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EXECUTIVE ORDERS

EXECUTIVE ORDER EWE-78-5

WHEREAS, during the remainder of 1978 and throughout the year 1979, there will be legislative, senatorial, congressional, gubernatorial and other campaigns and elections for public offices throughout Louisiana, and

WHEREAS, in recent times it has become apparent that there has been a growing tendency during election years for appointed public officials and unclassified public employees in the executive branch of government to become involved, directly and indirectly, in such campaigns and elections, and

WHEREAS, it has become clear that there has been increasing involvement in campaigns and related election activities by appointed public officials and unclassified employees, and particularly by those of the executive branch of State government, and

WHEREAS, such activities and involvement inevitably and by their very nature have an adverse effect, quantitatively and qualitatively, on the work performance of such officials and employees, and

WHEREAS, the demands and commitments expected of such officials and employees by candidates and their supporters often cause embarrassment or financial hardship, or both, to those engaged in public service employment, and

WHEREAS, it has been and is the policy of this administration to require and expect that all officials and employees of State government fully perform the duties and obligations imposed upon them by law and expected of them by the taxpayers and citizens who employ them, and

WHEREAS, the Governor of Louisiana as its chief executive officer is constitutionally charged with the duty of seeing that the laws of this State are faithfully executed and that the officials and employees of the executive branch of State government respond fully to the requirements and expectations of the people, and

WHEREAS, direct and indirect involvement in political campaigns by the appointed officials and unclassified employees of this State often becomes incompatible and inconsistent with their duties and responsibilities, and

WHEREAS, to insure and guarantee that such officials and employees in the executive branch of government render the services expected of them and to be certain that they are not hampered or restrained in their obligation to render loyal and faithful service to their employer, the people of Louisiana,

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me by the Constitution and laws of this State hereby order and decree that it shall be the firm policy of my administration for the remainder of my term of office that every officer and unclassified employee holding his or her position by appointment or employment in the executive branch of government shall perform fully and satisfactorily the work for which he or she has been employed to perform and shall fully and completely discharge the duties and obligations of his office or employment.

FURTHER, in order that there will be no misunderstanding about the position of this administration with respect to participation, directly or indirectly, in the political campaigns conducted and the elections held in 1978 and 1979 throughout the state of Louisiana, I hereby establish the following rules, regulations, orders, and directives which shall be applicable to all appointed State officials and unclassified employees who are regularly employed in the executive branch of State government:

(1) No such person shall be a candidate for any political office.

(2) No such person shall actively, directly or indirectly, support any candidate for public office. This shall include attending fund-raising functions or political rallies and participation in organizational programs or in any campaign activities.

(3) No such person shall make, solicit, or accept contributions to or on behalf of any candidate for public office.

FURTHER, nothing in this order is to be construed to prevent any appointed public officer or employee in the executive branch of State government from engaging in political activities which the Constitution and the laws of this State authorize and permit officers and employees in the classified service to engage in and perform with respect to any candidate, campaign or election.

FURTHER, if any such official or employee decides to engage in any campaign, election or related activity prohibited by this order, such activity shall be preceded by resignation or retirement from his or her State position.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 17th day of March, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-6

WHEREAS, by Executive Order No. 71 dated August 27, 1974, I, Edwin Edwards, by virtue of the authority vested in me under the Constitution and laws of the State of Louisiana, as Governor thereof, did accept on behalf of the State of Louisiana the beneficial interest in the public trust authority entitled the Louisiana Public Facilities Authority; and

WHEREAS, the provisions of the Indenture of Trust creating the Louisiana Public Facilities Authority provide for the appointment of successor trustees to fill vacancies on the Board of Trustees of the Authority; and

WHEREAS, by virtue of the resignation of Dr. Norman C. Francis as a member of the Board of Trustees of the Authority, there does presently exist a vacancy on the Board of Trustees of the Authority; and

WHEREAS, the Authority, pursuant to the provisions of Article IV of the Indenture of Trust creating the Authority, has submitted to the Office of the Governor a list of three eligible names for consideration as a successor trustee to fulfill the vacancy created by the resignation of Dr. Norman C. Francis as a member of the Board of Trustees of the Authority.

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of the authority vested in me under the Constitution and laws of the State of Louisiana, as Governor thereof, and pursuant to the provisions of the Louisiana Public Trust Act, R.S. 9:2341-47, as amended by Act 699 of the 1976 Regular Session of the Louisiana Legislature do hereby constitute and appoint Ernest J. Wright, New Orleans, Louisiana, as a member of the Board of Trustees of the Louisiana Public Facilities Authority with his term of office to commence upon his compliance with the provisions of Article VI of the Indenture of Trust creating the Authority, the term of office of said appointee to expire at 12:01 a.m. on September 1, 1979.

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 30th day of March, A.D. 1978.

Edwin Edwards
Governor of Louisiana

EMERGENCY RULES

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its regular meeting on March 23, 1978, exercised the emergency rule-making provision of the Administrative Procedures Act, R. S. 49:953B, to modify its guidelines for the administration of Act 20 and to extend application of the guidelines to those applying for tuition exemption for the 1978 summer session. This action was taken to prevent the economic loss and hardship which would have resulted from delaying modification of the Act 20 guidelines.

Rule 5.00.80(2)a

The Board adopted a revision to Act 20 guidelines, which appeared as an emergency rule in the March issue of the *Louisiana Register*, to amend Item 3.B, interpretation of "teacher" to read as follows:

Any employee listed on the annual school report as a member of the faculty of an elementary and secondary school whose position requires a standard teacher certificate and who possesses such a certificate.

James V. Soileau, Director
Board of Elementary and Secondary Education

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, has repealed effective April 3, 1978, the emergency rule adopted effective March 1, 1978, which rule amended portions of the Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II Participating in the Louisiana Medical Assistance Programs (Title XIX). Notice of said emergency rule, which appeared in the *Louisiana Register*, Volume 4, Number 3, of March 20, 1978, on page 67, column 2, is herewith rescinded.

This action is taken to comply with a declaration judgment rendered on April 3, 1978, by the United States District Court for the Eastern District of Louisiana in that suit entitled "Jane Doe, et al. vs. William Cherry, M.D., et al.," docket number 78-905, which judgment held that the above described emergency rule is invalid, as having been promulgated in violation of the notice and hearing requirements of Title 45 of the Code of Federal Regulations.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, does hereby exercise the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt effective

April 3, 1978, the following amendment in the vendor payment day care program policy.

The vendor payment made by Office of Family Services (OFS) for day care services covers the full cost of care, including transportation that may be provided by the center. Day care centers shall not charge any fees to parents of OFS vendor payment children.

If a center's monthly rate of care is less than the maximum rate of \$92.40 and the parent is currently being charged for transportation, it may be possible to adjust the vendor payment rate to cover the cost of transportation. However, in no case shall the vendor payment exceed \$92.40.

This action is being taken as a result of monitoring of the Title XX out-of-home child care services by Department of Health, Education, and Welfare and a subsequent interpretation issued on January 13, 1978, which said Louisiana could not receive Federal financial participation for vendor payments made to day care centers which charged the parents for transportation. Payment made by the parent to the center for the cost of transportation was considered to be a fee for service which is not allowed in Louisiana's Title XX Comprehensive Annual Services Program Plan.

While the Office of Family Services does not agree with this Federal interpretation and is presently protesting it, the withholding of Federal funds has occurred. Therefore, to avoid the threatened loss of additional Federal funds, immediate adoption of the policy change is necessary.

The owners/operators of participating day care centers have been advised of the amendment to the policy.

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

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

Effective April 1, 1978, the Department of Health and Human Resources has amended subsection D of Section II of the Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II Participating in the Louisiana Medical Assistance Programs (Title XIX), to read as follows:

D. Facility shall be responsible for arranging for transportation for medical care, and other needed transportation. Office of Family Services Social Service staff is available to assist with such arrangements. Emergency medical transportation shall be arranged by facility with duly qualified and participating Title XIX providers; the cost of such transportation will be paid by the Office of Family Services in accordance with the provisions of Section 19-850 through 19-855 of the Medical Assistance Manual.

The above amendment was adopted to comply with the Standards for Emergency Medical Transportation Providers Under Title XIX (Medicaid), which were placed into effect on an emergency basis on April 1, 1978. The effect of the above amendment is to make emergency medical transportation a cost to be paid by the Office of Family Services, rather than by the facility.

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

RULES

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

Rules and Regulations For The Enforcement of the Louisiana Seed Law

I. Definitions.

A. The following terms are defined in addition to those in the Act:

1. "Treated" means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects, or other pests which attack seeds or seedlings growing therefrom.

2. "Prohibited noxious weed seed" means the seeds of perennial weeds such as not only reproduce seed, but also spread underground roots or stems, and which, when established, are highly destructive and difficult to control in this state by ordinary good cultural practices.

3. "Restricted noxious weed seed" means seeds of such weeds as are very objectionable in fields, lawns, or gardens of this state, but can be controlled by good cultural practices.

4. "Processing" means cleaning, scarifying or blending to obtain uniform quality and other operations which would change the purity or germination of the seed and, therefore, require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, any of which would not require retesting to determine the quality of the seed.

5. "Hybrid seed corn" as applied to field corn, sweet corn, or popcorn means the first generation seed of a cross produced by controlling the pollination, and by combining two, three, or four inbred lines, or by combining one inbred or a single cross with an open pollinated variety. Hybrid designations shall be treated as variety names.

6. "Declaration" means a written statement of a grower, shipper, processor, dealer, or importer, giving for any lot of seed the kind, variety, type, origin, or the use for which the seed is intended.

7. "Seed gathered in elevators" means seed gathered in elevators or other establishments to be sold for planting purposes by farmers or others that are subject to the provisions of the law.

II. Seed Commission; Creation, Members; Employment of Necessary Personnel.

III. Sampling.

The manner of sampling and handling seed in the field and analyzing and testing seed in the laboratory, greenhouse, and trial plots shall be the same as that recommended in the latest Rules for Testing Seed adopted by the Association of Official Seed Analysts.

IV. Tolerances.

A. The same tolerances published in the latest Rules and Regulations for Testing Seed by the Association of Official Seed Analysts, shall be recognized in the administration of the Louisiana Seed Law.

B. Germination tolerances: The following tolerances which are recognized by the Federal Seed Act are adopted and are applicable to the percentage of germination and also to the sum of the germination plus the hard seed.

Found by Test

96 or over
90 or over but less than 96
80 or over but less than 90
70 or over but less than 80
60 or over but less than 70
Less than 60

Tolerance

5
6
7
8
9
10

V. Germination Standards for Vegetable Seed.

Germination standards for vegetable seed shall be the same as those published under United States Department of Agriculture Service and Regulatory Announcements No. 156, and subsequent amendments. Minimum germination of vegetable or garden seed shall be as follows:

Artichoke	60%
Asparagus (including hard seed)	70
Beans (except lima)	75
Beans (lima)	70
Beets	65
Broccoli	75
Brussels sprouts	70
Cabbage	75
Cardoon	60
Carrot	55
Cauliflower	75
Celery or celeriac	55
Chicory	65
Citron	65
Collards	80
Corn	75
Cress, garden	40
Cucumber	80
Dandelion	45
Eggplant	60
Endive	70
Fetticus (Comsalad)	70
Kale	75
Kohlrabi	75
Leek	60
Lettuce	80
Muskmelon	75
Mustard	75
Mustard, Spinach	75
Mustard, vegetable	75
Okra (including hard seed)	50
Onion	70
Pak-choi	75
Parsley	60
Parsnip	60
Peas	80
Pepper	55
Pe-tsai or Chinese Cabbage	75
Pumpkin	75
Radish	75
Rhubarb	60
Rutabaga	75
Salsify	75
Sorrel	60
Spinach (except New Zealand)	60
Spinach, New Zealand	40
Squash	75
Swiss Chard	65
Tomato	65
Tomato, husk	50
Turnip	80
Watermelon	70
Water Cress	35

VI. List and Limitations of Noxious Weed Seed.

Name	Limitations
1. Field Bindweed (<i>Convolvulus arvensis</i>)	Prohibited
2. Hedge Bindweed (<i>convolvulus sepium</i>)	Prohibited
3. Nutgrass (<i>cyperus rotundus</i>)	Prohibited
4. Wild Onion and/or Wild Garlic (<i>Allium</i> sp.)	9 per lb.
5. Johnson Grass (<i>Sorghum halepense</i>)	100 per lb.
6. Blueweed (<i>helianthus ciliaris</i>)	200 per lb.
7. Dodders (<i>cuscuta</i> sp.)	100 per lb.
8. Canada Thistle (<i>cirsium arvense</i>)	100 per lb.
9. Quack Grass (<i>agropyron repens</i>)	100 per lb.
10. Russian Knapweed (<i>Centaurea picris</i>)	100 per lb.
11. Bermuda Grass (<i>Cynodon dactylon</i>)	300 per lb.
12. Cheat or Chess (<i>Bromus secalinus</i>)	300 per lb.
13. Darnel (<i>Lolium temulentum</i>)	300 per lb.
14. Corncockle (<i>Agrostemma githago</i>)	300 per lb.
15. Horsenettle (<i>Solanum carolinense</i>)	300 per lb.
16. Purple Nightshade (<i>Solanum elaeagnifolium</i>)	300 per lb.
17. Buckhorn Plantain (<i>Plantago lanceolata</i>)	300 per lb.
18. Bracted Plantain (<i>Plantago aristata</i>)	300 per lb.
19. Dock (<i>Rumex</i> sp.)	300 per lb.
20. Sheep Sorrel (<i>Rumex acetosella</i>)	300 per lb.
21. Red Rice (<i>Oryza</i> var.)	100 per lb.
22. Cocklebur (<i>Zanthium</i> sp.)	5 per lb.
23. Purple Moon Flower (<i>Calonyction muricatum</i>)	9 per lb.
24. Spearhead (<i>Rhynchospora</i> sp.)	5 per lb.
Sum total noxious weed (Subject to above limitations)	500 per lb.

Limitations on noxious and prohibited weeds are listed on individual certified crop seed regulations.

VII. Tag Requirements.

A. The analysis tag shall be a No. 6 standard shipping tag, minimum size, and shall carry the information required by the Louisiana Seed Law, arranged as follows:

Kind & Variety _____
 Where Grown _____ Net Wt. _____ Lot No. _____
 Pure Seed _____ % Germination _____ %
 Inert Matter _____ % Hard Seed _____ %
 Crop Seed _____ % Total Germ & Hard Seed _____ %
 Weed Seed _____ % Date of Test _____
 Name & No. of Noxious Weed Seed per lb. _____

Name _____
 Address _____

B. Tags for certified seed, foundation seed, or registered seed, shall be adopted by the certifying agency, approved by the Commissioner and meet the requirements of the Louisiana Seed Law.

C. All information required on the seed analysis tag or label shall be placed on one side of the tag or label without intervening matter.

VIII. Application Fee for Certification; Inspection Fee for Certification; Lab Fees.

A. A grower of certified seed shall submit an application fee of ten dollars per crop for the first variety, and the grower shall submit an additional application fee of two dollars and fifty cents for each additional variety.

B. A grower of certified seed shall pay at the time he submits the application the sum of ten cents per acre inspection fee. A grower of certified seed shall pay a fee of fifteen dollars for reinspection of a field.

C. A person shall pay for lab services as follows:

1. Lab fee—Certified Seed	
Germination	\$ 1.00 each
Purity	\$ 1.00 each
2. Lab fee—Services Seed (Small seed)	
Germination	\$ 2.00
Purity	\$ 2.50
Lab fee—Service Seed (Large seed)	
Germination	\$ 2.00
Purity	\$ 2.00
3. Vigor Test	
Accelerated aging	\$10.00
Tetrazolium	\$ 3.50
4. Texas Cool Test	
Cold Test	\$ 5.00
5. Certified Tags	
Tags	2 cents each.

IX. Standard for Agricultural Seed.

A. No agricultural seed shall be offered for sale if the germination percentage, including hard seed, is below sixty percent, except dallis grass. Dallis grass shall not be offered for sale if the pure live seed percentage (purity times germination) is below ten percent.

B. No agricultural and vegetable seed shall be sold, offered for sale, or exposed for sale containing in excess of two and one-half percent, of total weed seed.

X. Invoices and Records.

Each person handling agricultural seed subject to this Act shall keep for a period of three years complete records of each lot of agricultural seed handled. When there is evidence of a violation of this Act, invoices, records of purchases and sales, and any other records pertaining to the lot or lots involved shall be accessible for inspection by the Commissioner or his authorized agent in connection with the administration of this Act at any time during customary business hours.

XI. Labeling of Seed.

A. Information required to be shown on the label:

1. A word or statement in type no smaller than eight points indicating that the seed has been treated.

2. The commonly accepted coined, chemical (generic), or abbreviated chemical name or a description of any process (other than application of a substance) used in such treatment in type no smaller than eight points.

3. A caution statement if the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals.

(a) Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a statement such as "Poison," "Poison treated," or "Treated with Poison." The word "Poison" shall be in type no smaller than eight points and shall be in red letters on a distinctly contrasting background. In addition, the label shall show a representation of a skull and crossbones at least twice the size of the type used for the name of the substance and the statement indicating that the seed has been treated.

(b) Seed treated with other harmful substances (other than mercurials or similarly toxic substances), if the amount remaining with the seed is harmful to humans or other vertebrate animals shall be labeled to show a caution statement, in type no smaller than eight points, such as "Do not use for food, feed, or oil," except;

(1) Seed treated with substances other than mercurials or similarly toxic substances and in containers of four ounces or less need not be labeled to show caution statement; and,

(2) The following substances shall not be deemed harmful if present at a rate less than the number of parts per million (ppm) indicated: Allethrin, 2ppm; Malathion, 8ppm; Methoxychlor, 2ppm; Piperonyl butoxide, 8ppm on oat and sorghum and 20 ppm on all other seeds; and Pyrethrins, 1ppm on oat and sorghum and 3ppm on all other seeds.

B. It shall be unlawful for any person to sell, or offer for sale within the state any seed labeled "Foundation seed," "registered seed", or "certified seed," unless it has been produced and labeled in compliance with the Rules and Regulations of a seed certifying agency approved by the Commissioner.

C. When more than one component is required to be named on the label, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

D. The label on hybrid corn shall show the state where grown.

E. Abbreviation of names: the name and kind of variety of seed shall not be abbreviated, but shall be written out in full.

F. Trucks and other carriers transporting seed for delivery or sale, or to be sold or delivered to consumers in this state, on the public highways, or at public auctions, shall have available for examination at any time a bill of lading, waybill, or a delivery receipt showing:

1. The name of the shipper, or party from whom purchased.
2. The name and address of the party to whom the seed are to be delivered.
3. The kind and amount of each separate lot of seed.
4. The name of the truck line or owner and driver of the truck or other carrier making delivery or transporting the seed.

G. No seed shall be sold or offered for sale from any bag container bearing a germination label dated more than six months prior to the time such seed is offered for sale. Provided that this period shall be extended to nine months on standard packets of vegetable and flower seed of eight ounces or less. The owner shall be responsible for the relabeling after the six months period. Under the provisions of this regulation any person, firm, or corporation possessing a seedsman's permit shall have the right to label such seed after it has been retested, stating the true germination thereof. A new tag or label shall be used to bring the germination up to date. The original tag shall not be changed in any way.

Richard Carlton, Secretary
Seed Commission

RULES

Department of State Civil Service

Following its public hearing on April 5, 1978, the State Civil Service Commission adopted amendments to the following Civil Service Rules: 4.1(d) (1), 4.1(d) (4), 6.28, and repealed Chapter 17 in its entirety.

The rules, as amended, read as follows:

4.1 Classified and Unclassified Positions.

(d) 1. The Director, upon submission by an employing agency of written justification deemed adequate by him, may add to the unclassified service positions involving duty assignments which are seasonal, temporary, intermittent or part-time.

* * * *

4. Repealed, effective April 20, 1978.

* * * *

6.28 Pay Upon Change from Unclassified Service to Classified Service.

When the status of an employee, while he occupies the same position, is changed from the unclassified to the classified State

service, the Director, upon request of the appropriate appointing authority, may fix his rate of pay at such step or intermediate step in the range for his class of position for which he would have attained eligibility under the provisions of Rule 6.15 had his status been classified during his unclassified service; provided:

* * * *

Chapter 17 repealed, effective April 20, 1978.

George Hamner, Director
Department of State Civil Service

RULE

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education has adopted the following policy amendment limiting pay increment to those Second Language Specialist teachers who teach a second language part time or full time which will result in quality programs of both second language instruction and bilingual education, as local school systems will be selective of the teachers whom they employ; thus providing a control of both quantity and quality.

Rule 6.00.53a

The Board adopted policy amendment limiting eligibility for Second Language Specialist pay increment to those certified Second Language Specialist teachers teaching a second language part time or full time, as defined by the Board in its interim guidelines for the implementation of second language programs under Act 714 of 1975, or second language teachers teaching in a bilingual program. This policy becomes effective beginning with the 1978-79 school session.

Definition of Terms

Second Language. Any language other than the child's home language. This would include English for students whose home language is other than English.

Second Language Specialist. A regularly certified elementary classroom teacher or a certified secondary teacher of foreign languages who has completed the Second Language Specialist Teacher-Training Program and has been certified by the Director of Teacher Certification and Higher Education.

Second Language Specialist Teacher, Full-time. A certified Second Language Specialist Teacher itinerant in one or more schools with a full teaching schedule of second language classes.

Second Language Specialist, Part-time. A regularly assigned classroom teacher who teaches one or more classes of a second language in addition to his/her regular assignment. A part-time Second Language Specialist can teach up to three twenty-minute classes in addition to his/her own class by "swapping off" or exchanging with other classroom teachers for art, music, physical education, etc.

Second Language Specialist, Secondary Level. A certified secondary teacher of foreign languages who has completed the Second Language Specialist Teacher-Training Program and has been certified as a Second Language Specialist Teacher. This teacher can then be utilized in grades one through twelve. Regularly assigned foreign language teachers are eligible for the Second Language Specialist increment only after completing the Second Language Specialist Program and gaining Second Language Specialist certification.

James V. Soileau, Director
Board of Elementary and Secondary Education