to NASDTEC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1907. Reporting Requirements

A. An LEA must notify the LDE upon the termination, resignation, or resignation in lieu of termination of an employee who holds a Louisiana educator credential within ten days of separation of service when the action results from:

1. arrest, criminal investigation, or conviction for an offense outlined in R.S. 15:587.1 or for any felony whatsoever;

2. LEA investigation for professional misconduct involving inappropriate behavior and/or communication with a student;

3. non-sex related acts or crimes committed against a child;

4. sexual misconduct that did not result in a criminal investigation; or

5. investigation and report of test irregularity and test security violation regarding cheating.

B. Upon receipt of LEA notification, the department will provide written notice to the educator who will have 10 days to submit verification of mistaken identity or to refute the violation.

C. Information provided to the LDE or BESE via an unsolicited source may be verified and appropriate sanctions imposed. The educator will have 10 days to provide proof of mistaken identity or misinformation prior to official action.

D. If a conviction or information upon which a credential was sanctioned is reversed or overturned on appeal, documentation may be provided to the LDE and/or board for consideration.

E. The educator must provide the department and the board with any documentation that will refute the findings of the LDE or BESE review process or action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1909. Criminal History Reporting

A. An existing Louisiana educator credential, even if expired, or an application for an initial educator credential shall be subject to sanction due to information contained in state and federal criminal history reporting information or

other verifying documentation submitted. Criminal conviction or plea of *nolo contendere*, even if adjudication is withheld, will be considered for the purpose of credentials issued by the LDE and may be used to determine eligibility to hold such.

B. Court dispositions that are set aside pursuant to Articles 893 or 894 of the *Louisiana Code of Criminal Procedure*, expunged, or which are pardoned subject to Louisiana pardon laws, including first offenders pardon, will be treated as convictions for the purpose of sanction.

C. Offenses committed in a jurisdiction other than Louisiana which, in the judgement of the bureau charged with responsibility for responding to the request, would constitute a crime under the provisions cited this Section and provisions listed under the federal criminal code having analogous elements of criminal and moral turpitude, will be considered for purposes of educator credentials. Federal criminal code provisions are located in title 18 of the U.S.C.A., *Crimes and Criminal Procedure*.

D. Sanction regarding a Louisiana educator credential shall apply for the following:

1. Any felony conviction; and
2. Any misdemeanor or felony conviction for an offense listed in R.S. 15:587.1.

E. Misdemeanor and felony criminal convictions for an offense listed in R.S. 15:587.1, except as noted in statute and policy, shall be referenced as prohibited convictions for which denial, suspension, and/or revocation is mandated and issuance or reinstatement shall never be considered.

Prohibited Criminal Offenses	
R.S. 14:81.4	Prohibited Sexual Conduct between Educator and Student
R.S. 14:82	Prostitution
R.S. 14:82.1	Prostitution; Persons under 17; Additional Offenses
R.S. 14:82.1.1	Sexting
R.S. 14:82.2	Purchase of Commercial Sexual Activity
R.S. 14:83	Soliciting for Prostitutes
R.S. 14:83.1	Inciting Prostitution
R.S. 14:83.2	Promoting Prostitution
R.S. 14:83.3	Prostitution by Massage
R.S. 14:83.4	Massage; sexual Content Prohibited
R.S. 14:84	Pandering
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:86	Enticing Persons into Prostitution
R.S. 14:89	Crime Against Nature
R.S. 14:89.1	Aggravated Crime against Nature
R.S. 14:89.2	Crime against Nature by Solicitation
R.S. 14:92	Contributing to the Delinquency of Juveniles
R.S. 14:93	Cruelty to Juveniles
R.S. 14:93.2.1	Child Desertion
R.S. 14:93.3	Cruelty to the Infirm
R.S. 14:93.5	Sexual Battery of Persons with Infirmities
R.S. 14:106	Obscenity
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283	Video Voyeurism
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 14:286	Sale of Minor Children
R.S. 15:541	Sex Offenses

F. The statutory exception for misdemeanor and felony convictions provided in R.S. 15:587.1 which are not prohibited convictions and may permit consideration for educator credential eligibility are as follows.

Prohibited Criminal Offenses	
R.S. 14:2(B)	Crimes of Violence
R.S. 14:30	First Degree Murder
R.S. 14:30.1	Second Degree Murder
R.S. 14:31	Manslaughter
R.S. 14:32.6	First Degree Feticide
R.S. 14:32.7	Second Degree Feticide
R.S. 14:32.8	Third Degree Feticide
R.S. 14:41	Rape
R.S. 14:42	1st Degree Rape
R.S. 14:42.1	2nd Degree Rape
R.S. 14:43	3rd Degree Rape
R.S. 14:43.1	Sexual battery
R.S. 14:43.1.1	Misdemeanor Sexual Battery
R.S. 14:43.2	2nd degree Sexual Battery
R.S. 14:43.3	Oral Sexual Battery
R.S. 14:43.4	Female Genital Mutilation
R.S. 14:43.5	Intentional Exposure to the AIDS Virus
R.S. 14:44	Aggravated Kidnapping
R.S. 14:44.1	Second Degree Kidnapping
R.S. 14:44.2	Aggravated Kidnapping of a Child
R.S. 14:45	Simple Kidnapping
R.S. 14:46.2	Human Trafficking
R.S. 14:46.3	Trafficking of Children for Sexual Purposes
R.S. 14:46.4	Rehoming of a Child
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment
R.S. 14:80	Felony Carnal Knowledge of a Juvenile
R.S. 14:80.1	Misdemeanor Carnal Knowledge of a Juvenile
R.S. 14:81	Indecent Behavior with a Juvenile
R.S. 14:81.1	Pornography Involving Juveniles
R.S. 14:81.2	Molestation of a Juvenile or a Person with a Physical or Mental Disability
R.S. 14:81.3	Computer-aided Solicitation of a Minor

Criminal Offenses	
R.S. 40:966(A)	Penalty for Distribution or Possession with intent to Distribute Narcotic Drugs Listed in Schedule I; Manufacture; Distribution
R.S. 40:967(A)	Prohibited Acts; Schedule II, Penalties; Manufacture; Distribution
R.S. 40:968(A)	Prohibited Acts; Schedule III; Penalties; Manufacture; Distribution
R.S. 40:969(A)	Prohibited Acts; Schedule IV; Penalties; Manufacture; Distribution
R.S. 40:970(A)	Prohibited Acts; Schedule V; Penalties; Manufacture; Distribution

G. Credential sanction is mandated; however, issuance or reinstatement may be considered, where otherwise not prohibited by law, for a person who was employed as a school administrator, teacher, or substitute teacher and whose final conviction or plea of *nolo contendere* to any misdemeanor or felony offense provided in the following table occurred on or before August 1, 2019.

Criminal Offenses	
R.S. 14:2(B)	Crimes of Violence
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment
R.S. 14:82.1.1	Sexting
R.S. 14:82.2	Purchase of Commercial Sexual Activity
R.S. 14:83	Soliciting for Prostitutes
R.S. 14:83.1	Inciting Prostitution

Criminal Offenses	
R.S. 14:83.2	Promoting Prostitution
R.S. 14:83.3	Prostitution by Massage
R.S. 14:83.4	Massage; sexual Content Prohibited
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:89.2	Crime against Nature by Solicitation
R.S. 14:93.2.1	Child Desertion
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 15:541	Sex Offenses

H. Records review eligibility requirements:

1. five years have passed from the date of entry of the final disposition or conviction;
2. a Louisiana and FBI criminal history background check from the Louisiana State Police is clean and clear and indicates no additional convictions, warrants, or pending charges; and
3. conditions and requirements of sentencing, including but not limited to probation or parole, have been successfully completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, 17:6, 17:7, and 17:15.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1911. Submission of Fraudulent Documents

A. A Louisiana teaching credential will be denied or if currently issued will be suspended and voided if an educator presents fraudulent documentation pertaining to the credential to BESE or the LDE.

B. The department will verify prior to determining that an educator has submitted fraudulent documentation pertaining to credentialing. Upon confirmation of the information, the LDE will deny or suspend the credential pending official board action per sanction proceedings.

C. The board will make a determination based upon documentation received from the LDE and the educator regarding sanctions applicable to the educator credential.

D. Records review eligibility requirements:

1. five years have passed since the date of sanction or initial submission of fraudulent documents;
2. the educator has met all credentialing criteria as verified by the LDE; and
3. the applicant must submit credential application and official copies of relevant supporting documentation in accordance with application procedures and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1913. Professional License Censure

A. Censure of a professional license includes, but is not limited to formal or documented denial, suspension, revocation, reprimand, or investigation.

B. An initial application for a Louisiana educator credential will be denied if the educator is found to have had a professional credential related to the area of issuance censured by the issuing agency.

C. An existing credential, even if expired, for which license censure has been reported and verified will be suspended by the LDE and referred to BESE for review.

D. The LDE will verify prior to determining that an educator has had professional credential censured. Upon confirmation of the information, the department will notify the educator that the credential is pending official board action per revocation proceedings.

E. Records review eligibility requirements may include:

1. complete the terms and conditions of censure;
2. attain eligibility for or reinstatement of censured licensure; and
3. comply with criminal background check provisions where censure was due to potential criminal actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, 48:

§1915. Standards for Effectiveness

A. A Louisiana educator credential shall be issued or renewed in accordance with LAC 28:CXLVII (Bulletin 130), R.S. 17:3886, and R.S. 17:3902 upon demonstration that the standards for effectiveness, as determined by the board, have been met for three years during the initial or renewal validity period of the credential.

B. A Louisiana educator credential will not be issued or renewed if the educator records demonstrate that the standards for effectiveness, as determined by the board, have not been met for three years during the validity period of the certificate unless evidence of effectiveness is received from the LEA, through a records review request, that justifies the issuance or reinstatement of a credential.

C. The local governing authority may submit records review request and supporting documentation, justifying the issuance or renewal of a credential, on behalf of an educator who has failed to meet the standards for effectiveness in accordance with LAC 28:CXLVII, *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*.

D. Records review documentation requirements:

1. Evaluation tool used to determine effectiveness or lack thereof;
2. LDE evaluation report for each year of the validity period of credential;
3. Intensive Assistance Plan and supporting documentation; and
4. LEA and applicant letters requesting a records review and clarifying factors for consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1917. Test Irregularities and Test Security Violations

A. A Louisiana educator credential may be sanctioned if the educator holding the credential has been found by the LDE or other governing authority to have participated in cheating as defined in §1903. of this chapter.

B. When the LDE has determined an educator has been found to have participated in cheating, the following process will take place:

1. Department staff will attempt to contact and inform the educator that the LDE has information regarding participation in cheating and is proceeding under this section to sanction the credential.

2. The educator will be notified that the certificate may be sanctioned unless the educator can provide documentation to refute having been found to have participated in cheating. This opportunity for response is intended as a check against mistaken identity or other incorrect information.

3. The educator will have 10 days to respond to LDE communication, after which sanction of the credential will proceed, as will all other steps in accordance with this section.

4. If the department determines that an educator was found to have participated in cheating, the credential will be considered for sanction by BESE. The educator and employing school system, if applicable, will be notified that the teacher or administrator credential is pending official board action in accordance with sanction proceedings.

5. If the department subsequently determines that the educator did not participate in cheating, such action will be communicated to the board through documentation provided by the department. The board may receive such information and may order reinstatement of the certificate.

6. Individuals who do not hold a Louisiana educator credential and have been found to have participated in cheating in the administration of standardized tests, will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified in accordance with this section.

7. If the investigation concludes no findings of participating in cheating and the board has taken no formal action to sanction the educator credential, the department is authorized to cease sanction proceedings.

C. Upon determination of a test irregularity and test security violation of cheating reported by an LEA, the following documentation will be presented to BESE for consideration of educator credential sanction:

1. LEA documentation:
 - a. proof of test administration professional development/training;
 - b. signed and dated oath of security;
 - c. district testing coordinator investigation report and plan submitted to LDE within 30 days of incident;
 - d. void form (if applicable); and
 - e. status of employment or disciplinary action.
2. LDE documentation:
 - a. LDE investigation summary;
 - b. LDE written letter to educator; and
 - c. educator response, or lack thereof, to determination of cheating.

D. Upon determination of a test security violation of cheating discovered during the scoring process, the following information will be presented to BESE for consideration of educator credential sanction;

1. LDE documentation:
 - a. scoring contractor notice to LDE and summary of findings;
 - b. summary report of review of suspected documents resulting in voided test items or scores; and
 - c. written notice to LEA superintendent, District Testing Coordinator, and educator of results;

2. LEA documentation:
 - a. proof of test administration professional development/training;
 - b. signed and dated oath of security; and
 - c. educator response, or lack thereof, to determination of cheating

E. Educator credential sanctions that may be imposed by BESE include:

1. reprimand—formal warning noted on educator credential history;
2. monitored—educator will not be issued test code and may not administer state assessments for a prescribed period of time from 1 to 5 years, but credential is otherwise valid as issued;
3. suspension of credential for a prescribed period of time from 1 to 5 years; and
4. revocation of credential with consideration for records review after 5 years.

F. Educators whose professional records from another state include findings of cheating may be processed and sanctioned in accordance with this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1919. Records Review for Appeal of Sanction

A. The board will consider an eligible request for a records review and documentation provided. The board is not required to conduct an issuance or reinstatement records review and may summarily deny a request.

B. If the board or designee decides to conduct a records review, board staff will notify the applicant of a date, time, and place when a committee of the board will consider the applicant's request. Only the written documentation provided prior to the records review will be considered. In all cases, appellants are encouraged to submit letters of recommendation from past/present employers, educator and professional references, and community leaders that evidence the character, ethics, rehabilitation, and accomplishments of the educator.

C. Submission of specific documentation is required and will be determined by the prior action or violation for which the records review is requested. BESE staff will communicate timelines and documentation requirements to appellants upon request.

D. The board reserves the right to accept or reject any document as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for issuance or reinstatement of an educator credential.

E. In accordance with R.S. 42:17(A)(1), the board may meet in executive session for discussion of the character, professional competence, or physical or mental health of a person.

F. The board may deny any request for issuance by any applicant who:

1. failed to disclose prior criminal convictions or expungements;

2. falsified academic records or application documents;

3. has been found to have participated in cheating in the administration of standardized tests;

4. received further criminal arrests or convictions; or

5. failed to meet the standards for effectiveness outlined in LAC 28:CXLVII, Bulletin 130.

G. The committee of the board will make a recommendation to the full board regarding whether the credential should be sanctioned, issued, reinstated, suspended for an additional period of time, revoked, or other action as determined in this Chapter.

H. The action of the board is a final decision and can only be appealed to a court of proper jurisdiction in accordance with law.

I. Provisional Approval. Educator credential may be reinstated or issued provisionally for a period of 90 days and pending ratification by BESE via a records review process and contingent upon certain criteria.

1. In criminal cases, the felony conviction occurred more than 10 year prior with no additional convictions or repeat offenses, and the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

2. In license censure cases, the censure determination was based upon criteria that would not invalidate a Louisiana educator credential, nor does the censure involve violence, sex, children, or any crime outlined in R.S. 15.587.1.

J. An educator meeting criteria for provisional approval will be issued a Louisiana educator credential, appropriate to the qualifications of the educator, and valid for a period of 90 days. The provisional approval is subject to ratification by the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, additional sanctions may be enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

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

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

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

The proposed revisions will not impact costs or savings to state or local governmental units.

The proposed revisions repeal Chapter 9 and re-establish the policy as Chapter 19 in the newly re-established Bulletin 746. BESE policy requires sanctions on an educator credential for certain criminal offenses, submission of fraudulent documentation, professional license censure, participation in cheating, and/or failure to meet the standards of effectiveness. Further, the updates clarify definitions, convictions or offenses considered, and sanctions that can be imposed upon educator credentials, and updates and aligns the three bulletins regarding actions and the issuance and sanction of Louisiana educator credentials. Additionally, language from Bulletin 745, Louisiana Teaching Authorizations of School Personnel, which was approved for repeal at the March 2022 BESE meeting, is re-established as a section in Bulletin 746.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#054

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or
Educational Leader Preparation Programs
(LAC 28:XLV.303, 743, and 745)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XLV in Bulletin 996—*Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy. R.S.17:24.9 requires revisions to foundational literacy skills standards in all educator preparation programs for candidates seeking certification to teach students in kindergarten through third grade as well as setting the minimum number of credit hours in the teaching of reading and literacy. The required courses or training shall develop and assess candidates' mastery of applicable literacy competencies. Revisions also include technical updates regarding approval for programs offering add-on

endorsement coursework and residents in Type III Early Learning Centers.

**Title 28
EDUCATION**

**Part XLV. Bulletin 996—Standards for Approval of
Teacher and/or Educational Leader Preparation
Programs**

**Chapter 3. Initial State Approval for Teacher or
Educational Leader Preparation
Programs**

**§303. Initial Approval
[Formerly §203]**

A. Initial approval is granted upon approval by BESE and, when applicable, BOR, through submission of a proposal to the LDE.

B. University and non-university providers seeking approval to offer a teacher preparation program, educational leader preparation program, or add-on certification program shall demonstrate eligibility by providing, at a minimum:

1. official declaration of intent in the form of a letter from the head of the institution or organization;

2. evidence of regional accreditation status (e.g., Southern Association of Colleges and Schools) for universities only;

3. evidence that the faculty who teach courses or provide direct coaching to teacher or educational leader candidates possess sufficient knowledge, skills, training, and expertise;

4. evidence to show that the governing structure of the institution or organization endorses and financially supports a teacher preparation program, educational leader preparation, or add-on programs (e.g., full budget report for the implementation of programs, including internal and external sources of funding, and including both hard and soft monies);

5. - 7. ...

C. In order to be recommended for BESE approval, teacher preparation programs must, at minimum:

1. be designed to develop and ensure candidates' mastery of the teacher preparation competencies, educational leader competencies, and/or requirements for existing certificate endorsements required for certification. The program design must center on courses and practice experiences that integrate content, theory, and practice; expressly treat current Louisiana student standards and instructional resources; and require candidates to demonstrate mastery of required competencies or requirements through a series of performance assessments and tasks:

a. in undergraduate programs offered by university providers, descriptions of coursework must include evidence of ample opportunity to develop content area mastery, instruments for assessing candidates' content knowledge, and procedures for remediation, if necessary. For the purposes of initial approval, an academic major in the content area for secondary certification areas may be considered evidence of ample opportunity;

b. in post-baccalaureate programs offered by university and non-university providers, descriptions of coursework or contact hours must include instruments for assessing candidates' content knowledge for teaching and/or leading, and procedures for remediation, if necessary;

c. in add-on certification programs offered by non-university providers, descriptions of coursework and contract hours must include instruments for assessing candidate content knowledge, include procedures for addressing unfinished learning, and align with the requirements to add endorsements to existing certificates, which are found in Part CXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel.

2. pursuant to R.S. 17:7.1.4(a)(b), teacher preparation programs shall include the minimum number of credit hours or equivalent contact hours in the teaching of reading and literacy as follows. The required courses or training shall:

a. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel;

b. systematically and explicitly address the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate

i. how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

ii. how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

iii. how to implement effective literacy instruction using high-quality instructional materials;

iv. how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

c. systematically and explicitly address behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

3. - 3.b. ...

4. be jointly developed and administered in partnership with one or more local educational agencies in which candidates complete the one-year residency. Evidence of partnership shall include, but not be limited to, a formal agreement, such as a memorandum of understanding or memorandum of agreement, that includes:

a. roles of and responsibilities of program faculty, LEA leaders, residency school site administrators, and/or residency school site mentor teachers;

b. criteria and process for residency school site selection, development, and evaluation of effectiveness, to occur in concert with LEA leadership;

C.4.c - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), 17:7.2, and 17:24.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:228 (February 2019), LR 45:902 (July 2019), repromulgated LR 46:892 (July 2020), amended LR 48:

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter C. Teacher Preparation Programs

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. A traditional teacher preparation program is a baccalaureate degree program that includes a minimum of 120 credit hours of coursework and required practice experiences. A portion of the total hours must include the minimum number of credit hours in the teaching of reading and literacy as follows:

1. for certification in Birth-K, PK-3 and 1-5, general-special education mild/moderate 1-5—9 credit hours;

a. Beginning July 31, 2022, candidates must spend, at a minimum, 9 credit hours or 135 contact hours engaged in foundational literacy instruction. The instruction must

i. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel;

ii. systematically and explicitly address the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate

(a). how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

(b). how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

(c). how to implement effective literacy instruction using high-quality instructional materials;

(d). how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

iii. systematically and explicitly address behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

A.2. - C.1. ...

2. a one-year residency shall take place in a public school classroom, approved non-public school classroom, or classroom at a Type III Early Learning Center that has maintained consecutive years of LDE-issued academic approval in the certification area with a teacher of record who holds a valid level 1, 2, 3, type A, or type B teaching certificate in the area for which the candidate is pursuing certification in accordance with LAC 28:CXXXI (Bulletin 746). Beginning September 1, 2020, the teacher of record shall be required to hold a provisional mentor teacher ancillary certificate or a mentor teacher ancillary certificate in accordance with LAC 28:CXXXI (Bulletin 746). The residency may include practice with other teachers in a public or approved non-public school setting. Residents placed in charter schools must be placed with a teacher of record who has demonstrated effectiveness in accordance with LAC 28:CXLVII (Bulletin 130):

C.2.a. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - A.3. ...

B. For all alternate teacher preparation programs, a portion of the total hours must include the minimum number of credit hours or equivalent contact hours in the teaching of reading and literacy as follows:

1. for certification in PK-3 and 1-5, general-special education mild/moderate 1-5—9 credit hours or 135 contact hours;

a. Beginning July 31, 2022, candidates must spend, at a minimum, 9 credit hours or 135 contact hours engaged in foundational literacy instruction. The instruction must:

i. develop and assess candidate mastery of applicable literacy competencies, which are found in Part CXXXI, Bulletin 746—Louisiana Standards for State Certification of School Personnel; and

ii. systematically and explicitly address the foundational literacy skills of phonological awareness, fluency, vocabulary, and comprehension. Each course shall, at a minimum, integrate

(a). how to effectively teach the foundational literacy skills of phonological awareness, phonics, fluency, vocabulary, and comprehension;

(b). how to differentiate instruction for teaching students with advanced literacy skills and students with significant literacy deficiencies, including dyslexia;

(c). how to implement effective literacy instruction using high-quality instructional materials;

(d). behavior management, trauma-informed principles and practices for the classroom, and other developmentally-appropriate supports to ensure that students can effectively access literacy instruction;

(e). how to administer literacy assessments to students and use the resulting data to improve literacy instruction for students;

iii. systematically and explicitly address behavior management, trauma-informed principles and practices for the classroom, and other developmentally appropriate supports to ensure that students can effectively access literacy instruction.

B.2. - D.1.a. ...

2. A one-year residency shall take place in a public school classroom, approved non-public school classroom, or in a classroom at a Type III Early Learning Center that has maintained consecutive years of LDOE-issued academic approval in the certification area the candidate is pursuing. The residency shall include a combination of the following experiences:

D.2.a. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017),

amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

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

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

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

The proposed revisions will not impact costs or savings to state or local governmental units. Teacher preparation program providers are not expected to incur additional costs as many programs report that they already meet these requirements.

R.S.17:24.9 requires revisions to foundational literacy skills standards in all educator preparation programs for candidates seeking certification to teach students in kindergarten through third grade as well as setting the minimum number of credit hours in the teaching of reading and literacy. The required courses or training shall develop and assess candidates' mastery of applicable literacy competencies. Revisions also include technical updates regarding approval for programs offering add-on endorsement coursework and residents in Type III Early Learning Centers. Teacher preparation program providers are not expected to incur additional costs as many programs report that they already meet these requirements.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

Teacher preparation program providers other than public universities may experience increased workload or costs to update courses of study to meet the requirements of the proposed provisions if they have not already incorporated the additional requirements; however, this impact is indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#055

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or
Educational Leader Preparation Programs
(LAC 28:XLV.401, 403, and 405)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XLV in Bulletin 996—*Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The aforementioned revisions are in response to recommendations made by the Teacher Preparation Quality Rating workgroup and approved by the Board at the March 2022 meeting. The proposed revisions align program review cycles and accountability cycles to shift all programs to a four-year accountability cycle, allowing for more effective progress monitoring and implementation of recommendations for improvement.

Title 28

EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 4. Teacher and Leader Preparation Program

Accountability, Renewal, and Approval

§401. Ongoing Approval of Teacher and Leader Preparation Programs [Formerly §1101]

A. - B. ...

C. Renewal decisions shall be made every two years during the first accountability cycle and shall be based on the quality rating produced biannually. Each teacher preparation provider shall move to a four year accountability cycle for each pathway at the conclusion of the first accountability cycle.

D. Teacher preparation providers that do not maintain a quality rating of level 3 or above on the Louisiana teacher preparation quality rating system and as reported in the biennial quality rating shall:

1. undergo a progress monitoring period during which the provider develops an improvement plan that includes specific improvement goals, timelines, and measures of success for particular pathway(s) or program(s). The improvement plan shall be approved by BESE. Once approved, the provider shall submit progress reports to BESE as established in the approved plan;

2. BESE shall review data outlined in the improvement plan and the Louisiana teacher preparation quality rating system to inform required interventions, which shall include, but are not limited to, one or more of the following:

a. require the provider to enact certain improvement recommendations for one or more pathways or programs;

b. designate program(s) as low performing and at risk of low performance per the federal Higher Education Act;

c. limit or discontinue enrollment for one or more pathways or programs;

d. discontinue the provider’s ability to recommend teacher candidates for certification in one or more pathways or programs.

e. require the provider to engage in additional on-site reviews during the four year accountability cycle for one or more pathways.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:754 (April 2010), amended LR 37:565 (February 2011), LR 43:2488 (December 2017), LR 45:229 (February 2019), LR 48:

§403. Teacher Preparation Quality Rating System Participation and Performance Profile Implementation Timeline

A. - G. ...

H. Beginning winter 2020-2021, the LDE will annually produce and make publicly available on its website a performance profile for each approved preparation provider. LDE will biennially produce and make publicly available on its website a quality rating for each approved preparation provider. The quality rating will not be used to make judgments about renewal of preparation program approval until winter 2024-2025.

I. Beginning with ratings assigned in winter 2022-2023, Louisiana teacher preparation quality rating system results will serve as the basis for preparation program renewal. The renewal cycle will be two years, and the accountability cycle will be four years for each pathway.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2488 (December 2017), amended LR 45:1061 (August 2019), LR 48:

§405. Louisiana Teacher Preparation Quality Rating System

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

* * *

B. The Louisiana teacher preparation quality rating system shall include but not be limited to the following domains:

1. Preparation program experience, as measured by on-site reviews of each teacher preparation provider. The on-site review shall be conducted at the provider level and shall result in one rating for each pathway. The on-site review shall also include reporting at the program level, when appropriate. An on-site review shall be conducted once per accountability cycle. Each provider shall participate in a four-year accountability cycle, and each provider shall engage in an on-site review once during the four-year cycle. Providers that do not maintain a level 3 or higher as reported on the next performance profile may be required to complete additional on-site reviews and progress monitoring as determined by BESE. The biennial quality rating shall reflect the most recently issued on-site review rating. When logistically and fiscally feasible and appropriate, the provider may request the specific years and semesters during which the on-site review is conducted. Such requests must be submitted to the LDE no less than one year before the renewal period begins:

a. on-site reviews may be conducted by the LDE or by a BESE-approved contractor with demonstrated expertise in teacher preparation. The evaluation tools used to conduct on-site reviews shall align to the requirements set forth in this bulletin and provide for a holistic rating between 1 and 4;

B.2. - B.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2489 (December 2017), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety,

environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

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

The proposed revisions will not result in costs or savings to state or local governmental units.

Currently, teacher preparation programs must receive a quality rating of level 3 or above to move to a four-year accountability cycle. The proposed revisions align program review cycles and accountability cycles to shift all programs to a four-year accountability cycle, allowing for more effective progress monitoring and implementation of recommendations for improvement.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#056

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1566—Pupil Progression Policies and Procedures
(LAC 28:XXXIX.503, 700, and 701)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XXXIX: in Bulletin 1566—*Pupil Progression Policies and Procedures*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy and would revise the required components of pupil progression plans to include the development of individual student literacy plans for certain third grade students. Further, the revisions require notification of parents or legal custodians of students in kindergarten through third grade who are identified as reading below level.

Title 28

EDUCATION

Part XXXIX. Bulletin 1566—Pupil Progression Policies and Procedures

Chapter 5. Placement Policies—General Requirements

§503. Regular Placement

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

2. Every child, as a prerequisite to enrollment in any first grade of a public school, shall have attended at least a full-day public or non-public kindergarten for a full school year, and shall have satisfactorily passed an academic readiness screening administered by the school system prior to the time of enrollment for the first grade. Each school system shall establish the academic readiness level for its first grade based on criteria established by the system. Any child not able to meet kindergarten attendance requirements due to illness or extraordinary, extenuating circumstances as determined by the school governing authority, shall be required to satisfactorily pass an academic readiness screening administered by the school system prior to the time of enrollment for the first grade. In accordance with R.S. 17:221, any child below the age of seven who legally enrolls in school shall be subject to state laws regarding compulsory attendance and promotion requirements set forth by the school system in accordance with this bulletin.

B. - E.1.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17.7, and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171 (November 2000), amended LR 26:1433 (July 2000), LR 26:1576 (August 2000), LR 27:188 (February 2001), LR 27:1006 (July 2001), LR 27:1682 (October 2001), LR 29:123 (February 2003), LR 30:407 (March 2004), LR 31:1974 (August 2005), LR 31:3103 (December 2005), LR 33:2063 (October 2007), LR 34:2389 (November 2008), LR 36:2003 (September 2010), LR 40:765 (April 2014), LR 40:1332 (July 2014), LR 40:2533 (December 2014), LR 41:1271 (July 2015), LR 44:480 (March 2018), LR 44:1003 (June 2018), LR 44:2131 (December 2018), LR 46:18 (January 2020). LR 48:

Chapter 7. Promotion and Support Policy

§700. Support Standard for Grades Kindergarten-3

A. Beginning with the 2022-2023 school year and every school year thereafter, each local education agency shall identify all students in kindergarten, first, second, and third grade who score below grade-level on the literacy assessment.

B. The school shall notify the parents or legal custodian of students identified in part A of this subsection in writing regarding the student's performance within 15 days of identification. Such notification shall

1. Provide information on activities that can be done at home to support the student's literacy proficiency.

2. Provide information about supports and interventions that will be provided by the school to support the student's literacy proficiency.

3. Provide a timeline for updates as a result of progress monitoring that includes a middle-of-year and end-of-year update.

4. Provide information about the importance of being able to read proficiently by the end of the third grade.

C. The school shall provide mid-year and end-of-the-year updates to the parent or legal custodian of students identified in §700.A of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17.7; R.S. 17:24.4; and R.S. 14:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§701. Promotion and Support Standard for Grades 3-7

A. Beginning with the end of the 2022-2023 school year and at the end of each school year thereafter, each local education agency shall identify, based on a preponderance of evidence of student learning relative to literacy, a plan for third grade students who have scored below "basic" achievement level in English language arts and are identified as reading below grade level, that would enable them to successfully transition to the next grade level. Third grade students who have not met such an acceptable level of performance may be retained or promoted; but in either case shall be provided with an individual student literacy plan that adheres to the following requirements:

1. The school shall convene an in-person meeting with the student's parents or legal custodian, all teachers of core academic subjects, and specialized support personnel, as needed, to review the student's academic strengths and weaknesses relative to literacy, discuss any other relevant challenges, and formulate an individual student literacy plan designed to assist the student in achieving proficiency in literacy. All participants shall sign the documented plan, using a template provided by the department, and shall meet to review progress at least once more before the next administration of the LEAP assessment.

2. The student shall be provided with focused literacy interventions and supports based on the science of reading designed to improve foundational literacy.

3. The student requiring an individual student literacy plan shall be identified as such in the state student information system (SIS).

4. The student shall be afforded the opportunity to receive on-grade level instruction and focused literacy interventions based on the science of reading during the summer.

5. Each LEA shall adopt a written policy pertaining to the development of the individual student literacy plan. This policy shall be included in the pupil progression plan of the LEA and could include the following specific student supports; daily targeted small-group interventions, before and after school literacy intervention provided by a teacher or tutor with specialized literacy training, and at-home literacy programs that include literacy workshops for the parents and legal guardians of students and web-based or parent-guided home literacy activities.

6. The department may audit a random sampling of students in each local education agency identified pursuant to Subsection A of this section each year.

B. Beginning with the end of the 2017-2018 school year and at the end of each school year thereafter, each local education agency shall identify a plan, based on a preponderance of evidence of student learning, fourth grade students who have scored below "basic" achievement level in at least two core academic subjects, including English language arts, mathematics, science, and social studies, that would enable them to successfully transition to the next grade level. Fourth grade students who have not met such an acceptable level of performance may be retained or promoted, but in either case, shall be provided with an individual academic improvement plan that adheres to the following requirements.

1. The school shall convene an in-person meeting with the student's parent or legal custodian, all teachers of core academic subjects, and specialized support personnel, as needed, to review the student's academic strengths and weaknesses, discuss any other relevant challenges, and formulate an individual academic improvement plan designed to assist the student in achieving proficiency in all core academic subjects. All participants shall sign the documented plan, using a template provided by the department, and shall meet to review progress at least once more before the next administration of the LEAP assessment.

2. The student shall be provided with focused, on-grade level instructional support that is appropriate to the content area(s) in which the student has not yet achieved proficiency. Instruction shall be aligned with state academic content standards.

3. The student requiring an academic improvement plan shall be identified as such in the state student information system (SIS).

4. The student shall be afforded the opportunity to receive on-grade level instruction during the summer.

5. Each LEA shall adopt a written policy pertaining to the development of individual academic improvement plans. This policy shall be included in the pupil progression plan of the LEA.

6. The department shall audit a random sampling of students in each local education agency identified pursuant to Subsection A of this Section each year.

C. The department shall provide to each LEA a roster of third and fourth grade students who are eligible for consideration under Subsection A and B of this chapter. Such roster shall assist the LEA in making final determinations relative to students' individual academic plans and/or individual literacy plans required pursuant to this Section.

1. The decision to retain a student as a result of his/her failure to achieve the standard on the LEAP shall be made by the LEA in accordance with the local pupil progression plan. The department shall provide guidance to LEAs on retention considerations.

2. The individual literacy plan and/or academic improvement plan required in this Section shall continue to be in effect until such time as the student achieves a score of "basic" in each of the core academic subjects that initially led to the development of the student's individual academic plan and/or literacy plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:24.9; and R.S. 17:24.10.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:481 (March 2018), LR 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

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

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1566—Pupil Progression Policies and Procedures

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

The proposed revisions will not have an effect on state costs. Local school districts may experience costs to the extent that they provide additional focused literacy interventions and supports to students who have scored below "basic" achievement level in English language arts and are identified as reading below grade level; however, this is indeterminable.

The proposed revisions revise the required components of pupil progression plans to include the development of individual student literacy plans for certain third grade students. Further, the revisions require notification of parents or legal custodians of students in kindergarten through third grade who are identified as reading below level.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#057

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies
(LAC 28:CXXI.Chapters 1-29)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to repeal and re-establish the content of LAC 28:CXXI. *Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies* to reflect the new content standards. The aforementioned revisions are in response to the requirement in R.S. 17:24.4 that BESE develop state academic content standards and the requirement in LAC 28:CV.2301(C) that content standards be subject to review and revision every seven years. The updated social studies content standards were approved at the March 2022 BESE meeting. Consequently, LAC 28:CXXI will be repealed and re-established to reflect the updated academic standards.

Title 28

EDUCATION

Part CXXI. Bulletin 1964—Louisiana

Content Standards, Benchmarks, and

Grade Level Expectations for Social Studies

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 48

§103. Louisiana Content Standards Foundation Skills

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 31:2802 (November 2005).

§105. Information Literacy Model for Lifelong Learning

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 31:2802 (November 2005).

§107. Louisiana Social Studies Content Strands

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 31:2803 (November 2005).

§109. Louisiana Social Studies Strands

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 31:2803 (November 2005).

Chapter 3. Kindergarten—Life in My Home, School, and Local Community

§301. Introduction

A. Kindergarten students are introduced to the world beyond their family and home. Kindergarten students will build upon experiences with their families, schools, communities, and parishes as they begin their study of the most fundamental principles and ideas of each of social studies' core disciplines: history, civics, economics, and geography.

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 48:

§303. History

A. Order events in a chronological sequence using schedules, calendars, and timelines. Examples include:

1. Daily classroom activities; and
2. Significant events in students' lives.

B. Differentiate between primary and secondary sources. Examples include:

1. Primary sources to include letters, diaries, autobiographies, speeches, and interviews; and
2. Secondary sources to include magazine articles, textbooks, encyclopedia entries, and biographies.

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Identify symbols, customs, famous individuals, and celebrations representative of our state and nation, including:

1. symbols to include the United States flag, bald eagle, Louisiana State flag, and brown pelican;

2. customs to include pledging allegiance to the United States flag and singing “The Star-Spangled Banner;”

3. individuals to include George Washington, Abraham Lincoln, and Dr. Martin Luther King, Jr.; and

4. state and nationally designated holidays to include New Year’s Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington’s Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

E. Identify examples of different cultures and traditions in Louisiana, including:

1. music to include Cajun, jazz, and zydeco;

2. traditions to include king cake, red beans and rice on Mondays; and

3. cuisine to include jambalaya, gumbo, etouffee, bread pudding, meat pies, and tamales.

F. Identify a cause and effect for a significant event in a school, neighborhood, or parish.

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 48:

§305. Civics

A. Explain the purpose of local government.

B. Describe the importance of fairness, responsibility, respect, and hard work. Examples include:

1. taking care of personal belongings and respecting the property of others;

2. following rules and recognizing consequences of breaking rules; and

3. taking responsibility for assigned duties.

C. Describe organizations and individuals within a school or parish that help solve issues, including the school principal, school custodian, volunteers, police officers, and fire and rescue workers.

D. Describe the importance of rules and how they help protect our liberties.

E. Explain how people can work together to make decisions.

F. Identify local business and government leaders and describe their roles.

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 48

§307. Economics

A. Identify examples of goods and services. Examples include:

1. Goods to include food, toys, and clothing; and

2. Services to include medical care, fire protection, law enforcement, and library resources.

B. Describe and compare reasons to save and spend money.

C. Differentiate between wants and needs.

D. Identify jobs and industries within a school and community.

E. Describe the concept of scarcity using examples.

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 48:

§309. Geography

A. Use maps and models to describe relative location. Examples can include locating objects and places to the right or left, up or down, in or out, and above or below.

B. Identify basic landforms and bodies of water in a variety of visual representations, including mountains, hills, coasts, islands, lakes, and rivers.

C. Identify ways people interact with their environment, including:

1. using natural resources and

2. modifying their environment to create shelter.

D. Identify rural, suburban, and urban areas.

E. Explain how weather impacts daily life and choices.

F. Explain why people may move from place to place.

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 48

Chapter 5. Grade 1 – Life in the Great State of Louisiana

§501. Introduction

A. The focus in grade 1 is helping students acquire knowledge regarding their place in the local community and in Louisiana. First graders will gain a deeper sense of their role as citizens in a democratic society as they develop an awareness of their basic rights and responsibilities, including the laws designed to protect them. Students will continue to develop a sense of time and place as they increase their understanding of the past, present, and future through the study of Louisiana’s rich history and culture.

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 48:

§503. History

A. Create a chronological sequence of events using appropriate vocabulary.

B. Differentiate between primary and secondary sources. Examples include:

1. Primary sources to include letters, diaries, autobiographies, speeches, and interviews; and

2. Secondary sources to include magazine articles, textbooks, encyclopedia entries, and biographies.

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning.

E. Compare life in Louisiana in the past to life today.

F. Describe how past events can affect the present.

G. Compare the lives of Louisianans today in urban, suburban, and rural parishes.

H. Identify examples of Louisiana's culture, including:

1. state and nationally designated holidays: New Year’s Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington’s Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day;

2. music: Cajun, jazz, zydeco;

3. languages: French, Spanish, Native American languages, for example, Atakpan, Caddo, and Choctaw;

4. architecture: St. Louis Cathedral, The Cabildo, State Capitol, Louisiana Superdome, Strand theater, Sports Hall of Fame, World War Two Museum;

5. traditions: lagniappe, second line parades, king cake, red beans and rice on Mondays;

6. cuisine: jambalaya, gumbo, etouffee, bread pudding, meat pies, tamale;

7. symbols: Louisiana State flag, brown pelican, magnolia tree, brown bear.

I. Identify cultural groups that influenced Louisiana, including Acadians, Africans, Canary Islanders, French, Germans, Haitians, Native Americans, Asian Americans, French, and Spanish.

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 48:

§505. Civics

A. Describe the purpose of the state government of Louisiana.

B. Identify Louisiana as a unique state among fifty, and as a part of the United States.

C. Identify each of the branches of the state government of Louisiana.

D. Describe examples of rules and laws in Louisiana.

E. Describe civic virtues including voting, running for office, serving on committees, and volunteering.

F. Describe the importance of fairness, responsibility, respect, and hard work. For example:

1. taking care of personal belongings and respecting the property of others;

2. following rules and recognizing consequences of breaking rules; and

3. taking responsibility for assigned duties.

G. Identify leaders at various levels of Louisiana State government and explain their roles and responsibilities.

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 48:

§507. Economics

A. Differentiate between producers and consumers.

B. Identify examples of an economic cost or benefit of a decision or event.

C. Describe how different public and private jobs help Louisianans. For example:

1. public: firefighters keeping people and their property safe;

2. private: nurses caring for sick or injured people.

D. Explain why and how goods and services are produced and traded.

E. Describe how scarcity requires people to make choices.

F. Identify and describe which goods and services are produced in different places and regions in Louisiana.

G. Describe the importance of natural resources in Louisiana, including timber, seafood, and oil.

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 48

§509. Geography

A. Create and use maps or models with cardinal directions, keys, and scale.

B. Identify where Louisiana is within the United States and on the globe.

C. Differentiate between the town, parish, state, and country in which the student lives on a political map.

D. Identify places, regions, and landforms in Louisiana, and describe their relative locations including the cultural region North Louisiana, Central Louisiana, Southwest Louisiana, Florida Parishes, Acadiana, Bayou Region, and Greater New Orleans.

E. Describe the physical characteristics of various regions of Louisiana, including bayous, swamps, floodplains, forests, and farmland.

F. Describe ways people in Louisiana change their environment to meet their needs, including the construction of bridges and levees.

G. Explain how Louisianans have successfully met the challenges posed by natural disasters.

H. Explain how and why people and goods move from place to place.

I. Explain how the physical landscape of Louisiana affected the settlement of Native Americans and early settlers.

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 48:

Chapter 7. Grade 2—Life in Our Great Country, the United States of America

§701. Introduction

A. The goal in grade 2 is to introduce students to major historical events, figures, and symbols related to the principles and founding of American democracy. Young students learn to value differences among people and exemplify a respect for the rights and opinions of others. They develop an appreciation of shared values, principles, and beliefs that promote stability for our country's government and its citizens while building knowledge about our founding documents, system of government, and individuals who exemplify American values and principles.

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 48:

§703. History

A. Create and use a chronological sequence of events using appropriate vocabulary.

B. Differentiate between primary and secondary sources. Examples include:

1. primary sources: letters, diaries, autobiographies, speeches, interviews

2. secondary sources: magazine articles, textbooks, encyclopedia entries, biographies

C. Select and use appropriate evidence from primary and secondary sources to support claims.

D. Construct and express claims that are supported with relevant evidence from primary and secondary sources with clear reasoning.

E. Compare life in the United States in the past to life today.

F. Describe the significance of the American Revolution and the founding of the United States.

G. Identify and describe national historical figures, celebrations, symbols, and places.

1. Identify and describe the Founding Fathers, including George Washington, Thomas Jefferson, Benjamin Franklin, Patrick Henry, John Adams, John Hancock, and James Madison.

2. Identify and describe historical female figures, including Abigail Adams, Anne Hutchinson, Dolley Madison, Betsy Ross, and Phillis Wheatley.

3. Describe the significance of state and nationally designated holidays, including New Year's Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington's Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

4. Describe the history of American symbols, including the Liberty Bell, United States flag (etiquette, customs pertaining to the display and use of the flag), bald eagle, national anthem, Uncle Sam, Statue of Liberty, The Pledge of Allegiance, and the national motto "In God We Trust."

5. Identify and describe man-made American monuments and landmarks including the Gateway Arch, the Golden Gate Bridge, Jefferson Memorial, Dr. Martin Luther King Jr. Memorial in Washington D.C., Lincoln Memorial, Mount Rushmore, Pearl Harbor Museum, September 11 Memorial and Museum, Statue of Liberty, the Tomb of the Unknown Soldier, U.S. Capitol, Washington Monument, and the White House.

6. Identify and describe natural American landmarks, including the Grand Canyon, Mississippi River, Monument Valley, Niagara Falls, Rocky Mountains, Smoky Mountains, and Yellowstone National Park.

H. Interpret legends, stories, and songs that contributed to the development of the cultural history of the United States, including Native American legends, African American history, tall tales, and stories of folk heroes.

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 48:

§705. Civics

A. Describe the structure and responsibilities of each of the three branches of the U.S. government (legislative, executive, judicial).

B. Identify and describe principles of American democracy and relate them to the founding of the nation.

a. Identify reasons for the settlement of the thirteen colonies and the founding of the United States, including the search for freedom and a new life.

b. Identify and describe basic principles of the Declaration of Independence and the Constitution of the United States, including equality under the law and fair treatment for all.

C. Explain the purpose of rules and laws in the United States.

D. Define governmental systems, including democracy and monarchy.

E. Describe civic virtues including voting, running for office, serving on committees, and volunteering.

F. Describe how hard work, good habits, consistent attendance in school, and planning for the future can help students achieve goals, including attending college, learning a trade, and having a successful career.

G. Compare local, state, and national elected officials and explain their roles and responsibilities, including the president, governor, mayor, and representatives.

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 48:

§707. Economics

A. Describe the United States in economic terms, including free enterprise, private property, producers and consumers, profit and loss, costs and benefits, and imports and exports.

1. Describe how people are both producers and consumers.

2. Explain why free enterprise and private property are important concepts and how they are beneficial to individuals and to the United States.

4. Identify examples of an economic cost or benefit of a decision or event.

B. Explain why and how people specialize in the production of goods and services.

C. Explain how scarcity of resources and opportunity costs require people to make choices to satisfy wants and needs.

D. Identify how people use natural (renewable and non-renewable), human, and capital resources to provide goods and services.

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 48:

§709. Geography

A. Create and use maps and models with a key, scale, and compass with intermediate directions.

B. Describe geographic features and physical characteristics of places in the United States and the world, including mountains, hills, plains, deserts, coasts, islands, peninsulas, lakes, oceans, and rivers.

C. Identify and locate the four hemispheres, equator, and prime meridian.

D. Describe the relative location of the United States.

E. Compare and contrast basic land use and economic activities in urban, suburban, and rural environments.

F. Identify natural disasters such as blizzards, earthquakes, tornadoes, hurricanes, and floods and explain their effects on people and the environment.

G. Explain how and why people, goods, and ideas move from place to place.

H. Describe how and why people from various cultures immigrate to the United States.

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 48:

Chapter 9. Grade 3—The American Story: People, Places, and Papers

§901. Introduction

A. Building on what students learned in grade 2 about our founding documents and system of government, this course continues to introduce students to major historical events, figures, symbols, and places related to the development and history of the United States of America. In grade 3, students examine the people, places, and papers in United States history that exemplify American ideals and fundamental values such as equality under the law, liberty, justice, and responsibility for the common good. Students will also focus on building their geographic knowledge of North America and the wider world, while further developing an understanding of how the environment affects its inhabitants.

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 48:

§903. History

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Explain connections between ideas, events, and developments in U.S. history.

C. Use a variety of primary and secondary sources to:

1. Analyze social studies content.
2. Explain claims and evidence.
3. Compare and contrast multiple sources.

D. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. explain causes and effects;
4. describe counterclaims.

E. Compare life in the United States in the past and present.

F. Identify and describe national historical figures, celebrations, and symbols.

1. Describe the achievements of George Washington, Thomas Jefferson, Lewis and Clark, Sacagawea, Abraham Lincoln, Frederick Douglass, Harriet Tubman, Sojourner Truth, Sitting Bull, George Washington Carver, Susan B. Anthony, Mabel Ping-Hua Lee, Theodore Roosevelt, the Wright Brothers, Thomas Edison, Henry Ford, Alexander Graham Bell, Dr. Martin Luther King Jr., Jackie Robinson, Sally Ride, Katherine Johnson, and Mae Jemison.

2. Describe the significance of state and nationally designated holidays, including New Year's Day, the birthday of Martin Luther King, Jr., Inauguration Day, Washington's Birthday, Mardi Gras, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

3. Describe the history of American symbols, including the Liberty Bell, U.S. flag (etiquette, customs pertaining to the display and use of the flag), bald eagle,

national anthem, Uncle Sam, Statue of Liberty, The Pledge of Allegiance, and the national motto "In God We Trust."

4. Identify and describe man-made American monuments and landmarks including the Gateway Arch, the Golden Gate Bridge, Jefferson Memorial, Dr. Martin Luther King, Jr. Memorial in Washington D.C., Lincoln Memorial, Mount Rushmore, Pearl Harbor Museum, September 11 Memorial and Museum, Statue of Liberty, the Tomb of the Unknown Soldier, U.S. Capitol, Washington Monument, and the White House.

5. Identify and describe natural American landmarks, including the Grand Canyon, Mississippi River, Monument Valley, Niagara Falls, Rocky Mountains, Smoky Mountains, and Yellowstone National Park.

G. Describe the significance of major events in the history of the United States, including the American Revolution, Louisiana Purchase, Lewis and Clark Expedition, the abolition of slavery following the Civil War, women's suffrage movement, civil rights movement, and the Space Race.

H. Describe how voluntary and involuntary migration have affected the United States.

I. Describe how technological advancements such as the steam engine, railroad, automobile, electricity, telephone, radio, television, microwave, and digital technologies have affected the lives of people in the United States.

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 48:

§905. Civics

A. Recognize functions of the Declaration of Independence and the Constitution of the United States.

1. Describe the process by which a bill becomes law.
2. Describe the responsibilities of the three branches of government.
3. Explain the relationship between the federal government and state government.
4. Compare and contrast representative democracy (republic) and monarchy.
5. Explain how our founding documents protect individuals' rights to life, liberty, and the pursuit of happiness.

B. Identify and describe basic principles of the Declaration of Independence and the Constitution of the United States.

C. Explain the significance of the Emancipation Proclamation and the Thirteenth Amendment.

D. Describe civic virtues: voting, running for office, serving on committees, and volunteering.

E. Describe how and why people become citizens of the United States.

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 48:

§907. Economics

A. Describe the United States in economic terms: free enterprise, private property, producers and consumers, profit and loss, supply and demand, and imports and exports.

1. Explain why free enterprise and private property are important concepts and how they are beneficial to individuals and to the United States.

2. Explain how the interaction between producers and consumers in a free market satisfies economic wants and needs.

2. Explain how supply and demand can affect the prices of goods and services.

3. Differentiate between imports and exports.

4. Explain why and how people specialize in the production of goods and services.

B. Identify how people use natural (renewable and non-renewable), human, and capital resources to provide goods and services.

C. Describe the relationship between scarcity and opportunity cost in economic decision making.

D. Describe the importance of personal financial decision making such as budgeting and saving.

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 48:

§909. Geography

A. Create and use maps and models with a key, scale, and compass with intermediate directions.

B. Describe the geographic features of places in the United States.

C. Interpret geographic features of the United States using a variety of tools such as different types of maps and photos.

D. Identify and locate the four hemispheres, equator, and prime meridian.

E. Locate and describe the seven continents and five oceans.

F. Describe the relative location of the United States.

G. Describe why and how people in the United States have modified their environment.

H. Compare and contrast basic land use and economic activities in urban, suburban, and rural environments.

I. Describe the importance of conservation and preservation.

J. Describe how the regions of the United States vary culturally and economically.

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 48:

Chapter 11. Grade 4—The Ancient World

§1101. Introduction

A. After building knowledge in grades K-3 about their community, parish, state, and nation, students are ready to expand their historical horizons and begin an exploration of the ancient and classical world. In grade 4, students are introduced to the story of human civilization and will examine key characteristics of society, government, and culture in the ancient Near East, Northern Africa, India, Greece, Rome, China, and the Americas.

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 48:

§1103. Standards

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. explain claims and evidence;

3. compare and contrast multiple sources.

C. Explain connections between ideas, events, and developments in world history.

D. Compare and contrast events and developments in world history.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. explain causes and effects;

4. describe counterclaims.

F. Create and use geographic representations to locate and describe places and geographic characteristics, including the following: hemispheres; landforms such as continents, oceans, rivers, mountains, and deserts; cardinal and intermediate directions; climate and environment.

G. Use geographic representations and historical information to explain how physical geography influenced the development of ancient civilizations and empires.

H. Describe the origin and spread of major world religions as they developed throughout history.

I. Describe the characteristics of nomadic hunter-gatherer societies, including their use of hunting weapons, fire, shelter and tools.

J. Describe early human migration out of Africa, first to Europe and Asia, then to the Americas and Australia.

K. Explain the effects of the Agricultural Revolution, including the barter economy, food surpluses, domestication of plants and animals, specialization, and the growth of permanent settlements.

L. Identify and explain the importance of the following key characteristics of civilizations: culture, specialization, infrastructure, stable food supply, government, technology, belief systems, writing, and social structure.

M. Describe the geographic, political, economic, and cultural structures of the ancient Near East.

1. Identify and locate geographical features of the ancient Near East, including the Black Sea, Persian Gulf, Euphrates River, Tigris River, Mediterranean Sea, and Zagros Mountains.

2. Explain how geographic and climatic features led to the region being known as the Fertile Crescent.

3. Explain how irrigation, silt, metallurgy, production of tools, and the use of animals and inventions such as the wheel and plow led to advancements in agriculture.

4. Describe how changes in agriculture in Sumer led to economic growth, expansion of trade and transportation, and the growth of independent city-states.

5. Identify important achievements of the Mesopotamian civilization, including cuneiform, clay tablets, ziggurats, and the Epic of Gilgamesh as the oldest written epic.

6. Describe the significance of the written law in the Code of Hammurabi, and explain the meaning of the phrase “an eye for an eye and a tooth for a tooth.”

7. Describe the development of the ancient Israelites.

N. Describe the geographic, political, economic, and cultural structures of ancient Egypt.

1. Identify and locate geographical features of ancient Egypt, including the Mediterranean Sea, Red Sea, Nile River and Delta, and the Sahara Desert.

2. Explain the structure of ancient Egyptian society, including the relationships between groups of people and the role played by the pharaoh and enslaved people.

3. Explain Egyptian beliefs about the afterlife, the reasons for mummification, and the use of pyramids.

4. Describe the significance of key figures from ancient Egypt, including Queen Hatshepsut, Ramses the Great, and the significance of the discovery of Tutankhamun’s tomb on the modern understanding of ancient Egypt.

5. Describe the achievements of ancient Egyptian civilization, including hieroglyphics, papyrus, and the pyramids and Sphinx at Giza.

6. Describe the cultural diffusion of ancient Egypt with surrounding civilizations through trade and conflict.

O. Describe the geographic, political, economic, and cultural structures of ancient India.

1. Identify and locate geographical features of ancient India, including the Ganges River, Indus River, Himalayan Mountains, Indian Ocean, and the subcontinent of India.

2. Explain the emergence of civilization in the Indus River Valley as an early agricultural civilization and describe its achievements, including architecture built with bricks, roads arranged into a series of grid systems, and sewer systems.

3. Identify the long-lasting intellectual traditions that emerged during the late empire of ancient India, including advances in medicine and Hindu-Arabic numerals.

P. Describe the geographic, political, economic, and cultural structures of ancient Greece.

1. Identify and locate geographical features of ancient Greece, including the Mediterranean Sea, Athens, the Peloponnesian peninsula, and Sparta.

2. Describe how the geographical features of ancient Greece, including its mountainous terrain and access to the Mediterranean Sea contributed to its organization into city-states and the development of maritime trade.

3. Examine the concept of the polis in Greek city-states, including the ideas of citizenship, civic participation, and the rule of law.

4. Explain the basic concepts of direct democracy and oligarchy.

5. Explain the characteristics of the major Greek city-states of Athens and Sparta, including status of women, approaches to education, type of government, and the practice of slavery.

6. Describe the causes and consequences of the Persian Wars, including the role of Athens and its cooperation with Sparta.

7. Describe the polytheistic religion of ancient Greece.

8. Identify Socrates, Plato, and Aristotle as great philosophers of ancient Greece explain how ideas can spread through writing and teaching.

9. Identify examples of ancient Greek architecture, including the Parthenon and the Acropolis.

10. Identify Alexander the Great and explain how his conquests spread Hellenistic, or Greek, culture.

Q. Describe the geographic, political, economic, and cultural structures of ancient Rome.

1. Identify and locate the geographical features of ancient Rome, including the Mediterranean Sea, Italian Alps, Rome, Italian Peninsula, and the Tiber River.

2. Explain how the geographical location of ancient Rome contributed to its political and economic growth in the Mediterranean region and beyond.

3. Describe the class system of ancient Rome, including the roles and rights of patricians, plebeians, and enslaved people in Roman society.

4. Describe the polytheistic religion of ancient Rome and its connection to ancient Greek beliefs.

5. Describe the characteristics of Julius Caesar’s rule, including his role as dictator for life.

6. Explain the influence of Augustus Caesar, including the establishment of the Roman Empire and its expansion during the Pax Romana.

7. Describe how innovations in engineering and architecture contributed to Roman expansion, including the role of aqueducts, domes, arches, roads, bridges, and sanitation.

8. Describe the fall of the Western Roman Empire, including difficulty governing its large territory and political, military, and economic problems.

R. Describe the geographic, political, economic, and cultural structures of ancient China.

1. Identify and locate geographical features of ancient China, including the Gobi Desert, Plateau of Tibet, Himalayan Mountains, Yangtze River, Pacific Ocean, and the Yellow River.

2. Describe the influence of geographic features on the origins of ancient Chinese civilization in the Yellow River Valley, and explain how China’s geography helped create a unique cultural identity.

3. Describe problems prevalent in the time of Confucius and explain the concepts of filial piety, or dutiful respect, and the Mandate of Heaven.

4. Explain the significance of the unification of ancient China into the first Chinese empire by Qin Shi Huangdi.

5. Describe how the size of ancient China made governing difficult and how early dynasties attempted to solve this problem, including the construction of the Grand Canal and the Great Wall.

6. Explain the major accomplishments of the Han Dynasty, including the magnetic compass, paper making, porcelain, silk, and woodblock printing.

7. Describe how the desire for Chinese goods influenced the creation of The Silk Road and began a process of cultural diffusion throughout Eurasia.

S. Describe the geographic, political, and economic, and cultural structures of Indigenous civilizations of the Americas.

1. Identify and locate geographical features in the Americas, including Mississippi River and Delta, Amazon River, the Pacific Ocean, Appalachian Mountains, Gulf of Mexico, Atlantic Ocean, South America, and the Yucatan Peninsula.

2. Describe the cultural elements among Indigenous communities in the Americas, including housing, clothing, games/entertainment, dance, and how food was gathered/caught and cooked.

3. Explain how nomadic groups of people first hunted and traveled throughout what would become Louisiana.

4. Explain how people living in what would become Louisiana gradually moved towards seasonal hunting and gathering, using new tools and practices for hunting, and building large mounds for ceremonial and practical purposes.

5. Describe key characteristics of Poverty Point culture, including art, hunting methods, dress, food, use of mounds, and resources traded there.

6. Explain the major accomplishments of the Mayans, including advancements in astronomy, mathematics and the calendar, construction of pyramids, temples, and hieroglyphic writing.

7. Describe the influence of geographic features on the origins of the Mayan civilization and explain theories related to the abandonment of their cities.

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 48:

§1105. 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 31:2813 (November 2005), repealed LR 48:

§1107. Second 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 31:2814 (November 2005), repealed LR 48:

§1109. Third 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 31:2815 (November 2005), repealed LR 48:

§1111. Fourth 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 31:2817 (November 2005), repealed LR 48:

§1113. Fifth 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 31:2818 (November 2005), repealed LR 48:

§1115. Sixth 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 31:2820 (November 2005), repealed LR 48:

§1117. Seventh 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 31:2821 (November 2005), repealed LR 48:

§1119. Eighth 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 31:2823 (November 2005), repealed LR 48:

§1121. Geography (Core Course: World Geography)

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 31:2825 (November 2005), repealed LR 48:

§1123. Civics (Core Course: Civics)

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 31:2827 (November 2005), repealed LR 48:

§1125. Economics (Core Course: Free Enterprise)

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 31:2828 (November 2005), repealed LR 48:

§1127. History (Core Course: U.S. History)

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 31:2830 (November 2005), repealed LR 48:

§1129. History (Core Course: World History)

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 31:2831 (November 2005), repealed LR 48:

Chapter 13. Grade 5—The Medieval to the Early Modern World

§1301. Introduction

A. The fifth grade builds on what students learned about ancient and classical civilizations in grade 4. In this course, students will examine: Medieval Europe and Africa, Aztec and Incan civilizations, the Renaissance and Reformation, the Age of Exploration, and the European conquest and colonization of the Americas. Students will also examine the

growth in economic interactions among civilizations as well as the exchange of ideas, beliefs, technologies, and commodities.

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 48:

§1303. Standards

A. Create and use a chronological sequence of related events to compare developments and describe instances of change and continuity.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. explain claims and evidence;
3. compare and contrast multiple sources.

C. Explain connections between ideas, events, and developments in world history.

D. Compare and contrast events and developments in world history.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. explain causes and effects;
4. describe counterclaims.

F. Create and use geographic representations to locate and describe places and geographic characteristics, including the following: hemispheres; landforms such as continents, oceans, rivers, mountains, deserts; cardinal and intermediate directions; latitude and longitude, climate, and environment.

G. Use geographic representations and historical information to explain how physical geography influenced the development of civilizations and empires.

H. Describe the origin and spread of major world religions as they developed throughout history.

I. Describe the geographic, political, economic, and cultural structures of Europe during the Middle Ages.

1. Identify and locate geographical features of Europe, including the Alps, Atlantic Ocean, North European Plain, English Channel, Ural Mountains and the Mediterranean Sea.

2. Describe the role of monasteries in the preservation of knowledge and the spread of the Catholic Church throughout Europe.

3. Explain how Charlemagne shaped and defined medieval Europe, including the creation of the Holy Roman Empire, and the establishment of Christianity as the religion of the empire.

4. Describe the development of feudalism and manorialism and their role in the medieval European economy.

5. Describe the significance of the Magna Carta, including limiting the power of the monarch, the rule of law, and the right to trial by jury.

6. Explain how the Crusades affected Christian, Muslim, and Jewish populations in Europe.

7. Describe the economic and social effects of the spread of the Black Death, or Bubonic Plague, from Central Asia to China, the Middle East, and Europe, and its effect on the global population.

8. Describe the significance of the Hundred Years War, including the roles of Henry V in shaping English culture and language and Joan of Arc in promoting a peaceful end to the war.

J. Describe the geographic, political, economic, and cultural structures of Southwest Asia and North Africa.

1. Identify and locate the geographical features of Southwest Asia and North Africa, including the Arabian Peninsula, the Persian Gulf, Arabian Sea, Red Sea, Black Sea, and the Caspian Sea.

2. Describe the diffusion of Islam, its culture, and the Arabic language throughout North Africa and Southwest Asia.

3. Summarize the contributions of Islamic scholars in the areas of art, medicine, science, and mathematics.

K. Describe the geographic, political, economic, and cultural structures of Medieval West African Kingdoms

1. Identify and locate the geographical features of West Africa, including the Atlantic Ocean, Niger River, Djenne, The Sahara, Gulf of Guinea, and Timbuktu.

2. Describe the growth of the kingdoms of Ghana, Mali, and Songhai, including cities such as Djenne and Timbuktu as centers of trade, culture, and learning.

3. Describe the role of the Trans-Saharan caravan trade in the changing religious and cultural characteristics of West Africa and in the exchange of salt, gold, and enslaved people.

4. Explain the importance of the Malian king Mansa Musa and his pilgrimage to Mecca.

L. Describe the origins, accomplishments, and geographic diffusion of the Renaissance as well as the historical developments of the Protestant Reformation and Scientific Revolution.

1. Explain how the location of the Italian Peninsula affected the movement of resources, knowledge, and culture throughout Italy's independent trade cities.

2. Identify the importance of Florence, Italy and the Medici Family in the early stages of the Renaissance.

3. Explain the development of Renaissance art, including the significance of Leonardo da Vinci, Michelangelo, William Shakespeare, and systems of patronage.

4. Explain how Johannes Gutenberg's printing press affected the growth of literacy and diffusion of knowledge.

5. Explain the significant causes of the Protestant Reformation, including the selling of indulgences and Martin Luther's 95 Theses.

6. Compare and contrast heliocentric and geocentric theories of the Greeks (geocentric) and Copernicus (heliocentric).

7. Examine Galileo Galilei's theories and improvement of scientific tools, including the telescope and microscope.

M. Describe the geographic, political, economic, and cultural structures of Indigenous civilizations of the Americas.

1. Identify and locate the geographical features of the Americas, including the Andes Mountains, Appalachian Mountains, Great Plains, Pacific Ocean Mountains, Gulf of Mexico, Rocky Mountains, Atlantic Ocean, Mississippi River, Amazon River, South America, Caribbean Sea, North

America, Yucatan Peninsula, and the Central Mexican Plateau.

2. Explain the effects of geographic features on Indigenous North American cultures (Northeast, Southeast, and Plains), including clothing, housing, and agriculture.

3. Describe the existence of diverse networks of Indigenous North American cultures, including varied languages, customs, and economic and political structures.

4. Explain the effects of geographic features and climate on the agricultural practices and settlement of the Aztec and Inca civilizations.

5. Explain how the Aztec built and controlled a powerful empire that covered much of what is now central Mexico.

6. Describe Aztec religious beliefs and how they were linked to the traditions of the society.

7. Describe Tenochtitlán and the surrounding landscape, including aqueducts, massive temples, and Chinampa agriculture.

8. Identify Moctezuma II and describe features of his reign.

9. Explain how the Inca built and organized their empire and how Inca engineers overcame challenges presented by the geography of the land.

10. Explain how the Inca kept their empire together without a written language.

N. Analyze the motivations for the movement of people from Europe to the Americas and describe the effects of exploration by Europeans.

1. Analyze why European countries were motivated to explore the world, including religion, political rivalry, and economic gain.

2. Identify the significance of the voyages and routes of discovery of the following explorers by their sponsoring country: England: Henry Hudson; France: Jacques Cartier; Portugal: Vasco da Gama, Bartolomeu Dias; Spain: Christopher Columbus, Hernando de Soto, Ferdinand Magellan, and Amerigo Vespucci.

3. Describe Prince Henry the Navigator's influence on exploration, voyages, cartographic improvements, and tools related to exploration, including the compass, caravel, and astrolabe.

4. Describe how the Aztec and Inca empires were eventually defeated by Spanish Conquistadors.

5. Explain the impact of the Columbian Exchange on people, plants, animals, technology, culture, ideas, and diseases among Europe, Africa, Asia, and the Americas in the fifteenth and sixteenth centuries, and examine the major effects on each continent.

6. Explain how Spanish colonization introduced Christianity, the mission system, and the encomienda system to the Americas as well as the transition to African slavery.

7. Describe the development of the transatlantic slave trade and the experiences of enslaved people in the Americas.

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 48:

Chapter 15. Grade 6—The United States and Louisiana: Beginnings through Ratification

§1501. Introduction

A. Beginning with the exploration of colonization of North America, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United States from a national and a Louisiana perspective. In this course, students will examine: British and French exploration and colonization, the development of the British thirteen colonies; French and Spanish Colonial Louisiana, the American Revolution, and the development and ratification of the U.S. Constitution.

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 48:

§1503. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1580 to 1791 and how they progressed, changed, or remained the same over time.

B. Analyze connections between ideas, events, and developments in U.S. history within their global context from 1580 to 1791.

C. Compare and contrast events and developments in U.S. history from 1580 to 1791.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1580 to 1791, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude and longitude) and describe geographical characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts;
4. explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. analyze causes and effects;
4. evaluate counterclaims.

H. Analyze European exploration and colonization of North America.

1. Explain the significance of the land claims made in North America by European powers after 1600, including England, France, the Netherlands, Portugal, Russia, Spain, and Sweden and their effects on Native Americans.

2. Compare and contrast the motivations, challenges, and achievements related to exploration and settlement of North America by the British, Dutch, French, and Spanish, including the search for wealth, freedom, and a new life.

I. Analyze the development of the settlements and colonies in the late sixteenth century through the seventeenth century.

1. Explain the importance of the founding and development of Jamestown, including representative government established through the House of Burgesses, private ownership of land, introduction of slavery, and arrival of women and families.

2. Explain the importance of the founding and development of the Plymouth settlement, including practice of self-government established by the Mayflower Compact, religious freedom, and contributions of Native Americans, including Chief Massasoit and Squanto, and the leadership of William Bradford.

3. Compare and contrast the New England, Middle, and Southern colonies, including their physical geography, religion, education, economy, and government.

4. Explain the contributions of key individuals and groups to the foundation of the colonies, including Pilgrims, Puritans, Quakers, John Smith, Roger Williams, Anne Hutchinson, William Penn, Edward Winslow, William Bradford, John Winthrop, John Rolfe, and Pocahontas.

5. Identify the locations of the colonies and lands inhabited by Native Americans, and explain how location, environment, and resources affected changes and development over time.

6. Analyze the causes, interactions, and consequences related to triangular trade, including the forced migration of Africans through the transatlantic trade of enslaved people and experiences of the Middle Passage.

7. Explain the experiences and perspectives of various people groups living in colonial North America, including large landowners, farmers, artisans, women, children, indentured servants, enslaved people, and Native Americans.

8. Analyze cooperation, competition, and conflict among groups in North America from the late 1500s to the mid-1700s, including Dutch, English, French, Spanish, and Native Americans including the 1621 Autumn Harvest Celebration, French and Native American trade of fur, Bacon's Rebellion, and King Philip's (Metacom) War.

J. Analyze the growth and development of colonial Louisiana.

1. Explain the significance of events that influenced pre-colonial and colonial Louisiana, including the founding of Natchitoches and New Orleans, the Treaty of Fontainebleau, and the Third Treaty of San Ildefonso.

2. Describe the factors that influenced migration within and to Louisiana by various groups, including French, Spanish, Africans, Acadians, Germans, Canary Islanders/Islenos, and Haitians, and explain how individuals and groups interacted and contributed to the development of Louisiana.

3. Describe the characteristics of colonial Louisiana, including physical geography, climate, economic activities, culture and customs, and government, and analyze their importance to the growth and development of Louisiana.

4. Explain the influence of France and Spain on government in Louisiana, with an emphasis on the Napoleonic Code, the Code Noir, and the contributions of Jean-Baptiste Le Moyne de Bienville, John Law, King Louis XIV, and Alejandro O'Reilly.

5. Describe the contributions and achievements of Gens de Couleur Libres in colonial Louisiana.

6. Compare and contrast French and Spanish colonial Louisiana and colonial Louisiana and British colonies.

K. Analyze the causes, course, and consequences of the American Revolution.

1. Analyze the historical and religious factors that influences the development of government in the United States, including those from ancient Greece; the Roman Republic; the Judeo-Christian tradition; English rule of law and the Magna Carta; Enlightenment philosophies; and the Great Awakening.

2. Explain the causes and effects of the French and Indian War.

3. Analyze the role and importance of key events and developments leading to the American Revolution, including end of Salutary Neglect by King George III, French and Indian War, Proclamation of 1763, Acts of 1764–1773 (Sugar Act, Stamp Act, Quartering Act, Townshend Acts, Tea Act), Boston Massacre and the death of Crispus Attucks, Boston Tea Party, Coercive (Intolerable) Acts, First Continental Congress, Restraining Acts, the seizure of firearms, and Second Continental Congress.

4. Explain how key ideas expressed in historical works influenced the American Revolution, including "taxation without representation is tyranny" (John Otis), John Dickinson's *Letters from a Farmer in Pennsylvania*, Patrick Henry's "Give Me Liberty or Give Me Death" speech, Thomas Paine's *Common Sense*, and the Declaration of Independence ("all men are created equal," "endowed by their Creator with certain unalienable rights, . . . among these are life, liberty, and the pursuit of Happiness," and "the consent of the governed").

5. Explain efforts to mobilize support for the American Revolution by individuals and groups, including the Minutemen and Committees of Correspondence and Sons of Liberty (Samuel Adams, John Hancock, Paul Revere).

6. Compare and contrast viewpoints of Loyalists and Patriots, and evaluate their arguments for and against independence from Britain.

7. Compare and contrast the American colonies and British in the American Revolution, including leadership, military power, recruitment, alliances, population, and resources, and evaluate their strengths and weaknesses.

8. Explain the significance and outcome of key battles and turning points during the American Revolution, including the Battles of Lexington and Concord (1775), creation of the Continental Army and appointment of George Washington as Commander in Chief (1775), Battles of Trenton and Princeton (1776–1777), Battle of Saratoga (1777), encampment at Valley Forge (1777–1778), Franco-American alliance (1778), Battle of Yorktown (1781), and the Treaty of Paris of 1783.

9. Explain the contributions of women to the American Revolution, including those of Abigail Adams, Mercy Otis-Warren, Mary Ludwig Hays, Deborah Sampson, Phyllis Wheatly, and Betsy Ross.

10. Explain the role of Spain and Spanish colonial Louisiana during the American Revolution and effects of the conflict on the colony, including the roles of Bernardo de

Galvez, Battle of Lake Pontchartrain (1779), and Battle of Baton Rouge (1779).

11. Explain the role of espionage during the American Revolution, including the actions of spies for the colonies (Nathan Hale, Culper Spy Ring, John Clark, Enoch Crosby, Nancy Hart, and James Armistead Lafayette) and spies for Britain (Benedict Arnold).

L. Analyze the development of the U.S. political system through the ratification of the U.S. Constitution.

1. Explain the purpose and importance of the Articles of Confederation.

2. Describe the development of various state Constitutions and the effect of early abolitionists on the development of state government, including Olaudah Equiano, Benjamin Banneker, and Elizabeth Freeman.

3. Explain the ideas and events leading to the ratification of the Constitution of the United States, including inadequacies of the Articles of Confederation and Shays Rebellion.

4. Evaluate the major issues debated at the Constitutional Convention, including the key characteristics and features of the Articles of Confederation, the division and sharing of power between the federal and state governments (federal system), the Great Compromise, and slavery (Three-Fifths Compromise).

5. Explain how the ideas of leading figures and Founding Fathers contributed to the Constitutional Convention and development of the U.S. government, including John Adams, Benjamin Franklin, Alexander Hamilton, Thomas Jefferson, James Madison, George Mason, William Patterson, Roger Sherman, George Washington, and James Wilson.

6. Explain the importance of ideas expressed in the Preamble to the Constitution of the United States, including the purpose and responsibilities of government and the concept of self-government.

6. Explain the significance of the Commerce Clause, including its role in establishing a constitutional relationship between Native Americans and the U.S. government.

7. Evaluate the arguments of Federalists and Anti-Federalists on the ratification of the Constitution expressed in the Federalist Papers and the writings of the Anti-Federalists.

8. Explain how and why the Constitution of the United States was amended to include the Bill of Rights, and analyze the guarantees of civil rights and individual liberties protected in each of the first ten amendments.

9. Analyze the key principles of government established by the Constitution of the United States, including federalism (enumerated, reserved, and concurrent powers), individual rights, judicial review, limited government, popular sovereignty and consent of the governed, rule of law, separation of powers, and a system of checks and balances.

10. Explain the structure and processes of the United States government as outlined in the Constitution of the United States, including the branches of government, how a bill becomes a law at the federal level, and the process for amending the United States Constitution.

11. Explain the structure, powers, and functions of the branches of the United States federal government (legislative, executive, and judicial), and describe the

qualifications, roles, and responsibilities of elected and appointed government officials.

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 48:

Chapter 17. Grade 7—The United States and Louisiana: The Early Republic through Reconstruction

§1701. Introduction

A. Beginning with the presidency of George Washington, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United States from a national and a Louisiana perspective. In this course students will examine the development of the early republic, the Louisiana Purchase, the War of 1812, westward expansion, social and political reform movements of the nineteenth century, the growth of nationalism and sectionalism, the Civil War, and the Reconstruction period.

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 48:

§1703. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1791 to 1877 and how they progressed, changed, or remained the same over time.

B. Analyze connections between ideas, events, and developments in U.S. history within their global context from 1791 to 1877.

C. Compare and contrast events and developments in U.S. history from 1791 to 1877.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1791 to 1877, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude and longitude) and describe geographical characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. Analyze social studies content.
2. Evaluate claims, counterclaims, and evidence.
3. Compare and contrast multiple sources and accounts.

4. Explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. Demonstrate an understanding of social studies content.
2. Compare and contrast content and viewpoints.
3. Analyze causes and effects.
4. Evaluate counterclaims.

H. Analyze the influence of key events, ideas, and people on the economic, political, and social development of the United States from 1791–1850s.

1. Explain the causes and events of the Whiskey Rebellion, including the response from the Washington administration and its relationship to enforcement of the government's right to tax.

2. Explain the influence of precedents set by the presidency of George Washington, and analyze the advice in and effects of his farewell address.

3. Analyze key events in the presidency of John Adams, including the Alien and Sedition Act and XYZ affair.

4. Explain the significance of the election of 1800.

5. Explain how the disagreements between Thomas Jefferson and Alexander Hamilton resulted in the emergence of the Federalist and Democratic-Republican political parties, including views on foreign policy, Alien and Sedition Acts, economic policy, National Bank, funding and assumption of the revolutionary debt.

6. Describe the role of the Electoral College in presidential elections, including how it aims to ensure representation of less populated states.

7. Explain how the U.S. government addressed foreign and domestic challenges during the late 1700s to the mid-1800s and how related policies and legislation influenced the development of the United States.

8. Analyze the major events of Thomas Jefferson's presidency, including the Louisiana Purchase, Lewis and Clark expeditions, Dunbar-Hunter Expedition of Ouachita River, Red River Expedition, and Twelfth Amendment.

I. Analyze the causes, course of, and consequences of the War of 1812.

1. Explain the events leading to the War of 1812, including Britain's war with Napoleonic France, impressment, and blockades, and analyze the political and economic effects on the United States.

2. Explain key events, turning points and outcomes of the War of 1812, including blockades, Battle of Lake Erie (1813), Burning of Washington (1814), Battle of New Orleans (1814), Battles of Baltimore and Lake Champlain (1814), penning of the Star Spangled Banner, and the Treaty of Ghent (1814).

3. Analyze the interests and motivations of Native American groups aligned with the United States and with Britain during the War of 1812, including Chief Tecumseh.

4. Explain the importance and effects of the Battle of New Orleans to Louisiana, and describe the roles played by General Andrew Jackson and Jean Lafitte.

5. Explain the events leading to and surrounding Louisiana statehood, including the Neutral Strip, the West Florida controversy, and the capture of the Spanish Fort at Baton Rouge, as well as key figures including Julien de Lallande Poydras.

J. Analyze the growth and development of the United States from the early to mid-1800s.

1. Describe the Era of Good Feelings (1815–1825), including Henry Clay's American System, Treaty of 1818, Adams-Onis Treaty of 1819, and the development of transportation networks.

2. Analyze the purpose of the Monroe Doctrine (1823), with emphasis on its policies of both isolationism and protection of American interests in the Western Hemisphere, and how it influenced U.S. foreign policy and interactions with other nations.

3. Analyze the effects of *Marbury v. Madison* (1803), *McCulloch v. Maryland* (1819), *Gibbons v. Ogden* (1824), and *Worcester v. Georgia* (1832).

4. Analyze the ideas and motivations that contributed to westward expansion, including Manifest Destiny, and its political, social, and economic effects.

5. Analyze the causes and effects of Indian removal policies of the early to mid-1800s, including the Indian Removal Act of 1830, Trail of Tears, and Seminole Wars, and explain the role of key figures, including Andrew Jackson, Chief John Ross, and Chief Osceola.

6. Analyze key events and developments that contributed to westward expansion, including the Oregon Treaty (1846), annexation of Texas (1845), Treaty of Guadalupe Hidalgo (1848), Gadsden Purchase (1853), the Pony Express (1860), Pacific Railway Act (1862), and Homestead Act (1862).

7. Explain the motivation and means of migration West, the experiences of the settlers, and resulting changes in the West, including the Gold Rush (1848–1855), trails (Oregon Trail, Mormon Trail, and Santa Fe Trail), first transcontinental telegraph, and the transcontinental railroad.

8. Describe the causes, course, and consequences of the Mexican-American War, including the Battle of the Alamo, Battle of San Jacinto, annexation of Texas, the Mexican Cession and Zachery Taylor's role in the war and subsequent election to the presidency.

9. Explain the causes and effects of the first Industrial Revolution in the United States, including advancements in technology, increased manufacturing, changing labor conditions, growing transportation systems, and urbanization.

10. Analyze the development of the agrarian economy in the South, including Louisiana, and explain how advancements in technology, such as the cotton gin and multiple-effect evaporator for sugar, contributed to an increase in enslaved labor.

11. Explain how steamboats influence Louisiana's economic growth and the significance of Captain Henry Miller Shreve in steamboat navigation.

12. Compare and contrast the economies of the North and the South during the early to mid-1800s.

13. Describe push and pull factors for immigration to the United States in the early to mid-1800s, and explain how migration within and to the United States affected rural and urban areas.

K. Analyze role and importance of social and political reform movements of the nineteenth century.

1. Analyze the key people, ideas, and events of the women's rights movement and woman's suffrage movement of the early to mid-1800s, including the Seneca Falls Convention, National Women's Rights Conventions, Susan B. Anthony, Elizabeth Cady Stanton, Lucretia Mott, Sojourner Truth, Mary Church Terrell, and Margaret Fuller.

2. Explain the development of education and prison reform movements, including those led by Horace Mann and Dorothea Lynde Dix.

3. Explain the effects of abolition efforts by key individuals and groups, including Sojourner Truth, William Lloyd Garrison, and the Quakers.

4. Analyze the historical works and ideas of influential abolitionists, including Frederick Douglass' speech "The Constitution of the United States: Is It Pro

slavery or Anti slavery?” and Harriet Beecher Stowe’s Uncle Tom’s Cabin.

5. Describe the purpose, challenges, routes, and successes of the Underground Railroad and the key role played by Harriet Tubman.

6. Explain restrictions placed on the trade of enslaved people prior to the Civil War, including the Northwest Ordinance of 1787 and the Act Prohibiting Importation of Slaves of 1807.

L. Explain the ideas, key people and events related to the growth of sectionalism and rising tension prior to the Civil War.

1. Analyze major events, legislation, and court decisions from 1800 to 1861 that led to increasing sectionalism, including the Missouri Compromise of 1820, North Carolina v. Mann (1830), the Nullification Crisis (1831–1833), the Compromise of 1850, the Fugitive Slave Acts (1793, 1850), the Kansas-Nebraska Act (1854), and the Dred Scott decision (1857).

2. Describe the reasons for the formation of the Republican Party in 1854 and its founding platform.

3. Compare and contrast various arguments on the issue of slavery and state’s rights, including those expressed in the Lincoln-Douglas debates and during the 1860 presidential campaign.

4. Explain the causes of and reactions to rebellions and raids, including the German Coast Uprising, Nat Turner’s Rebellion, and John Brown’s Raid on Harpers Ferry and subsequent trial.

5. Analyze Lincoln’s First Inaugural Address, and explain how the ideas expressed affected the cause and course of the Civil War.

M. Analyze the causes, course, and consequences of the Civil War.

1. Explain why the Confederate states seceded from the Union.

2. Explain Louisiana’s decision to secede from the Union and its effects, including the state seizure of federal properties in Louisiana (the United States Arsenal and Barracks at Baton Rouge; United States Branch Mint).

3. Describe the events leading to, significance of, and reaction to the Battle of Fort Sumter, including Lincoln’s call for 75,000 volunteers.

4. Describe the importance and outcomes of the major military engagements of the Civil War, including Manassas, Shiloh, Capture of New Orleans, Antietam, Gettysburg, Vicksburg, Siege of Port Hudson, Sherman’s March to the Sea, and the surrender at Appomattox.

5. Describe the roles and experiences of soldiers, women, enslaved people, and freed people during the Civil War.

6. Analyze the role of Louisiana in the Civil War and how the conflict affected Louisiana and its people, including the importance of its ports and the occupation of New Orleans.

7. Analyze the purpose, significance, and consequences of the Emancipation Proclamation.

8. Describe the roles and contributions of key individuals in the Civil War, including Jefferson Davis, Robert E. Lee, Thomas Stonewall Jackson, PGT Beauregard, Mary Walker, Clara Barton, Ulysses S. Grant, William

Tecumseh Sherman, Robert Smalls, and the Louisiana Tigers.

9. Analyze Lincoln’s Gettysburg Address and Second Inaugural Address, and explain how the ideas expressed affected the course of the war and show how ideas about equality changed over time.

10. Describe the significance of Lincoln’s assassination, and how it affected the nation.

N. Analyze the major events, key people, and effects of Reconstruction.

1. Compare and contrast plans for Reconstruction, including Lincoln’s Ten Percent Plan, President Johnson’s Plan, and the Radical Republican Plan for Reconstruction.

2. Analyze the development and effects of tenant farming and the sharecropping system in the postwar South.

3. Explain how federal action affected the expansion of individual rights and freedoms during the Reconstruction era, including through the Thirteenth Amendment, Freedmen’s Bureau, Civil Rights Bill of 1866, Reconstruction Act of 1867, Fourteenth Amendment, Fifteenth Amendment, and analyze the challenges, achievements, and effectiveness of each.

4. Explain the rise of violence and intimidation of Black Americans by groups, including the Ku Klux Klan, White League and Red Shirts and describe the significance of the Opelousas and Colfax Massacres.

5. Describe the role and motivations of carpetbaggers and scalawags during Reconstruction.

6. Explain the roles of Black politicians in Southern states during Reconstruction, including Oscar Dunn and P.B.S. Pinchback.

7. Explain how the presidential election of 1876 and the Compromise of 1877 led to the end of Reconstruction, and analyze short-term effects of the collapse of Reconstruction, including the decline of Black Americans in elected offices and loss of enforcement of the Fourteenth and Fifteenth Amendments.

8. Analyze how Black Codes affected the lives of Black Americans, including the restriction rights to own and lease property, conduct business, bear arms, and move freely through public spaces.

9. Analyze how national events and amendments to the U.S. Constitution influenced Louisiana from the 1860s to 1877, including changes to the Louisiana Constitution.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

Chapter 19. Grade 8—The United States and Louisiana: Industrial Age through the Modern Era

§1901. Introduction

A. Beginning with the Second Industrial Revolution, this course offers a chronological study of major events, issues, movements, individuals, and groups of people in the United States from a national and a Louisiana perspective. In this course students will examine: the rise of the United States as an industrial and world power, World War I, the Great Depression, Huey P. Long, The Great Flood of 1927, World War II, the Cold War, the Civil Rights movement, and the modern era.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1903. Standards

A. Explain ideas, events, and developments in the history of the United States of America from 1877 to 2008 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in U.S. history within their global context from 1877 to 2008.

C. Compare and contrast events and developments in U.S. history from 1877 to 2008.

D. Use geographic representations and historical data to analyze events and developments in U.S. history from 1877 to 2008, including environmental, cultural, economic, and political characteristics and changes.

E. Use maps to identify absolute location (latitude, and longitude) and describe geographical characteristics of places in Louisiana, North America, and the world.

F. Use a variety of primary and secondary sources to:

1. analyze social studies content.
2. evaluate claims, counterclaims, and evidence.
3. compare and contrast multiple sources and accounts.

4. explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content.
2. compare and contrast content and viewpoints.
3. analyze causes and effects.
4. evaluate counterclaims.

H. Analyze the causes and effects of technological and industrial advances during the late nineteenth century and the early 20th century.

1. Analyze factors that contributed to and effects of the growth of the industrial economy, including capitalism and the growth of free markets, mass production, agricultural advancements, the government's laissez-faire economic policy, and the rise of corporations.

2. Explain the social and economic effects of innovations in technology, transportation, and communication during the late 1800s and early 1900s, including the expansion of railroads, electricity, and telephone.

3. Explain how industrialists and corporations revolutionized business and influenced the U.S. economy and society, with an emphasis on business practices (vertical and horizontal integration, formation of monopolies/trusts), development of major industries (oil, steel, railroad, banking), and the role of entrepreneurs, including Andrew Carnegie, J.P. Morgan, John D. Rockefeller, Cornelius Vanderbilt, and Madam C.J. Walker.

I. Analyze the social, political, and economic changes that developed in the United States during the late nineteenth and early twentieth century.

1. Explain how industrialization influenced the movement of people from rural to urban areas and the effects of urbanization.

2. Explain the causes and effects of immigration to the United States during the late 1800s and early 1900s, and compare and contrast experiences of immigrants.

3. Describe the working conditions and struggles experienced by the labor force that led to the labor movement (child labor, hours, safety, wages, standard of living), and evaluate the effectiveness of efforts to improve conditions.

4. Describe the reasons for and effects of the rise of Populism in the United States and Louisiana during the late 1800s, including the role of the Grange, Farmers' Alliance, and Peoples Party.

5. Analyze the causes and outcomes of the Progressive movement and the role of muckrakers, including the Meat Inspection Act, Pure Food and Drug Act, Seventeenth Amendment, Thomas Nast, Ida Tarbell, Upton Sinclair, and Jacob Riis.

6. Analyze the government's response to the rise of trusts and monopolies, including the passage of the Interstate Commerce Act of 1887, the Sherman Antitrust Act of 1890, and the Clayton Antitrust Act of 1914.

7. Describe important ideas and events of presidential administrations during the late 1800s and early 1900s, with emphasis on Theodore Roosevelt's administration and his support for trust busting, regulation, consumer protection laws, and conservation.

8. Explain the origins and development of Louisiana public colleges and universities, including land grant institutions, Historically Black Colleges and Universities, and regional universities.

9. Analyze the events leading to *Plessy v. Ferguson* (1896) and the consequences of the decision, including changes to the Louisiana Constitution.

10. Explain the emergence of the Jim Crow system and how it affected Black Americans.

11. Explain the goals and strategies used by the African American civil rights leaders of the late 1800s and early 1900s, and analyze differing viewpoints of key figures and groups, including W.E.B. DuBois and the Niagara Movement, Booker T. Washington, NAACP, Mary Church Terrell, and Ida B. Wells.

J. Analyze ideas and events related to the expansion of the United States during the late nineteenth century and early twentieth century.

1. Explain the motivations for migration to and settlement of the West by various groups, including Exodusters, and how their motivations relate to the American Dream.

2. Analyze Frederick Turner's "The Significance of the Frontier in American History."

3. Analyze how lives of Native Americans changed as a result of westward expansion and U.S. policies, including extermination of the buffalo, reservation system, Dawes Act, and assimilation.

4. Analyze the causes and effects of conflict between Native Americans and the U.S. government and settlers during the late nineteenth century and early 20th century, including the Battle of Little Bighorn and Wounded Knee and subsequent treaties.

5. Analyze the events leading to and effects of the U.S. acquisition of Hawaii.

6. Analyze the ideas and events leading to the Spanish-American War and the short- and long-term outcomes, including the terms of the Treaty of Paris (1898), U.S. acquisition of Spanish territories, and emergence of the United States as a world power.

7. Analyze foreign policy achievements of Theodore Roosevelt, including the construction of the Panama Canal and use of the Great White Fleet.

K. Analyze the causes, course and consequences of World War I.

1. Describe the causes of World War I, including militarism, alliances, imperialism, nationalism, and the assassination of Archduke Franz Ferdinand.

2. Explain the reasons for the initial U.S. policy of neutrality and isolationism.

3. Analyze the events leading to U.S. involvement in World War I, including German submarine warfare, the sinking of the Lusitania and the Zimmerman Telegram.

4. Analyze how the United States mobilized for war and ways the American people contributed to the war effort on the home front and abroad, with an emphasis on military service, role of women and minority groups, liberty bonds, and victory gardens.

5. Explain how the U.S. government directed public support and responded to dissent during World War I, including through the use of wartime propaganda, Committee on Public Information, Espionage Act, Sedition Act, and *Schenck v. United States* (1919).

6. Explain how military strategies and advances in technology affected warfare and the course of World War I, including trench warfare, airplanes, machine guns, poison gas, submarines, and tanks.

7. Describe the goals of leaders at the Paris Peace Conference, comparing Woodrow Wilson's Fourteen Points, and the Treaty of Versailles.

8. Explain the reaction of the U.S. Congress to the Treaty of Versailles and League of Nations, and describe the return to isolationism after the war.

L. Analyze the political, social, cultural and economic effects of events and developments during the early 20th century.

1. Differentiate between the benefits and detriments of capitalism and communism, and explain how the concepts affected society during the early 1900s, including the Bolshevik Revolution and the first Red Scare.

2. Describe the causes and consequences of Prohibition and the Eighteenth Amendment, including bootlegging and organized crime, and the later repeal with the Twenty-First Amendment.

3. Explain how advances in transportation, technology, and media during the early 20th century changed society and culture in the United States, including the automobile, radio, and household appliances.

4. Explain the importance of the woman's suffrage movement and events leading to the passage of the Nineteenth Amendment, including the role of key figures such as Susan B. Anthony, Lucy Burns, Carrie Chapman Catt, Alice Paul, Elizabeth Cady Stanton, Lucy Stone, and Ida B. Wells.

5. Explain the causes and effects of social and cultural changes of the 1920s and 1930s on the United States, and

describe the influence of notable figures of the Harlem Renaissance (Louis Armstrong, Duke Ellington, Ella Fitzgerald, Langston Hughes, Zora Neale Hurston, Sargent Claude Johnson, Augusta Savage) and cultural figures (Amelia Earhart, Ernest Hemingway, Jacob Lawrence, Jesse Owens, and Babe Ruth).

6. Explain how various factors affected Louisiana's economy during the early twentieth century, including booms in the timber, oil, and gas industries.

7. Describe the causes of the Great Mississippi River Flood of 1927, and explain how the disaster and government response affected Louisianans.

8. Analyze Louisiana politics in the early 20th century, including the role of Huey Long's career in both Louisiana and national politics.

9. Explain the causes and effects of migration and population shifts in the United States during the early 20th century, including the Great Migration.

10. Analyze factors leading to and consequences of social and economic tensions in the early 20th century, including the 1918 influenza outbreak, recession and inflation, labor strikes, resurgence of the Ku Klux Klan, Chicago riot of 1919, and the Tulsa Massacre.

M. Analyze the causes and effects of the Great Depression.

1. Explain the causes of the Great Depression, with an emphasis on how bank failures, buying stock on margin, overextension of credit, overproduction, high tariffs and protectionism, and the 1929 stock market crash contributed to the economic crisis.

2. Explain the effects of the Great Depression on people, including rising unemployment, foreclosures, growth of "Hoovervilles," and soup kitchens.

3. Describe the causes and effects of the Dust Bowl, including agricultural practices, drought, and migration.

4. Describe the government response to the Great Depression, comparing the reaction of the Hoover and Roosevelt administrations.

5. Analyze the purpose and effectiveness of the New Deal, including the Civilian Conservation Corps (CCC), Tennessee Valley Authority (TVA), Agricultural Adjustment Act, National Recovery Administration, Public Works Administration, Glass-Steagall Act, Federal Deposit Insurance Corporation (FDIC), Securities Exchange Act (SEC), National Housing Act, Works Progress Administration (WPA), and the Social Security Act (SSA).

N. Describe the causes, course, and consequences of World War II.

1. Explain the rise and spread of militarism and totalitarianism internationally, examining the similarities and differences between the ideologies of Imperial Japan, fascist Italy and Nazi Germany, and the communist Soviet Union, as well as the origins and effects of violence and mass murder in the 1930s and 1940s as demonstrated by the Nanjing Massacre, the Holodomor, the Holocaust, and treatment of political opponents and prisoners of war during World War II.

2. Describe the acts of aggression leading to World War II in both Europe and Asia, and explain the effectiveness of policies and reactions, including the policy of appeasement towards Nazi Germany.

3. Describe the causes of World War II, and analyze events that led to U.S. involvement in World War II, with emphasis on the attack on Pearl Harbor.

4. Describe the role of alliances during World War II, including the Allies and Axis Powers.

5. Explain the significance of major military actions and turning points during World War II in the Atlantic Theater (Battle of The Atlantic, Operation Torch, Battle of Normandy/Operation Overlord, Battle of The Bulge, Battle of Berlin) and the Pacific Theater (Battle of Bataan and Bataan Death March, Doolittle Raid, Battle of the Coral Sea, Battle of Midway, Battle of Leyte Gulf, Battle of Iwo Jima, Battle of Okinawa).

6. Describe the roles and importance of key figures of World War II, including leaders from the United States (Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, George Patton, Douglas MacArthur), Great Britain (Sir Winston Churchill), France (Charles de Gaulle), the Soviet Union (Joseph Stalin), Germany (Adolf Hitler), Italy (Benito Mussolini), and Japan (Michinomiya Hirohito, Hideki Tojo).

7. Explain the causes and consequences of the Holocaust, including anti-Semitism, Nuremberg Laws restricting civil rights, resistance efforts, concentration camp system, liberation of camps by the Allies, and Nuremberg trials.

8. Describe the Tuskegee Study conducted on Black Americans from the 1930s to 1972.

9. Explain the causes and effects of Japanese internment in the United States during World War II.

10. Explain the sacrifices and contributions of U.S. soldiers during World War II such as the Tuskegee Airmen, the 442nd Regimental Combat team, the 101st Airborne, Cajun “Frenchies”, the Women’s Army Corps (WAC), and the Navajo Code Talkers.

11. Analyze how Louisiana contributed to the war effort during World War II and the effects of the war on Louisiana, including the role of the Louisiana Maneuvers, Higgins Boats in the success of the Allies, and prisoner of war (POW) camps in Louisiana.

12. Explain how life in the United States changed during and immediately after World War II, with an emphasis on wartime production and the workforce, rationing, conservation, victory gardens, financing through war bonds, propaganda campaigns, and the Servicemen’s Readjustment Act (GI Bill).

13. Explain the events that led to, and the conditions of the surrender of the Axis Powers in Europe and Asia, and describe the United States’ critical role in the Allied victory.

14. Describe the importance of the Manhattan Project and development of atomic bombs, and analyze the decision to use them.

15. Explain how key decisions from Allied conferences during World War II, including the Atlantic Charter, Tehran, Yalta, and Potsdam, affected the course of the war and postwar world.

O. 8.15 Analyze causes, major events, and key leaders of the Civil Rights Movement from 1954 to 1968.

1. Analyze events during and immediately after World War II leading to the civil rights movement, including Executive Order 8022 and Executive Order 9981.

2. Explain the origins and goals of the civil rights movement of the 1950s and 1960s, and how segregation (de jure and de facto) affected African Americans and influenced the movement.

3. Analyze how the murder of Emmett Till affected support for the civil rights movement.

4. Analyze the importance of the Brown v. Board of Education (1954) decision and subsequent efforts to desegregate schools, including those of the Little Rock Nine at Central High School in Arkansas, Ruby Bridges at William Frantz Elementary in Louisiana, and James Meredith at the University of Mississippi.

5. Analyze the cause, course, and outcome of efforts to desegregate transportation, including the Baton Rouge Bus Boycott, Montgomery Bus Boycott, and Freedom Rides.

6. Evaluate the effectiveness of methods (civil disobedience, boycotts, sit-ins, marches, drives) during the civil rights movement, including during the 1960 Greensboro sit-ins, 1963 demonstrations in Birmingham, 1963 March on Washington, 1964 Freedom Summer, and 1965 Selma Marches.

7. Analyze works of civil rights leaders, including Dr. King’s “Letter from Birmingham Jail” and his “I Have a Dream” speech, and explain how the ideas expressed in the works influenced the course of the civil rights movement.

8. Explain the role and importance of key individuals and groups of the civil rights movement, including the Congress of Racial Equality (CORE), Dr. Martin Luther King Jr, Rosa Parks, the Southern Christian Leadership Conference (SCLC), the Student Nonviolent Coordinating Committee (SNCC), Medgar Evers, Shirley Chisholm, Fannie Lou Hamer, and Malcolm X.

9. Explain reactions to the civil rights movement by opposing individuals and groups, including George Wallace and Leander Perez.

10. Analyze the role of the Supreme Court in advancing civil rights and freedoms during the 1950s and 1960s, including the court cases of Brown v. Board of Education (1954), Boynton v. Virginia (1960), and Bailey v. Patterson (1962).

11. Evaluate legislation and amendments passed in response to the civil rights movement, including the Twenty-Fourth Amendment, Civil Rights Act of 1964, Voting Rights Act of 1965, and Civil Rights Act of 1968.

P. Explain the causes, course, and consequences of the Cold War.

1. Explain how the ideologies of communism in the Soviet Union and capitalism in the United States influenced the Cold War and global tensions from 1945–1989.

2. Evaluate the effectiveness of U.S. policies, programs, and negotiation efforts in accomplishing their intended goals, including the Marshall Plan, containment and related doctrines, mutual assured destruction, détente, Strategic Arms Limitation Talks (SALT I and II), and Strategic Defense Initiative (Star Wars program).

3. Analyze Cold War crises and conflicts and how they contributed escalating tensions, including the Berlin Blockade and Airlift, Korean War, Suez Crisis, U-2 Incident, Cuban Missile Crisis, Bay of Pigs Invasion, Berlin Crisis of 1961, and Vietnam War, Soviet-Afghan War.

4. Describe the role of organizations and alliances during the Cold War, including the United Nations, NATO, and the Warsaw Pact.

5. Explain how events during the Cold War affected American society, including the Second Red Scare and McCarthyism.

6. Explain how advances in technology and media during the mid- to late twentieth century changed society and public perception, including newspapers and television, the space race, and the nuclear arms race.

7. Explain events and policies leading to the end of the Cold War and collapse of the Soviet Union under the leadership of President Reagan, including political and economic pressures, policies of glasnost and perestroika, and the fall of the Berlin Wall.

Q. Describe the importance of key ideas, events, and developments of the modern era.

1. Explain how events and developments of the modern era have affected American society.

2. Explain how relationships between the United States and Middle East affected events and developments during the modern era, including Persian Gulf Wars, 1993 World Trade Center bombing, terrorist attacks on September 11, 2001, the War on Terrorism, and the establishment of the Department of Homeland Security.

3. Describe the effects of natural disasters on Louisiana and the United States, including hurricanes Katrina and Rita.

4. Describe important issues of the 2008 presidential election and the significance of the election of Barack Obama.

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 48:

Chapter 21. High School—Civics

§2101. Introduction

A. In the high school civics course, students broaden and deepen their understanding of the origin, structure, and functions of government. This course is designed to provide students with both the practical knowledge about how the American system of government functions on local, state and national levels, as well as an understanding of the philosophical and intellectual underpinnings of our constitutional republic.

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 48:

§2103. Standards

A. Evaluate continuity and change in U.S. government, politics, and civic issues throughout U.S. history, including those related to the powers of government, interpretations of founding documents, voting trends, citizenship, civil liberties, and civil rights.

B. Analyze causes and effects of events and developments in U.S. history, including those that influenced laws, processes, and civic participation.

C. Compare and contrast events and developments in U.S. history and government.

D. Explain connections between ideas, events, and developments related to U.S. history and government, and analyze recurring patterns, trends, and themes.

E. Use geographic representations, demographic data, and geospatial representations to analyze civic issues and government processes.

F. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. evaluate claims, counterclaims, and evidence;

3. compare and contrast multiple sources and accounts;

4. explain how the availability of sources affects historical interpretations.

G. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. analyze causes and effects;

4. evaluate counterclaims.

I. Analyze factors that influenced the Founding Fathers and the formation and development of the government of the United States.

1. Describe the purpose of government and competing ideas about the role of government in a society.

2. Compare different systems and structures of government, including constitutional republic and autocracy, direct democracy and representative democracy, presidential system and parliamentary system, unicameral and bicameral legislatures, and unitary, federal, and confederate systems.

3. Explain historical and philosophical factors that influenced the government of the United States, including Enlightenment philosophers such as Thomas Hobbes, John Locke, Charles de Montesquieu, Jean-Jacques Rousseau, as well as the Great Awakening.

4. Analyze the foundational documents and ideas of the United States government and its formation, including Magna Carta, the Mayflower Compact, Enlightenment philosophies, English Bill of Rights, Declaration of Independence, the Articles of the Confederation, the Constitution of the United States of America, and the Federalist papers, and their role and importance in the origin and development of the nation.

5. Analyze the issues related to various debates, compromises, and plans surrounding the drafting and ratification of the 1789 Constitution of the United States.

6. Explain how the concept of natural rights that precede politics or government influenced the foundation and development of the United States.

7. Evaluate the fundamental principles and concepts of the U.S. government including Creator-endowed unalienable rights of the people, due process, equal justice under the law, equal protection, federalism, frequent and free elections in a representative government, individual responsibility; individual rights, limited government, private property rights, popular sovereignty, right to privacy, rule of law, the supremacy clause, and the separation of powers with checks and balances.

J. Analyze the structure, roles, responsibilities, powers, and functions of governments in the United States.

1. Compare and contrast the powers and responsibilities of local, state, tribal, (including Chitimacha Tribe of Louisiana, the Coushatta Tribe of Louisiana, the

Jena Band of Choctaw Indians, and the Tunica –Biloxi Indian Tribe), and federal governments, and explain how each is financed, how they interact with each other, and how citizens interact with and within each of them.

2. Explain the structure and processes of the U.S. government as outlined in the U.S. Constitution, including the branches of government; federalism; how a bill becomes a law at the federal level; and the process for amending the U.S. Constitution.

3. Analyze the structure, powers, and functions of the legislative branch of the U.S. federal government, including rules of operations of Congress; checks on the other branches of government; powers of the legislative branch such as those to make laws, declare war, tax and spend; and duties of representatives, senators, leadership (Speaker of the House, the Senate President Pro Tempore, majority and minority leaders, party whips), committees, and commissions.

4. Analyze the structure, powers, and functions of the executive branch of the U.S. federal government, including checks on other branches of government; powers of the executive branch such as those to carry out and enforce laws, issue executive orders, and conduct diplomacy with other nations; duties of the president, vice president, and Cabinet; presidential nominations, appointments, and confirmations; and the concept of the “bully pulpit.”

5. Analyze the structure, powers, and functions of the judicial branch of the U.S. federal government, including checks on the other branches of government; powers of the judicial branch such as those to interpret laws and decide the constitutionality of laws; nomination and appointment process of federal judges, origin of judicial review; and significance of *stare decisis*.

6. Evaluate the reasoning for Supreme Court decisions and their political, social, and economic effects, including *Marbury v. Madison* (1803); *McCulloch v. Maryland* (1819); *Gibbons v. Ogden* (1824); *Cherokee Nation v. Georgia* (1831); *Dred Scott v. Sandford* (1857); *Plessy v. Ferguson* (1896); *Schenck v. United States* (1919); *Korematsu v. United States* (1944); *Brown v. Board of Education* (1954); *Baker v. Carr* (1962); *Engel v. Vitale* (1962); *Gideon v. Wainwright* (1963); *Miranda v. Arizona* (1966); *Loving v. Virginia* (1967); *Tinker v. Des Moines* (1969); *New York Times Co. v. United States* (1971); *Wisconsin v. Yoder* (1972); *Roe v. Wade* (1973); *United States v. Nixon* (1974); *Shaw v. Reno* (1993); *United States v. Lopez* (1995); *Bush v. Gore* (2000); *McDonald v. Chicago* (2010); *Citizens United v. Federal Election Commission* (2010).

7. Analyze how the Constitution has been interpreted and applied over time by the legislative, executive, and judicial branches, including loose and strict constructionist interpretations.

8. Analyze how federal, state, and local governments generate and allocate revenues to carry out the functions of government.

9. Analyze continuity and change in the Louisiana State Constitution over time, and compare and contrast the Louisiana State Constitutions and the U.S. Constitution.

10. Explain the historical connections between Civil Law, the Napoleonic Code, and Louisiana’s system of laws.

K. Evaluate how civil rights and civil liberties in the United States have developed and been protected by the U.S. government over time.

1. Explain how the U.S. Constitution protects individual liberties and rights.

2. Analyze the rights enumerated in the Bill of Rights and their application to historical and current issues.

3. Evaluate restrictions and expansions of civil liberties and civil rights in the United States and the role of the legislative, executive, and judicial branches of the government in related events and developments over time, including the Thirteenth, Fourteenth, and Fifteenth Amendments; *Plessy v. Ferguson* (1896); the Espionage and Sedition Acts; *Schenck v. United States* (1919); the Nineteenth Amendment; Executive Order 9066; Executive Order 10730; *Brown v. Board of Education* (1954); the Civil Rights Act of 1964; the Voting Rights Act of 1965; the Twenty-Fourth Amendment; and Twenty-Sixth Amendment.

4. Describe equal protection and due process as defined by the U.S. Constitution, and explain how states subverted equal protection during the Jim Crow era.

L. Analyze political processes and the role of public participation in the United States.

1. Analyze the duties and responsibilities of citizens in the United States, including paying taxes, serving on a jury, obeying the law, voting, and running for elected office.

2. Describe U.S. citizenship requirements and the naturalization process in the United States.

3. Explain historical and contemporary roles of political parties, special interest groups, lobbies/lobbyists, and associations in U.S. politics.

4. Explain rules governing campaign finance and spending and their effects on the outcomes of local, state, and federal elections.

5. Explain election processes at the local, state, and federal levels, including qualifications and procedures for voting; qualifications and terms for offices; the primary system; public hearings and forums; petition, initiative, referendum, and recall; and amendments related to elections and voting.

6. Evaluate the purpose, structure, and function of the Electoral College, including how it aims to ensure representation for less populated states.

7. Analyze issues and challenges of the election process, including gerrymandering; at-large voting; voter turnout; and voter access policies.

8. Evaluate how the media affects politics and public opinion, including how public officials use the media to communicate with the people.

9. Evaluate the advantages and disadvantages of technologies in politics and government and how they affect media, civic discourse, and the credibility of sources.

10. Evaluate the processes for drawing Louisiana’s congressional districts and their effect on statewide and national elections.

11. Describe local and parish governments in Louisiana, including police juries and home rule charters.

M. Analyze the issues of foreign and domestic policy of the United States.

1. Distinguish between foreign and domestic policies, and analyze major U.S. foreign and domestic policies,

including those in education; health care; immigration; naturalization; regulation of business and industry; foreign aid; and intervention abroad.

2. Analyze the development, implementation, and consequences of U.S. foreign and domestic policies over time, including how U.S. policies are influenced by other countries and how they influence political debates.

3. Analyze interactions between the United States and other nations over time and effects of those interactions.

4. Explain the origins and purpose of international organizations and agreements, including the United Nations, NATO, and NAFTA; and analyze how the United States and member nations work to cooperate politically and economically.

5. Describe the development of and challenges to international law after World War II and the Holocaust.

N. Explain elements of the United States economy within a global context and economic principles required to make sound financial decisions.

1. Explain ideas presented in Adam Smith's "The Wealth of Nations," including his ideas about free markets and the "invisible hand."

2. Compare and contrast capitalism and socialism as economic systems.

3. Describe different perspectives on the role of government regulation in the economy.

4. Analyze the role of government institutions in developing and implementing economic policies, and explain the effects of government policies on market outcomes, including both intended and unintended consequences.

5. Explain the factors that influence the production and distribution of goods by individuals and businesses operating in a market system, including monopolistic competition, perfect competition, monopoly, and oligopoly; credit; currencies; economic indicators; factors of production (land, labor, capital, entrepreneurship); goods and services; price; roles of consumers and producers; rule of law; and supply and demand.

6. Explain ways in which competition, free enterprise, and government regulation influence what is produced and allocated in an economy, including national and global consequences.

7. Explain the effects of specialization and trade on the production, distribution, and consumption of goods and services for individuals, businesses, and societies.

O. Apply economic principles to make sound personal financial decisions, including in regards to income, money management, spending and credit, and savings and investing.

1. Explain the relationship between education, training, and career options to future earning potential.

2. Apply given financial data to real life situations such as balancing a checking account, reading bank and credit card statements, purchasing major goods, and avoiding consumer fraud.

3. Explain the benefits and risks of using credit and examine the various uses.

4. Compare types of credit, savings, investment, and insurance services available to the consumer from various institutions.

5. Create a budget and explain its importance in achieving personal financial goals and avoiding negative financial consequences.

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 48:

Chapter 23. High School—United States History

§2301. Introduction

A. This course presents a cohesive and comprehensive overview of the history of the United States, surveying the major events and turning points of U.S. history as it moves from the Declaration of Independence through modern times. As students examine each era of history, they will analyze primary sources and carefully research events to gain a deeper understanding of the factors that have shaped U.S. history.

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 48:

§2303. Standards

A. Analyze ideas and events in the history of the United States of America from 1776 to 2008 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in U.S. history within their global context from 1776 to 2008.

C. Compare and contrast events and developments in U.S. history from 1776 to 2008.

D. Use geographic representations and demographic data to analyze environmental, cultural, economic and political characteristics and changes.

E. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts;
4. explain how the availability of sources affects historical interpretations.

F. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. analyze causes and effects;
4. evaluate counterclaims.

G. Analyze the development of the United States from the American Revolution through the ratification of the U.S. Constitution and Early Republic.

1. Explain the historical context of and the events leading to the signing of the Declaration of Independence including the Boston Massacre, Boston Tea Party, Patrick Henry's "Give Me Liberty or Give Me Death" speech, the battles at Lexington and Concord and Bunker Hill, and the Second Continental Congress and failed Olive Branch Petition, and Thomas Paine's *Common Sense*.

2. Explain the key reasons for the patriots' improbable victory and analyze major battles of the American

Revolution, including the Battle of Trenton, the Battle of Saratoga, and Yorktown.

3. Analyze the Declaration of Independence, and evaluate how the ideas expressed reflected the values and principles of the founders' and influenced development of the United States, with an emphasis on "inalienable rights" as inherent in all people by virtue of their being human meaning that they cannot be surrendered to the government; the rights to "life, liberty, and the pursuit of happiness" being the freedom to live, to protect rights, and to seek happiness as long as it does not violate the rights of others; and the concept of "consent of the governed" and how this differed from rule under a monarch.

4. Explain how America's founding, based on the words of the Declaration of Independence, and the U.S. Constitution were unprecedented in human history.

5. Explain the inadequacies of the Articles of Confederation.

6. Analyze the purposes of the Preamble of the Constitution.

7. Evaluate how the U.S. Constitution and Bill of Rights seek to prevent tyranny and protect individual liberty and freedom, including through representation, limited government, separation of powers, and checks and balances.

8. Analyze major events and developments of U.S. presidents of the late 1700s to the early 1800s, including the presidencies of George Washington (foreign and domestic policies, Farewell Address), John Adams (Alien and Sedition Act), Thomas Jefferson (role in the Louisiana Purchase), and Andrew Jackson (Bank War).

9. Analyze how Alexis de Tocqueville's five values are crucial to America's success as a constitutional republic (liberty, egalitarianism, individualism, populism, laissez-faire).

10. Explain and evaluate the concept of American exceptionalism.

H. Analyze key events associated with Westward Expansion during the early to mid-1800s.

1. Explain the Louisiana Purchase and evaluate its effects on the United States.

2. Analyze the causes and effects of the Indian Removal Act and describe the role of key people involved in Indian removal and the Trail of Tears including Andrew Jackson and John Ross.

3. Analyze the causes and effects of the Mexican-American War.

4. Explain the concept of Manifest Destiny and evaluate its effect on Westward Expansion.

I. Analyze the development and abolition of slavery in the United States.

1. Describe the origins of the transatlantic slave trade, Middle passage, and early spread of slavery in the Americas.

2. Describe the experiences of enslaved people on the Middle Passage, at slave auctions, and on plantations.

3. Describe the significance of invention of the cotton gin and its effects on slavery and economy.

4. Explain how slavery contributed to U.S. industrial and economic growth.

5. Explain the effects of abolition efforts by key individuals including Sojourner Truth, William Lloyd Garrison, Frederick Douglass, and Harriet Beecher Stowe.

6. Explain how slavery is the antithesis of freedom.

7. Analyze the causes and effects of the Missouri Compromise and the Kansas Nebraska-Act.

8. Explain the outcome of the *Dred Scott v. Sandford* (1857) decision, including it later being coined a "self-inflicted wound."

9. Describe the purpose of the Emancipation Proclamation and its effects.

10. Evaluate the significance and extension of citizenship rights to Black Americans included in the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution of the United States.

J. Analyze the causes, course, and consequences of the Civil War and Reconstruction.

1. Analyze the life of Abraham Lincoln including his debates with Stephen Douglas, the meaning of his "House Divided" speech, presidency and views on the Union, first and second inaugural addresses, the Emancipation Proclamation, the Gettysburg Address, particularly the origin and meaning of "last full measure of devotion," and his assassination.

2. Explain major and minor causes of the Civil War, especially the political tension surrounding the spread of slavery.

3. Analyze major battles of the Civil War, including Antietam, Gettysburg, Vicksburg, and the capture of New Orleans.

4. Compare and contrast resources of the Union and Confederate States and reasons attributed to the Union winning the Civil War.

5. Explain the social, political and economic changes that resulted from Reconstruction including Jim Crow laws, the role of carpetbaggers, scalawags, Radical Republicans, the Freedmen's Bureau, sharecropping, the creation of Black Codes, and the emergence of the Ku Klux Klan and the rise of violence and intimidation of Black Americans.

K. Describe the economic and social development of the United States in the late nineteenth and early twentieth century and its emergence as a major world power.

1. Describe how the physical geography of the United States affected industrial growth and trade.

2. Explain the economic principles and practices that corresponded with America's industrial and economic growth after the Civil War including free markets, capitalism, mass production, division of labor, and monopolies.

3. Explain push and pull factors for people who immigrated to America in the late nineteenth and early twentieth century and analyze the immigrant experience, including assimilation, challenges, and contributions.

4. Analyze the challenges that accompanied industrialization, including pollution, poor working conditions, child labor, and food safety, as well as proposed solutions of the Progressive Era.

5. Analyze the Monroe Doctrine, the Roosevelt Corollary, and the development of U.S. foreign policy in the late 19th century and early 20th century including the Spanish-American War, the acquisition of Hawaii and Alaska, construction of the Panama Canal, and the U.S. expedition to capture Pancho Villa.

6. Analyze the life of Theodore Roosevelt, including his life in the West, the Rough Riders, his "Big Stick" diplomacy, presidency, and conservation efforts.

7. Describe engagements between the U.S. government forces and Native Americans in the West following the Civil War, including the Battle of Little Bighorn and Wounded Knee, and the effects of the Dawes Act on Native Americans.

8. Analyze the life of Booker T. Washington, including his enslavement and emancipation, the Tuskegee Institute, and his Atlanta Exposition Speech.

9. Explain the origins and development of Louisiana public colleges and universities, including land grant institutions, Historically Black Colleges and Universities, and regional universities.

10. Compare and contrast the philosophies of Booker T. Washington, W. E. B. DuBois, and Marcus Garvey.

11. Explain Elizabeth Cady Stanton's reasons for writing the Declaration of Sentiments.

12. Analyze the life of Susan B. Anthony, including her time teaching, work for abolition, work for temperance, and work for suffrage.

13. Analyze ways in which the Suffrage Movement led to passage of the Nineteenth Amendment.

L. Analyze the causes, course, and consequences of World War I.

1. Describe the causes of World War I.

2. Explain the events leading to and reasons for U.S. involvement in World War I.

3. Describe the effects of major military events, the role of key people, and the experiences of service members.

4. Analyze the suppression of dissent during World War I.

5. Explain why the Allied Powers won World War I.

6. Compare and contrast Wilson's Fourteen Points and the Treaty of Versailles.

M. Analyze the political, social, cultural and economic effects of events and developments after World War I and during the 1920s.

1. Explain the origins, main ideas, contributors, and effects of the Harlem Renaissance.

2. Describe changes in the social and economic status of women.

3. Analyze how life in the United States changed as a result of technological advancements, including automobile, airplane, and radio.

4. Analyze the causes and events of the First Red Scare including the Bolshevik Revolution, anarchist bombings, the Immigration Act of 1918, and the Palmer Raids.

5. Analyze the rise in labor unions in the late 19th century and early 20th century including the American Federation of Labor-Congress of Industrial, the Organizations (AFL-CIO), the Industrial Workers of the World (IWW), and the The Brotherhood of Sleeping Car Porters.

6. Analyze the effects of changes in immigration to the United States and migration within the United States as a result of the Immigration Act of 1924 and the Great Migration.

7. Describe Prohibition in the United States and its consequences, including the development of organized crime.

8. Describe the effects of racial and ethnic tensions, including the Chicago riot of 1919, Tulsa Massacre, and re-emergence of the Ku Klux Klan.

N. Describe the effects of the Great Depression and New Deal policies on the United States.

1. Explain the causes of the Great Depression, with an emphasis on how bank failures, buying stock on margin, overextension of credit, overproduction, high tariffs and protectionism, and the 1929 stock market crash contributed to the economic crisis.

2. Describe the effects of the Great Depression.

3. Analyze the government response to the Great Depression, including actions taken by the Federal Reserve, Congress, and the administrations of Herbert Hoover and Franklin D. Roosevelt.

4. Describe the causes and effects of the Dust Bowl, including natural disasters and unwise agricultural practices, and how it exacerbated the Great Depression.

5. Analyze the purpose and effectiveness of the New Deal in managing problems of the Great Depression through relief, recovery, and reform programs, including the Tennessee Valley Authority (TVA), Works Progress Administration (WPA), the Civilian Conservation Corps (CCC), and the Social Security Act (SSA).

6. Compare and contrast economic beliefs of Adam Smith, Karl Marx, John Maynard Keynes, and Milton Friedman and analyze their influence on the economy of the United States.

O. Explain the causes, course, and consequences of World War II.

1. Explain the similarities and differences between totalitarianism and militarism in Imperial Japan, communism in the Soviet Union, fascism in Mussolini's Italy and Nazi Germany, and identify the major powers of the Allies and the Axis powers.

2. Explain efforts made by the U.S. government to prepare for war prior to entry including Cash and Carry and Lend Lease policies, military maneuvers at Barksdale Air Force Base, and the Louisiana Maneuvers in September 1941.

3. Explain why Japan attacked Pearl Harbor and the response of the United States.

4. Describe the sacrifices and contributions of American service members in the war effort including the Tuskegee Airmen, Military Intelligence Service, 442nd Regimental Combat team, the 101st Airborne, Women's Army Corps (WAC), Navajo Code Talkers, and the Army Signal Corps.

5. Explain the causes and effects of the internment of Japanese Americans in the United States during World War II, as well as the decision in *Korematsu v. United States* (1944) and The Civil Liberties Act of 1988.

6. Explain how the U.S. government managed the war effort on the home front, including campaigns to conserve food and fuel, sale of war bonds, and coordination of wartime production.

7. Explain the role of military intelligence, technology, and strategy during World War II including cryptology, the Manhattan Project, island hopping and

describe major battles of Midway, Normandy, Iwo Jima, Okinawa, and Battle of the Bulge.

8. Describe the roles of Franklin D. Roosevelt, Harry Truman, and the United States' critical role in the Allied victory.

9. Analyze the decision for and effects of dropping atomic bombs on Hiroshima and Nagasaki.

10. Explain the use of violence and mass murder as demonstrated by the Nanjing Massacre, the Holodomor, the Holocaust, and the Bataan Death March and the treatment of U.S. prisoners of war.

11. Analyze the Holocaust, including the suspension of basic civil rights by the Third Reich, concentration camp system, anti-Semitism, persecution of Jews and non-Jews, Jewish and non-Jewish resistance, the role played by the United States in liberating Nazi concentration camps, immigration of Holocaust survivors, and the Nuremberg trials.

12. Describe the establishment of the United Nations, and its role in global affairs after World War II.

P. Analyze causes, major events, and key leaders of the civil rights movement.

1. Analyze the origins and goals of the civil rights movement, the effects of segregation (de jure and de facto), and efforts to desegregate schools, transportation, and public places.

2. Analyze how the ideas, work, and life of Dr. Martin Luther King Jr. influenced civil rights movements in the United States, including civil disobedience, service with the Southern Christian Leadership Conference (SCLC), writings such as his "Letter from a Birmingham Jail" and "I Have a Dream" speech, and his assassination.

3. Explain how key individuals and groups contributed to the expansion of civil rights in the United States, including A. Philip Randolph, Jackie Robinson, Rosa Parks, Medgar Evers, Ruby Bridges, Shirley Chisholm, John Lewis, Malcolm X, and Thurgood Marshall.

4. Analyze the role and importance of key events during the civil rights movement, including the murder of Emmett Till, Baton Rouge Bus Boycott, Montgomery Bus Boycott, Little Rock Central High School desegregation, Greensboro Sit-Ins, Freedom Rides, demonstrations in Birmingham, 1963 March on Washington, Freedom Summer, and Selma to Montgomery Marches.

5. Analyze the role of the federal government in advancing civil rights, including *Brown v. Board of Education* (1954), the Twenty-Fourth Amendment, the Civil Rights Act of 1964, and the Voting Rights Act of 1965.

6. Analyze the goals and outcomes of the American Indian Movement (AIM) and the changing relationship between Native Americans and the federal government, including before and after the Indian Self-Determination and Education Assistance Act.

7. Analyze the goals and course of the women's rights movement of the mid- to late twentieth century, with attention to House Resolution 5056, Equal Pay Act, Civil Rights Act of 1964, Title IX of the Education Amendments, Equal Rights Amendment, and the advancement of women in government and various professions.

Q. Explain major events and developments of the post-World War II era in the United States and its continued rise as a world power.

1. Explain the causes and effects of the Marshall Plan and the formation of NATO and the Warsaw Pact.

2. Analyze domestic policies of Dwight D. Eisenhower's presidential administration including the Federal Aid Highway Act of 1956.

3. Compare ideas of the United States and Soviet Union during the Cold War, including the strengths of American principles such as rights, equality of opportunity, and liberty, and equal protection under the law.

4. Describe the role of key leaders of the United States and Soviet Union during the Cold War, including Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard Nixon, Ronald Reagan, Nikita Khrushchev and Mikhail Gorbachev.

5. Analyze the causes, course of, and consequences of the Cold War and its related crises and conflicts, including the Korean War, Cuban Missile Crisis, Bay of Pigs Invasion, Vietnam War, and Miracle on Ice.

6. Explain the role of technology in the Cold War, including the Space Race, Sputnik, and Apollo 13 mission.

7. Analyze the effects of the campaign, election, inaugural address, presidency, and assassination of John F. Kennedy.

8. Analyze the role of Lyndon B. Johnson in the civil rights movement and the Vietnam War.

9. Explain the term "silent majority" in the context of Richard Nixon's presidency, the Watergate scandal, his efforts to open trade with China, and his resignation.

10. Explain the outcome and consequences of key Supreme Court decisions in the late 20th century, including *Gideon v. Wainwright* (1963), *Miranda v. Arizona* (1966), and *Roe v. Wade* (1973).

11. Explain factors that led to the end of the Cold War, the fall of communism, and the collapse of the Soviet Union, including foreign policy pressures; Reagan's "Tear Down this Wall" speech, the fall of the Berlin Wall; glasnost and perestroika, and the decline of communism.

12. Explain how the failure of the communist economic and political policy, American foreign policy pressure, and the assertion of American principles such as rights, equality, and liberty, led to the end of the Cold War.

R. Explain major U.S. events and developments in the late twentieth and early twenty-first centuries.

1. Analyze Ronald Reagan's political career ("A Time for Choosing" speech) and key policies of his presidency (four pillars of Reaganomics reduce taxes, reduce Federal Spending, reduce government regulation, tighten the money supply).

2. Explain the effects of major issues and events of the late twentieth century, including the HIV/AIDS epidemic and disease perceptions, the war on drugs, and the space shuttle Challenger disaster.

3. Explain causes of the Gulf War, its major military leaders, and unity on the home-front.

4. Explain the causes and effects of domestic incidents, terrorism, and mass shootings, including the Ruby Ridge incident, Waco siege, Oklahoma City Bombing, and Columbine High School shooting.

5. Analyze the effects of advancements in technology and media during the mid- to late twentieth century, including the radio, television, and the internet.

6. Explain events leading up to the September 11th attacks, the attack on New York City, the attack on the Pentagon, Flight 93, President George W. Bush's speech from Barksdale Air Force Base, the lives lost, national unity in the aftermath, subsequent military operations, and the expansion of intelligence agencies.

7. Compare the judicial philosophies of Supreme Court justices of the twentieth and twenty-first centuries, including those of Antonin Scalia and Ruth Bader Ginsberg.

8. Analyze the presidential administrations of George H.W. Bush (Gulf War), Bill Clinton (influence of the Contract with America on the legislative agenda, involvement in Bosnia), and George W. Bush (September 11th).

9. Explain important issues of the 2008 presidential election and the significance of the election of Barack Obama.

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 48:

Chapter 25. High School—World History

§2501. Introduction

A. This course presents a cohesive and comprehensive overview of the history of the world from 1300 to 2010. As students examine each era of history, they will analyze primary sources and carefully research events to gain a deeper understanding of the factors that have shaped world history. In this course, students will examine fourteenth-century trade networks of Africa and Eurasia, Renaissance and Enlightenment in Europe, political revolutions, industrialization, imperialism, global conflicts of the twentieth century, decolonization, and globalization.

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 48:

§2503. Standards

A. Analyze ideas and events in world history from 1300 to 2010 and how they progressed, changed, or remained the same over time.

B. Analyze connections between events and developments in world history within their global context from 1300 to 2010.

C. Use geographic representations and demographic data to analyze environmental, cultural, economic and political characteristics and changes.

D. Use a variety of primary and secondary sources to:

1. analyze social studies content;
2. evaluate claims, counterclaims, and evidence;
3. compare and contrast multiple sources and accounts;
4. explain how the availability of sources affects historical interpretations.

E. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;
2. compare and contrast content and viewpoints;
3. analyze causes and effects;
4. evaluate counterclaims.

F. Evaluate the influence of science, technology, innovations, and explain how these developments have altered societies in the world from 1300 to 2010.

G. Analyze causes and effects of events and developments in world history from 1300 to 2010, including 14th-century trade networks of Africa and Eurasia, Renaissance and Enlightenment in Europe, political revolutions, industrialization, imperialism, global conflicts of the twentieth century, decolonization, and globalization.

H. Analyze the relationship between events and developments in Louisiana history and world history from 1300 to 2010.

I. Analyze the origins and emergence of economic principles such as feudalism, mercantilism, capitalism, socialism, and communism and their effects on political institutions throughout the world from 1300 to 2010.

J. Analyze the causes and effects of global and regional conflicts in the world from 1300 to 2010.

1. Analyze the causes, effects, and reactions to imperialism from 1450 to 1945 and the experiences of those who were colonized.

2. Analyze causes and effects of political revolutions of the eighteenth, nineteenth, and twentieth centuries throughout the world.

K. Analyze the development of political and social structures throughout the world from 1300 to 1600.

1. Analyze how various religious philosophies have influenced government institutions and policies from 1300 to 2010.

2. Analyze the development and contribution of enlightenment ideas such as humanism, state of nature, social contract, and natural rights to the structure and function of civic and political institutions from 1600 to 2010.

3. Analyze how civic ideals such as freedom, liberty, and equal justice have influenced world governments from 1300 to 2010.

4. Compare and contrast systems of governance, including absolutism, communism, democracy, imperialism, fascism, monarchism, and republicanism across world history in the period from 1300 to 2010 and their methods of maintaining power.

5. Analyze the historical connections between Civil Law, the Napoleonic Code, and Louisiana's system of laws.

6. Explain the powers and responsibilities of local, state, tribal, national, and international civic and political institutions and their efforts to address social and political problems.

L. Describe various systems, laws, and policies of governance across world history in the period from 1300 to 2010 and their methods of maintaining power, including absolutism, communism, democracy, imperialism, fascism, theocracies, monarchism, and republicanism.

M. Analyze the origins, consequences, and legacies of genocides that occurred in world history from 1914 to 2010.

N. Analyze the causes of decolonization, methods of gaining independence, and geopolitical impacts of new nation-states from 1945 to 2010.

O. Analyze the roles of various countries during the Cold War and their roles in post-Cold War international agreements and organizations.

P. Analyze ideals and principles that contributed to the rise of independence movements from 1300 to 2010.

Q. Analyze goals, strategies, and effects of movements, both violent and non-violent, to gain freedom and political and social equality in world history from 1914 to 2010.

R. Describe how global, national, and regional economic policies affect individual life decisions over time.

S. Analyze the influence of fiscal policies such as taxation and tariffs, trade embargoes, and spending policies on national economies.

T. Describe the causes of trade, commerce, and industrialization and how they affected governments and societies from 1300 to 2010.

U. Explain the economic, demographic, social, and cultural consequences of coerced labor throughout the world.

V. Analyze trends of increasing economic interdependence and interconnectedness in world history from 1300 to 2010.

W. Analyze the impact of natural resources on the development of the Louisiana economy within the context of global interdependence.

X. Analyze the effect that humans have had on the environment in terms of resources, migration patterns, and global environmental issues.

Y. Explain the relationship between the physical environment and culture on local, national, and global scales.

Z. Analyze the causes and effects of the movement of people, culture, religion, goods, diseases, and technologies through established systems of connection.

AA. Explain how regional interactions shaped the development of empires and states from 1300 to 2010.

BB. Explain the effectiveness of institutions designed to foster collaboration, compromise, and development from the post-Napoleonic era to the present.

CC. Analyze how advancements in communication, technology, and trade impact global interactions from 1300 to 2010.

DD. Analyze patterns of population distribution and migration from 1300 to 2010.

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 48:

Chapter 27. High School—World Geography

§2701. Introduction

A. In the high school world geography course, students will develop geographic and spatial thinking skills to better understand the different people, places, and environments around the world. Students will examine various themes including population, culture, migration, urbanization, agriculture, economics, and political systems.

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 48:

§2703. Standards

A. Describe economic, social, cultural, political, and physical characteristics of countries, nations, and world regions.

B. Analyze geographic patterns and processes using spatial knowledge of the world's continents, major landforms, major bodies of water, and major countries.

C. Connect past events, people, and ideas to the present to draw conclusions and explain current implications.

D. Describe how geographic tools, representations, and technologies are used in the study of geography.

1. Create and use geographic representations, data, and geospatial technologies to analyze geographic patterns and changes over time, including maps, satellite images, photographs, charts, graphs, population pyramids, GIS, and GPS.

2. Describe the influence of technology on the study of geography and gather geographic information using technological tools.

3. Compare and contrast various types of maps and map projections, and evaluate distortions associated with each map projection.

4. Analyze how maps and data illustrate territorial divisions and regional classification of the earth's surface.

E. Explain the spatial relationships of human settlement, migration, and population.

1. Explain the patterns and processes of human settlement and migration.

2. Analyze population growth over time and predict future trends.

3. Evaluate how historical processes, including cultural diffusion, colonialism, imperialism, trade, urbanization, and migration have affected countries and world regions.

4. Explain how landscape features and natural resource use can reflect cultural attributes.

5. Evaluate the consequences of globalization, the acceleration of communication, and the diffusion of ideas, information, and culture.

F. Analyze geographic factors that influence economic development.

1. Explain the spatial patterns of industrial production and development.

2. Analyze the distribution of resources and describe their influence on individuals, businesses, and countries.

3. Analyze factors that influence the economic development of countries.

4. Describe social and economic measures of development in various countries.

5. Explain how economic interdependence and globalization affect countries and their populations.

6. Analyze the historical and contemporary economic influence that Louisiana has on other parts of the United States and on the broader world.

7. Analyze the historical and contemporary effects that globalization has on Louisiana's economy.

G. Analyze how governments and political boundaries affect people and place.

1. Compare various systems of government in terms of division of power, economic ideologies, and power structure.

2. Analyze various economic philosophies including, capitalism, socialism, and communism that have influenced the development of political and economic systems.

3. Evaluate the purpose of political institutions at various levels, local to supranational, and distinguish their roles, powers, and limitations.

4. Analyze how political boundaries are created and how they affect political institutions.

5. Describe nations and states using appropriate terminology.

6. Analyze actions in various regions taken by individuals, groups, regional governments, and supranational organizations to expand freedoms and protect human rights.

7. Evaluate factors that contribute to cooperation and conflict, including trade, natural resources, and land acquisition.

8. Explain the degree to which cooperation and conflict have affected countries and world regions.

H. Analyze how people have modified or adapted to the environment locally, nationally, regionally, and globally.

1. Analyze effects of human settlement patterns and land use on the natural environment.

2. Identify ways in which people have attempted to mitigate the effects of natural disasters.

3. Analyze causes and effects of local, national, regional, and global environmental issues.

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 48:

Chapter 29. Social Studies Skills and Practices

§2901. Kindergarten through Second Grade

A. Describe differences between primary and secondary sources.

B. Select and use appropriate evidence from primary and secondary sources to support claims.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning.

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 48:

§2903. Third through Fifth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;

2. determine the origin, author's point of view, and intended audience;

3. understand and use content-specific vocabulary and phrases.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. explain claims and evidence; and

3. compare and contrast multiple sources.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, content knowledge, and clear reasoning in order to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. explain causes and effects; and

4. describe counterclaims.

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 48:

§2905. Sixth through Eighth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;

2. determine the origin, author's point of view, intended audience, and reliability; and

3. explain the meaning of words, phrases, and content-specific vocabulary.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. evaluate claims, counterclaims, and evidence;

3. compare and contrast multiple sources and accounts; and

4. distinguish between historical facts and historical interpretations.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. analyze causes and effects; and

4. explain counterclaims.

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 48:

§2907. Ninth through Twelfth Grade

A. Examine sources in order to:

1. distinguish between primary, secondary, and tertiary sources;

2. determine the origin, author's point of view, intended audience, and reliability; and

3. analyze the meaning of words, phrases, and content-specific vocabulary.

B. Use a variety of primary and secondary sources to:

1. analyze social studies content;

2. evaluate claims, counterclaims, and evidence;

3. compare and contrast multiple sources and accounts; and

4. explain how the availability of sources affects historical interpretations.

C. Construct and express claims that are supported with relevant evidence from primary and/or secondary sources, social studies content knowledge, and clear reasoning and explanations to:

1. demonstrate an understanding of social studies content;

2. compare and contrast content and viewpoints;

3. analyze causes and effects; and

4. evaluate counterclaims.

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 48:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption,

repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

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

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

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies

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

There will be increased costs of approximately \$933,334 in federal funding per year for three years (\$2.8 M total) to the Louisiana Department of Education (LDE) to develop instructional materials and related resources and the delivery of professional development to support curriculum implementation. The LDE plans to utilize federal funding from the Elementary and Secondary Schools Emergency Relief II (ESSER II) grant.

There will be increased costs to public school governing authorities to purchase updated curricula and professional development materials. Based on historical data, the LDE expects that adoption of new K-12 curricula for the standards will cost \$45 M to \$60 M statewide. For context, districts spent an average of \$49 M per school year on textbooks and workbooks from 2017 to 2020. There will be little or no impact to the extent districts are able to incorporate costs for updated materials into their ordinary operating expenses; however, this will vary according to district needs and funding availability.

The proposed revisions will require the development of curriculum and professional development materials to support instruction as well as an updated state assessment. School year 2022-23 will be a learning year for these standards, with full implementation in school year 2023-24 and field testing of the assessment. The standards will be fully assessed in school year 2024-25. LDE will provide crosswalk documents to aid in the transition, as well as professional development sessions at the 2022 Teacher Leader Summit. An instructional framework and content-specific one pagers will also be available. Conversations with curriculum vendors are in progress to facilitate the development of multiple curricula available for local adoption. Actual costs to implement the standards are indeterminable and will vary based on local implementation plans.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

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

Teachers and district-level personnel may experience an increase in workload as they work to understand and implement

the revised standards; however, any costs associated with this increased workload are indeterminable.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
2204#058

Alan Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Real Estate Commission

Investigations and Hearings (LAC 46:LXVII.Chapter 41)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Real Estate Commission has initiated procedures to amend LAC 46:LXVII.Chapter 41.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate

Subpart 1. Real Estate

Chapter 41. Investigations and Hearings

§4101. Complaints; Adjudicatory Procedure

A. A complaint filed with the commission alleging one or more violations of the Louisiana Real Estate License Law or this Subpart shall bear the signature of the complainant or that of his or her legal representative. The commission shall not be required to take any action relating to an unsigned or anonymous complaint.

B. The commission conducts adjudicatory proceedings according to the Louisiana Real Estate License Law (R.S. 37:1430 et seq.) and the Administrative Procedure Act (R.S. 49:950 et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), amended LR 48:

§4103. Addition of Respondents to Investigations

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:48 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), repealed LR 48:

§4105. Executive Director May Authorize Investigations

A. The commission's executive director may issue written authorization, upon documented probable cause, to investigate apparent violations of the Louisiana Real Estate License Law or this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: by the Department of Economic Development, Real Estate Commission, LR 26:49 (January 2000), amended LR 37:3010 (October 2011), amended LR 48:

§4107. Adjudicatory Proceedings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:49 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), repealed LR 48:

§4109. Appellate Proceedings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development Real Estate Commission, LR 26:49 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), repealed LR 48:

§4111. Stay of Enforcement

A. The filing of a petition for judicial review by a respondent licensee does not itself stay enforcement of an order issued by the commission. A stay of enforcement shall be granted only when ordered by a court of appropriate jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3010 (October 2011), amended LR 48:

§4113. Costs of Adjudicatory Proceedings

A. Following a finding that a respondent has committed one or more violations alleged in any adjudicatory proceeding, the commission may assess the respondent with the administrative costs of the proceeding, as reasonably determined by the commission. Payment of the assessed costs shall be a condition of satisfying any order issued by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), amended LR 48:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the April 20, 2022 *Louisiana Register*: The proposed Rule has no known impact on family, formation, stability, or autonomy.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Provider Statement

The proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

Interested parties may submit written comments on the proposed regulations to Ryan Shaw, Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809 or rshaw@lrec.gov, through May 6, 2022 at 4:30 p.m.

Public Hearing

If it becomes a necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedure Act, a hearing will be held on May 26, 2022 at

10 a.m. at the office of the Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809.

Bruce Unangst
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Investigations and Hearings**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no implementation costs or savings to state or local governmental units associated with the proposed changes other than a one-time minimal cost of publishing the rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated impact to revenue collections to state or local governmental units as a result of the proposed changes.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs associated with the proposed changes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed changes will have no effect on competition and employment.

Bruce Unangst
Executive Director
2204#030

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

**NOTICE OF INTENT
Office of the Governor
Real Estate Commission**

Licensure, Examination, Certificate of Authority,
Vendors and Instructors
(LAC 46:LXVII.501, 507, 901, 907, 1507,
3101, Chapter 45, 5307, 5319 and 5505)

Under the authority of the Louisiana Real Estate License Law, R.S. 37:1430 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Real Estate Commission has initiated procedures to adopt LAC 46:LXVII.Chapters 5, 9, 15, 31, 45, 53, and 55. The proposed rule changes are necessary to mirror changes made by amendment and reenactment of R.S. 37:1442 & 1443(4) during the 2019 Regular Session of the Legislature. Rule changes also made to clarify exam approval and retake process, which has become easier for applicants due to technology upgrades and automation. Clarification in the language regarding continuing education requirements to ensure that all licensees understand what is required to remain in good standing.

**Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXVII. Real Estate
Subpart 1. Real Estate**

Chapter 5. Examinations

§501. Authorization

A. The commission shall issue an examination authorization to each eligible applicant. The examination authorization shall be valid for one year.

B. ...

C. An applicant whose examination authorization expires prior to the applicant taking the examination shall receive a new examination authorization upon submission of a new application and the processing fee prescribed in R.S. 37:1443.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:38 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1446 (August 2006), repromulgated LR 37:3000 (October 2011), amended LR 48:

§507. Failure of Examination

A. Any applicant who fails an examination may apply to retake the examination. After one year the applicant shall be required to submit a new application and remit all prescribed fees to be eligible for the licensing examination.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:38 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1446 (August 2006), LR 37:3000 (October 2011), amended LR 48:

Chapter 9. Renewal of Licenses, Registrations and Certificates

§901. Timely Submission of License, Registration, or Certificate Renewal

A. - B. ...

C. A licensee, registrant, or certificate holder who fails to renew by December 31 is prohibited beginning January 1 from engaging in any activities requiring a license, registration, or certificate.

D. A licensee whose sponsoring broker fails to renew by December 31 is prohibited beginning January 1 from engaging in any activities requiring a license until such time as the licensee becomes sponsored by a duly-licensed, sponsoring broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:39 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1447 (August 2006), LR 37:3001 (October 2011), amended LR 48:

§907. Education Hours Required for Renewal

A. Each licensee renewing in the active status shall complete 12 hours of approved course work prior to license

renewal. A minimum of four of the 12 hours shall be completed in annual mandatory topic(s) designated by the commission.

B. All initial licensees shall complete 45 post-license hours within 180 days of the initial license date. Post-licensing education credit hours may be used to satisfy no more than eight of the twelve annual continuing education credit hours required by law and shall not satisfy the mandatory topic requirements imposed by law or this Section.

C. ...

D. Education that is not obtained through an approved real estate continuing education vendor shall be submitted to the commission prior to renewal for review and approval towards the annual continuing education requirement prescribed in R.S. 37:1437

E. - F.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:40 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1447 (August 2006), LR 37:3001 (October 2011), amended LR 48:

Chapter 15. Transfers and Terminations

1507. Change of Licensing Status

A. - B. ...

C. An individual broker that elects to become exclusively affiliated with a sponsoring broker shall submit a request to transfer on forms prescribed by the commission, which shall be accompanied by the fees prescribed in R.S. 37:1443. Prior to submitting the request to transfer, the individual broker shall notify any sponsored licensees of the intended transfer and shall complete and submit a termination of sponsorship as prescribed by the commission for each sponsored licensee.

D. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:41 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:485 (March 2002), amended LR 32:1449 (August 2006), LR 37:3002 (October 2011), amended LR 48:

Chapter 31. Change of Address and/or Telephone Number

§3101. Reporting Change of Address and/or Telephone Number

A. The commission shall be notified in writing within 10 days of a change in the following information of a licensee, registrant, or certificate holder:

1. mailing address, physical address, or email address;
2. primary telephone number; or
3. any other contact information for the business or the domicile of record for the licensee, registrant, or certificate holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:47 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 32:1454 (August 2006), LR 37:3007 (October 2011), amended LR 48:

Chapter 45. Franchise Operations

§4501. Registration of Franchise Name

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), amended by the Office of the Governor, Real Estate Commission, LR 28:830 (April 2002), LR 37:3011 (October 2011), repealed LR 48:

§4503. Registration of Franchise Operation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), repealed LR 48:

§4505. Application for Registration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3011 (October 2011), repealed LR 48:

§4507. Agent for Service of Process

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

§4509. Annual Registration

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:50 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

§4511. Renewal Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

§4513. Penalty

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

§4515. Violations of Law

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Commission, LR 26:51 (January 2000), repromulgated by the Office of the Governor, Real Estate Commission, LR 37:3012 (October 2011), repealed LR 48:

Chapter 53. Real Estate Schools

§5307. Certificates of Authority; Initial and Renewal Certifications

A. - E. ...

F. Applications for delinquent renewal of a certificate of authority shall not be accepted by the commission after December 31. Failure to renew an expired Certificate of Authority during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any real estate school that becomes ineligible to renew a Certificate of Authority shall apply as an initial applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3014 (October 2011), amended LR 48:

§5319. Pre-license Instructors; Initial and Renewal Applications; Guest Lecturers

A. - H.2....

3. Delinquent applications for renewal of a pre-license instructor certificate shall not be accepted by the commission after December 31. Failure to renew during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any pre-license instructor that becomes ineligible to renew shall be required to apply as an initial applicant.

I. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3015 (October 2011), amended LR 38:3171 (December 2012), amended LR 48:

Chapter 55. Real Estate Vendors; Post-licensing and Continuing Education

§5505. Real Estate Vendor Certifications; Initial and Renewal Certificates

A. - E. ...

F. Applications for delinquent renewal of a vendor certification shall not be accepted by the commission after December 31. Failure to renew an expired vendor certification during the prescribed delinquent period of October 1 through December 31 shall result in the forfeiture of renewal rights. Any real estate vendor that becomes ineligible to renew a vendor certification shall apply as an initial applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1431 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Commission, LR 37:3019 (October 2011), amended LR 48:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the April 20, 2022 *Louisiana Register*: The proposed Rule has no known impact on family, formation, stability, or autonomy.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Provider Statement

The proposed Rule has no known impact on providers of services for individuals with developmental disabilities.

Public Comments

Interested parties may submit written comments on the proposed regulations to Ryan Shaw, Louisiana Real Estate Commission, 9071 Interline Avenue, Baton Rouge, LA 70809 or rshaw@lrec.gov, through May 6, 2022 at 4:30 p.m.

Public Hearing

If it becomes a necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held on May 26, 2022 at 10 a.m. at the office of the Louisiana Real Estate Appraisers Board, 9071 Interline Avenue, Baton Rouge, LA 70809.

Bruce Unangst
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Licensure, Examination, Certificate of Authority, Vendors and Instructors

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

There are no implementation costs or savings to state or local governmental units associated with the proposed rule changes other than a one-time minimal cost of publishing the rule.

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

There is no anticipated impact to revenue collections to state or local governmental units as a result of the proposed rule change.

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

There are no estimated costs associated with the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Bruce Unangst
Executive Director
2204#029

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Marijuana Pharmacies
(LAC 46:LIII.2447, 2449, 2451 and 2457)

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 §§2447, 2449, 2451 and 2457 of its rules relative to marijuana pharmacies to reduce regulatory restrictions on pharmacy personnel working in marijuana pharmacies and to provide patient access to product testing results prior to the dispensing of the marijuana product. The proposed changes in §2447 removes the requirement for pharmacy personnel working in a marijuana pharmacy to obtain an additional credential issued by the board. The proposed changes in

§2449 eliminates the separate therapeutic marijuana designation credential currently issued by the board and repeals the associated credentialing procedures. The proposed changes in §2451 remove the restriction against pharmacy technician candidates working in a marijuana pharmacy and clarify the requirements for the dispensing process. The proposed changes in §2457 remove the restrictions on licensed pharmacy personnel working in a marijuana pharmacy, and further, require the pharmacist to comply with a patient request to review product testing results for the marijuana product prior to dispensing that product.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part LIII. Pharmacists

Chapter 24. Limited Service Providers

Subchapter E. Marijuana Pharmacy

§2447. Licensing Procedures

A. - C.2. ...

D. Maintenance of Marijuana Pharmacy Permit

1. - 2. ...

3. Prior to making any change in the marijuana pharmacy's name or trade name, the owner of the permit shall notify the board and request approval of the contemplated name or trade name. The board shall reasonably accommodate such requests, unless there is cause not to do so (e.g., duplicative or misleading names). The marijuana pharmacy shall not change its name or trade name until approved by the board.

4. Prior to any modification, remodeling, expansion, reduction, or other physical, non-cosmetic alteration of the marijuana pharmacy, the owner of the permit shall notify the board and request approval of the contemplated change(s). The board shall reasonably accommodate such request, unless there is cause not to do so (e.g., inconsistent with operating requirements). The marijuana pharmacy shall not make such changes until approved by the board.

5. Prior to any change in the location of a marijuana pharmacy, the owner of the permit shall submit an application form for that purpose supplied by the board and pay the appropriate fee authorized in R.S. 37:1184. The board may require an inspection of the new location prior to the issuance of the permit for the new location. No marijuana pharmacy shall commence operation in a new location until approved by the board.

6. The owner of the pharmacy permit shall notify the board no later than 30 days following a change in the pharmacist-in-charge for the marijuana pharmacy permit.

7. The owner of the pharmacy permit shall notify the board no later than 30 days following a change in the owner's managing officer for the marijuana pharmacy permit.

8. In the event a marijuana pharmacy contemplates permanent closure, the pharmacist-in-charge shall notify the board in accordance with the rules governing the permanent closure of a pharmacy as described in Chapter 11 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1544 (August 2017), amended LR 46:577 (April 2020), LR 48:

§2449. Marijuana Pharmacy Personnel

A. ...

B.1. The PIC shall insure and document the initial and continuing competency of the entire professional staff to provide the pharmacy care services rendered at the marijuana pharmacy. At a minimum, the PIC shall provide access to education and training in the following domains:

a. policies and procedures of the pharmacy, especially those relating to the tasks and functions that employee is expected to perform;

b. professional conduct, ethics, and patient confidentiality; and

c. developments in the therapeutic use of marijuana. Further, the PIC shall document such education and training, provide such records to the board when requested, and retain such records for at least two years after the employee disassociates with the pharmacy.

2. Further, the PIC shall document such education and training, provide such records to the board when requested, and retain such records for at least two years after the employee disassociates with the pharmacy.

C. The PIC shall comply with the professional supervision rules and ratios found in Chapter 7 (pharmacy interns) and Chapter 9 (pharmacy technicians) of this Part.

D. In addition to the scope of practice limitations found in Chapter 9 of this Part, pharmacy technicians practicing in a marijuana pharmacy shall not:

1. consult with a patient or the patient's caregiver regarding marijuana or other drugs, either before or after marijuana has been dispensed, or regarding any medical information contained in a patient medication record;

2. consult with the physician who issued the recommendation/prescription/order for marijuana to the patient, or the physician's agent, regarding a patient or any medical information pertaining to the patient's marijuana or any other drug the patient may be taking;

3. interpret the patient's clinical data or provide medical advice;

4. perform professional consultations with physicians, nurses, or other health care professionals or their authorized agents; or

5. determine whether a different brand or formulation of marijuana should be dispensed for the marijuana product or formulation recommended/prescribed/ordered by the physician or requested by the patient or his caregiver.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1546 (August 2017), amended LR 48:

§2451. Operation of Marijuana Pharmacy

A. - E. ...

F. Only a pharmacist may dispense marijuana, however, other licensed pharmacy personnel may assist the pharmacist in the dispensing process. The sale of dispensed marijuana products may be accomplished by any pharmacy employee.

G. - U. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1547 (August 2017), amended LR 46:1227 (September 2020), LR 47:590 (May 2021), LR 48:

§2457. Standards of Practice

A. - A.6. ...

B. Minimum Staffing Requirements

1. There shall be at least one pharmacist on duty at all times the pharmacy is open for business.

2. Every pharmacist practicing in the pharmacy shall possess a Louisiana pharmacist license in active status as well as access privileges to the state prescription monitoring program.

3. A pharmacy intern, pharmacy technician or pharmacy technician candidate may assist the pharmacist in the prescription department, but only when in possession of valid credentials issued by the board. The supervising pharmacist may establish a delegate credential in the state prescription monitoring program for any licensed pharmacy personnel affiliated with that pharmacy.

4. Additional clerical personnel may also be present at the pharmacy.

C. - D. ...

E. Professional Practice Standards

1. - 1.d....

2. Upon request by the patient or caregiver and prior to dispensing any marijuana product to a patient, the pharmacist shall provide product testing results available to the pharmacist for the product contemplated for dispensing.

3. Dispensing Marijuana Products

a. Prior to dispensing any marijuana product to a patient, the pharmacist shall review the patient's records in the state prescription monitoring program. The pharmacist shall resolve any concerns identified in that review by consultation with the recommending physician.

b. Dispensing Limitations

i. A pharmacist shall not dispense more than two and one-half ounces, or 71 grams, of raw or crude marijuana every 14 days to any person.

ii. Subject to the above limitation on dispensing raw or crude marijuana products, a pharmacist may dispense marijuana products on multiple occasions as indicated by the physician and needed by the patient until the request expires; however, the pharmacist shall not dispense more than a 90-day supply of marijuana product at one time nor more than a one-year supply pursuant to a single request

4. Labeling of Marijuana Product Dispensed

a. The pharmacist shall not dispense any marijuana product that does not bear the producer label required by the LDAF, and further, the pharmacy dispensing label shall not overlay or obscure the producer label in any way.

b. The pharmacy's dispensing label shall contain, at a minimum, the following data elements:

i. name and address of the pharmacy dispensing the product;

ii. telephone number or other contact information of the pharmacy dispensing the product;

iii. name of the recommending physician;

iv. name of the patient;

v. date the product was dispensed;

vi. prescription number, which shall be a unique identifier for that specific transaction;

vii. name of the marijuana product, including any concentration, strength, or other identifiers of the marijuana product;

viii. quantity of marijuana dispensed;

ix. directions for use of the product;

x. expiration date of the product, which shall not exceed the expiration date determined by the producer of the product; and

xi. other information selected by the dispensing pharmacist to inform the patient as to the best use of the product for the intended purpose.

5. The pharmacy shall comply with the rules on drug utilization review and patient counseling in Chapter 5 of this Part.

6. Reporting transactions to state prescription monitoring program. The pharmacy shall comply with the reporting requirements as found in Chapter 29 of this Part.

7. Disposal of Marijuana Product

a. A pharmacy may refuse to accept the delivery of marijuana product from a producer when it is determined to be misbranded, adulterated, expired, deteriorated, undesired, excess, unauthorized, or unfit for dispensing.

b. When the pharmacist determines a marijuana product is no longer suitable for dispensing, the product shall be removed from active dispensing stock and quarantined in the pharmacy pending its disposal

c. The pharmacist-in-charge shall render the waste unusable by grinding and incorporating the waste with other ground materials so the resulting mixture is at least 50% non-marijuana waste by volume. Material used to grind with the waste may include:

i. yard waste;

ii. paper waste;

iii. cardboard waste;

iv. plastic waste; or

v. soil or sand.

d. Waste shall be rendered unusable prior to leaving the pharmacy. Waste rendered unusable shall be disposed of by delivery to an approved solid waste facility for final disposition.

i. Examples of acceptable permitted solid waste facilities include:

(a) compost; anaerobic digester;

(b) landfill, incinerator; or

(c) waste-to-energy facility.

e. The pharmacist-in-charge shall prepare a record of each disposal, and that record shall contain, at a minimum, the following information:

i. brand name and other specific identifiers of the marijuana product disposed;

ii. quantity of product disposed;

iii. manner of disposal; and

iv. signatures of the pharmacist-in-charge disposing the product plus at least one witness who is either a credentialed staff member of that pharmacy or an agent of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017), amended LR 45:1473 (October 2019), LR 47:246 (February 2021), LR 47:1111 (August 2021), LR 48:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will remove restrictions on pharmacy technician candidates on working in marijuana pharmacies, which could improve employment opportunities with a potentially beneficial effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule changes.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will remove hiring restrictions, which could improve employment opportunities with a potentially beneficial effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes may improve employment opportunities in marijuana pharmacist..

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on compliance or reporting requirements for small businesses.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small businesses.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on compliance or reporting requirements for small businesses.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes do not include design or operational standards.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to M. Joseph Fontenot, Executive Director-Designate, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rule changes is scheduled for 9:00 a.m. on Friday, May 27, 2022 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments or testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J. Broussard
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Marijuana Pharmacies

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

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$750 in FY 2022 and \$750 in FY 2023. By repealing the necessity of a separate credential, the Board will no longer incur the \$500 annual maintenance fee for that credential in its licensure information system. There will be no additional expenditures or cost savings to LBP or other state or local governmental units.

The proposed rule changes reduce regulatory barriers for licensed pharmacy personnel working in marijuana pharmacies and enhances the information provided to patients about medical cannabis products dispensed to them.

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

The proposed rule changes will not affect revenue collections of state or local governmental units. The credential this rule would repeal is issued virtually at no charge.

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

The proposed rule changes will reduce regulatory barriers for licensed pharmacy personnel working in marijuana pharmacies by repealing the necessity for a separate credential to work in such pharmacies, and by repealing the restriction which prohibits pharmacy technician candidates from working in marijuana pharmacies. In addition, the proposed rule changes will require cannabis product testing results to be made available to patients when requested prior to the dispensing of those products. While some pharmacies may choose to keep printed copies of product testing results for patients, these test results will also be available through QR codes by marijuana pharmacy suppliers at no cost to pharmacies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The repeal of regulatory barriers for licensed pharmacy personnel working or seeking to work in marijuana pharmacies will improve employment opportunities for those personnel. The proposed rule changes will not affect competition at marijuana pharmacies.

Joe Fontenot
Executive Director-Designate
2204#048

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Pharmacy

Pharmacy Benefit Managers
(LAC 46:LIII.3001 and 3005)

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 §§3001 and 3005 of its rules relative to pharmacy benefit managers to reduce the regulatory burden on pharmacy benefit manager permit applicants by eliminating the requirement to provide an audited financial statement. The proposed change in §3001 repeals the definition of audited financial statement and the proposed change in §3005 removes the application requirement to provide a copy of an audited financial statement by the applicant.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 30. Pharmacy Benefit Managers

§3001. Definitions

A. The following terms shall have the meaning ascribed to them in this Section:

Audited Financial Statement—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1253.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 47:591 (May 2021), amended LR 48:

§3005. Permitting Procedures

A. Application for Initial Issuance of Permit

1. ...

2. The application shall include copies of the following documents:

a. - b. ...

c. Repealed.

A.3. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1253.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 47:591 (May 2021), amended LR 48:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the

authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses.

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on compliance or reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes will have no effect on standards.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities.

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Joe Fontenot, Executive Director - Designate, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule is scheduled for 9:00 a.m. on Friday, May 27, 2022 at the Board office. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Joe Fontenot
Executive Director-Designate

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Pharmacy Benefit Managers

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

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$500 in FY 2022 and \$500 in FY 2023. There will be no additional

expenditures or cost savings for LBP or other state or local governmental units.

The proposed changes reduce the regulatory burden on pharmacy benefit manager applicants by eliminating the requirement to provide a copy of an audited financial statement with an initial permit application.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

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

The proposed rule changes will reduce the regulatory burden on pharmacy benefit manager applicants by eliminating the requirement to provide a copy of an audited financial statement with an initial permit application. This will impact an anticipated 40 applications.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition and employment.

Joe Fontenot
Executive Director-Designate
2204#049

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Pharmacy Operations (LAC 46:LIII.1107)

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 §1107 of its rules relative to pharmacy operation to address consumer, licensee, and legislator complaints. The proposed changes in Subsection A address complaints from consumers and pharmacists in regards to adequate pharmacy staffing levels to provide for patient safety. The proposed changes in Subsection B, which are in response to requests from pharmacists and pharmacy permit holders, exempts specific pharmacy permit classifications from posting their hours of operation. The proposed change in Subsection C further enforces the requirement of a rest break for credentialed persons and is in response to complaints by pharmacists. The proposed new Subsection D, which is in response to consumer and legislator complaints, requires a pharmacy owner to develop plans, policies and procedures to ensure business continuity as well as continuity of patient care in the event of a disaster or emergency.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 11. Pharmacies

Subchapter A. General Requirements

§1107. Pharmacy Operations

A. The owner of the pharmacy shall employ an appropriate number of professional, technical and clerical personnel commensurate with the nature and scope of the pharmacy practice. The owner of the pharmacy shall ensure

there are a sufficient number of licensed personnel on site when the pharmacy is open to competently and safely perform patient care services and dispense prescriptions accurately.

B. Minimum Hours of Operation; Business Hours Posted

1. A pharmacy shall be open for business a minimum of 10 hours per week. A pharmacist shall be on duty at all times when the pharmacy is open for business, subject to the provision for the temporary absence of a pharmacist in Section 1109 of this Part.

2. The pharmacy shall post its hours of operation at the building entrance in full public view from outside the premises. Pharmacies holding permits classified as correctional, hospital, institutional, or nuclear shall be exempt from this posting requirement.

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

D. The owner of the pharmacy shall develop plans, policies and procedures to ensure business continuity in the event of natural or other disasters or emergencies. Such plans, policies and procedures shall include provisions for continuity of patient care in the event the pharmacy is unable to open for business. The pharmacy shall provide access to such plans, policies and procedures when requested by the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 23:1310 (October 1997), amended LR 29:2088 (October 2003), effective January 1, 2004, LR 34:1408 (July 2008), amended by the Department of Health, Board of Pharmacy, LR 47:1643 (November 2021), LR 48:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule changes will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule changes will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule changes will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule changes will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule changes will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule changes will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule changes will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule changes will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule changes in §1107.A will require the pharmacy owner to hire an appropriate number of licensed personnel to safely operate the pharmacy. To the extent a pharmacy needs to hire additional personnel to meet the safety standard, there could be a positive impact on employment.

4. The Effect on Taxes and Tax Credits. The proposed rule changes will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule changes will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on reporting requirements for small business. The proposed changes in §1107.B.2 establish a less stringent requirement for specific pharmacy permit classifications.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule changes will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule changes in §1107.A establishes operational standards to safely perform patient care services and dispense prescriptions accurately.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed rule changes.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule changes will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule changes will have no effect on the cost to the provider to provide the same level of service. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule changes will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Joe Fontenot, Executive Director-Designate, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule.

Public Hearing

A public hearing to solicit comments and testimony on the proposed rule changes is scheduled for 9:00 a.m. on Friday, May 27, 2022. During the hearing, all interested persons will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Joe Fontenot

Executive Director-Designate

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Pharmacy Operations

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

The proposed rule changes will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$500 in FY 2022 and \$500 in FY 2023. There will be no additional expenditures or cost savings for LBP.

To the extent a local governmental unit operates a pharmacy, and to the extent that pharmacy needs to hire additional licensed personnel to safely operate the pharmacy, there could be additional costs to the pharmacy. The amount of such costs would vary and is indeterminable.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

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

The proposed rule changes in Subsection 1107(A) will benefit consumers and pharmacists by addressing adequate pharmacy staffing levels to safely perform patient care services and dispense prescriptions accurately. There will be no cost to pharmacy owners if they are currently staffing a sufficient number of personnel to meet the objective of patient safety. If the pharmacy owner is not staffing a sufficient number of personnel, then there would be a cost to the owner but that amount is indeterminable. The proposed rule changes in Subsection 1107(B) will benefit pharmacy owners of specific pharmacy classifications by removing a signage requirement, the cost of which is negligible. The proposed rule change in Subsection 1107(C) will benefit pharmacy personnel by providing for rest breaks in pharmacies. The proposed new Subsection 1107(D) will benefit consumers during disasters and emergencies by requiring pharmacies to develop plans, policies and procedures to provide for continuity of patient care. If a pharmacy owner does not have current plans, policies and procedures to ensure business continuity in the event of a disaster or emergency there could be a cost to develop such plans, but that amount is indeterminable. Requests by LBP on individual pharmacy preparedness for emergencies may be informational and will not pose a significant burden on individual pharmacies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have minimal effect on competition or employment. While this rule change codifies expectations for appropriate staffing levels, appropriateness beyond pre-existing requirements will be determined by individual pharmacies. To the extent pharmacies determine their staffing levels are below that which is necessary to provide a standard of high-quality care, pharmacy staff employment may rise.

Joe Fontenot
Executive Director-Designate
2204#060

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**Emergency Telemedicine/Telehealth
(LAC 50:I.501, 503, and 505)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.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, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions allowing coverage of telemedicine/telehealth services provided through an interactive audio system, without the requirement of video, in the event of a declared

emergency (*Louisiana Register*, Volume 46, Number 4). The department subsequently promulgated an Emergency Rule in order to clarify the provisions of the March 16, 2020 Emergency Rule (*Louisiana Register*, Volume 48, Number 4). This proposed Rule is being promulgated to continue the provisions of the March 16, 2020 and April 20, 2022 Emergency Rules and to update the provisions governing telemedicine/telehealth in the *Louisiana Administrative Code*.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 5. Telemedicine/Telehealth

§501. Introduction

A. Telemedicine/telehealth is the use of an interactive audio and video telecommunications system to permit real time communication between a distant site health care practitioner and the beneficiary. There is no restriction on the originating site (i.e., where the beneficiary is located) and it can include, but is not limited to, a healthcare facility, school, or the beneficiary’s home.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2032 (August 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 46:796 (June 2020), LR 48:

§503. Claim Submissions

A. Medicaid covered services provided via telemedicine/telehealth shall be identified on claim submissions by appending the appropriate place of service or modifier to the appropriate procedure code, in line with current 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, Office of the Secretary, Bureau of Health Services Financing, LR 31:2032 (August 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 45:436 (March 2019), LR 48:

§505. Emergency Provisions

A. In the event that the federal or state government declares an emergency or disaster, the Medicaid Program may temporarily cover services provided through the use of an interactive audio telecommunications system, without the requirement of video, if such action is deemed necessary to ensure sufficient services are available to meet beneficiaries’ needs.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family

functioning, stability and autonomy as described in R.S. 49:972, as it will ensure continued access to certain services during a declared emergency.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, as it will ensure continued access to certain services during a declared emergency.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider’s ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Patrick Gilles, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Mr. Gilles is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 31, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 26, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Emergency Telemedicine/Telehealth

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 21-22 for the state’s administrative expense for promulgation of this proposed rule and the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 21-22. It is anticipated that \$324 will be collected in FY 21-22 for the federal share of the expense for promulgation of this proposed rule and the final rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
This proposed rule continues the provisions of the March 16, 2020 and April 20, 2022 Emergency Rules which allowed coverage of telemedicine/telehealth services provided through an interactive audio system, without the requirement of video, in the event of a declared emergency. The proposed rule also updates the telemedicine/telehealth provisions in the Louisiana Administrative Code. Beneficiaries will be positively impacted by implementation of this proposed rule, as it ensures continued access to certain services during declared emergencies. It is anticipated that implementation of this proposed rule will not result in costs to providers in FY 21-22, FY 22-23 and FY 23-24, but will be beneficial by providing Medicaid reimbursement for the provision of audio-only telemedicine/telehealth services during declared emergencies.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This rule has no known effect on competition and employment.

Patrick Gillies	Evan Brasseaux
Medicaid Executive Director	Interim Deputy Fiscal Officer
2204#040	Legislative Fiscal Office

NOTICE OF INTENT

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

Home Health Agencies
Licensing Standards
(LAC 48:I.Chapter 91)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 91 as authorized by R.S. 36:254 and R.S. 40:2116.31 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 181 of the 2021 Regular Session of the Louisiana Legislature directed the Department of Health to revise the minimum licensing standards for providers of home health services. In compliance with Act 181, the Department of

Health, Bureau of Health Services Financing proposes to amend the provisions governing the licensing of home health agencies in order to: 1) expand the type of practitioners and qualifications for administrators; 2) update and clarify definitions, the governing body and patient rights provisions, and licensing requirements; and 3) add quality assessment and performance improvement requirements.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 91. Minimum Standards for Home Health Agencies

§9101. Definitions

A. The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Abuse—

a. the willful infliction of physical or mental injury;
b. causing deterioration by means including, but not limited to:

- i. sexual abuse;
- ii. exploration; or
- iii. extortion of funds or other things of value to

such an extent that the health, moral or emotional well-being of the individual being supported is endangered; or

c. the willful infliction of injury, unreasonable confinement, intimidation or punishment which results in or which could reasonably be expected to result in physical or mental harm, pain or mental anguish. Lack of awareness or knowledge by the victim of the act which produced, or which could have reasonably been expected to produce, physical or mental injury or harm shall not be a defense to the charge of abuse.

Advanced Practice Registered Nurse (APRN)—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing boards(s) and/or certificates.

Advisory Board—Repealed.

Allied Health Personnel—nursing assistants, licensed practical nurses, licensed physical therapy assistants, and other health care workers who require supervision by other licensed health care professionals in accordance with their scope of practice.

Branch—an office from which a home health agency (HHA) provides services within a portion of the total geographic service area served by the parent agency. The branch office is part of the parent HHA; is located within a 50-mile radius of the parent agency; and shares administration and supervision.

Cessation of Business—agency is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, transfer, lease, gift, or otherwise, of a licensed health care provider subject to this Rule by a person, corporation, or other equity, which results in a change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity.

a - d. Repealed.

Clinical Manager—a person designated in writing to supervise all aspects of patient care, all activities of professional staff and allied health personnel, and be responsible for compliance with regulatory requirements.

Clinical Note—a written or electronic notation of each visit with a patient, which shall include the date and time of the visit, services rendered, and the signature of person providing services. The note shall include any pertinent information related to the visit.

Clinical Nurse Specialist (CNS)—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Clinical Records—those documents maintained on all patients accepted for care by an HHA. The records shall be retained in accordance with existing state laws.

Controlling Ownership or Controlling Interest—an equity or voting interest possessed by a person or entity that:

a. has a direct or indirect equity interest equal to 5 percent or more in the capital, the stock, or the profits of an HHA; or

b. is an officer or director of an HHA which is organized as a corporation; or

c. is a partner in an HHA which is organized as a partnership; or

d. is a member or manager of an HHA which is organized as a limited liability company. The term controlling ownership is synonymous with the terms controlling interest or control interest as defined by the Department of Health and Human Services (DHHS), Centers for Medicare and Medicaid Services (CMS).

Department—the Department of Health (LDH) or any of its sections, bureaus, offices or its contracted designee.

Director of Nurses (DoN)—Repealed.

Employed—being assigned the performance of a job or task for compensation, such as wages or a salary. An employed person may be one who is contracted or one who is hired for a staff position.

Governing Body—the person or group of persons who have legal authority for and/or ownership of the corporation of the HHA and responsibility for agency operations. A governing body assumes full legal authority and responsibility for the operation of the agency.

Home Health Agency—a state-owned and operated agency, or a subdivision of such an agency or organization; or a private nonprofit organization; or a proprietary organization which provides skilled home health care and support services to the public. Skilled home health care is provided under the order of an authorized healthcare provider, in the place of residence of the person receiving the care, and includes skilled nursing and at least one of the following services:

- a. physical therapy;
- b. speech therapy;
- c. occupational therapy;
- d. medical social services; or
- e. home health aide services.

Home Health Agency Premises—the physical site where the HHA maintains staff to perform administrative functions, and maintains its personnel records, or maintain its patient service records, or holds itself out to the public as being a

location for receipt of patient referrals. The HHA shall be a separate entity from any other entity, business, or trade. If office space is shared with another healthcare related entity, the HHA shall operate independently, have a clearly defined scope of services, and ensure confidentiality is maintained for HHA's patients. The HHA may not share office space with a non-healthcare related entity.

Home Health Aide—a person qualified to provide direct patient care in the home under the supervision of a RN or physical therapist to assist the patient with ADLs, in accordance with a written plan of care (POC), and requiring a clinical note for each patient visit.

Home Health Licensure Forms—the collection of appropriate forms for licensure that may be obtained from the department's website. Home health licensure forms shall be completed by all initial applicants before the licensure process can begin.

Jurisdiction—all home health agencies shall be under the jurisdiction of the LDH, which promulgates and enforces the rules governing the operation of such agencies or organizations. However, nothing in this Part shall be construed to prohibit the delivery of personal care, homemaker, respite, and other in-home services by a person or entity not licensed under this rule unless provided with other home health services.

Licensed Practical Nurse—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing boards(s) and/or certifications and who works under the supervision of an RN.

* * *

Misappropriation—taking possession without the permission of the individual who owns the personal belongings or the deliberate misplacement, exploitation or wrongful temporary or permanent use of an individual's belongings or money without the individual's consent.

Neglect—the failure by a caregiver responsible for an individual's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his/her well-being, unless the patient exercises his/her right to refuse the necessary care.

Non-Licensed Person—any person who provides health-related services for compensation directly related to patient care to patients of an HHA and who is not a licensed healthcare provider. A non-licensed person is also any person who provides such services to individuals in their own homes as an employee or contract provider of an HHA.

Non-Operational—the HHA is not open for business operation on designated days and hours as stated on the licensing application and business location signage.

Nurse Practitioner (NP)—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing board(s) and/or certifications.

Physician—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing boards(s) and/or certifications.

Physician Assistant (PA)—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing boards(s) and/or certifications.

* * *

Registered Nurse—a licensed health care practitioner who is acting within the scope of practice of his/her respective licensing boards(s) and/or certifications.

* * *

Support Services—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177(February 1995), LR 22:1135 (November 1996), LR 27:2239(December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9102. Governing Body

A. The governing body shall designate an individual who is responsible for the day-to-day management of the HHA and shall ensure that all services provided are consistent with accepted standards of practice.

B. Responsibilities. The governing body shall:

1. conduct an annual documented review of the policies and procedures, the budget, overall program evaluation, statistical information, compliant resolutions, any projected changes, and emergency preparedness;

2. maintain written minutes of meetings with the signatures of all attendees, dates, and times; and

3. receive written notification of any of the following:

a. the agency's administrator or clinical manager is fired, resigns, or becomes incapacitated to the extent that he/she can no longer perform his/her duties;

b. the agency is surveyed and found to be in violation of the state law, minimum standards, Rules, or regulations of LDH;

c. any other grounds which adversely affect the agency's operation;

4. shall receive and acknowledge the results of any QAPI evaluation; and

5. maintain an organizational chart that delineates lines of authority and responsibility for all home health personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

§9103. Personnel Qualifications and Responsibilities

A. Administrator. The administrator shall be appointed by and answer directly to the governing body of the agency. The administrator of the agency shall be designated in writing. The administrator shall be administratively responsible and available in person or by telecommunication at all times for all aspects of facility operation. The administrator and the clinical manager or the alternate clinical manager may be the same individual if dually qualified. If an individual is designated as the administrator for more than one agency, then he/she shall designate an alternate who is a full-time, on-site employee of each agency and meets the qualifications for an administrator.

1. Qualifications

a. The administrator shall have three years of management experience in the delivery of health care service and meet one of the following criteria:

- i. is a licensed physician; or
- ii. is an RN; or
- iii. is employed as an administrator on or after January 13, 2018, and is a college graduate with a bachelor's degree; or
- iv. is employed as an administrator prior to January 13, 2018, and has had three additional years of documented experience in health care delivery service; or
- v. is an administrator who has experience in health service administration with at least one year of supervisory or administrative experience related to home health care or a home health care program.

vi. Repealed.

b. Repealed.

2. Responsibilities. The administrator shall:

a. - f. ...

g. act as liaison between staff, the group of professional personnel, and the governing body;

h. implement an ongoing accurate and effective budgeting and accounting system; and

i. ensure that complaints reported by patients, families, caregivers, authorized healthcare providers, agency staff or public are investigated and addressed in a timely manner.

3. Continuing Education. The administrator shall annually obtain two continuing education hours relative to the administrator's role, which may include, but not be limited to the following topics:

a. Medicare and Medicaid regulations;

b. management practices;

c. labor laws;

d. Occupational Safety and Health Administration rules, laws, etc.;

e. ethics; and

f. quality improvement.

B. Clinical Manager

1. Qualifications. The clinical manager shall be an RN who is currently licensed to practice in the state of Louisiana and has at least three years of experience as an RN. One of these years shall consist of full-time experience in providing direct patient care in a home health setting. The clinical manager shall be a full-time employee of the licensed HHA and shall not work full-time at any other licensed healthcare agency. The clinical manager shall be available at all times during operating hours and additionally as needed.

NOTE: The clinical manager may not work for another licensed healthcare entity when on call or during operating hours of the HHA.

a. - b. Repealed.

2. Responsibilities. The clinical manager shall:

a. be a full-time employee of only one HHA;

b. supervise all patient care activities to assure compliance with current standards of accepted nursing practice;

c. establish personnel and employment policies to assure that only qualified personnel are hired; employ qualified personnel by verifying licensure and/or certification (as required by law) prior to employment and annually thereafter; and certify and maintain records to support competency of all allied health personnel;

i. - iii. Repealed.

d. develop and maintain agency policy and procedure manuals that establish and support the highest possible quality of patient care, cost controls, quality assurance, and mechanisms for disciplinary action for infractions;

e. supervise employee health program;

f. assure compliance with local, state, and federal laws as well as promote the health and safety of employees, patients and the community with the following non-exclusive methods:

i. resolve problems;

ii. perform complaint investigations;

iii. refer impaired personnel to proper authorities;

iv. provide for orientation and in-service to personnel to promote the health and safety of the patient as well as to familiarize staff with regulatory issues and agency policy and procedures;

v. ensure orientation of health care personnel who provide direct patient care;

vi. ensure timely annual evaluation of health care personnel;

vii. assure regularly scheduled appropriate continuing education for all health professionals and home health aides;

viii. assure that the care provided by the health care personnel promotes the health and safety of the patient; and

ix. assure that agency policies are enforced, including but not limited to checking the direct service worker (DSW)/certified nurse aide (CNA) registry for adverse actions against non-licensed employees in accordance with state laws;

g. be on site or immediately available to be on site and available by telecommunications during normal operating hours. The agency shall designate in writing an RN who shall assume the responsibilities of the clinical manager during his/her absence, i.e., on vacation, ill time, at a workshop, etc.

3. Continuing Education. The clinical manager shall annually obtain two continuing education hours relative to the clinical manager's role, which may include, but not be limited to the following topics:

a. Medicare and Medicaid regulations;

b. management practices;

c. labor laws;

d. Occupational Safety and Health Administration rules, laws, etc.;

e. ethics; and

f. quality improvement.

C. Home Health Aide

1. Qualifications. A home health aide shall meet the following criteria:

a. have current nursing assistant certification and successfully complete the agency's competency evaluation; or

b. have successfully completed a home health aide training program and successfully complete the agency's competency evaluation and meet each of the following:

i. exhibit a sympathetic attitude toward the patient, an ability to provide care to the sick, and the maturity and ability to deal effectively with the demands of the job;

- ii. have the ability to read, write, and carry out directions promptly and accurately; and
- iii. shall inform all employers when employed with one or more agencies; cooperate and coordinate to assure highest performance of quality when providing services to the patient.

NOTE: Repealed.

2. Responsibilities. The home health aide:
 - a. shall obtain and record vital signs during each visit in addition to notifying the primary RN of deviations according to standard practice;
 - b. may provide assistance with the following ADL's during each visit: mobility, transferring, walking, grooming, bathing, dressing or undressing, eating, or toileting. Some examples of assistance include:
 - i. helping the patient with a bath, care of the month, skin and hair;
 - ii. helping the patient to the bathroom or in using a bed pan or urinal;
 - iii. helping the patient to dress and/or undress;
 - iv. helping the patient in and out of bed, assisting with ambulation;
 - v. helping the patient with prescribed exercises which the patient and the health aide have been taught by appropriate personnel; and
 - vi. performing such incidental household services essential to the patient's health care at home that are necessary to prevent or postpone institutionalization;
 - c. may perform care assigned by an RN if the delegation is in compliance with current standards of nursing practice;
 - d. may administer over the counter disposable enemas, saline or vinegar douches, and glycerine or Ducolax suppositories if such are included in the patient's POC; and
 - e. shall complete a clinical note for each visit, which shall be incorporated into record at least on a weekly basis.

f. - g. Repealed.

3. Restrictions. The home health aide shall not:
 - a. perform any intravenous procedures, procedures involving insertion of feeding tubes or urinary catheters, the administration of tube feedings, or any other sterile or invasive procedures;
 - b. administer medications to any patient; and
 - c. perform any of the following tasks which are not home health aide services:
 - i. transporting the patient;
 - ii. general housekeeping duties; or
 - iii. shopping.
4. Training. An HHA that offers a training program shall, at a minimum, include the following in the training program:
 - a. communication skills;
 - b. observation, reporting and documentation of patient status and the care or service furnished;
 - c. reading and recording temperature, pulse, and respiration;
 - d. basic infection control procedures;
 - e. basic elements of body functioning and changes in body function that shall be reported to the patient's RN;
 - f. maintenance of a clean, safe, and healthy environment of the patient's immediate surroundings;

- g. recognizing emergencies and knowledge of emergency procedures;
- h. the physical, emotional, and developmental needs of the patient and methods for working with the populations served by the agency, including the need to respect the patient, his/her privacy and his/her property;
- i. safe transfer techniques and ambulation;
- j. appropriate and safe techniques in personal hygiene and grooming that include:
 - i. bed bath;
 - ii. sponge, tub, or shower bath;
 - iii. sink, tub, or bed shampoo;
 - iv. nail and skin care;
 - v. oral hygiene; and
 - vi. toileting and elimination.
- k. normal range of motion and positioning;
- l. adequate nutrition and fluid intake;
- m. any other task, within state regulations, that the agency may choose to have the home health aide perform.

5. Orientation. The content of the basic orientation provided to home health aides shall include the following:
 - a. policies and objectives of the agency;
 - b. duties and responsibilities of a home health aide;
 - c. the role of the home health aide as a member of the health care team;
 - d. ethics and confidentiality;
 - e. record keeping;
 - f. information on the process of aging and behavior of the aged;
 - g. information on the emotional problems accompanying illness; and
 - h. principles and practices of maintaining a clean, healthy and safe environment.

6. Assignment. The home health aide is assigned to a patient by an RN in accordance with the POC. Specific written instructions for patient care are prepared by an RN or therapist as appropriate. All personal care services are described to the patient, in writing, by the RN in charge of that patient.

7. Supervision. An RN or licensed therapist shall provide direct supervision to the home health aide as follows.

- a. An RN shall supervise and evaluate the home health aide's ability to perform assigned duties, relate to the patient, and work effectively as a member of the health care team.
- b. Periodic on-site supervision with the home health aide present shall be established as part of the agency's policies and procedures.
- c. If the patient is receiving a skilled service (nursing, physical therapy, occupational therapy, or speech language pathology), the supervisory visits shall be made to the patient's residence at least once every two weeks (not to exceed 14 days) by the RN or appropriate therapist to assess relationships and determine whether goals are being met.
- d. If the patient is not receiving skilled services, an RN shall make a supervisory visit to the patient's residence at least once every 60 days. In order to ensure that the aide is properly caring for the patient, the supervisory visit shall occur while the home health aide is providing patient care.
- e. Documentation of supervision shall include the aide-patient relationships, services provided, and instructions

and comments given as well as other requirements of the clinical note.

f. Annual performance review for each aide shall be documented in the individual's personnel record.

8. In-service. The agency shall offer a minimum of 12 hours of appropriate in-service training to each home health aide every calendar year. The in-service may be furnished while the aide is providing service to the patient, but shall be documented.

a. These in-service sessions should include, but are not limited to:

- i. care of the body;
- ii. communication;
- iii. infection control;
- iv. safety and documentation.

b. In-service training may be prorated for employees who only worked a portion of the year; however, part-time employees who work throughout the year shall attend 12 hours of in-service training.

c. Documentation should include the outline and length of the in-service training.

D. Licensed Practical Nurse

1. Qualifications. A licensed practical nurse (LPN) shall:

- a. be currently licensed by the Louisiana State Board of Practical Nurse Examiners with no restrictions;
- b. have worked at least one year as an LPN prior to being employed by an HHA; and
- c. inform all employers when employed with one or more agencies and cooperate and coordinate to assure highest performance of quality when providing services to the patient.

d. - f. Repealed.

2. Responsibilities. The LPN shall:

- a. perform skilled nursing services under the supervision of an RN in accordance with the laws governing the practice of practical nursing;
 - b. observe and report the patient's response to treatment and any changes in the patient's condition to the authorized healthcare provider and the supervising RN;
- i. - vi. Repealed.
- c. administer prescribed medications and treatments as permitted by the laws governing the practice of practical nursing;
 - d. prepare clinical and/or progress notes and incorporate them into the clinical record at least weekly;
 - e. perform wound care as ordered in accordance with the POC; and
 - f. perform routine venipuncture (phlebotomy) if written documentation of competency is in personnel record. Competency shall be evaluated by an RN even if LPN has completed a certification course.

3. Restrictions. The LPN shall not:

- a. access any intravenous appliance for any reason;
 - b. perform supervisory visit for a home health aide;
 - c. develop and/or alter the POC;
- i. - iii. Repealed.
- d. make initial assessment visit;
 - e. prepare the recertification;
 - f. make aide assignments; or
 - g. function as a supervisor of the nursing practice of any RN.

4 - 8.c. Repealed.

E. Medical Social Services

1. Qualifications. A medical social worker shall:

- a. be currently licensed by the Louisiana Board of Certified Social Work Examiners ; or
- b. have a master's degree from a school of social work accredited by the Council on Social Work Education in accordance with the requirements of the Louisiana State Board of Social Work Examiners.

c. Repealed.

2. Responsibilities. The medical social worker shall:

- a. assist the authorized healthcare provider and other members of the health care team in understanding significant social and emotional factors related to the patient's health problems;
- b. assess the social and emotional factors having an impact on the patient's health status, and assist in the formulation of the POC;
- c. provide services within the scope of practice, as defined by state law, in accordance with the POC and in coordination with other members of the health care team;
- d. ...
- e. participate in discharge planning and in-service programs related to the needs of the patient; acts as a consultant to other members of the health care team; and
- f. prepare a written assessment and summary of services provided when medical social work services are discontinued, including an assessment of the patient's current status that shall be retained in the patient's clinical record, and a copy forwarded to the attending authorized healthcare provider within five business days.

3. Restrictions. An unlicensed medical social worker may not contract directly with the HHA for clinical services, consultation, supervision or educational services.

a - g. Repealed.

F. Nutritional Guidance Services

1. Qualifications. If an agency provides or arranges for nutritional guidance, the staff member or consultant shall be a professional dietitian who meets the qualification standards of the Commission on Dietetic Registration of the American Dietetic Association.

a. - b. Repealed.

2. Responsibilities. The dietitian shall:

- a. document each visit made to the patient and incorporate notes into the clinical record on a weekly basis;
- b. prepare initial nutritional dietary assessment;
- c. communicate with the clinical manager, the nurse supervisor and/or the primary nurse assigned to the patient regarding the need for a continuation of services for each patient;
- d. evaluate compliance with authorized healthcare provider ordered therapeutic diet and makes recommendations as needed;
- e. evaluate patient's socio-economic factors to develop recommendations concerning food purchasing, preparation and storage;
- f. train those persons who are responsible for purchasing and storing food;
- g. evaluate food preparation methods to ensure that nutritive value is conserved in addition to flavor, texture and temperature principles being adhered to in meeting the individual patient's needs;

h. participate in all related case conferences with agency staff. Minutes of case conferences are retained in patient's clinical record;

i. prepare a written discharge summary and ensure that a copy is retained in patient's clinical record and a copy is forwarded to the attending authorized healthcare provider within five business days;

j. assess and evaluate the food and nutritional needs of the patient in accordance with the plan of treatment and the recommended daily dietary allowances established by the Food and Nutrition Board, National Academy of Sciences-National Research Council;

k. participate in discharge planning and in-service training programs related to the needs of the patient and acts as a consultant to the other members of the health care team; and

l. ensure that a current diet manual (within five years of publication) is readily available to agency staff where applicable.

3. Repealed.

G. Occupational Therapist

1. Qualifications. An occupational therapist shall be currently licensed by the LSBME.

2. Responsibilities. The occupational therapist shall:

a. assist the authorized healthcare provider in evaluating the patient's functional status and occupational therapy needs, and assist in the development of the POC;

b. provide services within the scope of practice as defined by the state laws governing the practice of occupational therapy, in accordance with the POC, and in coordination with other members of the health care team;

c. observe and report the patient's response to treatment and any changes in his/her condition to the authorized healthcare provider and the supervising RN;

d. instruct and inform participating members of the health care team, the patient, and the family/caregivers regarding the POC, functional limitations and progress towards goals;

e. prepare clinical and/or progress notes for each visit and incorporate them into the clinical record at least weekly;

f. when occupational therapy services are discontinued, prepare a written discharge summary of services provided, including an assessment of patient's current status, for retention in the patient's clinical record, and forward a copy to the attending authorized healthcare provider within five business days; and

g. provide supervision of the occupational therapy assistant (OTA) as follows:

i. be readily available to the OTA by telecommunications;

ii. assess the competency and experience of the OTA;

iii. establish the type, degree and frequency of supervision that is required for an OTA in a home health setting; and

iv. conduct a face-to-face patient care conference with each OTA once every two weeks, or once every four to six treatment sessions, to review progress and modification of treatment programs for all patients.

h. - l. Repealed.

H. Occupational Therapy Assistant

1. Qualifications. The OTA shall:

a. be currently licensed by the Louisiana State Board of Medical Examiners to assist in the practice of occupational therapy under the supervision of a licensed registered occupational therapist; and

b. have, at a minimum, two years' experience as a licensed OTA before starting a home health caseload.

2 - 2.g.iv. Repealed.

I. Physical Therapist

1. Qualifications. The physical therapist shall be currently licensed by the Louisiana State Board of Physical Therapy Examiners.

a - b. Repealed.

2. Responsibilities. The physical therapist shall:

a. assist the authorized healthcare provider in evaluating the patient's functional status and physical therapy needs, and assist in the development of the POC;

b. provide services within the scope of practice as defined by the state laws governing the practice of physical therapy, in accordance with the POC, and in coordination with other members of the health care team;

c. observe and report the patient's reaction to treatment and any changes in his/her condition to the authorized healthcare provider and the supervising RN;

d. instruct and inform participating members of the health care team, the patient, and the family/caregivers regarding the POC, functional limitations and progress towards goals;

e. prepare clinical and/or progress notes for each visit and incorporate them into the clinical record at least weekly;

f. when physical therapy services are discontinued, prepare a written discharge summary and ensure that a copy is retained in the patient's clinical record and a copy is forwarded to the attending authorized health care provider;

g. may supervise home health aides in lieu of an RN if physical therapy is the only skilled service being provided;

h. provide supervision to a physical therapy assistant (PTA) as follows:

i. be readily accessible by telecommunications;

ii. evaluate and establish a written treatment plan on the patient prior to implementation of any treatment program;

iii. treat and reassess the patient on at least every sixth visit, but not less than once per month;

iv. conduct a face-to-face patient care conference every two weeks with each PTA to review progress and modification of treatment programs for all patients; and

v. assess the final treatment rendered to the patient at discharge and include in the discharge summary.

J. Physical Therapy Assistant

1. Qualifications. The PTA shall be currently licensed by the Louisiana State Board of Physical Therapy Examiners and be supervised by a licensed physical therapist. The PTA shall have, at a minimum, one year of experience as a licensed PTA before assuming responsibility for a home health caseload.

a. - c. Repealed.

2. Restrictions. The PTA's duties shall not include interpretation and implementation of referrals or

prescriptions, performance evaluations, or the determination or major modifications of treatment programs.

a - h.v. Repealed.

K. Registered Nurse

1. Qualifications. The RN shall be currently licensed by the LSBN without restrictions and have, at a minimum, one year of clinical experience as an RN. This requirement may be waived for an RN with one year's clinical experience as an LPN.

a. Special Qualifications. In addition to the above qualifications, an RN shall have one of the following credentials in order to provide psychiatric nursing services. Work experience shall have been obtained within the last five years. If experience is not within the five-year time period, then documentation shall be provided to support either psychiatric retaining, classes, or CEUs to update psychiatric knowledge:

i. a master's degree in psychiatric or mental health nursing; or

ii. a bachelor's degree in nursing and one year of work experience in an active treatment unit in a psychiatric or mental health facility or outpatient mental health clinic; or

iii. a diploma or associate degree and two years of work experience in an active treatment unit in a psychiatric or mental health hospital or outpatient clinic.

2. Responsibilities. The RN shall:

a. provide or supervise skilled nursing services in accordance with authorized healthcare provider orders;

b. assess and regularly re-evaluate the nursing needs of the patient;

c. develop, initiate, implement, and update the POC as needed or at least every 60 days, or as needed;

d. provide specialized nursing services, which may include treatments and diagnostic and preventive procedures;

e. initiate preventive and rehabilitative nursing procedures as appropriate for the patient's care and safety;

f. coordinate services and inform the authorized healthcare provider and other personnel of changes in the patient's condition and needs;

g. teach, supervise and counsel the patient, family members and other members of the health care team regarding the nursing care needs and other related problems of the patient at home;

h. prepare clinical and/or progress notes and incorporate them into the clinical record at least weekly;

i. observe and report the patient's response to treatment and any changes in his/her condition to the authorized healthcare provider and supervising RN;

j. conduct on-site supervisory evaluations at least every six months of each licensed practical nurse while he/she is providing care and document such supervision in the LPN's personnel file;

k. conduct on-site supervision of patient care provided by the home health aide; and

l. function as patient advocate in all medical decisions affecting the patient.

3. Restrictions. An RN applicant may not work in the home health setting as an RN.

L. Speech Pathology Services

1. Qualifications. The speech pathologist shall be currently licensed by the Louisiana Board of Examiners of Speech Pathology and Audiology.

a. - a.iii. Repealed.

2. Responsibilities. The speech pathologist shall:

a. assist the authorized healthcare provider and other members of the health care team in evaluating the patient's speech or language needs and formulating the POC;

b. provide service within the scope of practice as defined by the state law governing the practice of speech pathology, in accordance with the POC and in coordination with other members of the health care team;

c. observe and report the patient's response to treatment and any changes in the patient's condition to the authorized healthcare provider and supervising RN;

d. instruct and inform participating members of the health care team, the patient, and the family/caregivers regarding the POC, functional limitations and progress towards goals;

e. prepare clinical and or progress notes for each visit and incorporate them into the clinical record at least weekly; and

f. prepare a written summary of the services provided when speech therapy services are discontinued, including an assessment of the patient's current status which shall be retained in the patient's clinical record and a copy forwarded to the authorized healthcare provider within five business days.

2.g. - M.2.f. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq..

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2240 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9105. State Licensure

A. Initial Licensure

1. The LDH is the only licensing authority for home health agencies in the State of Louisiana. To initiate the review process for licensure as an HHA, the applicant shall submit the following:

a. ...

b. the required fee for licensure by corporate check, certified check or money order or in other manner as determined by the department. This fee is non-refundable;

c. ...

d. proof of general and professional liability insurance as well as worker's compensation insurance. The general and professional liability coverage shall be for at least \$300,000. The shall must maintain these insurance requirements at all times, and be able to provide proof of insurance upon request as follows:

i. proof of general liability insurance of at least \$300,000 per occurrence;

ii. proof of worker's compensation insurance as required by state law;

iii. proof of professional liability insurance of at least \$100,000 per occurrence/\$300,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):

(a). if the HHA is self-insured and is not enrolled in the PCF, professional liability limits shall be \$1 million per occurrence/\$3 million per annual aggregate.

NOTE: the LDH-Health Standards Section (HSS) shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

e. résumés and documentation of qualifications for administrator and clinical manager. Additional information may not be submitted after the original resumé is submitted for review, except for changes in the designated positions or with approval of the HSS;

f. - g. ...

h. proof of citizenship or a valid green card for all administrative personnel, officers, directors and owners;

i. any other forms for initial licensure as required by the HSS; and

j. the "doing business as" (DBA) name of the agency shall not be the same or similar to another licensed HHA registered with the Secretary of State.

2. An application shall not be reviewed until payment of application fee has been received. All requirements of the application process shall be completed by the applicant within 90 days of the date of the initial submission of the home health license application. Upon approval of the application by LDH, the applicant shall agree to become fully operational and prepared for initial survey within 90 days. Any application not completed within 90 days after the initial submission shall be closed.

3. The applicant shall be notified in writing when the application process is completed and the application is approved. The applicant shall receive instructions regarding requesting an initial licensing survey.

4. Approved applicants shall be fully operational, in compliance with all licensing standards and providing care to only two patients at the time of the initial survey.

5. Repealed.

B. Types of Licenses. The LDH shall have the authority to issue the three types of licenses described below:

1. ...

2. Provisional License—may be issued to those existing agencies that do not meet criteria for full licensure. Such licenses may be issued to any agency by the department when the agency:

a. receives more than five violations of the minimum standards in a one-year period;

b. receives more than three valid complaints in a one-year period;

c. has placed a patient at risk according to a documented incident;

d. fails to correct deficiencies within 60 days of being cited;

e. fails to submit assessed fees after notification by the department;

f. has an owner, administrator, officer, director or clinical manager who has pled guilty or nolo contendere to a

felony, or been convicted of a felony as documented by a certified copy of the record of the court of conviction. If the applicant is a firm or corporation, a provisional license may also be issued when any of the members, officers, or the person designated to manage or supervise the agency has been convicted of a felony; or

g. fails to notify the department in writing within 30 days of the occurrence of a change in any of the following:

i. controlling ownership;

ii. administrator;

iii. clinical manager or alternate;

iv. address/telephone number, either parent or branch;

v. hours of operation; and

vi. after-hours contact procedures.

C. - D. ...

E. Survey Process

1. Initial. An on-site survey shall be conducted to assure compliance with the minimum standards. The request for initial licensing survey shall be accepted after the applicant has been notified in writing by the department that the application process is completed and the applicant is approved for an initial survey. This survey shall be unannounced and the agency shall have only one opportunity to be in compliance with the minimum standards. If the initial survey finds that the agency is not in substantial compliance with the minimum standards, then the agency shall transfer all patients and close.

2. Renewal. An unannounced, on-site visit may be conducted to assure compliance with the minimum standards as determined by the department. This survey may be conducted in conjunction with a survey for Medicare recertification or other reasons.

3. Follow-up. An unannounced survey may be conducted following annual re-licensing, complaint, or previous follow-up survey when the agency is not in substantial compliance with the minimum standards.

4. Complaint Investigation. The LDH has the authority to conduct investigations regarding home health agencies. A complaint investigation may be conducted during an unannounced on-site visit, by administrative review, or by telephone, as appropriate.

5. Violations of Minimum Standards. If the agency is found to be in violation of the minimum standards during any survey, a statement of deficiencies listing those violations shall be issued to the agency. The agency shall respond to these violations with an acceptable plan of correction, which shall be submitted to the department. The plan of correction shall be received by the department within 10 days of receipt of the statement of deficiencies by the agency. A follow-up survey may be conducted to assure that the agency has achieved substantial compliance with the minimum standards. If the follow-up survey reveals that the agency is still not in substantial compliance with the minimum standards, then a provisional license may be issued or a revocation action may be initiated in accordance with R.S.40:2116.32 and R.S. 40:2116.36.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177

(February 1995), LR 22:1135 (November 1996), LR 27:2245 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9107. Fees

A. Licensing Fee. A licensing fee, in the amount determined by LDH, is required to be submitted with the initial application. The department shall not consider an application as complete without the required licensing fee.

B. - C. ...

D. Change of Ownership Fee. A fee equal to the amount of licensing fee is to be paid to the department by the new owner when a CHOW occurs.

E. ...

F. Provisional License Fee. Any agency issued a provisional license shall pay an additional amount equal to the annual fee for each follow-up survey. Fees shall be paid to the department prior to the survey being performed and shall be non-refundable.

NOTE: All fees submitted to the department shall be in the form of a certified check, company check, or money order or in other manner as determined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2246 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9109. Changes

A. Notice of Changes. The department shall be notified in writing by mail/e-mail or by facsimile no later than five days prior to the occurrence of any of the following changes:

1. - 6. ...

7. administrator or clinical manager;

8. controlling ownership; and

9. ...

B. Change of Ownership. The department shall be notified in writing of a CHOW or change of controlling interest.

1. A CHOW packet is required to be submitted with required fees.

2. When a change in controlling interest occurs, written documentation and disclosure of the change shall be submitted.

3. The purchaser of the agency shall meet all criteria for an initial application for licensure. (See §9105, State Licensure.)

C. Voluntary Termination of License. If at any time the agency ceases to operate, the agency shall meet the requirements of §9110.

D. Relocation of an Agency. The department shall be notified in writing of any relocation of an agency. An agency may only relocate within a 50-mile radius of the location where the agency was originally licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2246 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9110. Cessation of Business

A. Except as provided in §9116 and §9117 of these licensing regulations, a license shall be immediately null and void if an HHA becomes non-operational.

B. A cessation of business is deemed to be effective the date on which the HHA ceases offering or providing services to the community and/or is considered non-operational in accordance with the requirements in §9115.B.1-3.c.

C. Upon the cessation of business, the HHA shall immediately return the original license to the department.

D. Cessation of business is deemed to be voluntary action on the part of the agency. The HHA does not have a right to appeal a cessation of business.

E. Prior to the effective date of the closure or cessation of business, the HHA shall:

1. give 30 days' advance written notice to:

a. each patient or patient's legal representative, if applicable;

b. each patient's authorized healthcare provider; and

c. Health Standards Section.

2. provide for a safe and orderly discharge and transition of all of the HHA's patients.

F. In addition to the advance notice, the HHA shall submit a written plan for the disposition of patient related records for approval by the department. The plan shall include the following:

1. the effective date of the closure;

2. provisions that comply with federal and state laws on storage, maintenance, access, and confidentiality of the closed agency's patient related records;

3. the name and contact information for the appointed custodian(s) who shall provide the following:

a. access to records and copies of records to the patient or authorized representative, upon presentation of proper authorization(s); and

b. physical and environmental security that protects the records against fire, water, intrusion, unauthorized access, loss and destruction;

4. public notice regarding access to records, in the newspaper with the largest circulation in close proximity to the closing agency, at least 15 days prior to the effective date of closure.

G. If an HHA fails to follow these procedures, the owners, managers, officers, directors, and administrators may be prohibited from opening, managing, directing, operating, or owning an HHA for a period of two years.

H. Once any HHA has ceased doing business, the agency shall not provide services until the agency has obtained a new initial HHA License.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

§9111. Denial, Revocation or Denial of License Renewal

A. Denial of Licensure Applications. If an agency's license is revoked or denied renewal, no other HHA license application shall be accepted from that agency for approval by the department for two years from the date of the revocation or denial of renewal of the license.

B. Grounds for Denial or Revocation of License. The LDH may deny an application for a license, refuse to renew

a license or revoke a license in accordance with R.S. 40:2116.36 and 40:2116.37.

C. Grounds for Immediate Denial or Revocation. A license shall be immediately denied or revoked if the department determines that the agency either knowingly and willfully or through gross negligence allowed or directed actions which resulted in:

1. - 2. ...

3. failure to protect patients or persons in the community from the harmful actions of the agency employees including, but not limited to coercion, threat, intimidation, solicitation and harassment;

4. - 6. ...

7. bribery, harassment, or intimidation of any person designed to cause that person to use the services of any particular HHA;

8. pleading guilty or nolo contendere to a felony, or being convicted of a felony by an owner, administrator, officer, director, or clinical manager as documented by a certified copy of the record of the court of conviction. If the applicant is a firm or corporation, a license may also be immediately denied or revoked when any of its members, officers, or the person designated to manage or supervise the home care has been convicted of a felony. For purposes of this Paragraph, conviction of a felony means and includes:

a. - c. ...

D. Additional Grounds for Denial or Revocation. A license may be denied, revoked or not renewed for failure to correct any violation of law and regulation for which a provisional license may have been issued under R.S. 40:2116.31, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 22:1135 (November 1996), LR 27:2247 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9113. Informal Dispute Resolution Process, Notice and Appeal Procedure

A. Informal Dispute Resolution Process. An agency has one opportunity to question citations of deficient practice through an informal dispute resolution process. To request an informal dispute resolution discussion, the agency shall submit a written request specifying the deficient practice(s) that are being disputed and why the agency is questioning the deficient practice(s). The request shall be made within 10 calendar days of the date of the agency's receipt of the notice of the deficient practice(s). Reconsideration shall be made solely on the survey report, statement of violations and all documentation the agency submits to the department at the time of its request for reconsideration. Correction of a violation shall not be a basis for reconsideration. Since this is an informal dispute resolution discussion, it is not necessary for the agency's attorney to be present. However, if the agency wishes to include their attorney in the informal dispute resolution discussion, the agency shall indicate this in their written request. The informal dispute resolution process is not in lieu of the appeals process.

B. Notice. Notice of reasons for denial of renewal or revocation of a license shall be given in accordance with the current Louisiana Revised Statutes.

C. Administrative Appeal Process. When an administrative appeal is requested in a timely manner, the Division of Administrative Law (DAL) shall provide an administrative hearing in accordance with the provisions of the Louisiana Administrative Procedure Act (APA) and the current Louisiana Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2247 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9115. Agency Operations

A. ...

B. Operational Requirements

1. An HHA shall:

a. - b. ...

c. have an RN immediately available by telecommunications at all times;

d. respond to patient care needs and authorized healthcare provider orders in a timely manner;

e. - i. ...

j. accept medical orders only from an authorized healthcare provider or authorized healthcare provider representative (e.g., hospital discharge planner);

k. ...

l. have an emergency preparedness plan (which conforms to the Louisiana Model Home Health Emergency Preparedness Plan) designed to manage the consequences of natural disasters or other emergencies that disrupt the HHA's ability to provide home health services;

m. - q. ...

r. notify the department of any change of address, services added or ceased, and change of all key employees in accordance with §9109;

s. maintain general and professional liability insurance and workers' compensation insurance in accordance with the requirements of §9105.

2. An HHA may:

a. - b. ...

3. An HAA shall not:

a. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2248 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9116 Inactivation of License Due to a Declared Disaster or Emergency

A. An HHA licensed in a parish which is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S.29:724 or R.S.29:766, may seek to inactivate its license for a period not to exceed one year, provided that the following conditions are met:

1. the licensed agency shall submit written notification to the HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. the agency has experienced an interruption in the provisions of services as a result of events that are the subject of such executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the licensed agency intends to resume operation as an HHA in the same service area;

c. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

d. includes an attestation that all patients have been properly discharged or transferred to another provider; and

e. provides a list of each patient and where that patient is discharged or transferred to;

2. the licensed agency resumes operating as an HHA in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

3. the licensed HHA continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties; and

4. the licensed HHA continues to submit required documentation and information to the department.

B. Upon receiving a completed written request to inactivate an HHA license, the department shall issue a notice of inactivation of license to the HHA.

C. Upon completion of repairs, renovation, rebuilding or replacement, an HHA which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met.

1. The HHA shall submit a written license reinstatement request to the licensing agency of the department 60 days prior to the anticipated date of reopening.

a. The license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing survey.

b. The license reinstatement request shall include a completed licensing application with appropriate licensing fees.

2. The agency resumes operating as an HHA in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766.

D. Upon receiving a completed written request to reinstate an HHA license, the department shall conduct a licensing survey. If the HHA meets the requirements for licensure and the requirements under this Section, the department shall issue a notice of reinstatement of the HHA license.

E. No CHOW in the HHA shall occur until such HHA has completed repairs, renovations, rebuilding or replacement construction, and the HHA has reinstated its license and resume operation as an HHA.

F. The provisions of this Section shall not apply to an HHA which has voluntarily surrendered its license and ceased operation.

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the HHA

license and any applicable facility need review approval for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2248 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9117. Inactivation of License Due to a Non-Declared Disaster or Emergency

A. A licensed HHA in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. The licensed HHA shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the HHA has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the licensed HHA intends to resume operation as a HHA in the same service area;

c. the licensed HHA attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the licensed HHA's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding or replacement of the facility.

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

2. the licensed HHA continues to pay all fees and costs due and owed to the department including, but not limited to annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the licensed HHA continues to submit required documentation and information to the department, including but not limited to cost reports.

B. Upon receiving a completed written request to temporarily inactivate an HHA, the department shall issue a notice of inactivation of its license to the HHA.

C. Upon the agency's receipt of the department's approval of request to inactivate the HHA's license, the HHA shall have 90 days to admit plans for the repairs, renovations, rebuilding, or replacement of the HHA.

D. The licensed HHA shall resume operating as an HHA in the same service area within one year.

EXCEPTION: If the agency requires an extension of this timeframe due to circumstances beyond the agency's control, the department may consider an extended time period to complete construction or repairs. Such written request for extension shall show agency's active efforts to complete construction or repairs and the reasons for request for extension of agency's inactive license. Any approval for extension is at the sole discretion of the department.

E. Upon completion of repairs, renovations, rebuilding or replacement of the agency, an HHA which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the HHA shall submit a written license reinstatement request to the agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing survey; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

4. Repealed.

F. Upon receiving a completed written request to reinstate an HHA license, the department may conduct a licensing survey. The department may issue a notice of reinstatement if the agency has met the requirements for licensure including the requirements of this Subsection.

G. No CHOW in the HHA shall occur until such HHA has completed repairs, renovations, rebuilding or replacement construction and has resumed operation as an HHA.

H. The provisions of this Subsection shall not apply to an HHA which has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the home health agency license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2248 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9118. Operation of Branch Offices [Formally §9117]

A. Branch Office Approval. No branch office may be opened without written approval from the department. In order for a branch office to be approved, the parent agency shall have full licensure for at least one year. Branch office approval shall be renewed at the time of renewal of the parent agency's license if the parent agency meets the requirements for licensure.

B. Identification. The branch shall be held out to the public as a branch or division of the parent agency, so that the public shall be aware of the identity of the agency operating the branch. Reference to the name of the parent agency shall be contained in any written documents, signs, or other promotional materials relating to the branch.

C. Personnel Records. Original personnel files shall not be maintained at the branch office.

D. Survey. A branch office is subject to survey by the Department at any time to determine compliance with the minimum standards which apply to HHAs.

E. Operational Requirements. A branch office shall:

1. serve a part of the geographic service area approved for the parent agency;

2. offer all home health services provided by the parent agency;

3. retain all original clinical records for its patients. Duplicate records need not be maintained at the parent agency, but shall be made available to federal/state surveyors during any review upon request; and

4. make personnel policies available to all HHA employees, including employees of the branch office

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR:48

§9119. Personnel Policies and Records

A. Personnel Policies. Each HHA shall develop and implement personnel policies. The policies shall be reviewed on an annual basis and shall specify agency requirements regarding the following:

1. - 6. ...

7. continuing education related to health care activities:

a. health professionals shall attend inservice training as required by respective licensing boards.

b. home health aides shall attend inservice training 12 hours per calendar year;

8. - 10. ...

11. payroll;

12. criminal background investigations (history check), if applicable; and

13. a process for checking the direct service worker registry and the Louisiana certified nurse aide registry upon hiring an employee, and every six months thereafter, to ensure that non-licensed personnel do not have a finding placed against him/her of abuse, neglect, or misappropriation of funds of an individual. If there is such a finding on the DSW and/or CNA registry, the applicant shall not be employed, nor shall a current employee have continued employment with the HHA.

B. Personnel Records. Original personnel files shall be maintained either at the parent agency or integrated with the human resources department of a hospital, agency home office or the parent corporation of the agency. Personnel records shall be made available to surveyors on request. There shall be a personnel record on file for each employee and contract staff member including, but not limited to, the following information:

1. - 8. ...

9. documentation of continuing education;

10. criminal background investigation (history check), if applicable; and

11. registry checks, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2248 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9120. Home Health Agency Responsibilities

A. Prior to hiring any non-licensed person, the home health agency HHA shall:

1. ensure that the individual is at least 18 years of age;

2. document that the individual is able to read, write and compare the English language; and

3. access the DSW/CNA registry to determine if there is a finding that a prospective hire, or currently employed or contracted non-licensed person, has been determined to have committed exploitation, extortion, abuse or neglect of an individual being supported, or misappropriated the individual's property or funds.

4. Access to the registry shall be limited to an inquiry for a specific individual.

B. The HHA shall have a written policy/process to check the DSW/CNA registry on the department's designated database at least every six months to determine if any currently employed or contracted non-licensed person has been placed on the registry with a finding that he/she has been determined to have committed abuse or neglect of an individual being supported or misappropriated the patient's property or funds or committed exploitation or extortion of a patient.

1. The HHA shall follow the agency's process in demonstration of compliance with this procedure.

2. If there is such a finding on the registry, the employee shall not have continued employment as a non-licensed person with the HHA.

NOTE: The DSW/CNA registry is maintained on the department's designated database which may also contain other exclusionary information on a non-licensed person. The HHA's responsibility to access the database shall also be conducted in accordance with other departmental Rules and regulations, as applicable.

C. Criminal History. In accordance with R.S. 40:1203.1-5 et seq., the HHA shall have a written policy and process to request in writing a security check and the criminal history of an employee, either contracted or directly employed, conducted by the Louisiana State Police or authorized agency, upon offer of employment or contract.

1. The HHA may make an offer of temporary employment to a non-licensed person pending the results of the criminal history and security check on the person. In such instances, the HHA shall provide to the Louisiana State Police, or authorized agency, the name and relevant information relating to the person within 72 hours after the date the person accepts temporary employment.

2. The security check shall consist of the use of personal identifiers, such as name, social security number, date of birth, and driver's license number, to search the national sex offender public registry. The HHA shall obtain from the Louisiana State Police or the authorized agency the results of the security check to verify if an applicant is listed in the national sex offender public registry.

3. Any home health aide offered temporary employment prior to the receipt of the results of the required criminal history and security check shall be under the direct supervision of a permanent employee or shall be in the presence of a member of the immediate family of the patient or of a care giver designated by the immediate family of the patient.

a. For purposes of this Paragraph, member of the immediate family means a child, parent, grandparent, sibling, uncle, aunt, nephew, or niece of the patient related by blood, marriage, or adoption.

D. The provisions of this Section shall apply to non-licensed persons who are compensated, either by direct employment or through contract, regardless of the setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

§9121. Emergency Preparedness

A. The HHA shall have an emergency preparedness plan which conforms to the current Office of Emergency Preparedness model plan and is designed to manage the consequences of natural disasters or other emergencies that disrupt the HHA's ability to provide care and treatment or

threaten the lives or safety of its patients. The HHA is responsible for obtaining a copy of the current Home Health Emergency Preparedness Model Plan from the Louisiana Office of Emergency Preparedness.

B. At a minimum, the agency shall have a written plan that describes:

1. the evacuation procedures for agency patients who require community assistance as well as for those with available caregivers to another location;

2. the delivery of essential care and services to agency patients, whether they are in a shelter or other locations;

3. ...

4. a plan for coordinating transportation services required for evacuating agency patients to another location; and

5. assurance that the agency shall notify the patient's family or caregiver, if patient is evacuated to another location.

C. The HHA's plan shall be activated at least annually, either in response to an emergency or in a planned drill. The HHA's performance during the activation of the plan shall be evaluated and documented. The plan shall be revised if the agency's performance during an actual emergency or a planned drill indicates that it is necessary.

D. Any updates or revisions to the plan shall be submitted to the parish Office of Emergency Preparedness for review. The parish Office of Emergency Preparedness shall review the HHA's plan by utilizing community wide resources.

E. As a result of an evacuation order issued by the parish Office of Emergency Preparedness (OEP), it may be necessary for an HHA to temporarily relocate outside of its licensed geographic service area. In such a case, the agency may request a waiver to operate outside of its licensed location for a time period not to exceed 90 days in order to provide needed services to its patients and/or other evacuees of the affected areas. The agency shall provide documentation as required by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2249 (December 2001), LR 32:846 (May 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9123. Patient Care Standards

A. Admission Criteria. The HHA shall follow written policies in making decisions regarding the acceptance of patients for care. Decisions shall be based upon medical and social information provided by the patient's attending authorized healthcare provider, and the patient and/or the family as well as the agency resources available to meet the needs of potential patients. The HHA shall accept patients for care without regard to age, color, creed, sex, national origin or handicap. Patients shall be admitted to an agency based on the following written criteria:

1. the ability of the agency and its resources to provide services on a timely basis and available within 24 hours unless specified otherwise by authorized healthcare provider's orders and in accordance with the needs of the patients;

2. the willingness of the patient and caregiver to participate in the POC;

3. - 4. ...

B. Admission Procedure. Patients are to be admitted only upon the order of the patient's authorized healthcare provider. The patient shall have the right to choose an authorized healthcare provider and an HHA without interference. Admission procedures are as follows:

1. an initial visit shall be made by an RN or an appropriate therapist who shall perform the assessment and instruct the patient regarding home care services. This visit shall be made available to an individual in need within 24 hours of referral unless otherwise ordered by an authorized healthcare provider;

2. an initial POC shall be completed by an RN or an appropriate therapist and incorporated into the patient's clinical record within seven days from the start of care; and

3. documentation shall be obtained at admission and retained in the clinical record including:

a. the referral for home care and/or authorized healthcare provider's order to assess patient;

b. - m. ...

C. Plan of Care. The POC for each patient shall be individualized to address the patient's problems, goals, and required services.

1. The POC, telephone and/or verbal orders shall be signed by the authorized healthcare provider within a timely manner, not to exceed 60 days; such orders may be accepted by an RN, a qualified therapist or a licensed practical nurse as authorized by state and federal laws and regulations.

a. - b. Repealed.

2. Agency staff shall administer services and treatments only as ordered by the authorized healthcare provider.

3. A POC for continuation of services shall be completed by an RN or an appropriate therapist and incorporated into the patient's clinical record within seven days from the date of the development of the POC.

D. Review of the Plan of Care. The total POC shall be reviewed by the patient's attending authorized healthcare provider in consultation with the agency's professional personnel at such intervals as required by the severity of the patient's illness, but at least once every two months.

E. Drugs and Biologicals. The agency shall institute procedures that protect the patient from medication errors. Agency policy and procedures shall be established to ensure that agency staff has adequate information regarding the drugs and treatments ordered for the patient.

1. Agency staff shall only administer drugs and treatments as ordered by the authorized healthcare provider.

2. Only medications dispensed, compounded or mixed by a licensed pharmacist and properly labeled with the drug name, dosage, frequency of administration and the name of the prescribing authorized healthcare provider shall be administered.

3. The agency shall provide verbal and written instruction to patient and family as indicated.

F. Coordination of Services. Patient care goals and interventions shall be coordinated in conjunction with providers, patients and/or caregivers to ensure appropriate continuity of care from admission through discharge.

1. All agencies shall provide for nursing services at least eight hours a day, five days a week and be available on emergency basis 24 hours a day, seven days a week. Agencies shall maintain an on-call schedule for RN's.

2. The agency shall maintain a system of communication and integration of services, whether provided directly or under arrangement, that ensures identification of patient needs and barriers to care, the ongoing coordination of all disciplines providing care, and contact with the authorized healthcare provider regarding for relevant medical issues.

G. Discharge Policy and Procedures

1. The patient may be discharged from an agency when any of the following occur:

a. - e. ...

f. conditions in the home are no longer safe for the patient or agency personnel. The agency shall make every effort to satisfactorily resolve problems before discharging the patient and, if the home is unsafe, make referrals to appropriate protective agencies;

g. the patient's authorized healthcare provider fails to renew orders for the patient;

h. - j. ...

k. 30 days advance written notice has been provided to the patient, or responsible party, when applicable and appropriate; and

1. death of the patient.

2. The agency shall have discharge procedures that include, but are not limited to:

a. notification of the patient's authorized healthcare provider;

b. - c. ...

d. forwarding of the discharge summary to the authorized healthcare provider.

3. The following procedures shall be followed in the event of the death of a patient in the home:

a. ...

b. the HHA parent office shall be notified;

c. the HHA personnel in attendance shall offer whatever assistance they can to the family and others present in the home; and

d. progress notes shall be completed in detail and shall include observations of the patient, any treatment provided, individuals notified, and time of death, if established by the authorized healthcare provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2249 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9125. Patient Rights

A. The patient, or representative if appropriate, shall be informed of the patient's rights in receiving home care services in a language and manner the individual understands. The patient has the right to exercise his/her rights as a patient of the HHA. If the patient has been judged incompetent, the family or guardian may exercise the patient's rights. The agency shall protect and promote the exercise of these rights. The patient has the right to:

1. have his or her property and person treated with respect;

2. be free from verbal, mental, sexual, and physical abuse, including injuries of unknown source, neglect and misappropriation of property;

a. - d. Repealed.

3. make complaints to the HHA regarding treatment or care that is (or fails to be) furnished, and the lack of respect for property and/or person by anyone who is furnishing services on behalf of the HHA;

a. Repealed.

4. participate in, be informed about, and consent or refuse care in advance of and during treatment, where appropriate, with respect to:

a. completion of all assessments;

b. the care to be furnished, based on the comprehensive assessment;

c. establishing and revising the POC;

d. the disciplines that will furnish the care;

e. the frequency of visits;

f. expected outcomes of care, including patient-identified goals, and anticipated risks and benefits;

g. any factors that could impact treatment effectiveness; and

h. any changes in the care to be furnished.

5. receive all services outlined in the POC;

a. - b.i. Repealed.

6. have a confidential clinical record;

7. be advised, orally and in writing, of:

a. the extent to which payment for HHA services may be expected from Medicare, Medicaid, or any other federally-funded or federal aid program known to the HHA;

b. the charges for services that may not be covered by Medicare, Medicaid, or any other federally-funded or federal aid program known to the HHA;

c. the charges the individual may have to pay before care is initiated; and

d. any changes in the information provided in accordance with §9125.A.7 when they occur. The HHA shall advise the patient and representative (if any), of these changes as soon as possible, in advance of the next home health visit.

8. receive proper written notice, in advance of a specific service being furnished, if the HHA believes that the service may be non-covered care, or in advance of the HHA reducing or terminating on-going care;

9. be advised of the state toll-free home health telephone hot line, its contact information, its hours of operation, and that its purpose is to receive complaints or questions about local HHAs;

10. be advised of the names, addresses, and telephone numbers of the following federally-funded and state-funded entities that serve the area where the patient resides:

a. agency on aging

b. center for independent living;

c. protection and advocacy agency;

d. aging and disability resource center; and

e. quality improvement organization.

11. be free from any discrimination or reprisal for exercising his or her rights or for voicing grievances to the HHA or an outside entity;

12. be informed of the right to access auxiliary aids and language services and how to access these service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21: 177 (February 1995), LR 27:2251 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9127. Contract Services

A. ...

1. Contract Requirements. Whenever services are provided by an outside agency or individual, there shall be a written contract. The contract shall include each of the following items:

a. - b. ...

c. a statement that services provided to the patient are in accordance with a POC established by the patient's authorized healthcare provider in conjunction with the HHA staff and, when appropriate, others involved in the patient's care;

d. a statement that services are being provided within the scope and limitations set forth in the POC, and may not be altered in type, scope, or duration by the contractor;

e. assurance that the contractor meets the same requirements as those specified for HHA personnel such as staff qualifications, functions, evaluations, orientation and in-service training. The agency shall be responsible for assuring the contractor's compliance with the personnel policies required for an HHA during the contractual period;

f. - h. ...

B. Contract Review. The HHA and contractor shall document review of their contract on an annual basis.

C. Coordination of Contract Services. The HHA shall coordinate services with contract personnel to assure continuity of patient care.

NOTE: Administration and one other service shall be provided directly by the agency at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2251 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9129. Clinical Records

A. Requirements. A clinical record containing past and current findings shall be maintained either electronically or in paper form for every patient who is accepted by the agency for home health service and shall be accessible to authorized agency staff as needed. In addition, the agency shall comply with the following requirements for clinical records.

1. The information contained in the clinical record shall be accurate and immediately available to the patient's authorized healthcare provider and appropriate HHA staff. The record may be maintained electronically.

2. All entries shall be legible, clear, complete, and appropriately authenticated and dated. Authentication shall include signatures or a secured computer entry with the

unique identifier of a primary author who has reviewed and approved the entry.

3. The original clinical records of active patients may be kept in the branch office for the convenience of the staff providing services. The records of patients whose services are provided by parent office staff shall be kept in that office.

4. ...

5. A signed consent for treatment form shall be obtained from the patient and/or the patient's family and retained in the record.

6. When applicable, a signed release of information form shall be obtained from the patient and/or the patient's family and a copy shall be retained in the record.

7. Records maintained either in paper or electronically shall be made available to LDH staff upon request.

8. Records shall be retained either electronically or in paper form for a period of not less than six years from the date on which the record was established and, if there is an audit or litigation that involves the records, the timeframe may be extended.

9. The agency shall have internal policies that provide for the retention of clinical records even if the agency discontinues operation.

10. Repealed.

11. Repealed.

B. Clinical Note. A clinical note shall be legibly written by the person making the visit and incorporated into the clinical record within one week of the visit. A patient care clinical note shall be completed on each visit and shall contain the following, at a minimum:

1. - 5. ...

6. vital signs, according to authorized healthcare provider's order or accepted standards of practice; and

7. ...

NOTE: The patient or a responsible person shall sign the permanent record of visit that is retained by the agency. However, it is not necessary for the patient or a responsible person to sign on the clinical note.

C. Clinical Record Contents. An active clinical record shall contain all of the following documentation:

1. ...

2. the current POC signed and dated by the authorized healthcare provider.

3. ...

4. the current clinical notes for at least the past 60 days, including a description of measurable outcomes relative to the goals in the POC that have been achieved;

5. - 6. ...

7. attending authorized healthcare provider data, including:

a. - c. ...

8. the diagnoses, including all conditions relevant to the current POC;

9. - 16. ...

17. when applicable, a copy of the transfer form that was forwarded to the appropriate health care facility that shall be assuming responsibility for the patient's care; and

18. the discharge summary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health

Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), amended LR 22:1135 (November 1996), LR 27:2252 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

§9131. Quality Assessment and Performance Improvement

A. The HHA shall develop, implement, evaluate, and maintain an effective, ongoing, HHA-wide, data-drive quarterly quality assessment and performance improvement (QAPI) program. The HHA's governing body shall ensure that the program reflects the complexity of its organization and services; involves all HHA services (including those services provided under contract or arrangement); focuses on indicators related to improved outcomes and takes actions that address the HHA's performance across the spectrum of care.

B. The HHA shall maintain documentary evidence of quarterly QAPI activities and be able to demonstrate its operation. The evaluation shall consist of an overall policy and administrative review and a quarterly clinical record review. The evaluation shall assess the extent to which the agency's program is appropriate, adequate, effective, and efficient. The results of the quarterly QAPI evaluation shall be reported to the governing body which is legally responsible for the operation of the agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.31 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:57 (January 1992), amended LR 21:177 (February 1995), LR 27:2253 (December 2001), amended by the Department of Health, Bureau of Health Services Financing, LR 48:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 31, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on, May 26, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Home Health Agencies
Licensing Standards**

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 21-22. It is anticipated that \$9,288 will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections since the licensing fees, in the same amounts, will continue to be collected.

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

This proposed rule, in compliance with Act 181 of the 2021 Regular Session of the Louisiana Legislature, amends the provisions governing the licensing of home health agencies in order to: 1) expand the type of practitioners and qualifications for administrators; 2) update and clarify definitions, governing body and patient rights provisions, and licensing requirements; and 3) add quality assessment and performance improvement requirements. This proposed rule will be beneficial to home health agencies by expanding and clarifying the licensing requirements. It is anticipated that implementation of this

proposed rule will not result in costs to home health agencies in FY 21-22, FY 22-23 and FY 23-24.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2204#041

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**Outpatient Hospital Services
(LAC 50:V.Subpart 5)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:V.Subpart 5 and repeal the following uncodified Rules in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act:

Register Date	Title	Register Volume, Number	Page Number
August 20, 1983	Change in Limits for Outpatient Hospital Services	Volume 9, Number 8	551
August 20, 1983	Discontinuance of Reimbursement to Emergency Access Hospitals	Volume 9, Number 8	552
December 20, 1985	MAP Outpatient Surgeries	Volume 11, Number 12	1147
November 20, 2000	Outpatient Hospital Services - Medicare Part B Claims	Volume 26, Number 11	2622
July 20, 2003	Outpatient Hospital Laboratory Services	Volume 29, Number 7	1096
December 20, 2003	Hospital Program - Out-of-State Hospitals - Outpatient Services - Reimbursement Reduction	Volume 29, Number 12	2802
December 20, 2004	Hospital Program - Outpatient Surgery Services - HIPAA Implementation	Volume 30, Number 12	2830
February 20, 2007	Hospital Licensing Standards	Volume 33, Number 2	284

This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing outpatient hospital services in order to provide reimbursement for laboratory testing for Coronavirus Disease 2019 (COVID-19) separately from outpatient hospital surgery fee schedule payments

(Louisiana Register, Volume 48, Number 2). This proposed Rule is being promulgated in order to continue the provisions of the February 10, 2022 Emergency Rule, repeal the above listed uncodified rules, and to amend the provisions governing outpatient hospitals in order to update reimbursement to out-of-state hospitals for consistency with in-state rates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 53. Outpatient Surgery

Subchapter A. General Provisions

§5301. Payment for Outpatient Surgery Services

A. Payment for outpatient surgery services is a flat rate in accordance with the published fee schedule. The flat rate payment covers all services provided during the outpatient surgical admission. There shall be no cost settlement for outpatient surgery services except for the specific hospital types identified in Subchapter B of this Chapter.

1. Effective for dates of service on or after February 10, 2022, the Medicaid Program shall provide reimbursement for Coronavirus Disease 2019 laboratory testing in addition to the outpatient surgery fee schedule flat fee reimbursement amount.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Subchapter B. Reimbursement Methodology

§5313. Non-Rural, Non-State Hospitals

A. - D. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

E. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

F. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

G. - M.1....

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 Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), LR 36:2041 (September 2010), LR 37:3266 (November 2011), LR 40:313 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:964 (May 2017), LR 43:2534 (December 2017), LR 44:2166 (December 2018), LR 45:1773 (December 2019), LR 46:1685 (December 2020), LR 48:

Chapter 55. Clinic Services

Subchapter A. General Provisions

§5501. Payment for Outpatient Hospital Clinic Services

A. Payment for outpatient hospital clinic services is a flat rate in accordance with the published fee schedule. There shall be no cost settlement for outpatient clinic services except for the specific hospital types identified in Subchapter B of this Chapter.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Subchapter B. Reimbursement Methodology

§5513. Non-Rural, Non-State Hospitals

A. - D. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

E. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

F. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

G. - L.1. ...

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 Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), LR 36:2042 (September 2010), LR 37:3266 (November 2011), LR 40:313 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:965 (May 2017), LR 43:2535 (December 2017), LR 44:2167 (December 2018), LR 45:1773 (December 2019), LR 48:

Chapter 57. Laboratory Services

Subchapter A. General Provisions

§5701. Payment for Outpatient Hospital Laboratory Services

A. Payment for outpatient hospital laboratory services is a flat rate in accordance with the published fee schedule. There shall be no cost settlement for outpatient laboratory services.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Subchapter B. Reimbursement Methodology

§5713. Non-Rural, Non-State Hospitals

A. - D. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

E. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

F. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

G. - L.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), LR 36:2042 (September 2010), LR 37:3266 (November 2011), LR 40:313 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:965 (May 2017), LR 43:2535 (December 2017), LR 44:2167 (December 2018), LR 45:1773 (December 2019), LR 48:

Chapter 59. Rehabilitation Services

Subchapter A. General Provisions

§5901. Payment for Outpatient Hospital Rehabilitation Services

A. Payment for outpatient hospital rehabilitation services is a flat rate in accordance with the published fee schedule. There shall be no cost settlement for outpatient rehabilitation

services except for the specific hospital types identified in Subchapter B of this Chapter.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Chapter 61. Other Outpatient Hospital Services

Subchapter A. General Provisions

§6101. Payment for Other Outpatient Hospital Services

A. Interim payment for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgery services, rehabilitation services, and outpatient hospital clinic services shall be at a hospital-specific cost to charge ratio. Final payment shall be a percentage of cost amount as detailed for each type of hospital in Subchapter B of this Chapter. The percentage shall be applied to cost for these services as calculated based on the finalized cost report.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Subchapter B. Reimbursement Methodology

§6115. Non-Rural, Non-State Hospitals

A. - D. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

E. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

F. ...

1. Small rural hospitals as defined in R.S. 40:1189.3 shall be exempted from this rate reduction.

G. - L.1. ...

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 Service Financing, LR 35:1900 (September 2009), amended LR 36:1250 (June 2010), LR 36:2043 (September 2010), LR 37:3267 (November 2011), LR 40:314 (February 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:965 (May 2017), LR 43:2535 (December 2017), LR 44:2168 (December 2018), LR 45:1774 (December 2019), LR 48:

Chapter 69. Out-of-State Hospitals

Subchapter A. Reserved

Subchapter B. Reimbursement

§6915. Reimbursement Methodology

A. Reimbursement for all Louisiana Medicaid recipients who receive outpatient services in an out-of-state hospital, including those recipients up to the age of 21, shall be calculated as follows:

1. Outpatient services provided in out-of-state hospitals that are subject to a fee schedule in-state shall be paid at the fee schedule amounts utilized for in-state non-rural, non-state hospitals.

2. Outpatient services provided in out-of-state hospitals that are not subject to a fee schedule in-state shall be paid at the annual average cost to charge ratio calculated from the filed Medicaid cost reports for in-state non-rural, non-state hospitals multiplied by the percent of allowable cost as specified in §6115 that is in effect for the applicable time period for in-state non-rural, non-state hospitals. This ratio shall be applied to the billed charges for covered claims

submitted by out-of-state hospitals to determine payment for non-fee schedule services.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

Chapter 71. Medicare Part B Claims for Medicaid Eligible Recipients

Subchapter A. Reserved

Subchapter B. Reimbursement

§7115. Reimbursement Methodology

A. To determine the amount that Medicaid will reimburse on a claim for a Medicaid recipient who is also eligible for Medicare Part B, the Medicare claim payment is compared to the Medicaid rate on file for the revenue or procedure codes on the Medicare Part B claims for outpatient hospital services. If the Medicare payment exceeds the Medicaid rate, the claim is adjudicated as a paid claim with a zero payment. If the Medicaid rate exceeds the Medicare payment, the claim is reimbursed at the lesser of the co-insurance and deductible or up to the Medicaid maximum payment. If the Medicaid payment is reduced or eliminated as a result of the Medicare/Medicaid payment comparison, the amount of the Medicare payment plus the amount of the Medicaid payment, if any, shall be considered to be payment in full for the service.

B. The recipient does not have any legal liability to make payment for the service.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service,

but may increase direct or indirect cost to the provider to provide the same level of service due to the reduction of Medicaid payments for the service. The proposed Rule may also have a negative impact on the provider's ability to provide the same level of service as described in HCR 170 if the reduction in payments adversely impacts the provider's financial standing.

Public Comments

Interested persons may submit written comments to Patrick Gillies, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Mr. Gillies is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 31, 2022.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 26, 2022 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Outpatient Hospital Services

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

It is anticipated that implementation of this proposed rule will increase state costs by approximately \$10,944 for FY 21-22 as a result of the reimbursement for COVID-19 laboratory testing separately from the outpatient hospital surgery flat fee reimbursement amount, and will reduce state costs by approximately \$789,304 for FY 22-23 and \$887,167 for FY 23-24. It is anticipated that \$1,512 (\$756 SGF and \$756 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and 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 increase federal revenue collections by approximately \$27,641 for FY 21-22, and decrease federal revenue collections by approximately \$2,666,175 for FY 22-23 and \$2,996,745 for FY 23-24. It is anticipated that \$756 will be collected in FY 21-22 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed rule continues the provisions of the February 10, 2022 Emergency Rule which amended the provisions governing outpatient hospital services in order to provide reimbursement for laboratory testing for Coronavirus Disease 2019 (COVID-19) separately from outpatient hospital surgery fee schedule payments. Secondly, the proposed rule amends the provisions governing reimbursement to out-of-state hospitals to ensure consistency with in-state rates. In addition, it repeals outdated, uncodified outpatient hospital rules. Beneficiaries and providers of outpatient hospital services will benefit from implementation of this proposed rule since it provides coverage for COVID-19 laboratory tests. It is anticipated that implementation of this proposed rule will increase expenditures in the Medicaid program by approximately \$37,073 for FY 21-22, \$139,500 for FY 22-23, and \$139,500 for FY 23-24 due to Medicaid reimbursement for COVID-19 laboratory testing separately from the outpatient hospital surgery flat fee reimbursement amount, but will reduce expenditures by approximately \$3,594,979 for FY 22-23 and \$4,023,412 for FY 23-24 as a result of the alignment of out-of-state hospital reimbursement rates with in-state rates. This will result in a net savings of \$3,455,479 for FY 22-23 and \$3,883,912 for FY 23-24.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Patrick Gillies
Medicaid Executive Director
2204#042

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Office of Public Health

Marine and Fresh Water Animal Food Products
(LAC 51:IX.101, 123, 125, 127, 129, 133, 135,
141, 143, 145, 147, 149, 303, 311, 313, 330,
331, 339, 343, 501, 503, 505, 507 and 509)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH/OPH), intends to amend certain Sections of Chapters 1 and 3 of Part IX (Marine and Fresh Water Animal Food Products) of Title 51 (Public Health—Sanitary Code). In addition, Chapter 5 is proposed to be promulgated as an addition to this Part to address the regulation of molluscan shellfish aquaculture.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part IX. Marine and Fresh Water Animal Food Products

Chapter 1. Shellfish Growing Areas

§101. Definitions

[formerly paragraph 9:001]

A. ...

Adverse Pollution Conditions—a state or situation caused by meteorological, hydrological, or seasonal events

or point source discharges that has historically resulted in elevated fecal coliform levels in a particular growing area.

Approved Area—the classification of a Louisiana shellfish growing area which has been approved by the state health officer with the assistance of the secretary of the Department of Wildlife and Fisheries for growing or harvesting shellfish for direct marketing. The classification of an approved area is determined through a sanitary survey conducted by the Department of Health in accordance with the guidelines set out in this rule and as hereafter amended and duly promulgated. An approved shellfish growing area may be temporarily made a closed area when a public health emergency resulting from, for instance a hurricane or flooding, is declared by the state health officer.

Aquaculture—cultivating shellfish in controlled conditions for human consumption. Cultivation includes propagation and growing of shellfish. These activities may occur in natural or man-made water bodies. These activities include seed collection, production, and cultivation in natural water bodies when shellfish are held off the bottom such as the use of racks, bags, or cages, and when shellfish are held in man-made water bodies such as the use of tanks, ponds, or raceways. These activities do not include depuration or wet storage.

Central Laboratory, in New Orleans, Public Health Laboratory for the State—Repealed.

Certified Laboratory—a laboratory conducting analysis for the Louisiana Molluscan Shellfish Program that has received a satisfactory rating during an on-site evaluation by the shellfish evaluation officer for the state of Louisiana or the federal Food and Drug Administration (FDA) evaluation officer. The purpose of the evaluation will be to assure the uniform application of standard procedures and methods in the sampling and analytical examination of shellfish growing waters and to determine and assure the adequacy of facilities, equipment, and personnel to perform analytical testing necessary to meet the requirements recommended by the National Shellfish Sanitation Program and found to be acceptable by the Louisiana Molluscan Shellfish Program. This evaluation only certifies that the laboratory facility and its staff meet the specifications of the National Shellfish Sanitation Program at the time of the evaluation.

Cull—to remove dead or unsafe shellstock from a lot of shellstock.

Department—the Louisiana Department of Health, Office of Public Health.

FDA Evaluation Officer—Repealed.

Habitable Structure—any structure capable of giving shelter from the environment and producing sewage waste.

Harvest—the act of removing shellstock from growing areas and its placement on or in a manmade conveyance or other means of transport.

Harvest Area—an area that contains commercial quantities of shellstock and may include aquaculture sites and facilities.

Hazard Analysis Critical Control Point (HACCP)—a systematic, science-based approach used in food production as a means to assure food safety. The concept is built upon the seven principles identified by the National Advisory Committee on Microbiological Criteria for Foods (1992).

Hazard Analysis Critical Control Point Plan—a written document that delineates the formal procedures that a dealer follows to implement the HACCP requirements set forth in 21 Code of Federal Regulations (CFR) 123.6 as adopted by the Interstate Shellfish Sanitation Conference.

In-Shell Product—nonliving, processed shellfish with one or both shells present.

Interstate Shellfish Sanitation Conference (ISCC)—the organization which consists of agencies from shellfish producing and receiving states, FDA, the shellfish industry, NOAA, and the Environmental Protection Agency (EPA). The ISCC provides the formal structure wherein state regulatory authorities, with FDA concurrence, can establish updated guidelines and procedures for sanitary control of the shellfish industry.

Laboratory Evaluation Officer (LEO)—a person from either a state, federal or foreign authority that has met the personnel training requirements for implementing the NSSP.

Louisiana Molluscan Shellfish Laboratory System—all laboratories that have been successfully evaluated during an on-site evaluation by the Laboratory Evaluation Officer for the state of Louisiana and have been consequently officially designated as a shellfish sanitation laboratory for the Louisiana Molluscan Shellfish Sanitation Program.

Louisiana State Shellfish Sanitation Program, Oyster Water Monitoring Program—Repealed.

Marina—any water area with a structure (docks, basin, floating docks, etc) which is used for docking and constructed to provide temporary or permanent docking space for more than 10 boats.

Marine Biotxin—any poisonous compound produced by marine microorganisms and accumulated by shellstock. Examples include toxins produced by *Alexandrium spp* [*Protogonyaulax* species] and *Karenia brevis*.

Molluscan Shellfish Program—the program which regulates and monitors the growing, harvesting, handling and shipping of shellfish in the state of Louisiana. The program is with the Louisiana Department of Health, Office of Public Health, Sanitation Services Section.

Narrative Report—a report submitted by the shellfish evaluation officer for the state of Louisiana or the FDA evaluation officer following an on-site evaluation. The report shall include the identity of the laboratory, the date of evaluation, name of evaluator, information on personnel and procedures and conclusions and shall precisely and accurately describe the conditions which existed during the evaluation, including what recommendations were made to correct deficiencies and proposed timetable for any corrective action necessary to bring the laboratory into substantial conformity with the requirements of the National Shellfish Sanitation Program (NSSP) as approved by the Louisiana Molluscan Shellfish Program.

National Shellfish Sanitation Program (NSSP)—the cooperative State-FDA-Industry program for the certification of interstate shellfish shippers as described in the National Shellfish Sanitation Program for the Control of Molluscan Shellfish. The National Shellfish Sanitation Program for the Control of Molluscan Shellfish guide may be obtained from the Interstate Shellfish Sanitation Conference.

On-Site Evaluation—inspection of a laboratory and all appropriate personnel at the physical laboratory site by the Laboratory Evaluation Officer for the purpose of conducting evaluation according to the NSSP Guide for the Control of Molluscan Shellfish.

Open Water Aquaculture—the cultivation of bivalve shellfish in natural shellfish growing areas.

Poisonous or Deleterious Substance—a toxic substance occurring naturally or added to the environment for which a regulatory tolerance limit or action level has been established in shellfish to protect public health.

Pollution—the contamination of the shellfish waters by the discharge of microbiological substances into these waters (chemicals, bacterial, or biotoxins).

Post-Harvest Processing (PHP)—any process which has been validated using NSSP validation procedures which reduces levels of pathogenic hazards to below the appropriate FDA action level or in absence of such a level, below the appropriate level as determined by the ISCC.

Processing—any activity associated with the handling, shucking, freezing, packing, labeling or storing of shellfish in preparation for distribution. This would include the activities of a shellstock shipper, shucker packer, repacker, reshipper, or depuration processor.

Prohibited Area—Louisiana waters that have been classified by the state health officer as prohibited for the harvesting of shellfish for any purpose except depletion and production of seed for aquaculture. A prohibited shellfish growing area is a closed area for the harvesting of shellfish at all times. Harvesting of shellfish from a closed area may result in criminal charges pursuant to R.S. 56:424.

Restricted Area—a classification used to identify a growing area where harvesting shall be by special permit and the shellstock, following harvest, is subjected to a suitable and effective treatment process.

Sanitary Survey—the written evaluation report of all environmental factors, including actual and potential pollution sources, which have a bearing on shellfish growing area water quality.

Satisfactory Rating—Repealed.

Seed—shellstock which is less than market size.

Shellfish Evaluation Officer for the State of Louisiana—state health officer or his/her designee approved by letter by the federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch to conduct on-site evaluations of laboratories deserving official recognition as a member of

the shellfish sanitation laboratory system other than the Certified Laboratory i. Official approval is based upon the individual meeting the requirements of Shellfish Sanitation Interpretation S.S. 35 entitled "Evaluation of Laboratories by State Shellfish Laboratory Evaluation Officers."

Worst Pollution Conditions—Repealed.

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258.B, with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4.A(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1289 (June 2002), amended LR 28:1591 (July 2002), LR 31:2895 (November 2005), LR 34:2175 (October 2008); amended by the Department of Health, Office of Public Health, LR 48:

§103. Harvesting and/or Sales Shellfish—In Open Status

[formerly paragraph 9:002-1]

A. No shellfish shall be harvested and/or sold in the state of Louisiana for food unless taken from areas sanctioned by the state health officer, or if taken from sources outside of the state, from areas sanctioned by the state authorities having jurisdiction, and unless secured from shellfish dealers whose state certifications have been endorsed by the United States Food and Drug Administration, Public Health Service for interstate shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1291 (June 2002); repromulgated by the Department of Health, Office of Public Health, LR 48:

§105. Sanitary Surveys of Growing Areas—Satisfactory Compliance

[formerly paragraph 9:002-2]

A. ...

1. Before an area is classified as approved, conditionally approved, or restricted, a sanitary survey shall be completed. The survey is a report completed prior to allowing harvesting from the area.

2. Each sanitary survey report shall identify and evaluate all actual and potential sources of pollution which may affect the growing area; determine the distance of such sources to the growing area; assess the effectiveness and reliability of sewage treatment systems; and ascertain the presence of poisonous or deleterious substances, e.g., industrial, and agricultural wastes, pesticides or radionuclides. The presence and location of small sources of pollution such as boats which might contribute direct fresh fecal matter and poisonous or deleterious substances to the area shall be evaluated. The presence of domestic, wild animal, or migrating bird populations shall be considered for possible adverse effects upon water quality. Offshore growing areas located in the vicinity of ocean dump sites shall be evaluated for biological and chemical wastes and radiological materials. Other environmental health factors that may affect the quality of the shellfish resources should also be evaluated in the sanitary survey report.

3. Each sanitary survey report shall evaluate any meteorological and hydrodynamic effects and geographic

characteristics that may affect the distribution of pollutants over the growing area. These factors shall be assessed to determine their maximum effect on water quality.

4. Each sanitary survey report shall include the collection of growing area water samples and their analysis for bacteriological quality. The number and location of sampling stations selected shall be adequate to produce the data necessary to effectively evaluate all point and non-point pollution sources. Recommended that sampling stations shall be established to evaluate all freshwater discharges into the growing area. The collection of samples shall form a profile reflecting adverse meteorological, hydrographic, seasonal, and point source, and geographic pollution conditions to assure the requirements for classifying growing areas as approved (§109), conditionally approved (§111), or restricted (§113) are met.

5. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1292 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§107. Classification of Growing Areas—Satisfactory Compliance

[formerly paragraph 9:002-3]

A. This item will be satisfied when:

1. all actual and potential shellfish growing areas in the state of Louisiana are correctly designated with one of the following classifications on the basis of sanitary survey information: approved, conditionally approved, restricted or prohibited. Unclassified areas are managed as prohibited;

2. an area classified as prohibited will be established adjacent to all identified actual or potential pollution discharges, including sewage treatment plants outfall, which have a direct or indirect impact and, which have been determined to be of a significant nature in the growing area;

a. the determination of the size of the area to be classified as prohibited adjacent to each outfall shall include the following minimum criteria:

i. the volume flow rate, location of discharge, performance of the wastewater treatment plant and microbial quality of the effluent;

ii. the decay rate of the contaminants of public health significance in the wastewater discharge;

iii. the wastewater's dispersion and dilution, and the time of waste transport to the area where shellstock may be harvested; and

iv. the location of shellstock resources, classification of adjacent waters and identifiable landmarks and boundaries.

3. an upward revision of an area classification shall be supported by an adequate sanitary survey report. This report shall include a written analysis of the data and shall be part of the growing area central file. The reopening of an area temporarily closed because of an emergency, the failure to meet the performance standards for a conditional area, or the presence of biotoxins shall be supported by appropriate data showing that the original classification criteria are met, and

documented by a written record in the central file of the Molluscan Shellfish Program, Office of Public Health, Department of Health;

4. maps showing the boundaries and classification of each shellfish growing area are maintained in the central file by the Molluscan Shellfish Program, Office of Public Health, Department of Health;

5. maps showing the boundaries and status (opened or closed) of each shellfish growing area are posted at designated locations. These locations are listed in the *Louisiana Register*, Vol. 13, pages 413-415.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1292 (June 2002), LR 48:

§109. Approved Areas—Satisfactory Compliance

[formerly paragraph 9:002-4]

A. ...

1. Results of sampling under adverse pollution conditions indicate that the fecal coliform median or geometric mean MPN of the water does not exceed 14 per 100 ml and not more than 10 percent of the samples exceed an MPN of 43 for a five-tube dilution test (or an MPN of 49 per 100 ml for a three-tube decimal dilution test);

2. Sanitary Survey Report, as required in §§105 and 107, are on file with the Molluscan Shellfish Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1293 (June 2002), LR 48:

§111. Conditionally Approved Areas—Satisfactory Compliance

[formerly paragraph 9:002-5]

A. - A.1. ...

2. a current sanitary survey is on file with the Molluscan Shellfish Program;

3. - 4. ...

5. statistical analysis shows the factor(s) to be a significant contributor to the microbiological pollution event.

B. - D. ...

E. Reevaluation of Conditional Classification

1. The classification shall be reevaluated at least once each year. The reevaluation shall include:

a. evaluation of compliance with the management plan;

b. determination of adequacy of reporting of failure to meet performance standards;

c. review of cooperation of all parties involved;

d. evaluation of water quality in the growing area with respect to the bacteriological standards for its classification;

e. field inspection of critical pollution sources, where necessary; and

f. written findings, evaluations, and recommendations.

F. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1293 (June 2002), LR 48:

§113. Restricted Area—Satisfactory Compliance
[formerly paragraph 9:002-6]

A. An area may be classified as restricted when a sanitary survey indicates a limited degree of pollution. This option may arise when levels of fecal pollution or poisonous or deleterious substances are low enough that relaying will make the shellfish safe to market. This item will be satisfied when the following criteria are met in areas designated as restricted.

1. ...

2. The area is not so contaminated with fecal material, poisonous or deleterious substances that consumption of the shellfish might be hazardous after relaying. Verification of these findings shall be done by a laboratory found to conform by a laboratory evaluation officer.

3. For restricted areas to be used for harvest of shellfish for controlled purification the bacteriological quality of every sampling station in those portions of the area exposed to fecal contamination during adverse pollution conditions shall meet one of the following standards.

a. - b. ...

4. Shellfish quality specifications are established by the Louisiana state health officer for the use in classifying areas. These specifications are based on the data obtained from surveys, water samples and product samples taken from the potential restricted area. With this information the Louisiana state health officer may evaluate the bacteriological and chemical quality of the shellfish and determine whether the shellfish may be used for relaying.

5. ...

6. All data, criteria, and protocols relating to the operation of a restricted area including survey reports, treatment effectiveness studies, classification criteria, harvesting permits, and harvesting control records are maintained in a central file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4A.(1) , R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1294 (June 2002), LR 48:

§115. Prohibited Areas—Satisfactory Compliance
[formerly paragraph 9:002-7]

A. Louisiana state shellfish growing water areas shall be classified as prohibited if:

1. no current sanitary survey exists; or

2. sanitary survey determines

a. the growing area is adjacent to a sewage treatment plant outfall or other point source of outfall with public health significance;

b. pollution sources may unpredictably contaminate the growing area;

c. the growing area is contaminated with fecal waste so that the shellfish may be vectors for disease microorganisms;

d. the concentration of biotoxin is sufficient to cause a public health risk; or

e. the area is contaminated with poisonous or deleterious substances cause the shellfish to be adulterated; or

3. risk assessment determines shellstock are not safe for human consumption; or

4. wastewater discharges are adjacent to sewage treatment plant outfall or any other point source outfall of public health significance. The determination of the size of the area to be classified as prohibited adjacent to each outfall shall include the following:

a. the volume flow rate, location of discharge, performance of the wastewater treatment plant and the microbiological quality of the effluent;

b. the decay rate of the contaminants of public health significance in the wastewater discharged;

c. the wastewater's dispersion and dilution, and the time of waste transport to the area where shellstock may be harvested; and

d. the location of the shellfish resources, classification of adjacent waters and identifiable landmarks or boundaries.

B. No shellfish shall be taken from prohibited areas for human food use unless it is seed to be cultured in accordance with aquaculture requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health Office of Public Health, LR 28:1294 (June 2002), LR 48:

§123. Procedure for the Analysis of Shellfish Growing Waters
[formerly paragraph 9:002-11]

A. Analysis of shellfish growing waters for the Louisiana Molluscan Shellfish Program shall be performed by a laboratory officially designated as part of the Louisiana shellfish sanitation laboratory system. Procedures and methods for analysis of shellfish growing water shall conform to criteria stipulated in the 4th edition of American Public Health Association (APHA) Recommended Procedures for the Examination of Sea Water and Shellfish published August 29, 2011, and appropriate sections in Official Methods of Analysis, 21st Edition, published in 2019, of the Association of Official Analytical Chemists (A.O.A.C.).

1. Microbiological examinations shall be conducted as follows: Appropriate dilutions shall be made with Butterfield's buffered phosphate diluent. Shake the sample and each successive dilution bottle 25 times vigorously using up and down movements of about 30 cm in seven seconds. Inoculate the water sample directly into tubes containing A-1 medium in suitable decimal dilutions using three or five tubes/dilution and a minimum of three dilutions. Place inoculated tubes into air incubator and incubate three hours plus/minus 0.5 hour at 35° plus/minus 0.5°Centrigade (C). Transfer tubes to water bath and incubate 21 plus/minus two hours at 44.5° plus/minus 0.2°C. Maintain the water level above the level of liquid in the inoculated tubes. Examine the inoculated tubes at the end of this period and record the results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1296 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§125. Determination of Results, Records and Data Reporting
[formerly paragraph 9:002-12]

A. Test result data for use by the Louisiana Molluscan Shellfish Program shall be generated by an officially designated laboratory of the Louisiana molluscan shellfish sanitation laboratory system.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1296 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§127. Qualification for Laboratories Conducting Analysis of Shellfish Growing Waters for the Louisiana Molluscan Shellfish Program
[formerly paragraph 9:002-13]

A. Laboratories conducting microbiological analysis of shellfish growing waters for the Louisiana Molluscan Shellfish Program shall be officially designated as part of the Louisiana state shellfish sanitation laboratory system. To be so designated, laboratories shall be evaluated by the Laboratory Evaluation Officer and shall maintain a satisfactory rating.

1. The Certified Laboratory shall be evaluated by the FDA Laboratory Evaluation Officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch.

B. - B.4. ...

5. at the request of the FDA, Director, Shellfish and Aquaculture Policy Branch or the Louisiana Molluscan Shellfish Program control authorities.

C. - H.10. ...

11. In laboratories where there is more than one analyst, analysts shall make parallel analyses on at least one positive sample quarterly.

12. ...

13. Glass/mercury thermometer calibration should be checked annually against a reference National Institute of Standards and Technology (NIST) thermometer or one which meets the requirements of NIST monograph 150, 2020 edition, published August 2020.

14. - 17. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1297 (June 2002), amended by the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, LR 34:445 (March 2008); amended by the Department of Health, Office of Public Health, LR 48:

§129. Qualification for Personnel Conducting Analysis of Shellfish Growing Waters
[formerly paragraph 9:002-14]

A. ...

1. Analysts in the Certified Laboratory in Baton Rouge shall be evaluated by the FDA Laboratory Evaluation Officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch.

B. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1298 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§131. Qualifications, Requirements for Laboratory Evaluation Officer for the State of Louisiana
[formerly Paragraph 9:002-15]

A. The shellfish evaluation officer for the state of Louisiana shall be designated by letter by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Division of Seafood Safety, Shellfish Aquaculture and Policy Branch. Designation is based upon meeting the requirements of the NSSP Guide Guidance document.

1. The individual shall be administratively attached to a Louisiana Molluscan Shellfish Laboratory which has been found by the FDA to conform or provisionally conform with the National Shellfish Sanitation Program (NSSP).

2. ...

3. If deemed necessary by an FDA laboratory evaluation officer, the individual shall conduct several laboratory evaluations jointly with FDA Shellfish and Aquaculture Policy Branch laboratory evaluation officers.

4. During a joint on-site evaluation with an FDA laboratory evaluation officer, the individual shall demonstrate competence in evaluating analysts' performance of the applicable shellfish laboratory test methods in the 4th edition of the APHA Recommended Procedures for the Examination of Sea Water and Shellfish and the Official Methods of Analysis of the Association of Official Analytical Chemists (A.O.A.C). The evaluation will be recorded on the FDA Evaluation Laboratory Checklist.

5. The individual shall submit a written report to all evaluations conducted to the FDA Division of Cooperative Programs, Shellfish Sanitation Branch with a copy to the appropriate FDA shellfish specialist. The report should consist of the FDA Shellfish Standard Laboratory Evaluation Form, a summary list of qualified analysts and a narrative discussion for each laboratory evaluated. The narrative discussions shall include the identity of the laboratory, the date of evaluation, name of evaluator, a precise and accurate description of the conditions which existed during the evaluation, including what recommendations were made to correct deviations necessary to bring the laboratory into substantial conformity with the requirements of NSSP as approved by the Louisiana State Shellfish Sanitation Program and appropriate information on personnel and procedures and conclusions.

B. - B.2. ...

3. The individual shall submit a written report of the joint laboratory evaluation to the FDA Shellfish and

Aquaculture Policy Branch laboratory evaluation officers with a copy to the appropriate FDA shellfish specialist.

B.4. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1298 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§133. Requirements for Laboratory Certification
[formerly paragraph 9:002-16]

A. ...

1. The purpose of the evaluation will be to assure the uniform application of standard procedures and methods in the sampling and analytical examination of shellfish growing waters and to determine and assure the adequacy of facilities, equipment and personnel to perform analytical testing necessary to meet the requirements recommended by the National Shellfish Sanitation Program and found to be acceptable by the Louisiana Molluscan Shellfish Program, administered by the Department of Health , Office of Public Health. Evaluation is not an endorsement of the laboratory facility, its staff the operation as this implies continuing guarantee of performance.

2. A satisfactory rating is achieved by demonstration during an on-site evaluation that the laboratory and laboratory personnel are found to conform or conditionally conform with all requirements as listed in the Shellfish Laboratory Evaluation Check Lists provided by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Center for Food Safety and Applied Nutrition, Office of Food Safety, Shellfish Aquaculture and Policy Branch. A satisfactory rating indicates that FDA recognizes that the laboratory complies with recommended procedures and capabilities and that the analytical results produced by the laboratory are in support of the Louisiana Shellfish Sanitation Program and are acceptable to FDA.

3. ...

B. An applicable, currently dated (i.e., the last satisfactory on-site evaluation shall be documented to have been held within the prior three year period) satisfactory FDA Shellfish Standard Laboratory Evaluation Form and narrative report submitted by the appropriate laboratory evaluation officer to the FDA Division of Cooperative Programs, Shellfish Sanitation Branch with a copy to the appropriate FDA shellfish specialist and the public health laboratory director shall be on file or available upon request.

1. - 2. ...

3. Failure to be found to conform or provisionally conform during the on-site evaluation by the appropriate Laboratory Evaluation Officer and/or failure to correct or address deficiencies or recommendations as noted in the narrative report within the stated timetable shall result in loss of satisfactory evaluation.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1299 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§135. Fees for Services
[formerly paragraph 9:002-17]

A. Fees for evaluations, analysis, determination, processing and reporting of results shall be incorporated into the Louisiana Molluscan Shellfish Program fee and assessed in accordance with rules and regulations controlling their collection.

B. The department shall charge and collect an imported seafood safety fee of one hundred dollars annually from each holder of a commercial seafood permit fee who sells imported seafood. The proceeds of such fee shall be used for the purposes described in R.S. 40:5.10.1. Pursuant to said statute, the department or its agents or contractors may conduct sampling of imported seafood stored on the premises of any business holding a commercial seafood permit issued pursuant to R.S. 40:31.35, the scope and frequency of which shall be within the discretion of the department. Samples collected pursuant to this Subsection may be laboratory tested at the discretion of the Department for any substances prohibited in applicable types or categories of seafood by the U.S. Food and Drug Administration (FDA). Such testing shall be conducted by laboratories accredited therefor by the FDA or an FDA-recognized accreditation body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3 and R.S.40:31:35.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§139. Records of Shellfish Purchases and Sales
[formerly paragraph 9:003]

A. Every person, firm or corporation who conducts any wholesale business of buying, selling or shipping shellfish shall keep an accurate daily record which shall include shipping documents.

1. Each shellfish shipment shall be accompanied by a shipping document which shall contain:

- a. the name, address, and certification number of the shipping dealer;
- b. the name and address of the major consignee; and
- c. the kind and quantity of the shellfish product.

2. The receiving dealer shall:

- a. maintain in his files a copy of the completed shipping document; and
- b. make the shipping document available to the authority upon request.

3. If the shipment is subdivided to different dealers, each receiving dealer shall maintain records sufficient to trace his portion back to the original shipment.

B. Transaction and Shipping Records. Each dealer shall have a business address at which transaction records are maintained. Each dealer shall maintain accurate and legible transaction records that are sufficient to:

1. document that the shellfish are from an authorized source;

2. permit a container of shellfish to be traced back to the specific incoming lot of shucked shellfish from which it was taken;

3. permit a lot of shucked shellfish or a lot of shellstock to be traced back to the growing area(s), date(s) of

harvest, date and location of wet storage, if applicable, and if possible, the harvester or group of harvesters.

4. trace the wet storage history of the shellstock including, original harvest site, original harvest date, wet storage site(s) and dates.

5. purchase and sales shall be recorded within 72 hours of any purchase or sales:

- a. in a permanently bound ledger book; or
- b. computer record, or other method acceptable to and authorized by the Molluscan Shellfish Program;

6. the transaction records shall be retained:

- a. in the case of fresh shellfish, for a minimum of one year; and
- b. in the case of frozen shellfish, for at least two years or the shelf life of the product, whichever is longer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§141. Relaying of Shellfish

[formerly paragraph 9:004]

A. No person shall engage in the business of relaying shellfish from waters not approved for direct market harvesting by the state health officer prior to obtaining a permit for that purpose from the Department of Health, Office of Public Health. Growing waters to be utilized for shellfish relaying purposes must meet or exceed the Department of Health's ' criteria for a restricted area classification. Applications shall be completed and submitted with a fee of \$100, which shall be paid by cashiers check or money order and filed not less than 14 days prior to the beginning of such proposed relaying. Relaying of shellfish shall be permitted only during the first two weeks of each calendar month. The Louisiana Molluscan Shellfish Program shall allow the relay of suitable shellstock during all 12 months of the year.

B. The Louisiana Molluscan Shellfish Program hereby establishes species-specific critical values for water temperature and salinity, which may affect the natural treatment process in the growing are to which the shell stock *Crassostrea virginica* (American Oyster, Eastern Oyster) will be relayed.

1. The critical salinity tolerances *Crassostrea virginica* shall be established as 3 to 36 parts per thousand. Salinities shall be measured at approximately twelve inches below the water surface.

2. The critical temperature for *Crassostrea virginica* shall be established at temperatures 44-89 degrees Fahrenheit. Water temperatures shall be measured at approximately 12 inches below the water surface.

3. The species-specific critical pollution criteria shall be that the growing area for relay shall demonstrate through its historical data that the water quality can reasonably be expected to meet the approved or conditionally approved criteria.

4. Relay activities which expose shell stock to this range of temperature and salinity values for a minimum of fourteen days shall be considered as meeting the species-specific critical values for relay of *Crassostrea virginica*.

5. The requirement for monitoring environmental conditions of the relay area shall be accomplished by

collecting bacteriological water sample data and salinity data from sample stations nearest the relay area which are actively collected each month by the program. Three sample stations which triangulate, if possible, the relay area will be selected to meet this monitoring requirement.

6. No studies of contaminant levels of poisonous or deleterious substances in shellstock shall be conducted on shellstock for relay unless there exists scientific evidence which indicates the relay shellstock contains a poisonous or deleterious substance(s) which exceed a FDA tolerance level(s), or it is known that relay shellstock have been exposed to high levels of poisonous or deleterious substances.

7. The growing area to be used for the treatment process shall be monitored with sufficient frequency to identify when limiting critical value of water temperature of 44-89 degrees Fahrenheit and salinity 3-36 parts per thousand may be approached.

8. The effectiveness of species-specific contaminated reduction shall be determined based on a study. The study report shall demonstrate that, after the completion of the relay activity, the microbiological quality of shellstock is the same microbiological quality as that of the same shellstock already present in the approved or conditionally approved area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§143. Performance Bond Required

[formerly paragraph 9:004-1]

A. A \$5,000 cash performance bond consisting of a bank cashiers check made payable to the Department of Health shall be submitted with each completed application. In addition to the bond, a permittee, at his own expense shall secure the services of a surveillance officer approved by the Department of Health and the Department of Wildlife and Fisheries for the purpose of monitoring all harvesting, transporting, and bedding of shellfish for relaying purposes. In order to satisfy the monitoring requirements, all harvesting, transporting and bedding of shellfish for relaying purposes shall take place in the direct line of sight of the state-approved surveillance officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§145. Permit Required for Relaying

[formerly paragraph 9:004-2]

A. Permits are required prior to performing any relaying at the discretion of the Department of Health, Office of Public Health under the following restrictions.

1. ...

2. Should environmental conditions in the growing area used for relay exceed the limits of classification of the growing area, the relay area shall be closed along with all other affected growing area. The minimum 14-day treatment time shall only be during the time that relay area is

characterized by water temperatures and salinity units that are within critical limits.

3. Shellfish harvested for relaying purposes from restricted waters shall not be laid down within 500 feet of any adjoining lease where shellfish may be taken for sale as food during the active period of the relay permit.

4. Sacking of shellfish, storage of empty shellfish sacks on board permitted or authorized relaying vessels and/or the direct marketing of shellfish taken from waters not approved for that purpose by the state health officer shall be strictly prohibited.

5. Culling of shellfish shall be permitted only when container relaying is practiced and written authorization is obtained from the Department of Health a.

6. Only two leases in the restricted area and approved bedding area, each pre-approved by the Department of Health, shall be utilized in the relaying of shellfish.

a. Shellfish relayed from a restricted area of a public oyster seed ground will be allowed at the discretion of the Louisiana Department of Wildlife and Fisheries (LDWF) only during the open oyster season. Shellstock from the public oyster seed ground will be allowed to be bedded on only two approved leases which will be pre-approved by the Department of Health. Relaying from a public oyster seed ground area shall be for the purpose of moving the live oyster resource. The removal of excessive amounts of non-living reef material in relay loads shall result in the forfeiture of the relay permit and/or the closure of the public oyster seed ground area to transplanting. Permit-holders shall allow on-board inspection and sampling of relay loads by the LDWF.

7. The permittee shall be responsible for notifying the Department of Wildlife and Fisheries prior to leaving port to relay shellfish and immediately upon returning from the permitted trip each day. The Department of Wildlife and Fisheries shall be notified by calling (800) 442-2511.

8. All leases shall be "red flagged" so that they may be easily spotted by both aircraft and boats. "Red flagged" as used in this Paragraph, means that the four outside corners of the lease must be marked with poles with red flags attached.

9. All activities relative to the relaying of shellfish shall be permitted only during daylight hours with all activities completed no later than 30 minutes after official sunset. Applicants may apply for a written exemption to this requirement when the distance between the restricted area and bedding area is such that compliance is not possible.

10. Both sides of the permitted vessel shall be marked with the permit number in at least 6-inch-high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

11. A copy of the complete relay permit and applicable rules shall be on board each authorized vessel at all times during the active period of the relay permit.

12. The harvesting of shellfish for relaying purposes within 150 feet of any sewage discharge point emanating from any camp, home, or other habitable structure shall be prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5 (2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, Center for

Environmental Health Services, LR 34:445 (March 2008), LR 34:2175 (October 2008), LR 48:

§147. Surveillance Officer's Daily Trip Report [formerly paragraph 9:004-3]

A. An official Department of Health's "Surveillance Officers Daily Trip Report" must be completed each day by the surveillance officer and mailed to the Department of Health, Seafood Sanitation Unit after each completed day of relaying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1301 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§149. Enforcement Provisions [formerly paragraph 9:004-4]

A. Failure to comply with any of the permitting requirements specified in §§141-147 shall result in the following administrative action.

1. The relay permit and all relay permitting privileges shall be immediately suspended by the Department of Health or the Department of Wildlife and Fisheries.

2. All shellfish harvested for relaying purposes in violation of permitting requirements shall be returned to the original growing waters or destroyed at a permittee's own expense.

3. If said charges are upheld in an administrative hearing, the following additional penalties shall be imposed.

a. Relay permitting privileges shall be denied for a period of three years.

b. The \$5,000 cash bond posted by the permittee shall be forfeited and retained by the state.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1)), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1301 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

Chapter 3. Preparation and Handling of Seafood for Market

§303. Construction and Cleanliness of Shellfish Boats [formerly paragraph 9:006]

A. All boats utilized for the harvesting or transporting of shellfish shall be provided with a false deck or bottom to prevent the contamination of shellfish with bilge water. For the purpose of this regulation, bilge water may be defined as any water that collects in the lowest inner part of a boat's hull. Decks, holds or binds used for storage of shellfish shall be washed daily with either potable water, or water drawn from an approved growing area or Conditionally Approved area in open status. Unless otherwise exempted in writing by the Louisiana Department of Health, a suspended awning shall be provided on harvest boats to protect shellfish from direct exposure to sun, birds and other adverse conditions. The suspended awning shall be a minimum of 12 inches above the shellfish with a maximum height of 7 feet. The suspended awning shall be of such width and length so as to extend to the outer edges of the harvesting or transporting vessel. The provisions of this rule shall apply to all types of harvesting and transporting vessels. Small children in

diapers, dogs, cats or other forms of wildlife shall not be permitted on board harvesting vessels while shellfish are being fished or transported. Violation of any of the requirements in this Section shall result in one of the following penalties.

1. Shellfish shall be seized and destroyed at violator's expense.

2. Shellfish shall be bedded on a Department of Wildlife and Fisheries managed seed reservation at violator's expense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 28:1301 (June 2002), repromulgated LR 29:173 (February 2003); repromulgated by the Department of Health, Office of Public Health, LR 48:

§311. Permits to Operate Seafood Establishments
[formerly paragraph 9:010]

A. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1),

R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3, R.S. 40:5.10.1 and R.S. 40:31.35(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), repromulgated by the Department of Health, Office of Public Health, LR 48:

§313. Plant Construction
[formerly paragraph 9:011]

A. - G. ...

1. The establishment shall be provided with an abundant supply of water under pressure from a source approved by the Louisiana state health officer. No cross connections with unapproved water supplies shall be permitted. The requirements of Parts XII (Water Supplies) of this Code shall be met.

H. ...

I. [formerly paragraph 9:019] Sanitary toilets of approved construction and location shall be provided for the use of employees. Toilets shall not open directly into rooms used for cleaning, shucking, picking, peeling, packing or storage of food products. Where sewerage facilities are available, water flush toilets connected to the sewerage system shall be provided. No insanitary privy shall be permitted or maintained on the premises of any seafood establishment. Self-closing doors must be provided for toilet room facilities.

J. [formerly paragraph 9:020] Refrigeration rooms, coolers or ice boxes for the storage or retention of marine and fresh-water animal food products shall be so constructed, painted or otherwise treated as to provide a smooth, impervious surface for easy and thorough cleaning. Floors of refrigeration rooms or walk-in coolers shall be of concrete, tile, glazed brick or other impervious material with adequate floor drains, or the floor so sloped as to ensure complete and rapid drainage. Walls shall be of concrete, metal, glass board or other material approved by the state health officer. Ice boxes shall be metal, fiberglass or plastic lined with seams welded, soldered, or otherwise treated, to give a smooth, impervious, easily cleaned surface.

K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§317. Seafood Plant Operation
[formerly paragraph 9:027 and 9:027-1]

A. - A.10.c. ...

d. maintenance of hand washing and toilet facilities, hereinafter referred to as: maintenance of hand washing and toilet facilities;

A.10.e. - F.3. ...

4. by immersion in an iodine solution concentration between 12.5 mg/L and 25 mg/L(ppm); or

5. by immersion in a quarternary ammonium compound solution concentration of 200 mg/L (ppm) or as indicated by the manufacturer's use directions included in labeling; or

6. by immersion in hot water at a temperature of 170°F or more for not less than two minutes; or

7. by exposure to hot air at a temperature of not less than 180°F for not less than 20 minutes, in a properly designed oven or hot air cabinet equipped with an indicating thermometer located in the coldest zone or other method of eliminating pathogenic bacteria as approved by the state health officer.

G. - N. ...

O. [formerly paragraph 9:041] A single individual shall be designated by the management to supervise the shucking and packing of shellfish, the packing of peeled and cooked shrimp and picked crabs. They shall be responsible for the cleanliness the shucking, picking, or packing rooms and shall see that the requirements with reference to washing of hands after interruption of working operations is carried out by all persons engaged in the establishment. They shall be responsible at the end of each day's operations for the thorough cleansing and sanitizing of all equipment such as pails, knives, breaking blocks, finger cots, aprons, and so forth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1303 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§323. Tags
[formerly paragraph 9:051]

A. In order that information may be available to inspectors and others with reference to the origin of shell-stock oysters, clams and mussels from all areas, all containers holding shell-stock shall be identified by a tag or label, form and substance of which shall be approved by the state health officer, and the Secretary of the Department of Wildlife and Fisheries.

B. - B.6. ...

a. THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR RETAGGED AND THEREAFTER KEPT ON FILE, IN CHRONOLOGICAL ORDER, FOR 90 DAYS. "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE)";

NOTE: Shellstock tagged for restricted use (Green Tag) should not include the retailer guidance language "RETAILERS: DATE WHEN LAST SHELLFISH FROM THIS CONTAINER SOLD OR SERVED (INSERT DATE)

B.6.b. - C.3. ...

4. A blue-colored tag indicates that the shell stock has been post-harvest processed by a certified dealer and may now be sold for raw (half shell) consumption in both interstate and intrastate commerce. This tag must also include a "SELL BY" date which is a reasonable subsequent shelf-life or the words "BEST IF USED BY" followed by a date when the product would be expected to reach the end of its shelf-life. The date shall include month, day, and year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 28:1591 (July 2002), LR 33:850 (May 2007), LR 40:1009 (May 2014), amended by the Department of Health, Office of Public Health, LR 48:

§329. Refrigeration Requirements for Shellstock Harvested for Raw Consumption during the Months of January through December [formerly paragraph 9:052-1]

A. Time to refrigeration requirements for shell-stock harvested for raw consumption during the months January through December shall be based on the Average Monthly Maximum Water Temperatures based on the *Vibrio vulnificus* control plan developed by the Office of Public Health Molluscan Shellfish Program according to the following schedule.

A.1. - C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 36:1016 (May 2010), LR 38:2789 (November 2012), LR 40:1009 (May 2014), amended by the Department of Health, Office of Public Health, LR 48:

§330. Refrigeration Requirements for Shellstock Harvested during the months of May through October for Raw Consumption only by Persons Located within the State of Louisiana

A. ...

B. The Department of Health and the Department of Wildlife and Fisheries have cooperatively developed a single tag which purpose is to immediately and specifically indicate by its fuchsia (pinkish-purple) color that the oysters contained in the sack or box have been harvested following the requirements of this Section. Language shall be printed on the tag which shall explicitly state "oysters contained herein must not be sold for use outside of the state of Louisiana" and the oysters contained in the sack or box (excluding post-harvest process product) shall not be sold for use outside of the state of Louisiana. This tag shall be in addition to any tag(s) required under §323 of this Part.

C. - D. ...

E. Records relating to oysters which will only be sold for raw consumption within the state of Louisiana shall be completed by both the harvester and dealer(s) and shall be kept separate from records for shellstock product intended for interstate shipment. These records shall be maintained for a period of one year (two years if frozen) and be made

readily available for examination by agents of the Department of Health and the Department of Wildlife and Fisheries. Approved log sheets properly completed and maintained, for the current and previous 15 days harvest shall be kept aboard the harvest vessel for immediate examination. A copy of the log sheet form required to be kept and maintained is shown below in §345 of this Part.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3 and R.S. 56:437.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 38:96 (January 2012), amended by the Department of Health, Office of Public Health, LR 48:

§331. Refrigeration Requirements for Shellstock Harvested for Shucking or Post-Harvest Processing by a Certified Dealer during the Months of January through December [formerly paragraph 9:052-2]

A. Time to refrigeration requirements for shell-stock harvested for shucking or post-harvest processing by a certified dealer during the months January through December shall be based on the Average Monthly Maximum Air Temperature developed by the Office of Public Health Molluscan Shellfish Program according to the following schedule.

1. Air Temperature: <50°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 36 hours from the time harvesting begins.

2. Air Temperature: 50°F to 60°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 24 hours from the time harvesting begins.

3. Air Temperature: >60°F - 80°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 18 hours from the time harvesting begins.

4. Air Temperature: >80°F. Shellstock shall be placed under mechanical refrigeration at an air temperature not to exceed 45°F within 12 hours from the time harvesting begins.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR 35:1239 (July 2009), LR 36:1017 (May 2010), LR 38:97 (January 2012), LR 38:2789 (November 2012), amended by the Department of Health, Office of Public Health, LR 48:

§333. General Provisions [formerly paragraph 9:052-3]

A. - E. ...

F. Post-Harvest Processing

1. - 1.a. ...

i. for processes that target *Vibrio vulnificus*, the level of *Vibrio vulnificus* in product that has been subjected to the process shall be non-detectable (<30 pergram) to be determined by use of the *Vibrio vulnificus* FDA approved EIA procedure of Tamplin, et al, as described in Chapter 9 of the FDA Bacteriological Analytical Manual, 7th Edition, 1992;

ii. for processes that target *Vibrio parahaemolyticus*, the level of *Vibrio parahaemolyticus* in product that has been subjected to the process shall be non-detectable (<30 per gram)

iii. - v. ...

b. package and label all shellfish in accordance with all requirements of the Model Ordinance. This includes labeling all shellfish which have been subjected to the process but which are not frozen in accordance with applicable shellfish tagging and labeling requirements in Chapter X.05 and X.06 and X.07 of the National Shellfish Sanitation Program Model Ordinance;

c. keep records in accordance with Chapter X.08 of the National Shellfish Sanitation Program Model Ordinance.

2. ...

3. For the purpose of product temperature the receiving and storage critical control points of shucked product apply to shell stock prior to PHP processing. Following PHP processing, if the end product is dead, the product shall be treated as shucked product. If the end product is live, the product shall be treated as shellstock.

4. A harvester-dealer oyster tag, blue in color, shall be used for In-Shell Product that has undergone a Post-Harvest Treatment Process.

F.5. - G. ...

1. Certified dealers shall adopt written procedures for conducting recalls of adulterated or misbranded shellfish products. These written procedures for conducting recalls shall be based on, and complementary to, the FDA Enforcement Policy on Recalls published in the April 1, 2003 Code of Federal Regulations, Title 21, Chapter 1, Subchapter A, Part 7-Enforcement Policy which is also contained in the 2019 NSSP Guide for the Control of Molluscan Shellfish under Section VII (Federal Regulations) thereof.

G.2. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 28:1592 (July 2002), repromulgated LR 29:173 (February 2003), amended LR 34:2176 (October 2008), LR 38:97 (January 2012), LR 40:1009 (May 2014), amended LR 48:

§337. Checking on Condition of Molluscan Shellfish in Growing Waters Closed by the State Health Officer
[formerly paragraph 9:053]

A. No person shall engage in the business of checking on the condition of molluscan shellfish in growing waters closed by the state health officer prior to obtaining a permit for that purpose from the state health officer. Applications shall be and filed not less than 14 days prior to the beginning of such proposed checking activities. Permits will be applicable for one day only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

§339. Performance Bond and Security Guard Monitoring Requirements
[formerly paragraph 9:053-1]

A. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), repealed by the Department of Health, Office of Public Health, LR 48:

§343. Permit Enforcement
[formerly paragraph 9:053-3]

A. Failure to comply with any of the permitting requirements specified in §§327-333 shall result in the following administrative actions.

1. The shellfish checking permit and all applicable privileges shall be immediately suspended by the Department of Wildlife and Fisheries or the Department of Health.

2. If said charges are upheld in an administrative hearing, shellfish checking and shellfish relay permitting privileges shall be denied for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1310 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:

Chapter 5. Molluscan Shellfish Aquaculture
§501. General

A. Aquaculture activities which may pose a significant public health concern are regulated in this chapter and include, but not limited to:

1. seed production in waters classified as prohibited or unclassified;

2. aquaculture structures that attract birds or mammals; and

3. land based aquaculture.

B. Requirements:

1. approved written operational plan;

2. an annual inspection by representative of the department, including operator records, to verify that appropriate permits are up to date and operational plans are implemented;

3. when aquaculture attracts birds or mammals, their presence should be considered for possible adverse effects on growing area water quality.

C. The maximum seed size for *Cassostrea virginica* (eastern oyster) that can be produced in prohibited waters is 1 inch. If seed size produced in prohibited waters exceeds 1 inch, the seed shall be deemed adulterated and shall be subject to seizure and destruction.

D. Any person who performs aquaculture as defined in §101 of this Part or operates an aquaculture facility to raise shellfish for human consumption shall obtain:

1. a permit from the department for the activity and functioning of their facility;

2. a harvester's license; and
3. certification as a dealer, where necessary.

E. Shellfish aquaculture as defined in §101 of this Part shall be practiced only in strict compliance with the provisions of the permit issued by the department for the shellfish aquaculture activity. Authorization shall be based on the operator's written operational plan.

F. Prior to beginning their activity, a harvester shall obtain permission of the department for use of their facility.

G. Any shellfish seed raised in aquaculture shall be subjected to relaying prior to direct marketing if the culture are or facility is located in or using water which is in:

1. the closed status of the conditionally approved classification;
2. the restricted classification; or
3. the open status of the conditionally restricted classification.

H. Only drugs sanctioned by the FDA shall be used for shellfish treatment.

I. Harvesting, processing, storage, and shipping requirements for shellfish raised in a land-based aquaculture facility shall be the same as the requirements for wild molluscan shellfish specified in this Part of Title 51.

J. Complete and accurate records shall be maintained for at least two years by the operator of the aquaculture facility and shall include the:

1. source of shellfish, including seed if the seed is from growing areas which are not in the approved classification; and
2. water source, its treatment method, if necessary, and its quality in land-based systems.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

§503. Exceptions

A. Hatcheries and nurseries rearing larvae and/or seed that are located in:

1. approved or conditionally approved growing areas are exempt from the requirements of this part; or
2. restricted, or conditionally restricted, growing areas would be exempt from the requirements of this part but subject to relay requirements for seed that exceeds the maximum seed size established by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

§505. Seed Production in Water Classified as Prohibited or Unclassified

A. Seed may come from any growing area, or from any growing area which is not in an approved classification, provided that:

1. the source of the seed is approved by the department;
2. each aquaculture site that cultures seed in waters classified as prohibited or unclassified shall have a written operational plan. The plan shall be approved by the department prior to its implementation and shall include the following:

- a. a description of the design and activities of the culture facility;
- b. the specific site and boundaries in which shellfish aquaculture activities will be conducted;
- c. the types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters;
- d. the species of shellfish to be cultured and harvested;
- e. the procedures to assure that no poisonous or deleterious substances are introduced from the seed production activities;
- f. the corrective actions for addressing seed exceeding the maximum seed size as defined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

§507. Aquaculture That Attracts Birds or Mammals

A. Operational Plan. Each aquaculture site that the department determines may attract sufficient birds and/or mammals that their waste presents a human health risk shall have a written operational plan. The operational plan shall be approved by the department prior to its implementation and shall include:

1. a description of the design and activities of the aquaculture facility;
2. the specific site and boundaries in which shellfish aquaculture activities will be conducted;
3. the types and locations of any structures, including rafts, pens, cages, nets, or floats which will be placed in the waters;
4. the genus and species of shellfish to be cultured and harvested;
5. procedures to assure that no poisonous or deleterious substances are introduced from the aquaculture activities;
6. a description of the mitigation or deterrent measures to minimize the potential pollution impact of birds and/or mammals; and
7. maintenance of the required records.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

§509. Land Based Aquaculture

A. Operational Plan. Each land-based aquaculture facility shall have a written operational plan. The facility must obtain approval from the department prior to its implementation and shall include:

1. a description of the design and activities of the aquaculture facility;
2. the specific site and boundaries in which shellfish aquaculture activities will be conducted;
3. the types and locations of any structures, including rafts, pens, cages, nets, tanks, ponds, or floats which will be placed in the waters;
4. the genus and species of shellfish to be cultured and harvested;

5. procedures to assure that no poisonous or deleterious substances are introduced into the activities;

6. a program of sanitation, maintenance, and supervision to prevent contamination of the shellfish products;

7. a description of the water source, including the details of any water treatment process or method;

8. a program to maintain water quality, which includes collection of microbial water samples and their method of analysis and routine temperature and salinity monitoring (the bacterial indicator monitored shall be the same as used for monitoring natural growing areas);

9. if applicable, collection of data concerning the quality of food production (algae or other) used in the artificial harvest system; and

10. maintenance of the required records.

B. Each land-based facility conducting aquaculture as defined by Section 101 of this Part shall maintain the following records while the aquaculture activity continues:

1. construction and remodeling plans for any permitted aquaculture facility;

2. aquaculture operational plans; and

3. aquaculture permits.

C. Water Systems. If the land-based aquaculture system is of continuous flow through design, water from a growing area classified as approved, or in the open status of the conditionally approved classification at all times shellfish are held, may be used without treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S.40:4.A.(1), R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20) and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:

Family Impact Statement

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

1. the stability of the family;

2. the authority and rights of persons regarding the education and supervision of their children;

3. the functioning of the family;

4. family earnings and family budget;

5. the behavior and personal responsibility of children; or

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

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

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits; or

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The proposed Rule should have no adverse impact on small businesses as defined in the Small Business Protection Act.

Provider Impact Statement

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

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

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

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

Public Comments

Interested persons may submit written comments on the proposed Rule. Such comments must be received no later than Wednesday, May 25, 2022 and should be addressed to Michael Vidrine, Director, Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821.

Public Hearing

Interested persons may submit a written request to conduct a public hearing either by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than Tuesday, May 10, 2022. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:00AM on Wednesday, May 25, 2022 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after Tuesday, May 10, 2022. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to the Bienville Building's front security desk.

Joseph Kanter, MD, MPH
State Health Officer
and
Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Marine and Fresh Water Animal Food Products

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

The Office of Public Health (OPH) will incur annual expenses of \$7,500 to sample, analyze, test, and monitor imported seafood to detect the presence of harmful substances. There will also be a one time cost in FY 22 of \$1,810

associated with publishing this rule. OPH will use the revenue generated from permitting seafood distributors to cover these costs.

This rule amends Sections of Chapters 1 and 3 of Part IX (Marine and Fresh Water Animal Food Products) of Title 51 (Public Health—Sanitary Code) and adds Chapter 5 (Molluscan Shellfish Aquaculture) to comply with the Interstate Shellfish Sanitation Conference (ISSC) guidelines and Act 306 of the 2021 RLS.

In chapters 1, 2 and 3, the rule makes technical changes, updates definitions, clarifies the criteria for classifying a growing area as prohibited, updates the record keeping requirements related to the sale of shellfish, updates safety specifications, and updates tagging requirements for shellfish. The changes bring the rules in line with the ISSC guideline and reflect current practice.

In accordance with Act 306 of the 2021 RLS, the rule requires OPH to sample, analyze, test, and monitor imported seafood to detect the presence of harmful substances. The rule also provides the framework for molluscan shellfish aquaculture, creating a new state industry.

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

The rule expands the categories of commercial seafood providers that LDH must permit and is estimated to generate annual collections of \$7,500 for imported seafood permits and a minimal but indeterminable amount for molluscan shellfish aquaculture permits.

This rule provides that LDH shall issue permits for a fee of \$100 to commercial seafood companies that import seafood. LDH estimates that 75 additional permits will be issued as a result. Therefore, this fee is anticipated to generate \$7,500 per year (75 permits x \$100 fee).

The rule also provides that LDH shall issue permits to companies engaged in molluscan shellfish aquaculture. The fee is based on the company's revenue and can range from \$150 for revenue under one million dollars to \$500 for revenue over five million dollars. LDH anticipates that approximately 10-30 companies will apply for a permit. The revenue generated from these permits depends on the actual number of permits issued and the revenue of those companies.

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

The proposed rule expands the categories of commercial seafood providers to include businesses that import seafood and business that engage in molluscan shellfish aquaculture. This is a benefit to these businesses, given that this allows them to operate in the state. The rule also benefits existing shellfish growers as it expands the areas where they can grow their products.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule increases competition among commercial shellfish providers, given that it expands the market to include molluscan shellfish aquaculture. However, due to sufficient product differentiation and the expected number of new providers, the competition is not anticipated to be impactful enough to effect existing providers' revenue.

This rule is expected to increase employment opportunities within the commercial shellfish industry, given that it allows for additional businesses to operate in the state.

Kim Hood, JD, MPH
Assistant Secretary
2204#050

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Gaming Control Board

Louisiana Sports Wagering
(LAC 42:III.301, 303, 304 and IV.103,
501, 503, 505, 509, 517 and 707)

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, R.S. 27:603, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend Sections 301, 303, and 304 of Part III of Title 42 of the *Louisiana Administrative Code*, and amend Sections 103, 501, 503, 505, 509, 517, and 707 of Part VI of Title 42 of the *Louisiana Administrative Code*. These rule changes clarify practices already required to take place in the industry and create uniformity with the amended statutes and the newly enacted statutes as a result of Acts 80, 435, and 440 of the 2021 Legislative Session and Act 215 of the 2020 Regular Legislative Session. The rule change allows for the conducting, application, licensing, permitting, enforcement, and regulation of sports wagering.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 3. Compulsive and Problem Gambling

§301. Problem Gambling Programs

A. As used in this Chapter, *licensee* shall mean all persons licensed or otherwise authorized to conduct gaming operations pursuant to the provisions of Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq., including the casino operator, casino manager, sports wagering licensees, and sports wagering platform providers, but not including persons only licensed pursuant to Chapter 8 of the Louisiana Gaming Control Law. As used in this Chapter, *sports wagering platform* includes all websites and mobile applications used to place sports wagers.

B. Each licensee shall post or provide written materials concerning the nature and symptoms of problem gambling in conspicuous places within the gaming establishment in or near gaming areas and areas where cash or credit is made available to patrons, including cash dispensing machines. Licensees shall include access to such information on its sports wagering platform.

C. Each licensee shall post one or more signs, as approved by the division, at points of entry to casino gaming establishments to inform customers of the toll free telephone number available to provide information and referral services regarding compulsive or problem gambling. The toll free number shall be provided by the division. Licensees shall include such information and toll free number on its sports wagering platform.

D. ...

E.1. All licensees shall develop a comprehensive program for its property or properties and sports wagering platform(s), that address, at a minimum, the areas of concern described in R.S. 27:27.1.C which are designed to:

a. provide procedures designed to prevent employees from willfully permitting a person identified on a Self-Exclusion List from engaging in gaming activities at the licensed establishment or facility or on the sports wagering platform;

b. ...

c. provide procedures for the development of programs to address issues of underage gambling and unattended minors at gaming facilities and on sports wagering platforms;

d. - e. ...

f. provide procedures for removing or excluding self-excluded persons from the licensed establishment or facility or sports wagering platform. These procedures may include, if necessary, procedures that include obtaining the assistance of the division or local law enforcement;

g. ...

h. provide procedures for the distribution or posting on or within the gaming establishment, facility, or sports wagering platform of information that promotes public awareness about problem gambling and provides information on available services and resources to those who have a gambling problem;

i. - E.2. ...

3. In addition to the areas of concern described in R.S. 27:27.1.C, the comprehensive program shall also include a program that allows patrons to self-limit their access to functions and amenities of the gaming establishment, facility, and sports wagering platform, including but not limited to, the issuance of credit, check cashing or direct mail marketing.

F. Each licensee shall submit the comprehensive program to the board for approval within 120 days from the date this rule becomes effective as required by R.S. 27:27.1.C. Amendments to the program shall be submitted to the board for approval prior to implementation.

G. Upon approval, licensees shall comply with their respective comprehensive compulsive and problem gambling programs submitted to the Board.

H. - H.2....

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1987 (September 2002), LR 48:

§303. Persons Required to be Excluded

A. Pursuant to R.S. 27:27.2, the Louisiana Gaming Control Board hereby provides for the establishment of a list of persons who are to be excluded or ejected from any room, premises, or designated gaming area of an establishment, or from a sports wagering platform, where gaming is conducted pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq.

B. Definitions. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise.

* * *

Board Exclusion List—a list of names of persons who, pursuant to R.S. 27:27.2, are required to be excluded or ejected from casino gaming establishments and sports wagering platforms.

* * *

Casino Gaming Establishment—any room, premises, or designated gaming area of any establishment where gaming is conducted pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law and all sports wagering platforms pursuant to Chapter 10 of the Louisiana Gaming Control Law.

* * *

C. Criteria for Exclusion

1. The board exclusion list may include any person who meets any of the following criteria:

a. a Career or Professional Offender whose presence on or in a casino gaming establishment would be adverse to the interests of the state of Louisiana or to authorized gaming therein;

b. an associate of a career or professional offender whose association is such that his or her presence on or in a casino gaming establishment would be adverse to the interests of the state of Louisiana or to authorized gaming therein;

c. - e. ...

f. is a person whose presence on or in a casino gaming establishment would be adverse to the state of Louisiana or authorized gaming therein, including, but not limited to:

i. - ii. ...

iii. persons who pose a threat to the safety of the patrons or employees of the licensee;

iv. - F.1.f. ...

g. the person's occupation and his current home, business, and electronic mail address; and

h. - G.1. ...

2. The list shall be open to public inspection except information pertaining to the date of birth, driver's license number, state identification number, Social Security number and current home, business, and electronic mailing address of the board excluded person.

3. ...

4. No licensee or any employee, or agent thereof shall disclose the date of birth or current home, business, or electronic mailing address of a board excluded person to anyone other than employees or agents of licensees, or approved contracted entities, whose duties and functions require access to such information.

H. Duties of Licensees

1. The licensees and their agents or employees shall exclude or eject the following persons from the casino gaming establishment:

a. - b. ...

2.a. If a board excluded person enters, attempts to enter, or is in the casino gaming establishment and is discovered by the licensee, the licensee shall immediately notify the division of such fact and, unless otherwise directed by the division, immediately eject such excluded person from the casino gaming establishment.

b. If a board excluded person gains access to a sports wagering platform, the licensee shall immediately exclude the person from the platform and promptly notify the division.

3. Upon discovery of a board excluded person in or on the casino gaming establishment, both the security and surveillance departments, or the departments responsible for sports wagering platform security, of the licensees shall

initiate a joint investigation, unless otherwise directed by the division, to determine:

a. - b. ...

4. Each licensee shall take reasonable steps to ensure that no winnings or losses arising as a result of prohibited gaming activity are paid or recovered by a board excluded person.

5. It shall be the continuing duty of licensee to inform the board and division in writing of the names of persons it knows or has reason to know are appropriate for placement on the board exclusion list.

I. Sanctions

1. Any licensee who willfully fails to exclude a board excluded person from the casino gaming establishment shall be in violation of these rules and may be subject to administrative action pursuant to R.S. 27:27.2.F and this Section.

2. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 28:1988 (September 2002), LR 48:

§304. Self-Exclusion

A. Pursuant to R.S. 27:27.1, the Louisiana Gaming Control Board hereby provides for the establishment of a list of persons who, at his or her request, are to be excluded or ejected from all casino gaming establishments licensed or operating pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law, R.S. 27:1 et seq.

B. Definitions

1. The following words and terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise.

Casino Gaming Establishment—any room, premises, or designated gaming area of any establishment where gaming is conducted pursuant to Chapters 4, 5, 7, and 10 of the Louisiana Gaming Control Law and all sports wagering platforms pursuant to Chapter 10 of the Louisiana Gaming Control Law.

* * *

Self-Exclusion List—a list of names of persons who have voluntarily agreed to be excluded from all gaming activities and to be prohibited from collecting any winnings or recovering any losses at or from all casino gaming establishments.

C. - C.4.a.ii. ...

iii. current home, business, and electronic mailing address;

iv. - vii. ...

b. a waiver and release which shall release, forever discharge, indemnify and hold harmless the state of Louisiana, the Louisiana Gaming Control Board ("Board"), the Louisiana Department of Public Safety and Corrections, Office of State Police ("State Police"), the Department of Justice, Office of the Attorney General ("Attorney General's Office"), all licensees and their members, agents, and employees, from any liability to the person requesting self-exclusion and his or her heirs, administrators, executors and assigns for any harm, monetary or otherwise, which may arise out of or by reason of any act or omission relating to the request for self-exclusion, request for removal from the

self-exclusion list, or removal from the self-exclusion list, including:

i. ...

ii. the failure of a licensee to withhold gaming privileges from, or restore gaming privileges to, a self-excluded person;

iii. permitting a self-excluded person to engage in gaming activity in or on a casino gaming establishment while on the list of self-excluded persons; and

iv. ...

c. the following statement signed by the person submitting the request for self-exclusion:

"I understand and read the English language or have had an interpreter read and explain this form. I am voluntarily requesting exclusion from all gaming activities at or on all Louisiana casino gaming establishments (which includes sports wagering platforms) because I am a compulsive and/or problem gambler. I certify that the information that I have provided above is true and accurate, and that I have read, understand, and agree to the waiver and release included with this request for self-exclusion. I am aware that my signature below authorizes the Board or the State Police to direct all Louisiana licensees, including the casino operator, casino manager, sports wagering licensee, and sports wagering platform providers, to restrict my gaming activities and access to casino gaming establishments for a minimum period of five years from the date of exclusion. During such period of time, I will not attempt to enter any casino gaming establishment or attempt to participate in gaming activity on a sports wagering platform. I further understand that my name will remain on the Self-Exclusion List until 1) I submit a written request to the Board to terminate my self-exclusion; 2) a hearing is held; and 3) there is a written decision of the Board determining that there is no longer a basis for me to be maintained on the list. I am aware that I cannot request removal from the list before five years have elapsed from the date of exclusion. I am aware and agree that during any period of self-exclusion, I shall not collect in any manner or proceeding any winnings or recover any losses resulting from any gaming activity at any casino gaming establishment or on a sports wagering platform and that any money or thing of value obtained by me from, or owed to me by, the sports wagering licensee, sports wagering platform provider, casino operator, casino manager, or a licensee as a result of wagers made by me while on the Self-Exclusion List shall be withheld and remitted to the state of Louisiana."

d. - D.3. ...

4. Each licensee shall maintain a copy of the self-exclusion list and shall establish procedures to ensure that the self-exclusion list is updated and that all appropriate members, employees and agents of each licensee are notified of any addition to or deletion from the list within five business days after receipt of the notice from the division. Appropriate members, employees, and agents of each licensee are those whose duties and functions require access to such information, and include its respective contracted sports wagering platform provider. The notice provided by the division shall include the name and date of birth of any person whose name shall be removed from the self-exclusion list and the following information concerning any person whose name shall be added to the self-exclusion list:

a. - b. ...

c. address of current residence and electronic mail;

d. - 5. ...

6.a. Except as otherwise provided herein, no licensee, employee, or agent thereof shall disclose the self-exclusion list or the name of, or any information about, any person who has requested self-exclusion to anyone other than

employees and agents of the licensee whose duties and functions require access to such information. Notwithstanding the foregoing, each licensee may disclose the name of and information about a self-excluded person to appropriate employees of other licensees in Louisiana for the purpose of alerting other casinos that a self-excluded person has tried to gamble or otherwise obtain gaming related privileges or benefits in a casino gaming establishment. Each licensee may contract with an entity who provides identification services or who assists in identifying self-excluded persons in order to exclude the person from gaming, and may distribute the self-exclusion list to the contracted entity in accordance with internal controls. Nothing herein shall be construed to prohibit the licensee from disclosing the identity of self-excluded persons to affiliated entities in Louisiana and other gaming jurisdictions for the limited purpose of assisting in the proper administration of compulsive and problem gaming programs operated by such affiliated entities.

b. A licensee may release the names and identifying information of those persons on the self-excluded list to contracted service providers that provide patron identification services, or check cashing, marketing, credit evaluations, automated teller machines, cash advances, or other financial services provided:

i. ...

ii. only the name and identifying information may be disclosed to the contracted service provider. The licensee shall neither disclose the reasons for providing the name and identifying information nor shall it be disclosed that the person is on the self-excluded list;

iii. the licensee shall require by written contract that the contracted service provider implement measures designed to ensure the confidentiality of the names and identifying information and to prohibit the release of the names and identifying information to any other person or entity;

iv. the licensee shall immediately report to the Division all instances of a self-excluded person accessing or attempting to access the services provided by the contracted service providers and investigate the incident as required by LAC 42:III.304(E).

c. ...

E. Duties of the Licensee

1. Each licensee shall establish procedures that are designed, to the greatest extent practicable, to:

a. permit appropriate employees of the licensee to identify a self-excluded person when present on or in the casino gaming establishment and, upon such identification, immediately notify:

i. those employees of the licensee designated to monitor the presence of self-excluded persons; and

a.ii. - d. ...

2. Each licensee shall distribute a packet of written materials approved by the division to any person inquiring or requesting information concerning the board's self-exclusion program.

3. ...

4.a. If a self-excluded person enters, attempts to enter, or is in or on the casino gaming establishment and is discovered by the licensee, the licensee shall immediately

notify the division of such fact and, unless otherwise directed by the division, immediately eject such excluded person from the casino gaming establishment.

b. If a self-excluded person gains access to a sports wagering platform, the licensee shall immediately exclude the person from the platform and promptly notify the division.

5. Upon discovery of a self-excluded person on or in the casino gaming establishment, both the security and surveillance departments, or the departments responsible for sports wagering platform security, of the licensees shall initiate a joint investigation, unless otherwise directed by the division to determine:

a. responsibility of employees of the gaming establishment or licensee for allowing an excluded person to gain access to the casino gaming establishment; and

b. the net amount of winnings or losses attributable to the excluded person.

6. Each licensee shall provide a written report of the results of the joint investigation to the division.

7. Each licensee shall ensure that no winnings or losses arising as a result of prohibited gaming activity are paid or recovered by a self-excluded person.

F. Sanctions

1. Any licensee who willfully fails to exclude a self-excluded person from the casino gaming establishment shall be in violation of these rules and may be subject to administrative action pursuant to R.S. 27:27.1.J and this Section.

F.2. - G.2. ...

3. If the hearing officer determines that there is no longer a basis for the person seeking removal to be maintained on the self-exclusion list, the person's name shall be removed from the self-exclusion list and his or her exclusion shall be terminated. The division shall notify all licensees of the determination. The licensee may continue to deny gaming privileges to persons who have been removed from the list.

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 28:1990 (September 2002), amended LR 30:2493 (November 2004), LR 35:2199 (October 2009), LR 48:

Part VI. Sports Wagering

Chapter 1. General Provisions

§103. Definitions

A. ...

B. As used in this Chapter, the following words and terms shall have the following meanings:

* * *

Prohibited Player—a person who is prohibited from placing a sports wager for reasons including, but not limited to: prohibited by R.S. 27:608; is under the age of 21; has self-restricted or self-excluded from the platform or operator or licensee; or is excluded or prohibited for any other reason.

* * *

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 48:48 (January 2022), LR 48:

Chapter 5. Rules; Operations

§501. Sports Wagering Operator Requirements and Restrictions; Internal Controls; Comprehensive Rules

A. - C. ...

D. Licensees and operators shall not accept a sports wager from a prohibited player.

1. Permitted gaming employees shall not game or wager at the retail sportsbook where he or she is employed.

2. Persons issued findings of suitability by the board shall not game or place a sports wager at any retail sportsbook or on any sports wagering platform operated by its employer or a subsidiary.

3. Employees of a sports wagering platform provider shall not place a sports wager through the sports wagering platform for which he or she is employed. Employees of a sports wagering service provider that supplies a sports wagering platform to a sports wagering licensee shall not wager through said sports wagering platform.

4. Employees of the sports wagering licensee whose duties or responsibilities directly relate to the operation of the sports wagering platform or the sportsbook may not game or place a sports wager on the sports wagering platform associated or partnered with the sports wagering licensee.

5. Sports wagering licensee and sports wagering platform providers may provide internal controls that further restrict gaming activities by its employees.

E. - F. ...

1. prohibit a player from placing a sports wager while the player is located in a prohibited parish;

2. - 11. ...

12. withholding all winnings from players determined to be under the age of 21 or for any wagers determined to have been placed from within a prohibited parish;

13. - K....

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 48:55 (January 2022), LR 48:

§503. Sports Wagering Platforms; Identification of Licensee; Duties of Licensee and Operators

A. - F.1. ...

G. If the session is terminated due to a player inactivity timeout, no further participation is permitted unless and until a new session is established by the player. This process shall include, at a minimum, the manual entry of the player's secure password or an alternate form of authentication approved by the board.

H. The board may determine whether a licensee or permittee may cooperate with investigations conducted by sports governing bodies. The board, in its sole discretion or through the division, may limit or prohibit the sharing of certain information or documents requested pursuant to an investigation. A licensee or operator shall not share any information that would interfere or impede a criminal investigation or an investigation of the board or division. Information shared under this Subsection by a licensee or operator to a sports governing body is confidential, unless disclosure is required by the board or division or court order

for enforcement or legal purposes and ordered to be made public in the course thereof. No such information shall be used for any commercial or marketing purposes by the recipient of any confidential information without the express written approval by the providing party.

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 48:57 (January 2022), LR 48:

§505. Prohibited Parish; Geolocation, Geofencing; Proxy Servers

A. ...

B. Operators shall implement and abide by protocols and procedures to ensure a player is not utilizing remote desktop software, rootkits, virtualization, proxy servers, virtual private network, spoofing, or other means to disguise their physical location or their computer or device's physical location when placing a sports wager. Operators shall use, at a minimum:

B.1. - G. ...

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 48:57 (January 2022), LR 48:

§509. Limitation on Active Accounts; Obligations to Players

A. An operator shall:

1. implement rules and procedures to limit each authorized player to one active and continuously used account and username;

2. implement rules procedures to suspend all accounts of any player that establishes or seeks to establish more than one username or more than one account, whether directly or by use of another person as a proxy, for illegal purposes and/or to circumvent any laws or regulations;

3. - 9.a....

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 48:59 (January 2022), LR 48:

§517. Advertising, Mandatory Signage

A. - E. ...

F. Licensees and operators shall provide on its sports wagering platform, any websites, and in all advertisements of sports wagering the toll-free telephone number available for information and referral services regarding compulsive or problem gambling as required in R.S. 27:27.3, and a problem gambling assistance message. The problem gambling assistance message shall be comparable to:

"IF YOU OR SOMEONE YOU KNOW HAS A GAMBLING PROBLEM, CALL [BOARD APPROVED NUMBER]" or "GAMBLING PROBLEM? CALL [BOARD APPROVED NUMBER]".

1. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement and shall comply with the requirements contained in this Section.

G. Licensees and operators shall comply with the provisions of §2927 of Part III of this Title and the following.

1. Exterior Print Advertisements

a. Exterior print advertising including, but not limited to, billboards shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

2. Print Advertisements

a. Print advertising which is handheld or which is customarily viewed by the person holding the advertisement including, but not limited to, newspapers, flyers, coupons and other forms of advertising shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

3. Radio Advertisements

a. Radio advertisements shall contain a problem gambling assistance message with a board approved problem gambling toll-free number.

4. Television and Video Advertisements

a. Television and video advertisements shall contain a problem gambling assistance message with a board approved problem gambling toll-free number. The message and number must either:

i. be visible throughout the entire time the advertisement is broadcast or displayed, with the height of the font used for the problem gambling assistance message and number being at least two percent of the height or width, whichever is greater, of the image that will be displayed; or

ii. be visible in a separate dedicated screen shot for at least three seconds of the advertisement, with the height of font used for the problem gambling assistance message and number being at least eight percent of the height or width, whichever greater, of the image that is displayed.

5. Web and Social Media Advertisements

a. All webpages and profile pages of any gaming-related advertisement shall contain a problem gambling assistance message with a board approved problem gambling toll-free number.

i. The height of the font of the problem gambling assistance message and number shall be at least the same size as the majority of the text used on the webpage or profile page.

H. - I. ...

J. Advertisements, public relations activities, and marketing campaigns of sports wagering platform providers shall identify the sports wagering licensee on behalf of whom it operates the sports book for purposes of said advertisement or campaign. For advertisements for mobile wagering, such as an app or website, the identifier must be for the licensee(s) with whom the platform provider

contracts for mobile wagering. The identifier shall be the logo whenever possible, but may be the name, logo, or d/b/a of the sports wagering licensee and/or a statement that indicates who the sports book is operated on behalf of. The identifier must be conspicuous and reasonable in size and font to be legible by the consumer.

K. Advertisements by applicants for a sports wagering license or sports wagering platform provider permit must include a statement indicating its license or permit is pending.

L. Licensees or operators shall delete or modify any advertisement which does not confirm to the requirements of this Section or is necessary for the immediate preservation of public peace, health, safety, and welfare of Louisiana residents.

M. Licensees or operators shall retain a copy of all advertising and marketing materials intended to promote any sports wagering operation in the state of Louisiana, which shall be made available to the division upon request.

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 48:60 (January 2022), LR 48:

§707. Audits, Annual Review, and Periodic Reporting

A. - H. ...

I. If a licensee or their operator changes its fiscal year, the licensee or their operator shall prepare and submit to the division audited financial statements covering the period from the end of the previous business year to the beginning of the new business year not later than 120 days after the end of the period.

J. Each operator shall provide a quarterly report verifying of its net gaming proceeds and taxes paid. Quarters shall be based on the licensee's fiscal year. The report shall be submitted to and received by the division not later than 60 days after the last day of the applicable quarter.

1. The audit for in-person sports wagering operations shall be performed by an independent CPA and may be incorporated into the work conducted during the quarterly audit of net gaming proceeds, gross gaming revenue, or net slot machine proceeds performed in accordance with §2711.I of Part III of this Title. The reports may be submitted in a single submission, but the information shall be separated between casino operations and sports wagering operations. The sports wagering operations audit shall include wagers accepted, eligible promotional play deducted from net proceeds, net gaming proceeds, and taxes paid. The auditor shall incorporate guidelines established by the division into current procedures for preparing the quarterly audit.

2. The required work for mobile sports wagering may be performed by an independent CPA, the operator's internal audit department, or other appropriate independent party approved by the Division. The report shall include a reconciliation of amounts wagered, eligible promotional play deducted from revenue, net gaming proceeds, and taxes paid. The party performing the work shall incorporate guidelines established by the division into its procedures for preparing this quarterly report.

K. - M.6. ...

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 48:66 (January 2022), LR 48:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972, the Gaming Control Board, through its chairman, has considered the potential family impact of the proposed Rule.

The proposed Rule has no known impact on the following:

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

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the Gaming Control Board, through its chairman, has considered the potential poverty impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

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

Small Business Analysis

Pursuant to the provisions of R.S. 49:965.2-965.8, the Regulatory Flexibility Act, the Louisiana Gaming Control Board, through its chairman, has concluded that the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the Gaming Control Board, through its chairman, has considered the potential provider impact of the proposed Rule.

The proposed Rule has no known impact on impact on the following:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the costs to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Earl G. Pitre, Jr., Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than the end of business day, central time zone, of May 10, 2022.

Ronnie S. Johns
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Louisiana Sports Wagering

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

The proposed rule adoption will have no effect on state or local governmental expenditures. The proposed rule codifies Act 80, Act 435, and Act 440 of the 2021 Regular Legislative Session and Act 215 of the 2020 Regular Legislative Session that enacts the Sports Wagering Act and authorizes the conducting, application, licensing, permitting, enforcement, collection of fees and taxes, and regulation of sports wagering. In addition, the proposed rule clarifies practices already required in the gaming industry and creates uniformity.

The proposed rule provides that the board will decide on the cooperation of sports wagering platform licensees and permittees in investigations conducted by sports governing bodies. The proposed rule provides for the board's discretion in information or document sharing requested pursuant to investigations including the treatment of confidential information.

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

The proposed rule 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, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule incorporates sports wagering platform providers who have websites and mobile applications used to place sports wagers to the list of licensees required to comply with the compulsive and problem gaming rules relating to problem gaming programs, persons required to be excluded, and self-exclusion. The proposed rule provides that sports wagering platform providers are to post and provide written materials concerning the nature and symptoms of problem gambling and to publish the problem gambling hotline phone number on their sports wagering platform. The proposed rule provides the duties and responsibilities of sports wagering platform providers in prohibiting or restricting the placing of wagers by certain individuals.

The proposed rule provides the duties and responsibilities of sports wagering platform providers regarding the message, phone number, and size of the message in relation to the advertisements in their exterior print advertisements, their print advertisements, their radio advertisements, their television advertisements, and their web and social media advertisements. The proposed rule provides the duties and responsibilities of sports wagering platform providers regarding advertising by identifying the sports wagering licensee on behalf of whom it operates the sports book and include a statement in their advertisements indicating whether its license or permit is pending.

The proposed rule provides the duties and responsibilities of sports wagering platform providers in audits by requiring the utilization of an independent CPA for its quarterly audits, the number of copies, and the timeline for submission of those audit reports to the division. The proposed rule change provides that the sports wagering operator seek the services of an independent CPA for audits of in-person sports wagering operations and the services of an independent CPA, the operator's internal audit department, or other appropriate independent party approved by the division to perform work on mobile sports wagering.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Ronnie S. Johns
Chairman
2204#061

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Office of the Secretary**

Wireless Telecommunications Permit (LAC 70:II.1509)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 48:381.2, that the Department of Transportation and Development, Office of the Secretary amends the Rule for utilities fees and permits. These amendments address the continued need for Louisiana residents to work and attend school virtually due to the effects of COVID-19; thus, necessitating expansion and maximization of broadband capacity and wireless communication in communities that are markedly lacking in these services. In addition to the continued need created by COVID-19, the passage of the Infrastructure Investment and Jobs Act (IIJA) availed funds for future broadband infrastructure. As this infrastructure expands, small cell towers are the necessary last step to bring high speed internet to all Louisiana citizens, especially those located in rural areas. There are no estimated implementation costs or savings to state or local governmental units associated with the proposed rule revision. The Department of Transportation and Development already issues permits for use of public rights-of-way to utility operators for the purpose of installation of wireless telecommunications equipment and facilities within highway rights-of-way pursuant to R.S. 48:381.2. The permits contemplated by this rule will be folded into LADOTD's existing processes, using existing staff. Consequently, there will be no adverse impact to the public, businesses, local or state governmental entities.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part II. Utilities

Chapter 15. DOTD Wireless Telecommunications Permit

§1509. Fees

A. Definitions for use in this Section:

Installation Facility—any tower or pole installed or utilized by a wireless telecommunications carrier for wireless audio and visual communications.

Self-Supporting Tower—a three or four sided lattice structure with self-supporting frame made from solid rod, pipe, or angle.

Monopole/Guyed Tower—tower that consists of one stem or one pole anchored to the ground and supported by a structurally designed foundation or guyed anchor system. The wires may be anchored to the top of the structure or to the ground.

Pole—column or post, constructed of wood or metal, supported by a simple concrete foundation up to 2 feet in diameter and/or with partial embedment.

Small Wireless Facility (“SWF”)—wireless communications facilities that meet each of the following conditions:

a. the facilities:

i. are mounted on poles or other structures 50 feet or less in height including their antennas;

ii. are mounted on poles or other structures no more than 10 percent taller than other adjacent poles or structures; or

iii. do not extend existing poles or other structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

b. each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet (3 ft³) in volume;

c. all other wireless equipment associated with the pole or other structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the pole or other structure, is no more than 28 cubic feet (28 ft³) in volume;

d. the facilities do not require antenna structure registration under C.F.R. Title 47, Chapter 1 Federal Communications Commission, Part 17;

e. the facilities are not located on Tribal lands, as defined under 36 C.F.R. 800.16(x); and

f. the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

Utility Pole—column or post used to support overhead power lines and various other public utilities, such as electrical cable, fiber optic cable, and related equipment such as transformers and streetlights.

B. The following fees shall apply to wireless telecommunications installations, except for small wireless facilities, placed within state highway rights-of-way.

Type of Tower	Annual Fee
Self-Supporting Tower/Antenna	\$3,500
Monopole/Antenna	\$2,000
Attachments to Existing Utility/Light Poles	\$1,500
Co-Location on DOTD Tower	\$3,500
Video Cameras	Supply feed to DOTD

C. Annual renewal fees for each Small Wireless Facility shall be \$270.00, regardless of location of the SWF. Permits are subject to a reevaluation cost every three years of an additional \$82.59 per permit. The following fees shall be assessed for each initial permit, based on the classifications of the roadway in accordance with the 2013 edition of the Federal Highway Administration’s “Highway Functional Classification Concepts, Criteria, and Procedures.”

Highway Classification	Installation of SWF on a New Pole	Installation of New SWF on Existing Pole
Interstate Urban	\$2100	\$1850
Interstate Rural	\$1575	\$1387.50

Highway Classification	Installation of SWF on a New Pole	Installation of New SWF on Existing Pole
Freeway/Expressway Urban	\$2100	\$1850
Freeway/Expressway Rural	\$1575	\$1387.50
Principal Arterial Urban	\$1575	\$1387.50
Principal Arterial Rural	\$1050	\$925
Minor Arterial Urban	\$1050	\$925
Minor Arterial Rural	\$525	\$462.50
Major Collector Urban	\$525	\$462.50
Major Collector Rural	\$210	\$185
Minor Collector Urban	\$525	\$462.50
Minor Collector Rural	\$210	\$185

D. All permit fees must be paid to the department by check or money order. The department will not accept cash.

E. All permits will be in force and effect for a period of one year from the date the permit was issued.

F. The department may waive fees in exchange for shared resources.

G. The department may waive fees for those permit applicants who erect facilities, attachments or cameras for the use of the department or other state agencies or political subdivisions to conduct departmental or state work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 25:98 (January, 1999), amended LR 30:272 (February 2004), amended by the Department of Transportation and Development, Office of Secretary, LR 48:

Family Impact Statement

Adoption of this proposed Rule should not have any known or foreseeable adverse impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically:

1. The adoption of this proposed Rule will have no known or foreseeable effect on the stability of the family.

2. The adoption of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The adoption of this proposed Rule will have no known or foreseeable effect on the functioning of the family.

4. The adoption of this proposed Rule will have no known or foreseeable adverse effect on the family earnings and family budget. By promoting economic growth, it may indirectly have a positive impact on family earnings and family budget.

5. The adoption of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The adoption of this proposed Rule will have no known or foreseeable effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

The adoption of this proposed Rule should not have any known or foreseeable adverse impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973. Specifically,

1. The adoption of this proposed Rule will have no known or foreseeable adverse effect on household income,

assets, and financial security. By promoting economic growth, it may indirectly have a positive impact on household income, assets, and financial security.

2. The adoption of this proposed Rule will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development. By encouraging development of broadband infrastructure, it may indirectly improve access to home schooling and remote learning opportunities.

3. The adoption of this proposed Rule will have no known or foreseeable adverse effect on employment and workforce development. By promoting economic growth and encouraging development of broadband infrastructure, it may indirectly have a positive impact on employment and workforce development.

4. The adoption of this proposed Rule will have no known or foreseeable effect on taxes and tax credits.

5. The adoption of this proposed Rule will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the adoption of this proposed Rule on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed Rule is not expected to have a significant adverse impact on small businesses. The department, 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 the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

Provider Impact Statement

The adoption of this proposed rule change does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature. Specifically:

1. The adoption of this proposed Rule change does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The adoption of this proposed Rule change does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of this proposed Rule change does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

Public Comments

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 20 days from the date of publication of this Notice of Intent to Olivia Marchand, Attorney, Legal Division, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245.

Shawn D. Wilson, Ph.D.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Wireless Telecommunications Permit

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

There are no estimated implementation costs or savings to state or local governmental units associated with the proposed rule revision. The Louisiana Department of Transportation and Development (LADOTD) already issues permits for use of public rights-of-way to utility operators for the purpose of installation of wireless telecommunications equipment and facilities within highway rights-of-way under Louisiana Revised Statute 48:381.2. The permits contemplated by this rule will be folded into LADOTD's existing processes, using existing staff.

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

The effect on revenue collection is not known. The existing, more expensive permit fee appears to act as a deterrent to installation of small wireless facilities. While the rule reduces the fee charged per permit, LADOTD anticipates a large increase in the number of permits issued, which will tend to offset any revenue decrease.

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

Permit applicants will receive economic benefits associated with the reduction in permit fees. The magnitude of these benefits will depend on each permit applicant's buildout of small wireless facilities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

By reducing fees paid in connection with small wireless facilities, the rule will promote the growth of broadband infrastructure, which is expected to promote competition and provide new opportunities for employment, especially in areas that currently have limited access to employment opportunities. This impact is expected to be heightened as a result of the growth of telecommuting since the advent of the COVID-19 event in March 2020, as well as the availability of new federal funding for broadband infrastructure through the Infrastructure Investment and Jobs Act.

Shawn Wilson, Ph.D.
Secretary
2204#020

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: JAN-MAR 2022

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:						
			Month	Page #				Month	Page #					
7	III.901,903,905,907,909,911,913,915	Adopted	Feb.	296	33	III.505,507,2160,3003,5116,5122,5311,5901	Amended	Mar.	487					
	V.1201,1203,1205,1207,1209,1211,1213	Adopted	Mar.	393										
	V.1215,1217,1219,1221,1223,1225,1227	Adopted	Mar.	393										
	V.1229,1231,1233	Adopted	Mar.	393										
	XXI.401,403,405,407,409,411,413,415,417	Adopted	Mar.	391										
	XXI.419,421,423,425	Adopted	Mar.	391										
	XLIX.101,501,513,701,907,1101,1505,1507	Amended	Jan.	023										
	XLIX.512	Adopted	Jan.	023										
	XLIX.1701,1711,2301,2303,2501,2705	Amended	Jan.	023										
	XLIX.2901,2903	Amended	Jan.	023										
	13	I.3901,3931	Amended	Mar.						403	46	III.1001,1101,1120,1123,1125,1127 III.1102,1103,1109,1113,1117,1119 III.1706,2501 XXXIII.120,306,419	Adopted Amended Repealed Amended	Mar. Mar. Mar. Mar.
I.3915,3937,3999		Repealed	Mar.	403										
I.3945,3947,3949,3951,3953,3955,3957		Adopted	Mar.	403										
I.3959		Adopted	Mar.	403										
22	III.4761	Amended	Feb.	298	50	II.20003 III.2315,2327 III.2330 XV.16303 XXI.6101 XXI.12101 XXI.14301 XXI.16903	Amended Amended Adopted Amended Amended Amended Amended	Feb. Mar. Mar. Mar. Jan. Jan. Jan.	303 499 499 499 043 040 041 042					
	XIII.503	Amended	Jan.	039										
25	IX.500	Amended	Jan.	028	55	III.108 VII.807	Amended Amended	Mar. Jan.	503 073					
28	I.103,301,307,309,311,501,503,1101,1105	Amended	Mar.	410						61	I.1304,1305,1520 I.1525 I.1921 I.4427 I.6763,6765,6767,6768 I.6991,6992,6993,6994,6997 I.6995,6996,6998 III.1527	Amended Amended Adopted Adopted Amended Amended Repealed Amended	Mar. Mar. Mar. Mar. Mar. Mar. Mar. Mar.	301 301 497 498 302 501
	IV.103,301,509,701,703,1203,1403,1501	Amended	Mar.	479										
	IV.1701,1807,1901,1903	Amended	Mar.	479										
	XI.801	Amended	Mar.	412										
	XI.5701,6803	Amended	Jan.	037										
	XXXIX.501	Amended	Jan.	035										
	XLIII.101,401,450,460,461,462,463,464,466	Amended	Jan.	035										
	XLIII.905,1101	Amended	Jan.	035										
	LXXIX.2109,2331	Amended	Jan.	034										
	LXXIX.2111	Amended	Jan.	037										
	CXV.2318,2319	Amended	Jan.	037										
CXXXI.101,301,303,305,307,309,311,313	Amended	Mar.	414											
CXXXI.315,317,319,321,323,325,327,329	Amended	Mar.	414											
CXXXI.331,333,335,337,339,341,343,345	Amended	Mar.	414											
CXXXI.347,501,503,505,511,513,515,517	Amended	Mar.	414											
CXXXI.507,521,1369,1371	Adopted	Mar.	414											
CXXXI.519,523,525,527,529,531,533,535	Amended	Mar.	414											
CXXXI.537,539,541,543,545,547,549,551	Amended	Mar.	414											
CXXXI.553,555,557,701,703,705,707,709	Amended	Mar.	414											
CXXXI.711,713,715,717,719,721,723,725	Amended	Mar.	414											
CXXXI.1101,1103,1105,1107,1109,1301	Amended	Mar.	414											
CXXXI.1305,1307,1309,1311,1313,1315	Amended	Mar.	414											
CXXXI.1317,1321,1323,1325,1327,1329	Amended	Mar.	414											
CXXXI.1331,1333,1335,1337,1339,1341	Amended	Mar.	414											
CXXXI.1343,1345,1347,1349,1351,1354	Amended	Mar.	414											
CXXXI.1355,1357,1359,1361,1363,1365	Amended	Mar.	414											
CXXXI.1367,1501,1503,1505,1507,1509	Amended	Mar.	414											
CXXXI.1511,1513,1515,1517,1519,1521	Amended	Mar.	414											
CXXXI.1523,1525,1527,1529,1531,1533	Amended	Mar.	414											
CXXXI.1535,1537,1539,1541,1543,1545	Amended	Mar.	414											
CXXXI.1547,1701,1703,2101,2103,2105	Amended	Mar.	414											
CXXXI.2301,2303,2305,2307,2309,2311	Amended	Mar.	414											
CXXXI.2313,2315,2317,2319,2501,2503	Amended	Mar.	414											
CXLVII.105,301,323	Amended	Mar.	413											
CXLVII.323,905	Amended	Jan.	028											
CLIII.101,303,1305	Amended	Jan.	029											
CLXI.1723,1815	Amended	Jan.	030											
CLXV.103,310,509,515,519	Amended	Jan.	030											
CXV.502,901,911,1103,1111,2305,2317	Amended	Jan.	031											
CXV.2318,2320,2363,2397,3703	Amended	Jan.	031											
48	I.5303,5309,5397	Amended	Feb.	301	76	V.701 VII.900,901,903,911,913,915,919 XIX.111	Amended Amended	Mar. Mar.	508 509					
	I.5415	Adopted	Feb.	301										
	I.6882	Amended	Mar.	497										
	I.9573	Adopted	Mar.	498										
	I.12529	Amended	Feb.	302										
	V.6303	Amended	Mar.	501										
	56	III.108	Amended	Mar.						503	VII.101,103,107,109,110,115,117,207,213 VII.109 VII.219,223,505,507,1501,1503,1505,1713 VII.1717,1723,1735,2105,2115	Amended Amended	Mar. Jan.	304 073
		VII.807	Amended	Jan.						073				
		I.117,119	Amended	Jan.						044				
		I.1304,1305,1520	Amended	Mar.						507				
		I.1525	Amended	Mar.						503				
I.1921		Adopted	Mar.	504										
I.4427		Adopted	Mar.	506										
I.6763,6765,6767,6768		Amended	Mar.	406										
I.6991,6992,6993,6994,6997		Amended	Mar.	407										
I.6995,6996,6998		Repealed	Mar.	407										
III.1527		Amended	Mar.	507										
67	VII.101,103,107,109,110,115,117,207,213	Amended	Feb.	304	76	V.701 VII.900,901,903,911,913,915,919 XIX.111	Amended Amended	Mar. Mar.	508 509					
	VII.109	Repromulgated	Mar.	518										
	VII.219,223,505,507,1501,1503,1505,1713	Amended	Feb.	304										
	VII.1717,1723,1735,2105,2115	Amended	Feb.	304										

Potpourri

POTPOURRI

Department of Economic Development Office of Business Development

Public Hearing for Substantial Change to
Quality Jobs Program Notice of Intent
(LAC 13:I.Chapter 11)

The Department of Economic Development published a Notice of Intent in the January 2022 issue of the *Louisiana Register* (LR 48:83-90). A public hearing was held pursuant to R.S. 49:953(A)(2) on March 3, 2022 and interested parties were invited to provide comment. After a thorough review and careful consideration of the comments and testimony received, the department proposes to amend the time period for calculating an employment baseline in §1103, the time period for deferring applications to the board in §1107.F and correcting by generalizing the reference to required new direct jobs and payroll in §1117.E.2. The redline changes are available for viewing on our website at www.opportunitylouisiana.com. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 11. Quality Jobs Program

§1101. General

A. – B.1. ...

2. The employer may be entitled to sales and use tax rebates or the project facility expense rebate—authorized in R.S. 51:2456(B)(1), in addition to the requirements of this Chapter.

C. Effective date of Act 387 of the 2007 Regular Session

1. The provisions of Act 387 shall apply to all advance notification filed prior to July 1, 2017, except as provided below.

2. - 4. ...

D. Effective date of Act 386 of the 2017 Regular Session

1. The provisions of Act 386 shall apply to advance notifications filed on or after July 1, 2017, except as provided below.

a. a COVID-19-impacted retail business, hotel or restaurant, that has no more than 50 employees nationwide including affiliates on the date of the filing of the advance notification and which is assigned a NAICS Code of 44, 45, 721, or 722, and which files or enters into an advance notification on or after July 1, 2020, and on or before December 31, 2021, shall be eligible for benefits. However, no such COVID-19-impacted business employer shall be eligible to earn benefits pursuant to the provisions of this Chapter after June 30, 2023.

2. The provisions of Act 387 shall apply to advance notifications for companies meeting the provisions of Section 4 of Act 386, as approved by the department.

E. Effective Sate of the 2022 Quality Jobs Program Rule Changes

1. The provisions of the 2022 Quality Jobs Program rule changes shall apply to advance notifications filed after the date of promulgation, detailed in the Louisiana Register published on (Month) 20, 2022, or unless otherwise stipulated by the Louisiana Legislature, in §1101.C and D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:961 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2305 (November 2003), amended by the Office of Business Development, LR 37:2587 (September 2011), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1103. Definitions

Act 386—Act 386 of the 2017 Regular Session of the Louisiana Legislature

* * *

Approved Rehire Employees—a former employee who was previously on the payroll of the Company, parent entity, subsidiary, or affiliate in Louisiana, but has been off such payroll for a period of at least 12 months, may be considered a new direct job if rehired into a position that is not part of the baseline jobs. When determining new direct job qualifications, the department shall consider all relevant factors including but not limited to; ES4's, W2's and company re-hiring practices, and the intent of the program to permanently locate new or expand existing operations in Louisiana.

Basic Health Benefits Plan or the Health Insurance Coverage—that which is required to be offered shall include individual coverage for basic hospital care, coverage for physician care, and coverage for health care which shall be the same as that provided to executive, administrative, or professional employees. Coverage must become effective no later than the first day of the month 90 days after hire date. For companies subject to provisions of Act 386, the coverage shall be in compliance with federally mandated health care requirements but if no such federally mandated requirements exist, the coverage for the employer portion of employee only coverage shall have a value of at least one dollar and 25 cents per hour.

Benefit Rate—one of the following percentages:

1. contracts subject to the provisions of Act 386:
 - a. the benefit rate shall be 4 percent for new direct jobs which pay at least \$18 per hour in wages;
 - b. the benefit rate shall be 6 percent for new direct jobs which pay at least \$21.66 per hour in wages
2. contracts subject to the provisions of Act 387:
 - a. the benefit rate shall be 5 percent for new direct jobs which pay at least \$14.50 per hour in wages and health care benefits;

b. the benefit rate shall be 6 percent for new direct jobs which pay at least \$19.10 per hour in wages and health care benefits;

c. health care benefits paid shall be the value of the health care benefits plan elected by an employee, as determined by the department;

3. contracts not subject to the provisions of Act 386 or Act 387:

a. the benefit rate shall be 5 percent for new direct jobs which pay at least 1 3/4 times the federal minimum hourly wage rate;

b. the benefit rate shall be 6 percent for new direct jobs which pay at least 2 1/4 times the federal minimum hourly wage rate and meet one of the following criteria:

i. the new direct jobs are located in a distressed region, or at least 50 percent of the new direct jobs shall be filled by persons who reside in a distressed region;

ii. the new direct jobs are with an employer categorized in a traditional or seed cluster targeted by the department.

* * *

Corporate Headquarters of a Multi-State Business—a multi-state business whose primary function is identified by NAICS 55114.

COVID-19-Impacted Retail Business —a for-profit corporation, a limited liability company, a partnership, or a sole proprietorship that had a physical and active operation in Louisiana on March 13, 2020, and ceased operations due to either one of the governor's public health emergency proclamations or a mayor's proclamation or executive order related to the public health emergency, or a decrease in customer activity or the inability to retain sufficient staff due to the COVID-19 public health emergency, as approved by the Department.

* * *

Distressed Region—for companies subject to the provisions of Act 387, as designated by the department:

1. a parish with a per capita income in the lowest 25 percent of the parishes; or

2. a census tract and block group that is below the state median per capita income, based on the most recent federal decennial census.

Domicile—the place of a person's principal establishment or habitual residence. A change of domicile may be shown by positive and satisfactory proof of establishment of domicile as a matter of fact with the intention of remaining in the new place and of abandoning the former domicile. Such proof may include a sworn declaration of intent recorded in the parish to which a person intends to move, voter registration, or similar evidence of such intent. Workers in the United States who are working on an H-1B Visa are not deemed to be domiciled in Louisiana.

Employment Baseline—the median statewide number of employees of an employer, including affiliates, working the average hours per week required in §1105, excluding employees engaged in lines of business that the department determines are unrelated to the activities for which quality job program benefits are sought, during the payroll periods including the twelfth day of the month, in the last six months completed prior to the contract effective date (the median is calculated by discarding the months with the highest and lowest number of employees, and averaging the number in

the remaining four months). The employment baseline must be maintained in any year for which the employer requests payroll rebates. The employment baseline may be reduced by the number of employees retained and continued in employment for at least one year by an unrelated third party business acquiring a site or line of business.

* * *

Multi-State Business—a business entity operating in more than one state, with a physical presence in more than one state, as approved by the department.

LED—the Louisiana Department of Economic Development

* * *

New Direct Job—employment at a Louisiana site:

1. of an employee:

a. whose domicile is in the state of Louisiana;

b. working the average hours per week required by §1105; and

c. who prior to the contract effective date was not on the payroll in Louisiana of:

i. the employer;

ii. the employer's parent entity, subsidiary, or affiliate; or

iii. any business whose physical plant and employees were or are substantially the same as those of the employer, unless either:

(a) there has been an arm's length transfer of ownership between unrelated companies (not affiliates), and either the location has been out of operations for at least three months; or

(b) the secretary determines that the jobs would have likely been lost to the state absent the transfer (under such circumstances jobs at the re-opened plant are deemed not to have previously existed for purposes of Subparagraph 2.b. below); or

(c) the employee is an approved rehire employee.

2. in a job (a position of employment) that:

a. is with an employer that has qualified for the incentive rebate;

b. did not exist in this state prior to the advance notification being filed by the employer with the department pursuant to the provisions of R.S. 51:2455; and

c. is not part of the employment baseline;

d. is based at the project site, as determined by the department considering the employee's physical work site, the site to which the employee reports or which administers the employment, the site from which the employee receives work, and the nature of the business;

3. the following jobs are not new direct jobs:

a. jobs created as a result of the employer securing a contract to supply goods and services in the state of Louisiana, if another business was under an obligation to supply the same goods and services from a facility located in Louisiana and such obligation was terminated within three months prior to creation of the job by the employer;

b. jobs transferred, or jobs associated with work or sales transferred, from other Louisiana sites as a result of the employer (including affiliates) acquiring a business operation, or substantially all of its assets, and continuing the business operation.

Physical Presence—the department shall consider all relevant evidence in evaluating multi-state presence, including, but not limited to; the location of offices, facilities, tangible property and employees. Ancillary services provided through use of technology, without more, shall be insufficient to establish a physical presence.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:961 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2306 (November 2003), amended by the Office of Business Development, LR 37:2588 (September 2011), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1105. Qualified Employers

A. For companies subject to the provisions of Act 387, to qualify for a Quality Jobs Program contract, an employer must meet the following requirements.

1 - 5d. ...

B. For companies subject to the provisions of Act 386, to qualify for a Quality Jobs Program contract, an employer must meet the following requirements.

1. Eligible Businesses. The nature of the employer's business must fall within one of the following categories:

a. the employer is in one of the following industries:

- i. biotechnology, biomedical, and medical industries serving rural hospitals;
- ii. micromanufacturing;
- iii. software, Internet or telecommunications technologies;
- iv. clean energy technology;
- v. food technologies; or
- vi. advanced materials.

b. the employer is a manufacturer whose primary function is identified by NAICS Codes 113310, 211, 213111, 541360, 311-339, 511-512, or 54171;

c. the employer is an oil and gas field services business identified by the NAICS Code 213112, that has Louisiana as the national or regional headquarters of a multi-state business whose service territory includes at least Louisiana and the Gulf of Mexico;

d. the employer is a business that has, or within one year will have, at least 50 percent of its total annual sales to:

- i. out-of-state customers or buyers;
- ii. in-state customers or buyers if the product or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use; or
- iii. the federal government;
- iv. an independent Louisiana certified public accountant shall annually verify that the contract site meets the out-of-state sales requirement, in accordance with guidelines provided by the department.

e. the employer is a business that is located in a parish which is within the lowest twenty-five percent of parishes based on per capita income. An employer that qualifies for a contract under this Item at the time of the initial quality jobs contract executed pursuant to this Chapter shall remain qualified for a contract through and during the

renewal period regardless of any change in the per capita income of the parish,

f. the employer is the corporate headquarters of a multi-state business;

g. the employer is a business that spends fifty percent or more of its time performing services for its out-of-state parent company. These services include, but are not limited to, legal, marketing, finance, information technology, order management, distribution center operations or overall operations support.

h. the employer is in the business of maintenance, repair, and overhaul operations for commercial transport aircraft.

2. Ineligible Businesses. The following employers or persons shall not be eligible for benefits provided under this Chapter:

a. retail employers identified by NAICS Code Sections 44 and 45, except that:

i. COVID-19-impacted retail employers identified by the NAICS Codes of 44 and 45 that have no more than 50 employees nationwide including affiliates on the date of the filing of the advance notification shall be eligible to participate in this rebate program if such employers file or enter into an advance notification on or after July 1, 2020, and on or before December 31, 2021. However, no such COVID-19-impacted retail business employer shall be eligible to earn benefits pursuant to the provisions of this Chapter after June 30, 2023.

b. business associations and professional organizations identified by NAICS Code 8139;

c. state and local government enterprises;

d. real estate agents, operators, and lessors;

e. automotive rental and leasing;

f. local solid waste disposal, local sewage systems, and local water systems businesses;

g. nonprofit organizations, unless the department determines that the new direct jobs created by the organization would have a significant impact on Louisiana;

h. employers engaged in the gaming industry identified by NAICS Code sections 713210 and 721120; and

i. professional services firms assigned a NAICS code beginning with 54, unless the business can demonstrate that more than fifty percent of its services are provided to out-of-state customers or for the corporate headquarters of a multi-state business or if the employer can demonstrate that the company has or will have one year sales of at least fifty percent of its total sales out-of-state customers or buyers, to in-state customers or buyers or buyers if the products or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use, or to the federal government.

j. construction companies, unless the company is the corporate headquarters of a multi-state business or can demonstrate that the company has, or will have within one year, sales of at least fifty percent of its total sales to either out-of-state customers or the federal government.

k. all businesses assigned a NAICS code beginning with 5613.

l. medical professionals assigned a NAICS code beginning with 62, except for those engaged in biomedical industries, biotechnology industries or those who provide services to rural hospitals or those who provide services or

will within one year provide services to a patient base made up of at least 50 percent out-of-state patients.

m. Out-of-state sales or out-of-state patient requirements can be demonstrated by submission of documents including, but not limited to, a report issued by an independent Louisiana certified public accountant, in accordance with guidelines provided by the department.

3. Minimum New Direct Jobs and Annual Gross Payroll.

a. New direct jobs. The employer must create a minimum of:

i. five new direct jobs for companies who employ 50 or fewer baseline employees, or

ii. fifteen new direct jobs for companies who employ more than 50 baseline employees .

b. Annual Gross Payroll. The employer must have an annual gross payroll of;

i. equal to or greater than \$225,000, for companies who employ 50 or fewer employees prior to the beginning of the contract, or

ii. jobs equal to or greater than \$675,000, for companies who employ more than 50 employees prior to the beginning of the contract.

c. The employer shall have the required annual payroll for new direct jobs and the minimum number of new direct jobs for the employer's fiscal year for which the employer is applying for its third annual rebate, or the contract is cancelled and any rebates received must be repaid.

4. Full-Time Employee Work Hours

a. The employer must employ full-time employees working 30 or more hours per week in new direct jobs.

5. Health Benefits. The employer must offer, or will offer within 90 days of the contract effective date, a basic health benefits plan or health insurance coverage to the individuals it employs in new direct jobs, in compliance with federally mandated healthcare requirements or, if no federally mandated healthcare requirements exist, is determined to have a value of at least \$1.25 per hour. The employer must offer health insurance coverage for the dependents of full-time employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:963 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2307 (November 2003), amended by the Office of Business Development, LR 37:2590 (September 2011), LR 42:865 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1107. Application Fees, Timely Filing

A. ...

B. An application for the Quality Jobs Program must be filed with the Office of Business Development, Business Incentives Services, through the department's online fastlane portal no later than 24 months after the department has received the advance notification and fee, except that upon request, a business shall receive a 30-day extension of time in which to file its application, provided that the request for extension is received by the department no later than the filing deadline. Failure to file an application within the

prescribed timeframe will result in the expiration of the advance notification.

1. The application shall include a detailed project description clearly stating the nature and scope of the proposed project. For example, whether the project is the construction of a new facility, renovation of an existing facility, or an increase in workforce. Where possible, identify specific project goals, milestones and costs that may be verified by both the department and LDR for subsequent contract compliance review.

2. Applications submitted by COVID-19 impacted retail businesses shall include support documentation evidencing a physical and active operation in Louisiana on March 13, 2020, and that it ceased operations due to either one of the governor's public health emergency proclamations or a mayor's proclamation or executive order related to the public health emergency, or a decrease in customer activity or the inability to retain sufficient staff due to the COVID-19 public health emergency.

C. – C.3....

D. An application to renew a contract shall be submitted with an application fee and filed within six months prior to the initial contract expiring. The board may approve a request for renewal of an expired contract filed less than five years after expiration of the initial contract, and may impose a penalty for the late filing of the renewal request, including a reduction of the five-year renewal period.

1. The application for renewal shall include a detailed project description stating the nature and scope of the project.

E. ...

F. Applications may be deferred to a later board meeting date at the request of the applicant, but shall not exceed presentation at a board meeting occurring more than 12 months after the filing of the application, except as otherwise approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:963 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2308 (November 2003), amended by the Office of Business Development, LR 37:2591 (September 2011), LR 41:1085 (June 2015), LR 42:865 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1109. Application Review and Determination

A. – A1 ...

2. The application packet must be completed through the department's online Fastlane portal by the due date. If the application is incomplete, the department may request additional information prior to further action. The application fee must accompany the application packet pursuant to §1107.C.

3. ...

4. LED reserves the right to request missing information, which shall be provided to LED within 60 days. Applications with missing or inadequate information after this time frame shall be considered late filings.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:964 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2308 (November 2003), amended by the Office of Business Development, LR 37:2591 (September 2010), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1111. Consultation with the LWC and the LDR

A. ...

B. The department must receive a letter-of-no-objection or a letter-of-approval from the LWC and the LDR, prior to submitting the application to the board for action. If LWC or LDR issues an objection to an application other than an objection because an applicant is in active negotiations with, under audit by or in litigation with the department issuing the objection, the applicant has six months to clear the objection or the application shall be cancelled. The six-month period shall begin on the date LED sends written notification to the company of the objection received from LWC or LDR. Applicants may demonstrate active negotiation to LED by providing written documentation periodically, but at least every 6 months, of ongoing, bilateral communications between the applicant or its representative and LWC or LDR as applicable, even if such communication begins after the objection was issued, or other written verification as approved by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:964 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2309 (November 2003), amended by the Office of Business Development, LR 37:2592 (September 2011), LR 42:866 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1117. The Contract

A. The board, after no objection from the executive director of the LWC and secretary of the LDR, and with the approval of the governor, may enter into a contract with an employer for a period up to five years. The business must execute its portion of the contract and return it to Business Incentive Services within 90 days. If the contract is not returned within 90 days, the board's approval shall be deemed rescinded.

1. ...

2. Upon written approval of the department, an employer may have one additional contract in effect for a project site for a subsequent expansion project that is distinct from the project associated with the original contract, and that increases the number of new direct jobs at the site by at least 25 percent. If new direct jobs are not increased by at least 25 percent by the end of the third fiscal year of the additional contract, the contract shall be terminated and all benefits for the site shall be determined under the original contract.

3. - 5. ...

6. A contract shall be limited to one employer receiving payroll rebates, however the employer's named related entity or affiliate may generate a sale and use tax rebate or project facility expense rebate for their

expenditures directly relating to the project site, but payable to the contract holder, if the following conditions are met:

- a. the employer meets all program requirements;
- b. the entity is disclosed by the employer in its application; or

c. the entity is listed in the contract attachment Schedule One, which may be amended with the approval of the department and the board.

7. A fee of \$250 shall be filed with a request for any contract amendment, including but not limited to, a change of ownership, change in name, or change in location.

B. - E.1 ...

2. After the employer's fiscal year for which the employer applied for his third annual rebate, if at any other time during the 10-year contract period the employer applies for a rebate following the end of the employer's fiscal year, and the verified gross payroll for the fiscal year does not demonstrate the required minimum new direct jobs and the required gross payroll, the rebates shall be suspended and shall not be resumed until such time as the payroll and job requirements are met. No rebate (payroll rebate, sales and use tax rebate or project facility expense rebate) shall accrue or be paid to the employer during a period of suspension.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:965 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2309 (November 2003), amended by the Office of Business Development, LR 37:2592 (September 2011), LR 42:866 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1118. Project Completion

A. All companies, whether seeking a payroll rebate, sales and use tax rebate or project facility expense rebate, shall file a minimum of one project completion report and one affidavit of final cost as follows.

1. An applicant may file a preliminary project completion report no earlier than with its third fiscal year filing, but no later than with the filing of a final project completion report.

2. An applicant shall file a final project completion report within six months after the project ending date or the governor's signature on the contract, whichever is later.

3. No more than two project completion reports (one preliminary and one final report) may be filed per five year contract period.

4. Project completion reports shall be submitted through the department's online Fastlane portal.

5. A fee of \$250 shall accompany all project completion report filings, or any project completion report amendment filings.

B. The project completion report shall confirm the beginning of the project, the project ending date, and the incentive benefits elected. Local sales and use tax rebate is not available if the project facility expense rebate is elected.

C. The affidavit of final cost shall list all eligible purchases and qualified expenditures for the project, with a description of the buildings, equipment, or other assets, and the cost of each item.

D. After completion of the project and the governor's signature of the contract, the department shall sign the project completion report and forward copies to the business, the Department of Revenue, and any political subdivision rebating local sales and use tax.

E. The basis for rebate claims (sales and use tax rebate or project facility expense rebate) shall not exceed the costs listed on the affidavit of final cost.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 48:

§1119. Payroll Incentive Rebates

A. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Financial Incentives Division, LR 22:965 (October 1996), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2310 (November 2003), amended by the Office of Business Development, LR 37:2593 (September 2011), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1120. Sales and Use Tax Rebate or Project Facility Expense Rebate

A. Project Facility Expense Rebate

1. The project facility expense rebate is earned in the year in which the project is placed in service, and is based upon all qualified capitalized expenditures related to the project as of the date it is placed in service.

a. Qualified expenditures include intangible costs such as architectural and/or engineering fees prior to the contract effective date.

b. The project facility expense rebate may not be elected if more than 50 percent of the qualified expenditures relating to the project are incurred before the filing of the advance notification.

2 The project facility expense rebate claim must be filed with the Department of Revenue, Taxpayer Compliance—SSEW Division, with the required documentation.

3. The project facility expense rebate may be taken on qualified expenditures that are related to the project and are placed in service during the project period. The project facility expense rebate applies to the assets that are related to the qualified expenditures, provided that the business reasonably intends for such assets to remain at the project site for their expected useful life. The assets may be recorded on the financial statements of a company that is an affiliate of the business.

4. The claim for the project facility expense rebate must be filed with the Department of Revenue no later than six months after the Department of Economic Development signs a project completion report and it is received by the Department of Revenue, the political subdivision, and the business. The project completion report shall not be signed until the project is complete and the contract has been approved by the board and the governor. Upon request, the business shall receive a 30-day extension of time in which to file its claim, provided such request for extension is received by the Department of Revenue prior to the expiration of such filing period. The Department of Revenue is also authorized to grant the business an additional extension of time, not to

exceed 60 days, in which to file its claim provided that the business shows reasonable cause for granting such extension.

B. Sales and Use Tax Rebates

1. The Quality Jobs Program contract will not authorize the business to make tax exempt purchases from vendors. The Department of Revenue will advise the business on the proper procedures to obtain the state sales and use tax rebate. The request for rebate of sales and use taxes must be made by filing a claim with the Department of Revenue, Taxpayer Compliance – SSEW Division, and must include the following:

a. list of eligible purchases, including a brief description of each item, the vendor's name, date of the delivery, sales price and the amount of state sales and use tax paid. The listed items must have been purchased by the business, or by a builder, a contractor, or other party that contracted with the owner to provide materials, equipment, machinery, or software that is used by the business at the project site or by the contract holders named affiliates listed in the Quality Jobs Program contract. Invoices as required under R.S. 51:2457 shall also be required;

b. certification that the listed materials are reasonably expected to qualify for a rebate under the Quality Jobs Program; and

c. certification that state sales and use taxes have been paid on the listed items.

2. The request may be filed on the official Department of Revenue "claim for rebate" form or on other LDR approved forms prepared by the business. After the Department of Revenue has validated the information on the claim for rebate, a rebate check will be issued for the amount of substantiated state sales and use taxes paid.

3. The request for rebate must be filed with the Louisiana Department of Revenue, and the political subdivision rebating local sales and use tax, no later than six months after the Department of Economic Development signs a project completion report and sends it to the Department of Revenue, the political subdivision, and the business, or no later than 30 days after the end of the calendar year and must be accompanied by the signed project completion report. Upon request, the business shall receive a 30-day extension of time in which to file its claim, provided such request for extension is received by the Department of Revenue prior to the expiration of such filing period. The Department of Revenue is also authorized to grant the business an additional extension of time, not to exceed 60 days, in which to file its claim, provided that the business shows reasonable cause for granting such extension.

4. The business should contact the political subdivision issuing the endorsement resolution to determine the procedure for local sales and use tax rebate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, LR 48:

§1121. Rebate Payments

A. In addition to the payroll rebates, an employer shall be entitled to sales and use tax rebates or the project facility expense rebate—as authorized in R.S. 51:2456, if the employer meets the hiring requirements of R.S. 51:2455 Program and meets the other limitations, procedures, and

requirements of R.S. 51:2456 and 2457 and the rules promulgated there under, Louisiana Administrative Code, Title 13, Part I, Chapter 11.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2310 (November 2003), amended by the Office of Business Development, LR 37:2593 (September 2011), amended by the Department of Economic Development, Office of Business Development, LR 48:

§1123. Rebate Claim Filing

A. Payroll Rebate

1. An annual certification and a fee of \$250 shall be filed annually, commencing within six months after completion of the applicant's fiscal year or execution of the contract, whichever is later. The department may grant an extension of up to an additional sixty days provided the extension is requested prior to the filing deadline. Failure to file an annual certification within the prescribed timeframe may result in the annual rebate being denied or restricted. An annual certification is required in each year the contract is active, irrespective of whether annual rebates are being claimed.

2. - 4. ...

5. If the actual verified annual gross payroll for the employer's third fiscal year does not show a minimum of 15 or five new direct jobs and does not equal or exceed a total annual payroll for new direct jobs of either \$675,000 or \$225,000, whichever is applicable, the employer will be determined to be ineligible under this Chapter. The LDR will be notified and the tax liability for the current tax period in which the failure to meet the requirements occurs shall be increased by the amount of rebates previously allowed.

6. ...

B. Sales and Use Tax Rebate or Project Facility Expense Rebate

1. An annual employee certification report with a \$250 annual employee certification report fee must be filed on all active contracts for the employer to qualify for the sales and use tax rebate or project facility expense rebate under this Chapter.

2. Sales and Use Tax Rebate or Project Facility Expense Rebate—Advance Notification. An employer who receives a Quality Jobs Program contract and who meets the requirements for sales and use tax rebates as authorized in R.S. 51:2456 and §1121 of these rules, will satisfy the advance notification requirement for sales and use tax rebates or project facility expense rebate for the Quality Jobs Act contract by submission of the Quality Jobs Program advance notification referred to in §1107 of these rules. The sales and use tax rebate or project facility expense rebate period shall begin on the contract effective date, unless otherwise provided in the contract, and shall be no longer than five years, and shall not extend beyond the term of the Quality Jobs Program contract. In order to receive rebates of local sales and use taxes, the employer must satisfy the provisions of §1121.B of these rules.

3. No more than two project facility expense rebate claims may be filed during each five year contract period.

4. Sales and use tax rebates claims may be filed on a monthly, quarterly or annual basis during each five year

contract period, at the discretion of the company receiving the benefit, as long as all requirements for issuance have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2451-2462 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:2311 (November 2003), amended by the Office of Business Development, LR 37:2594 (September 2011), LR 42:866 (June 2016), amended by the Department of Economic Development, Office of Business Development, LR 48:

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephanie Le Grange through the close of business on Tuesday, May 24, 2022 at Department of Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Stephanie.Legrange@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 10 a.m. on Wednesday, May 25, 2022 in the Griffon Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802.

Anne G. Villa
Undersecretary

2204#066

POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Notice of Public Hearing—Substantive Changes to Proposed Rule RP067, Regulation and Licensing of Naturally Occurring Radioactive Material (NORM) (LAC 33:XV.Chapter 14)

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 proposed regulation (LAC 33:XV.1403, 1410, 1411, 1412) (Log # RP067S), which was originally noticed as RP067 in the August 20, 2021, issue of the *Louisiana Register*. (2204Pot1)

The department has proposed substantive changes to address comments received during the public comment period of proposed rule RP067. The changes clarify the proposed rule language. In the interest of clarity and transparency, the department is providing public notice and opportunity to comment on the proposed changes to the amendments of the regulation 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 department's website under

Rules and Regulations at <http://deq.louisiana.gov/page/rules-regulations>.

The following changes are to be incorporated into the Notice of Intent.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 14. Regulation and Licensing of Naturally Occurring Radioactive Material (NORM)

§1403. Definitions

A. ...

* * *

NORM Waste—any solid, liquid, or gaseous material or combination of materials, excluding source material, special nuclear material and by-product material, that:

- a. in its natural physical state emits radiation;
- b. is discarded or unwanted;
- c. prior to treatment or processing that reduces the radioactivity concentration, exceeds exemption criteria specified in LAC 33:XV.1404.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:736 (September 1989), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:604 (June 1992), LR 21:24 (January 1995), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:

§1410. Specific Licenses

A. Unless otherwise exempted in accordance with LAC 33:XV.1404, persons receiving NORM waste from other persons for storage, disposal, or processing, or persons who process NORM for other persons at temporary job sites shall be specifically licensed in accordance with the requirements of this Section. Persons who are authorized to treat or dispose of NORM waste and/or waste containing NORM in accordance with Section 1412.B.2 shall submit an application for a specific license pursuant to Section 1410.C within 365 days of the effective date of this rule.

B. - C.4. ...

5. Applications and documents submitted to the department may be made available for public inspection. The department may, however, withhold any document or part thereof from public inspection in accordance with LAC 33:I.Chapter 5.

C.6. - D.1. ...

a. the applicant is qualified by reason of training and experience to handle the material or waste in question for the purpose requested, according to this Section, and in a manner that minimizes danger to public health and safety, property, and the environment;

b. the applicant's proposed buildings, structures, equipment, and procedures are adequate to minimize danger to public health and safety, property, and the environment;

1.c. - 3.c.i ...

ii. procedures for groundwater and stormwater analytical testing;

iii. procedures for addressing results of groundwater and stormwater analytical testing that exceed LAC 33:XV.499 Table II;

iv. procedures for safely receiving the waste and on-site storage of the waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:

§1411. Protection of Workers during Operations

A. Each person subject to the general license requirements in LAC 33:XV.1408 or 1409 or a specific license shall conduct operations in compliance with the radiation protection standards set forth in LAC 33:XV.Chapter 4 and LAC 33:XV.1499.Appendix B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:737 (September 1989), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:606 (June 1992), LR 21:27 (January 1995), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:

§1412. Treatment, Transfer, and Disposal

A. Each person subject to the general license requirements in LAC 33:XV.1408 or 1409 or subject to a specific license shall manage, treat or dispose of wastes containing NORM in accordance with:

A. - E. ...

1. The disposal facility shall notify the department if a shipment is rejected, based on rejection procedures approved by the department during application process, after its occurrence becomes known to the licensee. Notification shall be made by telephone at (225) 765-0160 in accordance with LAC 33:I.3923. Within 30 days after making the telephone report, make a written report to the Office of Environmental Compliance using the procedures provided in LAC 33:I.3925.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:606 (June 1992), amended LR 21:27 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2600 (November 2000), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:

§1420. Financial Security Requirements for NORM Treatment, Storage, or Disposal

A. Each general or specific licensee that stores NORM or NORM waste for greater than 90 days, and each specific licensee that leases or owns a physical location and that physically or chemically treats or stores NORM or NORM waste shall post with the department financial security to ensure the protection of the public health and safety and the environment in the event of abandonment, default, or other inability or unwillingness of the licensee to meet the requirements of the Act and these rules. Financial security shall:

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2104.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:609 (June 1992), amended LR 21:30 (January 1995), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2601 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2537 (October 2005), LR 33:2189 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:

Public Hearing

A public hearing on the substantive changes will be held via Zoom on May 26, 2022, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/9373792954> or by telephone by dialing 636-651-3182 using the conference code 725573. Interested persons are invited to attend and submit oral comments on the substantive changes. 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.

Public Comments

All interested persons are also invited to submit written comments on the substantive changes. Persons commenting should reference this proposed regulation as RP067S. Such comments must be received no later than May 26, 2022, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or emailed to DEQ.Reg.Dev.Comments@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 RP067S. These proposed regulations are available on the internet at <http://deq.louisiana.gov/page/rules-regulations>.

These substantive changes to RP067 are available for inspection at the following LDEQ office locations from 8:00 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; and 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette
General Counsel

2204#015

POTPOURRI

**Department of Justice
Occupational Licensing Review Program**

Accepting Participants for FY 2022-2023

The Department of Justice is currently accepting occupational licensing boards into the Department of Justice Occupational Licensing Review Program established by La. R.S. 49:260. This program provides for active state supervision and was established to ensure that participating boards and board members will avoid liability under federal antitrust laws. Participants for the 2022-2023 Fiscal Year

will be accepted into the program through May 31, 2022. For information about participating in the program, contact Emily Andrews, Deputy Director, Louisiana Department of Justice at 225-326-6000.

Emily Andrews
Civil Division Deputy Director

2204#073

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
B. S. And W. Oil Company	North-Red Rock Shongaloo	S	NSRR T su; Beulah Goode	003	64499(30)
D and L Oil and Gas LLC	Caddo Pine Island	S	Fuller A	001	176374
D and L Oil and Gas LLC	Caddo Pine Island	S	Jolley	001	183867
D and L Oil and Gas LLC	Caddo Pine Island	S	Clay	001	185558
D and L Oil and Gas LLC	Caddo Pine Island	S	Little	002	185599
D and L Oil and Gas LLC	Caddo Pine Island	S	Jolley	003	186338
D and L Oil and Gas LLC	Caddo Pine Island	S	Jolley	004	186339
D and L Oil and Gas LLC	Caddo Pine Island	S	Fuller A	002	189790
D and L Oil and Gas LLC	Caddo Pine Island	S	Wilkerson	001	192487
D and L Oil and Gas LLC	Caddo Pine Island	S	Fuller A	004	193550
D and L Oil and Gas LLC	Caddo Pine Island	S	Hunter 16	001	231266

Operator	Field	District	Well Name	Well Number	Serial Number
D and L Oil and Gas LLC	Caddo Pine Island	S	Hunter 16	002	231267
D and L Oil and Gas LLC	Caddo Pine Island	S	Hunter 16	003	231268
D and L Oil and Gas LLC	Caddo Pine Island	S	Hunter 16	005	231270
D and L Oil and Gas LLC	Caddo Pine Island	S	Jolley	005	240659
D and L Oil and Gas LLC	Caddo Pine Island	S	Wilkerson	002	244423
D and L Oil and Gas LLC	Caddo Pine Island	S	Fuller A	005	244425
Gregory Operating, LLC	Rogers	M	W Norris	005	118515
Gregory Operating, LLC	Rogers	M	W Norris	006	122027
Gregory Operating, LLC	Rogers	M	W Norris	007	185142
Gregory Operating, LLC	Rogers	M	W Norris	008	185143

Operator	Field	District	Well Name	Well Number	Serial Number
Gregory Operating, LLC	Rogers	M	W Norris	009	185146
Gregory Operating, LLC	Rogers	M	W Norris	001	230536
Gregory Operating, LLC	Rogers	M	W Norris	002	230602
Gregory Operating, LLC	Rogers	M	W Norris	003	230844
Gregory Operating, LLC	Rogers	M	W Norris	004	230845
Gregory Operating, LLC	Rogers	M	W Norris	010	231060
Gregory Operating, LLC	Rogers	M	W Norris	011	231061
LGS Exploration Program	Barataria	L	Fleming Plantation	001	156109
M.T. Halbouty-Kirby Petr. Co.	Barataria	L	Fleming Plantation	002	86934

Richard P. Ieyoub
Commissioner

2204#023

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