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Executive Orders

EXECUTIVE ORDER NO. EWE-76-11

WHEREAS, the Louisiana Higher Education Assistance Commission is authorized by Section 3021 through Section 3030, inclusive, of Title 17 of the Louisiana Revised Statutes of 1950 to guarantee student loans on the basis of financial need; and

WHEREAS, an individual enrolled as a full-time student may be provided such financial assistance; and

WHEREAS, R.S. 17:3024.1 provides that the term, "full-time student," means a person enrolled or having applied for enrollment as a post-secondary student in a course of vocational, business or technical education at any publicly supported or Commission-approved privately governed school in this state; and

WHEREAS, said law in no way qualifies or limits this definition; and

WHEREAS, neither the intent of nor the purpose of R.S. 17:3024 (1)(b) and R.S. 17:3024.1(A) and (B), excludes a student attending a proprietary business school who is enrolled in at least a six-month course and who is employed while attending classes; and

WHEREAS, in the case of a student applicant in a proprietary school it is appropriate that the loan should be guaranteed and the loan application processed at any time during the Commission's fiscal year; and

WHEREAS, the Commission should guarantee the loan of any eligible student at any time during the fiscal year; and

WHEREAS, such loan may be for the full amount allowable under the above statutes regardless of the time of the year the student enters school; and

WHEREAS, a student applying to attend a proprietary business school shall be eligible for a loan guaranteed by the Commission if he is a high school graduate or the equivalent:

NOW, THEREFORE, I, Edwin W. Edwards, Governor of the State of Louisiana, by virtue of the authority vested in me under the laws of this State, in order to assist deserving students to obtain an education and the skills to better their lives, and provide them with the opportunities contemplated and provided for in R.S.

17:3021 through 3030, inclusive, of the Louisiana Revised Statutes, hereby authorize and direct the Louisiana Higher Education Assistance Commission to implement the purposes of this Executive Order as follows:

1. A "full-time student," with respect to a person enrolled in a proprietary business school, shall mean a student enrolled in at least a six-month course;
2. Such student shall not be disqualified because he may be employed while attending classes;
3. A loan shall be guaranteed and the loan application processed at any time during the Commission's fiscal year;
4. A loan may be for the full amount allowable under the applicable law regardless of the time of the year the student enters school;
5. Each student applying to attend a proprietary business school shall be eligible for a loan guaranteed by the Commission if he is a high school graduate or has the equivalent thereof.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 16th day of July, 1976.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER NO. EWE-76-12

This Executive Order amends Executive Order No. 49, dated August 23, 1973.

WHEREAS, the full potential of Louisiana as a filmmaking site is not being fully realized, and a program is needed to project an image of this state as a pleasant, economical and feasible place to produce motion pictures; and

WHEREAS, Louisiana's natural and man-made attributes must be sold to prospective filmmakers, and an aggressive program is needed to induce and facilitate filmmakers in accomplishing their work within our state; and

WHEREAS, the Department of Commerce and Industry is one of only two State agencies responsible

for bringing revenues into this state through the attraction of industry and the promotion of Louisiana's advantages and resources; and

WHEREAS, the program should operate under the authority of the Executive Director of the Department of Commerce and Industry and as a division of the Department of Commerce and Industry utilizing the existing advertising, promotion, and administrative services of the Department of Commerce and Industry; and

WHEREAS, the State of Louisiana should determinedly seek out its share of the millions expended annually on filmmaking in the Southern states;

NOW, THEREFORE, I, Edwin Edwards, Governor of Louisiana, by virtue of the authority vested in me under the laws of this State, do hereby create and establish the Louisiana Film Industry Commission, whose duty it shall be to handle the public relations aspects and serve in an advisory capacity to the Executive Director of the Department of Commerce and Industry and the staff of the Louisiana Film Commission who shall administer a program designed to develop, create, and execute plans, programs and events in connection with promoting Louisiana as a filmmaking location; to provide free location scouting, to provide information on available facilities, to offer assistance in obtaining permission to film, to provide complete background information on all cultural and historical aspects of Louisiana, and to maintain a cooperative working relationship with filmmakers coming into Louisiana.

The membership of the Louisiana Film Industry Commission shall be composed of the Governor of Louisiana, who shall serve as chairman; the Lieutenant Governor of Louisiana; the Executive Director, Department of Commerce and Industry; the Chairman of the Board of Commerce and Industry; the Executive Director of the Louisiana Tourist Development Commission; the Chairman of the Louisiana Tourist Development Commission; one member appointed by the Governor who can provide an entree to the film industry, probably a major film distributor; and such additional members as may be appointed, from time to time, by the Governor.

To carry out the provisions of this Order, the Louisiana Film Industry Commission under authority of the Executive Director of the Louisiana Department of Commerce and Industry shall establish and maintain a staff for the Louisiana Film Industry Commission composed of, but not limited to: the Director of the Louisiana Film Industry Commission, who shall be appointed by and serve at the pleasure of the Governor of Louisiana; a Stenographer Clerk III, who will be

appointed under the regulations of the Louisiana Department of Civil Service and serve in accord with those regulations; and the reigning "Miss Louisiana" or other appropriate designee of the Governor of Louisiana, who will be appointed by the Governor of Louisiana and serve until the expiration of her duly constituted term as Miss Louisiana or other time deemed appropriate by the Governor of Louisiana and who will act as a special envoy of the State of Louisiana with the film industry. The staff of the Louisiana Film Industry Commission shall operate as a division of the Louisiana Department of Commerce and Industry and report directly to the Executive Director of the Department of Commerce and Industry.

The Department of Commerce and Industry is authorized to continue operating the Louisiana Film Industry Commission as a division under the budget currently authorized for it under law and under the budget for 1975-76, pursuant to final action by the Louisiana Legislature, and to resubmit a projected budget for this division for 1976-77 and subsequent fiscal years.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 22nd day of July, A.D., 1976.

EDWIN EDWARDS
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The following emergency rules were adopted on July 22, 1976, by the State Board of Elementary and Secondary Education as an immediate response to a need in the special education schools for special education resource teachers and special education itinerant resource teachers, and a need in the local school systems for sufficient time to prepare for the 1976-77 school year.

Rule 6.00.70

Exceptional children shall be provided special education

services, upon recommendation of a competent authority team, either in self-contained special education classrooms or in special education resource rooms or through the services of an itinerant special education resource teacher.

Exceptional students receiving special educational services in special education resource rooms or from itinerant special education resource teachers shall be counted in the regular education average daily attendance records. Exceptional students assigned to self-contained special education classrooms shall be counted in the special education average daily attendance report.

Special education self-contained classroom teachers, resource teachers, and itinerant resource teachers shall be certified in special education. Self-contained classroom teachers shall be certified in special education. Self-contained classroom teachers shall be certified in the exceptionality of the children assembled in the class under the provisions of Act 368 of 1972. Resource and itinerant resource teachers shall, if possible, be certified in more than one area of exceptionality but shall be required to be certified in the exceptionality of the greatest number of children assigned in the caseload.

Resource and itinerant resource teachers shall be required to spend a complete school day on duty at school. Resource and itinerant resource teachers shall each have at least one period each day to consult with regular classroom teachers, observe students, plan work and activities for assigned students, and so forth. Itinerant resource teachers shall be allowed one additional period per day for travel.

In order to carry out their duties, resource and itinerant resource teachers shall have a flexible schedule but under no circumstances shall any such teacher work less than a full school day. Not less than fourteen nor more than twenty-seven students, recommended by a competent authority team, shall be assigned on a caseload basis to resource and itinerant resource teachers, except that itinerant resource teachers of severely sensorially handicapped students shall be permitted a reduced caseload of not less than five nor more than ten students.

Rule 6.00.70.a

1. During 1976-77, the implementation of this regulation shall be limited to two million dollars of the additional funds appropriated for special education teachers and aides.
2. Teachers shall be allotted to each local school system on the basis of the number of students enrolled in special education classes and programs,

exclusive of those in speech and hearing therapy, at the last reporting period.

3. Each system shall be allotted one teacher initially, with additional teachers allotted on the basis of special education enrollment as in item number 2 above.
4. The State Department of Education shall calculate the entitlement for each system and immediately notify all systems of the entitlement.
5. This limitation shall apply only to new resource/itinerant special education teachers.
6. For resource teachers of gifted and talented, the teacher shall be certified in the appropriate subject.

* * * *
Rule 3.01.51.f

The high school graduation requirements in Bulletin 741, amended page 2, paragraph 2, will now apply to all students who enter the eleventh grade in the fall of 1976 and who will graduate in the spring of 1978 and all subsequent classes. (The earlier effective date of the amended graduation requirements was to have been applied to the incoming freshmen of the 1976-77 school year.)

Earl Ingram
Director

DECLARATION OF EMERGENCY

Health and Human Resources Administration Division of Family Services

The Louisiana Health and Human Resources Administration, Division of Family Services (DFS), has exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to revise the eligibility criteria for day care services for children provided through vendor payments, effective August 3, 1976.

Title XX Social Services Program for Individuals and Families implemented on October 1, 1975, required more stringent day care staffing ratio standards for day care centers. This requirement resulted in financial hardship for day care centers participating in the vendor payment day care program. Louisiana Health and Human Resources Administration, Division of Family Services, finds it necessary to provide a more equitable

payment reimbursement to those day care providers participating in the vendor payment day care program. To effect the payment increase and remain within the budget appropriation of \$4,299,210, it is necessary to revise eligibility criteria for day care in order to continue serving those Title XX eligible children determined to be in most need of day care services.

The revised policy for day care eligibility shall be as follows.

To provide day care as a preventive measure when the child's family is unable to provide adequate care and supervision. This shall include only the following case situations.

1. Protective care situations in which a certified protective service case is active with a child protection center or DFS protective service unit, or there are indications of borderline neglect.
2. A parent or caretaker because of mental or physical illness or mental retardation is unable to care for child and no other caretaker is available or willing to provide care and supervision.
3. A referral recommending day care services is received from another agency such as Mental Health, Parish Health Unit (Early and Periodic Screening, Diagnosis, and Treatment Program), hospital, or physician because of developmental, emotional, or behavioral difficulties observed in the child; or these difficulties are observed by the DFS service worker and a service plan is developed in cooperation with an agency such as the above.

This revision does not affect present policy which makes provision of day care services available to AFDC (Aid to Families with Dependent Children) recipients engaged in a work or training program, and to the Title XX eligible parent or caretaker who is employed.

Those persons adversely affected by this revised eligibility criteria will be provided timely notice of the intended action.

William H. Stewart, M.D.
Commissioner

Rules

RULES

Office of the Governor
Division of Administration
Property Control Section

(Editor's Note: These regulations are being reproduced in booklet form for distribution to all State agencies. In that format they will include two sections which are not printed here, as per R.S. 49:954.1C. The omitted portions are Section IV, which consists of the Revised Statutes affecting State surplus property, and Section V, which is a listing of the inventory classification codes.)

Section I

State Property Inventory Regulations

1.0 Definitions

- 1.1 "Agency" means any State office, department, board, commission, institution, division, officer, or other person, or functional group, heretofore existing or hereafter created, which is authorized to exercise, or that does exercise any function of the government of the State, excluding, however, any governing body or officer of any local government or subdivision of the State or any parochial officer who exercises functions coterminous with the municipality in which he performs those functions.
- 1.2 "Commissioner" means the Commissioner of the Division of Administration.
- 1.3 "Division" means the Division of Administration.
- 1.4 "Property" means all tangible nonconsumable movable property owned by an agency with the exception of property specifically exempted by the Commissioner.
- 1.5 "State Property Control Director" means the individual in the State Property Control Section of the Division of Administration who has been designated by the Commissioner as the person responsible to the Commissioner for the administration of the State Property Inventory Regulations.

1.6 "Head of the agency" means the individual responsible for the administration and operations of the agency.

1.7 "Agency property manager" means the officer or employee designated by the head of the agency as property manager for the agency.

2.0 Appointment of Property Managers

2.1 The head of the agency shall designate one of its officers or employees as agency property manager. In cases where an agency owns a large amount of property situated in more than one location, the Commissioner may authorize the appointment of more than one agency property manager with an agency. This authorization shall be in writing and granted only upon the request of the head of the agency. The head of the agency shall notify the Commissioner, through the State Property Control Director, in writing of the appointment of each agency property manager, giving his name and domicile.

2.2 The head of the agency shall notify the State Property Control Director in writing prior to the date any agency property manager ceases to function in that position. The State Property Control Director shall conduct an examination of the property inventory records under the jurisdiction of the agency property manager. On the basis of the report of the examiners, the Commissioner shall approve the release of the agency property manager from responsibility and liability or shall make a written report of any defects in the records or damage to, or shortages of, property. In cases of damage to, or shortages of, property, the Commissioner shall take steps as are necessary to satisfy the claims of the State, as provided by R.S. 39:330.

3.0 Faithful Performance of Duty Bond

3.1 Each agency property manager shall file with the State Property Control Director a copy of the paid annual invoice to the insurer of the State's blanket policy for the faithful performance blanket position bond coverage. This coverage is for \$25,000 and serves as a guarantee or indemnity that the agency property manager will faithfully perform his duties under the provisions of these regulations. Where the Commissioner has approved the appointment of more than one property manager within an agency, each property manager shall be covered by the premium paid by the agency.

4.0 Responsibility for Property

4.1 Each agency property manager shall be the custodian of and shall be responsible for all the property within his agency until his release from responsibility is approved by the Commissioner. When any property is entrusted to any other officer or employee of the agency, the agency property manager shall secure a receipt for such property from the person receiving the property, and in such event the agency property manager shall be relieved of responsibility for the property but shall continue to maintain accountability for the property. Upon the return of the property to the agency property manager, he shall return the person's receipt, or issue acknowledgement of the return of the property, and resume responsibility.

4.2 Whenever an agency property manager has knowledge or reason to believe that any property of the agency is lost, stolen, damaged, or destroyed through vandalism, fire, windstorm, or other acts of God, he shall immediately notify the head of his agency. The head of the agency shall immediately notify the Commissioner, through the State Property Control Director, and follow up with a written report. The State Property Control Director shall make an investigation and take necessary action as provided for in R.S. 39:330.

4.3 The agency property manager, and each person to whom property is entrusted and receipted for as provided in these regulations, shall be liable for the payment of damages whenever his wrongful or negligent act or omission causes any loss, theft, disappearance, damage to, or destruction of, property of his agency for which he is responsible as provided herein, and such damages shall be recoverable in a civil suit therefor prosecuted on behalf of the State by the Attorney General.

4.4 The head of the agency shall allow the agency property manager(s) the necessary time and provide them with the necessary supplies and assistance for performance of their duties under these regulations, and the head of the agency shall be responsible for seeing that the provisions of these regulations are carried out.

5.0 Items of Property to be Inventoried

5.1 All items of movable property having an ac-

quisition cost of seventy-five dollars or more, and certain gifts and other property having an appraised value of seventy-five dollars or more must be placed on inventory. The term "movable" distinguishes this type of equipment from equipment attached as a permanent part of a building or structure. All acquisitions of qualified items must be tagged with a State of Louisiana identification tag and all pertinent information forwarded to the State Property Control Director within ten days after receipt of the items.

- 5.2 The head of the agency, at his discretion, may include such items as electronic calculators, chairs, desks, file cabinets, tables, and other property having an acquisition cost of less than seventy-five dollars in the inventory.
- 5.3 Gifts of movable property must be given an appraised fair market value and recorded in the inventory if the fair market value is seventy-five dollars or more.
- 5.4 Agencies manufacturing movable property for use within the agency must determine the estimated cost, based on the cost of labor and materials, and include such items in the inventory provided that cost is seventy-five dollars or more.
- 5.5 Agencies which are eligible to receive Federal surplus property must place on the inventory all items acquired from Federal surplus which would ordinarily be classified as movable property. (There are Federal regulations regarding the accountability of Federal surplus. If not familiar with these contact: Director, State Surplus Property Agency, Baton Rouge, Louisiana.)
- 5.6 Livestock acquired for breeding, dairy, and experimental purposes are classified as property and must be recorded in the inventory regardless of the value per animal. Animals acquired for slaughter need not be placed on inventory. When an agency acquires livestock by birth and determination is made that such animals will be used for breeding, dairy, or experimental purposes, the animals shall be included in the inventory, and noted as having been acquired by birth, and given an appraised fair market value. At each annual inventory, livestock acquired by birth and used for breeding, dairy, or experimental purposes will be reappraised and the fair market value adjusted on the

inventory. When an agency acquires livestock by birth and determination is made that such animals will be slaughtered for food, the animals shall not be included in the inventory.

6.0 Marking and Identifying Items of Property on Inventory

- 6.1 Each item which meets the definition of items of property to be inventoried (5.0) must be identified with the uniform State of Louisiana identification tag which shall bear a unique identification number.
- 6.2 Agencies shall submit their purchase order requisitions for State of Louisiana identification tags to the State Property Control Director. The tags are purchased in large quantities on State contract and shall be issued at actual cost.
- 6.3 The agency property manager shall be responsible for the tagging, location, and maintenance of property identification tags as prescribed in these regulations.
- 6.4 Livestock may be tagged in the ear with a metal tag, provided that tag number is set aside. If there is any type of identification mark or tag already on the animal, such as bangs, brucellosis, etc., then the last five numbers of such identification shall be entered as the tag number, provided the number has not been used before. Use the complete number if it is five digits or less.
- 6.5 If the item cannot have a State of Louisiana identification tag placed on it for physical reasons, the identification number should be set aside and the identification number written on the item with indelible ink (in case of items of cloth), or the number inscribed on the item with a small engraving tool. Authorization must be given in writing by the State Property Control Director for any item which does not have a State identification mark due to extenuating circumstances.

7.0 Inventory of Property

- 7.1 The agency property manager shall establish and maintain a property location index. This index may have up to four numbers and shall be used to keep track of the location of the property of the agency.

The agency property manager shall keep the property location index for the agency current and shall submit to the State Property Control Director an up-to-date index each time a change or modification is made in the property location index.

7.2 The agency property manager shall submit all pertinent information on items acquired by the agency and defined in these regulations as items to be inventoried. The means of submitting the information shall be the Louisiana Property Control transmittal form (Div. of A. form No. 002-7/76). This form shall be sent to the State Property Control Director each Friday listing the transactions of the agency for the week. The Louisiana Property Control transmittal form replaces the mark sense card system. The data submitted on the transmittal form will be forwarded to the Baton Rouge computer center by the State Property Control Director where it will be keypunched into the agency's inventory master file. It is very important that the information submitted on the transmittal form be submitted in the following form for acceptance.

7.2.1. Agency No. (Columns 1-3)
This three digit number shall be filled in with the number assigned to the agency by the State Property Control Section. This same number is the first three digits on all of the agency's State of Louisiana identification tags.

7.2.2. Agency Sub. (Columns 4-5)
This two digit number may be used by an agency for divisions, sections, areas, etc., upon written approval of the State Property Control Director. Leave the agency sub. blank if approved subagency numbers have not been assigned. If an agency is assigned "00" then "00" should be put in the columns. This number is the middle group of numbers or blank that occurs on all of the agency's State of Louisiana identification tags. (Do not fill in column 4 and leave column 5 blank.)

7.2.3. Tag Number (Columns 6-10)
The agency property manager shall record the tag number (last group of numbers appearing on the State of Louisiana identification tag) which is placed on the acquired item. (If the tag number has less than five digits, the column(s) to the left in this group must be left blank.)

7.2.4. Transaction: Acquisition (Tran. Acq.) (Column 11)

The agency property manager shall fill in the appropriate acquisition code for those items acquired as described in 5.0.

Code 0—Acquired new—This is for items acquired new by the agency regardless of the source of funds.

Code 1—Acquired by transfer—This is for items acquired by permanent transfer from State surplus property or other agencies.

Code 2—Acquired by birth—This is for livestock which, at birth, become State-owned property, as defined in 5.6.

Code 3—Acquired from Federal surplus—This is for items acquired or transferred to the agency from Federal surplus.

Code 4—Acquired by donation—This is for items acquired by the agency through donation regardless of the source (see 5.3).

Code 5—Agency manufacture—This is for items manufactured by the agency where the material and labor costs for an item exceed seventy-five dollars.

Code 6—Omitted from previous inventory—This is for items omitted from the previous inventory where the source of an item cannot be determined.

Code 7—Record adjustment—This is to be used to correct an existing record other than the acquisition code. (Note: column 44 (action code) must show a code 2 to correct the record.)

Code 8—Loaned in—This is to be used when items are in the possession of the agency on a temporary basis.

Code 9—Return of loan—This is for items which have been on loan and are now returned to the possession of the agency.

7.2.5. Transaction: Disposition (Tran. Disp.) (Column 12)

This is covered in the State Property Disposition Regulations (Section II).