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# Rules

## RULES

### Department of Agriculture Bureau of Entomology and Plant Industry

#### Supplement to the Sweet-potato Weevil Quarantine and Regulation

In accordance with the authority vested in the Louisiana Department of Agriculture of Part 2 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the Sweet-potato Weevil Quarantine and Regulation is hereby supplemented as follows:

#### III. Quarantined Areas

##### 1. In the United States

- a. The areas hereby quarantined on account of the sweet-potato weevil shall be the portions of all states in which sweet-potato weevil infestations are known to occur, and so officially designated as quarantined or regulated areas, by the sweet potato quarantines of the states of Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and South Carolina.

##### 2. In Louisiana

- a. Quarantined areas in Louisiana are hereby declared to be the entire parishes of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Feliciana, and those parts hereinafter listed:

Bienville Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Enis Lowe, Section 12, R5W, T16N; that portion

consisting of a one mile radius of and including the property of Henry Lowe, Section 13, R5W, T16N; that portion consisting of a one mile radius of and including the property of Mary Willis, Section 29, R4W, T15N; and that portion consisting of a one mile radius of and including the property of David Williams, Section 6, R4W, T14N;

Caddo Parish—Wards 6 and 7; that portion consisting of a one mile radius of and including the property of Dr. Joe White, 115 Lucia Lane, Shreveport; that portion consisting of a one mile radius of and including the property of T. B. Boyter, Section 29, R14W, T18N; that portion consisting of a one mile radius of and including the property of Mrs. L. M. Laborde, Section 32, R13W, T16N; and that portion consisting of a one mile radius of and including the property of Tony Scarpinato, Section 16, R13W, T16N;

Caldwell Parish—that portion consisting of a one mile radius of and including the property of Ed Hilburn, Section 28, R3N, T14N; and that property consisting of a one mile radius of and including the property of Clifton Hilburn, Section 28, R3N, T14N;

DeSoto Parish—that portion south of T15N;

Jackson Parish—that portion consisting of a one mile radius of and including the property of Loretta Denton, Section 26, R4W, T16N; and that portion consisting of a one mile radius of and including the property of Lee Watkins, Section 11, R4W, T15N;

Lincoln Parish—that portion consisting of a one mile radius of and including the property of James Kay, Section 13, R3W, T17N;

Natchitoches Parish—that portion west and southwest of the Red River;

Webster Parish—that portion of Ward 4 bounded on the west by Bayou Dorchet, on the east by Highway 159, and on the south by Highway 80;

and/or such other area or areas as may hereafter be designated as quarantined areas by notice in the Register and Journal of the State of Louisiana by the State Entomologist, with the approval of the Commissioner.

- b. Non-sweet potato areas shall be infested properties in the area north of Avoyelles and Rapides Parishes, east and northeast of the Red River line at Grant Parish, northeast of the Red River in Natchitoches Parish, north of the Natchitoches Parish line west of the Red River and north of the Sabine Parish line, and such other area or areas as may hereafter be declared non-sweet potato areas by publication in the Official Journal and the Louisiana Register by the State Entomologist, with the approval of the Commissioner.

The above supplement to the Sweet-potato Weevil Quarantine and Regulation shall be revised effective on and after June 20, 1977.

Richard Carlton, State Entomologist  
Bureau of Entomology and Plant Industry

## RULE

### Department of Commerce Radio and Television Technicians Board

#### Rule 10

Each member of the Examining Committee shall receive a per diem of thirty dollars for the performance of his duties while conducting examinations, and twenty-five dollars per day for any official meetings attended. He shall also be paid all necessary travel expenses and all actual and necessary subsistence expenses as set forth in the guidelines of the Division of Administration.

Nicholas J. Lapara, Administrator  
Radio and Television Technicians Board

## RULES

### Board of Elementary and Secondary Education

#### Rule 4.01.50

#### Standards for Approval of Nonpublic Schools

#### Philosophy and Need

Nonpublic schools differ from public schools in philosophy, objectives, and approach. They come in many sizes and shapes and stress variety rather than uniformity. They develop as responses to particular educational needs within their community. They offer a broad range of learning options commensurate with the diversity of human needs, interests, and potentialities. All share a common concern for the individuality of students and for individualizing and personalizing the learning process. Each allows the student to make meaningful choices about his education.

#### Procedures for Approval of Nonpublic Schools

1. The nonpublic school board or governing body shall pass a resolution establishing the nonpublic school and setting forth its goals and objectives.
2. Nonpublic schools are designed to meet the needs of a specific group of students. Each nonpublic school will be evaluated on the basis of its stated goals and objectives. Evidence as to the attainment of each school's specific goals and objectives will be presented by the school to the State Board of Elementary and Secondary Education.
3. In addition, the basic goals and objectives of the nonpublic school will be evaluated by the nonpublic school system or governing body. The nonpublic school shall have an on-going evaluation of their school program with a written report to the State Board of Elementary and Secondary Education at least once every five years. This evaluation shall insure that the nonpublic school is maintaining a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools.
4. It is recommended that the State Board of Elementary and Secondary Education establish a Commission of Nonpublic Elementary and Secondary Schools to evaluate these schools and to make

recommendations to the State Board of Elementary and Secondary Education as to approval or non-approval.

5. The Department of Education shall submit to the Board a yearly report evaluating nonpublic schools in accordance with the nonpublic school standards.

#### Criteria for Approval

Because of the diversity inherent in nonpublic schools, established public school standards are often neither appropriate nor fully applicable to their operation.

Standards for nonpublic schools should permit meaningful decisions to be made concerning the quality of their educational program and should insure an educationally sound environment.

1. Each nonpublic school shall develop and maintain a written statement of its philosophy and the major purposes to be served by the program. The statement shall reflect the individual character of the school and the characteristics and needs of the students it serves.
2. The educational program shall be designed to implement the stated goals and objectives. It shall be directly related to the unique educational requirements of its student body.

#### Faculty

A. Principal—The local governing body shall provide that the operation of the school be under the direction of a proven educational administrator. The principal shall hold, at least, a master's degree.

B. Instructional Staff—All members of the instructional staff shall have received a bachelor's degree from an accredited institution. They shall also have completed a minimum twelve semester hours of professional study, except that a beginning teacher shall have a two-year

period in which to meet this twelve semester hour standard. The teacher shall be required to have a certificate or college major in the field of work for which the teacher is responsible during a major portion of the school day. A teacher may work in areas other than the major field for a period of time that is less than the major portion of the school day provided that he has earned at least twelve semester hours in each such area. Exception may be made for teachers in trades and in other special classes.

Professional and/or technical personnel may teach less than one-half of a school day (i.e. certified public accountant, doctor, college or university professor, lab technician, lawyer, etc.).

Those teachers not presently holding a bachelor's degree, but having taught for a period of at least five years and are satisfactory in their teaching performance may be retained. However, upon retirement or replacement, they must be replaced by a degreed teacher.

No secondary teacher shall be required to teach more than seven hundred fifty pupil-hours per week.

Teacher recognition as described in this section for nonpublic schools shall not constitute any automatic granting of public certification, nor shall experience teaching in this status be countable for public certification unless that person has received public certification.

#### Curriculum

A. Elementary—Nonpublic elementary schools shall devote no less than fifty percent of the school day to the skilled subjects, which are reading, language arts, and mathematics. The remainder of the school day may be devoted to such subjects as social studies, arts, religion, science, physical education, or other electives.

B. High School—The units required for graduation shall include the following:

English	3 units
Must be any three of the four courses, English I, II, III, IV. (A course in basic reading may be available as an elective course to enable students who need it to take the three English units required.)	
Health and Physical Education	2 units
Each required unit must include thirty hours of health instruction.	
Mathematics	2 units
Science	2 units

**Social Studies**

2 units

Two units in social studies shall be required. One unit must be in American history; and one unit must be civics or an equivalent course in citizenship education as approved by the State Department of Education.

Minimum total required

11 units

**Electives**

9 units

Minimum total required  
for graduation

20 units

**Instructional Time Requirement**

The daily program shall contain a minimum of 5 1/2 hours of instructional time. Schools on a continuous progress or modular scheduling program, where the constant is achievement and time becomes the variable must devote at least two hundred fifty minutes per week per basic subject area.

**Enrollment and Attendance**

1. Kindergarten age shall be defined as beginning at four years, eight months with a birth certificate required upon enrollment. The kindergarten program is informal in nature and planned to meet the developmental needs of young children with structured and unstructured learning activities.
2. The maximum enrollment allowed in any class or section shall not exceed thirty-five students except in certain activity type classes such as physical education, music, art, etc.
3. Children shall be accepted into first grade according to the standards established in the Compulsory School Attendance Law, (R.S. 17:222).
4. In order to be eligible for advancement to the ninth grade, an eighth grade student must have successfully completed the eighth grade skill subjects and must demonstrate a functional literacy achievement level in reading.
5. Elementary children must be present a minimum of one hundred forty days to be eligible to receive credit for the courses taken. Exception can be made only in the event of extended personal illness as verified by a physician or at the discretion of the principal.

Secondary students must be present a minimum of seventy days per semester to be eligible to receive credit for the course taken. Exception can be made only in the event of extended personal illness, verified by a physician or at the discretion of the principal.

**Library**

- A. Elementary schools with a centralized library shall have the services of at least a trained part-time librarian.
- B. High schools with three hundred fifty students or more shall have the services of a full time graduate librarian. High schools with less than three hundred fifty shall have the services of a part-time graduate librarian.
- C. High schools shall have at least ten volumes per student and an adequate number of magazines and periodicals.
- D. Library expenditures must not be less than two dollars per student per year.

**Physical Plant**

School facilities shall assure that the health and safety of those served by the school are properly safeguarded. Applicable local and State regulations shall be followed.

**Summer School**

1. The minimum attendance for a student to receive credit or pass a subject shall be as follows:
  - a. Seventy hours for one-half unit new credit
  - b. Forty-seven hours for removal of one-half unit deficiency
2. The local system may impose a more strict minimum attendance policy.
3. For the acceptance of summer school credit, the receiving principal must approve the summer school course(s) in advance.
4. Summer schools with seven or more teachers must have a certified principal.

## School Reports

### 1. Annual School Reports

At the end of the first reporting period during the session, the principal shall forward a report through the nonpublic superintendent's or administrator's office, to the State Department of Education, on forms provided for that purpose. This must include the name, degree, and experience of each teacher employed; the daily schedule of classes; the registration of students in elementary grades; the high school subjects taught. This report shall be signed by the principal and the nonpublic school superintendent or administrator. One copy will be filed in the nonpublic school superintendent's or administrator's office and the other in the principal's office.

### 2. Reports of High School Credit

Before a student may graduate from a nonpublic high school a certificate of high school credits shall be submitted to and approved by the Director, Bureau of Secondary Education, State Department of Education.

### 3. Reports to Local Public School Superintendents

Student registration, gains, losses, enrollment, and attendance shall be recorded on report forms furnished by the State Department of Education. A complete form must be sent to the local public school superintendent's office and a copy filed in the principal's office. The principal shall send the session report to the local public school superintendent at the end of the school year. A copy of this report shall be filed in the principal's office, the local public school superintendent's office, and shall be available to the State Department of Education upon request.

\* \* \* \*

#### Rule 5.00.50c

Adoption of policy limiting consulting fees for applications for Federal funds to five percent of the grant.

\* \* \* \*

#### Rule 3.01.52c

(This policy replaces policy presently in effect.)

Full-time secondary certified teachers in schools including grades 7-12 (or any combination thereof) may be allowed to teach a maximum of two periods

in one subject out of their field of certification if they have earned twelve hours in that subject. This allowance shall not apply to the teaching of English I, II, III, American History, Civics, General Science, or Free Enterprise. Secondary teachers shall not teach below the seventh grade level. This requirement shall become effective for the school year 1978-79.

\* \* \* \*

#### Rule 3.01.70v (10)

No out-of-state graduate credit will be accepted by the Bureau of Higher Education and Teacher Certification for salary increment purposes, or for satisfaction of any teacher certification requirements if such credit is earned in a program conducted in a state other than that in which the granting institution is located. Any graduate credit earned at an out-of-state university, housed in state, which is acceptable in writing by a Louisiana graduate dean or the State Department of Education will not be subject to this provision.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

## RULES

### Department of Health and Human Resources Board of Dentistry

*(Editor's Note: The following rules were adopted by the Louisiana State Board of Dentistry on June 3, 1977, to become effective August 1, 1977.)*

#### 1. Notice of Employment of Dental Hygienists

Each dentist shall inform the Louisiana State Board of Dentistry of the name and license number of the dental hygienists employed by him or her. The Board must be notified of any change in employment within ten days of such change.

Anthony J. Milazzo, Jr.  
Secretary-Treasurer  
Board of Dentistry

## RULE

### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has adopted the following policy and procedures in the Medicaid Program relating to the method of reimbursement for outpatient hospital services. The primary objective of this policy is to make Medicaid payments more equitable to the Title XIX providers of outpatient hospital services. The adopted policy and procedures are as follows:

Reimbursement for outpatient hospital services will be based on costs or charges, whichever is lower. Hospital cost reporting periods beginning on or after July 1, 1977, will be adjusted to cost at their year-end closing.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## RULE

### Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services has adopted rules and regulations regarding revised Income Standards and Basis of Issuance in the Food Stamp Program effective July 1, 1977, in accordance with Federal regulations as specified in Federal Register, Volume 42, Number 85, Tuesday, May 3, 1977, pages 22,356-8. The revisions provide food stamp recipients with a cost of living increase.

Copies of the revised Income Standards and Basis of Issuance may be obtained without cost at the following address: Food Stamp Program, Office of Family Services, 333 Laurel Street, Room 301, Baton Rouge, Louisiana 70804, telephone number 389-2631.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## RULES

### Department of Health and Human Resources Office of Health Services and Environmental Quality

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*(Editor's Note: Exhibits B, D, E, G, H, I, J, and K are samples of forms, logs, and certificates. They are not reproduced here, as per R.S. 49:954.1C)*

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### Rules and Regulations for Chemical Test for Intoxication

The Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, having published notice of its intention to adopt certain rules and regulations as amended to date pertaining to breath and blood alcohol analysis methods and techniques pursuant to R.S. 32:663, hereby adopts and publishes the following rules and regulations pertaining to the performance of chemical tests for intoxication.

1. The Office of Health Services and Environmental Quality, Louisiana Department of Health and Human Resources, is the successor to, and acts as, the State Department of Health and/or Department of Health, R.S. 46:1751 et seq.
2. After the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories, has approved a prototype breath testing device as an acceptable model for chemical analysis in breath alcohol testing it shall be necessary for each individual instrument of the approved model to be given a numbered tag and to be checked out and approved for use by the State Police Crime Laboratory at least once every four months, and a machine recertification form shall be maintained for each machine in the State Police Crime Laboratory, as prima facie evidence of the operating performance of the device. A copy of this certificate shall be filed with the clerk of the applicable court in the respective parishes in which each device is used for breath testing.

Any manufacturer of any apparatus, device or equipment made for the purpose of analyzing the alcoholic content of breath, may request the Office of Health Services and Environ-

mental Quality, Bureau of Laboratories, to approve such apparatus, device, or equipment. The Bureau will consider said request upon submission of such information, instructions for use, exemplars, and other pertinent data as the Board may request.

3. Analysis of breath specimens for the determination of the alcohol content therein will be performed with the Photo-Electric Intoximeter Model No. 400 single cylinder instrument manufactured by Intoximeters, Inc., St. Louis, Missouri, which has the approval of the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories. The Photo-Electric . . . Model No. 400 single cylinder, is an approved technique or method for the performance of chemical tests for alcoholic influence.
4. The procedure for such analysis shall include the following:
  - A. General observation of the subject for a period of twenty minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited, or taken anything by mouth.
  - B. The operator conducting breath analysis shall conduct such analysis in accordance with the "photo-electric intoximeter check list" which contains but is not limited to the following (See Exhibit A):
    - (1) Completing the information section concerning such things as name of subject, time, witness, arresting and testing agency, instrument number and location, and State Police Crime Laboratory machine certification tag number.
    - (2) A calibration check whereby the calibration of the instrument is checked by using a set of standard ampuls which accompany each instrument. A standard ampul of known value is used whereby the reading must be within the given range to show the calibrating section of the instrument is working properly.

- (3) Preparation of the instrument whereby temperature is checked and the ampul to be used in such analysis is checked to show it is within a certain tolerance plus or minus .010g%. This is to insure a good ampul will be used in the analysis.
- (4) A systems blank by which the instrument is shown to be free of contamination. Limitations here will be from +.010g% thru -.020g% whereby corrections from here will be made to produce the final reading.
- (5) Sample collection whereby the sample is taken and the twenty minute observation period is checked off.
- (6) Alcohol determination section whereby the instrument is flushed, scale zero checked and final reading taken. The ampul will be discarded after analysis since preservation will yield erroneous results after the ampul is opened, used in analysis, and exposed to continuous light. This ampul also contains acid which is very corrosive and may cause injury or damage if not properly disposed of.
- (7) Breath specimens collected for analysis should be substantially in equilibrium with pulmonary arterial blood, with respect to alcohol. That is, it should be essentially alveolar in composition.
- (8) Procedures for breath control analysis for the indirect determination of the blood alcohol concentration should include the following controls in conjunction with the testing of each subject.
  - a. Continuous observation of the subject for at least fifteen minutes prior to collection of the breath specimen, during which period the subject must not have ingested alcohol, regurgitated, or vomited.

- b. A system blank analysis.
- (9) Results of analyses of breath for alcohol shall be expressed in terms of percent W/V (grams per deciliter) that is, grams of alcohol per 100 milliliters of blood, rounded downward to the second decimal place; for example 0.237 g/dl found should be reported as 0.23 g/dl or 0.23 percent.
  - (10) The quantity of breath analyzed for its alcohol content shall be established only by direct volumetric measurement, or by collection and analysis of a fixed breath volume at constant known temperature.
- C. After each test the results will be recorded in the intoximeter log book (See Exhibit B). A copy of which is to be sent to the State Police Crime Laboratory at the end of each month and a copy to be retained at the testing agency.
  - D. A chemical test for intoxication of either blood or breath shall be administered after the arrest but within two hours of the violation, but the person arrested, having refused the test in writing properly acknowledged by two witnesses, or orally in the presence of two witnesses, shall not be administered the test, having once refused.
5. Each lot of ampuls shall be certified at the factory by the manufacturer as to their standard of quality. This certificate shall be prima facie evidence as to the standard of quality of the ampul.
  6. Maintenance checks will be performed on a routine basis at least once every four months, by the Louisiana State Police Crime Laboratory. Items to be checked shall be but not limited to the following:
    - A. Each lot of ampuls shall be spotchecked for performance.
    - B. Clean instrument.
    - C. Calibration check of standard ampuls.
    - D. Running of a known alcohol solution in which results shall be within plus or minus .010g% or the known alcohol value. (See Exhibit C).
    - E. In the event any repair work is needed, it will be recorded in detail (See Exhibits D & E).
- Repair work will be performed by technicians working for the Applied Technology Section of the Louisiana State Police Crime Laboratory who are certified by the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories, to perform such maintenance. The Applied Technology Section of Louisiana Police Crime Laboratory shall have the authority to instruct other individuals to perform such maintenance (Exhibit F). Upon satisfactory completion of such training the individual shall be certified to perform maintenance by the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Bureau of Laboratories.
- Records covering maintenance, etc., of the P.E.I. (photo-electric intoximeter) instrument will be kept by the Louisiana State Police Crime Laboratory.
7. Qualification for the certifications of individuals to conduct breath test analysis are as follows:
    - A. Employee of a Louisiana law enforcement agency or Federal law enforcement agency.
    - B. At least eighteen years of age.
    - C. Resident of the State of Louisiana at time of application.
    - D. Graduation from a State-accredited high school or satisfactory passing of the "general educational development test" or equivalent educational background.
    - E. Successful completion of a forty-hour operator's training course conducted by the State Police Crime Laboratory, or any other course approved by the State Police Crime Laboratory. Course material to be covered will be taken from