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# Executive Orders

## ADDENDUM TO EXECUTIVE ORDER EWE-79-4 ISSUED MAY 3, 1979

BY VIRTUE of the power vested in me and acting under the authority of Article 4, Section 5(A) and(J) of the Louisiana Constitution of 1974 and the Louisiana Disaster Act of 1974, I, EDWIN EDWARDS, do hereby extend the effect of Executive Order EWE-79-4 for an indefinite period not to exceed thirty days from this date.

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 3rd day of July, A.D. 1979.

Edwin Edwards  
Governor of Louisiana

# Emergency Rules

## DECLARATION OF EMERGENCY

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

In accordance with the provisions of R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has adopted the Voluntary Quit Provisions in accordance with federal regulations as specified in the *Federal Register*, Volume 44, Number 58, Friday, March 23, 1979, pages 17,982 - 17,985. The Voluntary Quit Provision is stated below:

Voluntary Quit. No applicant household whose primary wage earner voluntarily quit his/her most recent job without good cause shall be eligible to participate as specified below:

1. When the household files an application, the eligibility worker shall determine if any currently unemployed (i.e., employed less than twenty hours per week or receiving less than weekly earnings equivalent to the federal minimum wage multiplied by twenty hours) household member who is required to register for full-time work has quit his/her most recent job (i.e., employment involving twenty hours or more per week or having received weekly earnings equivalent to the federal minimum wage multiplied by twenty hours) without good cause within the last sixty days. Changes in employment status that result from reducing hours of employment while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer will not be considered as a voluntary quit.

2. If a determination of voluntary quit is established, the eligibility worker shall then determine if that member is the household's primary wage earner. The primary wage earner shall be the household member, age eighteen or over, who was acquiring the greatest amount of earned financial support for the household at the time of the quit. The primary wage earner is

determined by comparing the projected earnings of the member who quit employment in the month the voluntary quit occurred as if he/she had not ceased employment against the actual or, if not available, the projected earnings of the remaining household members.

3. Upon determination that the primary wage earner voluntarily quit employment, the eligibility worker shall determine if the voluntary quit was with good cause. If the voluntary quit was not for good cause, the household's application for participation shall be denied for a period of two months beginning with the month of the quit. The household shall be advised of the reason for the denial and of its right to reapply and/or request a fair hearing.

4. If an application for participation is filed in the second month of disqualification, the eligibility worker shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligibility criteria are met. Exemptions from Voluntary Quit. The following persons are exempt from voluntary quit provisions:

1. Primary wage earners in households certified for food stamps at the time of the quit.

2. Person exempt from full-time work registration provisions. Good Cause. Good cause for leaving employment shall include:

1. Discrimination by an employer based on age, sex, color, handicap, religious beliefs, national origin or political beliefs.

2. Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule.

3. Acceptance by the primary wage earner of other employment, or enrollment of at least half-time in any recognized school, training program, or institution of higher education that requires the primary wage earner to leave present employment.

4. Acceptance by any household member of employment or enrollment of at least half-time in any recognized school, training program or institution in another parish which requires the household to move and thereby requires the primary wage earner to leave employment.

5. Resignations by persons under the age of 60 which are recognized by the employer as retirement.

6. Employment which becomes unsuitable by not meeting the criteria after the acceptance of employment.

7. Acceptance of a bona fide offer of employment of more than twenty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum multiplied by twenty hours.

8. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs, particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

Verification. The eligibility worker shall request verification of the household's statement to the extent that the information given by the household is questionable. The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the eligibility worker shall offer assistance to the household to obtain the needed verification.

Acceptable sources of verification include but are not limited to the previous employer, employee associations, union representatives and grievance committees or organizations. Whenever documentary evidence cannot be obtained, a collateral contact shall be substituted. The eligibility worker is responsible for obtaining verification from acceptable collateral contacts provided by the household.

If the household and the eligibility worker are unable to obtain requested verification from these or other sources because the cause of the quit resulted from circumstances that for good reason cannot be verified, such as a resignation from employment due to discrimination practices or unreasonable demands by an employer or because the employer cannot be located, the household will not be denied access to the Food Stamp Program.

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

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Human Resources Office of Family Security**

In accordance with the provisions of R.S. 40:29 the Department of Health and Human Resources, Office of Family Security has adopted, effective June 28, 1979, maximum allowable costs (MAC) for the following drugs when dispensed on prescriptions.

Amoxicillin 250 mg. caps	\$0.2108 per capsule
Amoxicillin 500 mg. caps	0.3942 per capsule
Hydrochlorothiazide 25 mg.tabs.	0.0250 per tablet
Hydrochlorothiazide 50 mg. tabs.	0.0306 per tablet

In no case may a recipient be required to provide payment for any differences in a prescription price that may occur with the implementation of MAC, nor may our office use a cost which exceeds the established maximums except as follows.

The Department of Health, Education and Welfare's regulations provide that when a physician certifies that a specific brand is medically necessary for a particular patient, then the MAC limitations for that medication will not apply. In this case their specific guidelines provide that:

1. The certification must be in the physician's handwriting;
2. The certification may be written directly on the prescription, or on a separate sheet which is attached to the prescription;
3. A standard phrase written on the prescription, such as "brand necessary" will be acceptable;
4. A printed box on the prescription blank that could be checked by the physician to indicate brand necessity is unacceptable;
5. A handwritten statement transferred to a rubber stamp and then stamped on the prescription blank is unacceptable.

This action has been taken in order to comply with federal regulations which were published in the *Federal Register*, Volume 44, Number 94, page 28,104, Monday, May 14, 1979.

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

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Human Resources Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, has adopted the increases to the maximum allow-

able income standards, an increase in the standard deduction to seventy dollars, an increase in the shelter deduction or in combination with the dependent care deduction not to exceed ninety dollars, and increases in the Thrifty Food Plan amounts, in accordance with federal regulations promulgated in the *Federal Register*, Volume 44, Number 93, Friday, May 11, 1979, pages 27,641 through 27,643.

Due to the length of the material, the Department of the State Register has exercised its option under R.S. 49:954.1C to omit publication in the *Louisiana Register*. Copies of this material may be secured from the Office of Family Security, Planning and Policy Formulation Section, Box 44065, Baton Rouge, Louisiana 70804.

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

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Human Resources Office of Family Security**

In accordance with the provisions of R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has increased, effective July 1, 1979, the maximum level (cap rate) for long term care eligibility for an individual to \$624.60, and for a couple occupying the same room in a long term care facility the double cap rate of \$1,249.20

This increase will allow the Medical Assistance Program to be in compliance with federal regulation 42 CFR 435.230 and 435.1011 which sets the cap rate at three hundred percent of the Supplemental Security Income payment amount. Effective July 1, 1979 the Social Security Administration increased this amount to \$208.20

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

## **Rules**

### **RULES**

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

##### **Rules and Regulations for Recertification of Pesticide Applicators for the Enforcement of The Louisiana Pesticide Control Act**

1. The Federal Insecticide, Fungicide, and Rodenticide Act requires that persons who apply restricted-use pesticides after October 21, 1977, be certified. The initial certification period is three years beginning October 21, 1977. The State Plan for the Certification of Pesticide Applicators requires recertification of pest management consultants and commercial applicators every three years and private applicators whenever the Pesticide Advisory Commission determines that changing technology deems it to be necessary.

2. A commercial applicator or a pest management consultant who desires recertification may meet this requirement by two methods. He may be retested if he so desires or he may attend a subject matter meeting. The agenda at such meeting must prove acceptable to the certifying agency as adequate training for recertification. The applicant will submit to the certifying agency an

application on which will be listed those subject matter meetings he attended. This will qualify him for recertification in the appropriate category(ies). Evidence of his attendance at the listed meetings must accompany the application.

3. Private applicators will become eligible for recertification by attending a subject matter meeting conducted by personnel of the Louisiana Cooperative Extension Service or the Louisiana Department of Education Vocational Agriculture/Agribusiness. The private applicator, when qualified, will make application for recertification on a form supplied by the certifying agency and available from the parish extension office. Verification of his qualification will be attested to by the signature of the county agent or vo-ag instructor on the application. A private applicator may also elect to be recertified by filling out a self-study questionnaire provided by the Louisiana Department of Agriculture and obtained through the county agent's office. The questionnaire will be mailed to the Louisiana Department of Agriculture by the private applicator.

4. Organizations, associations, agencies, chemical companies, or other related groups who so desire may develop training programs designed for training members and other attendees. Programs will be submitted to the certifying agency and the Louisiana Cooperative Extension Service Pesticide Coordinator for subject matter content of the planned training program to determine its suitability for recertification.

5. The certifying agency and the Louisiana Cooperative Extension Service Pesticide Coordinator will accept, on a case by case basis, recertification for those commercial applicators and/or pest management consultants who hold certification in more than one category. It is anticipated that training sessions will be designed to afford the applicator and/or pest management consultant an opportunity for recertification in multiple categories. Such training sessions may be held in the course of, but not limited to, national meetings such as the Entomological Society of America, American Phytopathological Society, Southern Weed Society and others of equal rank. The same procedure as outlined above will be followed by the commercial applicator or pest management consultant with regard to verifying that he has met recertification requirements.

6. The Louisiana Department of Agriculture will accept, on a reciprocal basis, recertification programs in other states and will consider these as having met the requirements for recertification in Louisiana.

7. The organizations listed below under each category represent the major associations or organizations, but do not necessarily exclude other similar groups or agencies from sponsoring or holding training sessions in a particular category or categories.

Categories:

1. Agricultural Pest Control.
  - a. Louisiana Pesticide Applicators' Association.
  - b. Louisiana Aerial Applicators' Conference.
  - c. Pest Management Consultants' Workshop.
  - d. Louisiana Agricultural Consultants' Association.
  - e. Louisiana Agricultural Chemical Association.
2. Forest Pest Control.
  - a. Louisiana Cooperative Extension Service.
  - b. Louisiana Chapter of American Foresters' Association.
3. Ornamental and Turf Pest Control.
  - a. Louisiana Turf Grass Association.
  - b. Louisiana Association of Nurserymen.
4. Seed Treatment.
  - a. Louisiana Seedsmen's Association.
5. Aquatic Pest Control.
  - a. Louisiana Pesticide Applicators' Association.
  - b. Louisiana Aerial Applicators' Conference.
6. Right-of-way Pest Control.
  - a. Louisiana Pesticide Applicators' Association.
  - b. Louisiana Aerial Applicators' Conference.

7. Industrial, Institutional, Structural, and Health Related Pest Control.

- a. Louisiana Cooperative Extension Service.
8. Public Health Pest Control.
  - a. Louisiana Mosquito Control Association.
  - b. Office of Health Services and Environmental Quality.
  - c. United States Department of Agriculture.
9. Regulatory Pest Control, Demonstration and Research Pest Control, and Pest Management Consultants.
  - a. Louisiana Entomological Society.
  - b. Entomological Society of America.
  - c. Southeast Branch, Entomological Society of America.
  - d. Louisiana Agricultural Consultants' Association.
  - e. Pest Management Consultants' Workshop.
  - f. American Phytopathological Society.
  - g. Southern Division of American Phytopathological Society.
  - h. Louisiana Association of Plant Pathologists and Nematologists.
    - i. Weed Science Society of America.
    - j. Southern Weed Society.
    - k. Louisiana Agricultural Chemicals Association.

E. A. Cancienne, Director  
Pesticide Commission

## RULES

### Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

#### Lespedeza Seed Certification Standards

- I. Application and Amplification of General Standards.
  - A. The General Seed Certification Standards as adopted by the Louisiana Seed Commission are basic and together with the following specific standards constitute the standards for certification of lespedeza seed.
    - B. The General Standards are amplified as follows to apply specifically to lespedeza seed. Eligibility requirements: a field is eligible for certification if grown from foundation or registered seed stock approved by the Louisiana Seed Commission.
  - II. Number of Varieties.
    - A. Only one variety shall be grown per farm.
    - B. All of one variety produced on a farm must be inspected for certification.
  - III. Land Requirements.
    - A. A variety will not be eligible for certification if planted on land where lespedeza other than a crop eligible for certification and of the same variety has had opportunity to mature seed during the previous five years.
      - B. A land inspection will be made before the ground is prepared for seeding.
  - IV. Field Inspection.
    - A. Seed fields will be inspected by a representative of the Louisiana Department of Agriculture when the crop is approaching maturity.
      - B. A crop automatically becomes ineligible for certification if harvested before field inspection is made.
  - V. Field Standards.
    - A. General
      1. Unit of Certification: A field or portion of a field may be certified. If a field is to be divided for the purposes of certification it shall be separated by a strip at least five feet wide mowed before the time of field inspection.

2. Isolation: All fields for certification shall be separated from other fields by a definite boundary of ten feet free of lespedeza.

3. Management: Poor stands, lack of vigor, evidence of poor cultural care or other conditions that would bring certified seed into disfavor shall be cause for rejection.

**B. Specific Requirements.**

Factor	Maximum Permitted in each Class		
	Foundation	Registered	Certified
Other Varieties	1:1000	1:400	1:100
Other Crops (inseparable)	1:500	1:200	1:100
Noxious Weeds	none	none	none

  

Factor	Maximum Permitted in each Class		
	Foundation	Registered	Certified
Pure Seed (Minimum)	98.0%	98.0%	98.0%
Other Varieties (Maximum)	0.1%	0.25%	1.0%
Other Crops (Maximum)	0.1%	0.25%	0.5%
Inert Matter (Maximum)	2.0%	2.0%	2.0%
Weed Seeds (Maximum)	0.5%	1.0%	1.0%
Noxious Weeds	none	none	none
*Total Objectionable Weeds (minimum)	0.05%	0.1%	0.15%
Germination	80.0%	80.0%	80.0%
Total Other Crop Seeds (Maximum)	0.2%	0.5%	1.5%

\*Objectionable weeds; the seed of which is difficult to separate by mechanical means, not to exceed good farming practices.

**\*Objectionable Weeds**

Digitaria spp	(Crabgrass)
Ambrosia artimisiifolia	(Ragweed)
Polygonum spp	
Paspalum spp	
Chenopodium spp	(Goosefoot, Pigweed)
Solanum spp	
Daucus carota	(Wild Carrot)
Setaria spp	(Foxtail)

VII. Penalties. Breeder, foundation, registered and/or certified lespedeza seed that has been shipped into Louisiana and is mislabeled or misbranded, or does not meet the requirements of this regulation, shall be confiscated as breeder, foundation, registered and/or certified lespedeza seed, or shipped out of Louisiana, at the option of the owner or shipper; and any person, firm or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by Part 1 of Chapter 11 of Title 3 of the Louisiana Revised Statutes of 1950.

VIII. The above regulation may be revised or amended at any time that conditions warrant.

IX. The above regulation shall be effective on and after July 20, 1979.

Richard Carlton, Secretary  
Seed Commission

**RULES**

**Governor's Special Commission on Education Services**

**State Student Incentive Grant Program**

Rule 2.a: Students are expected to be in good standing academically for a State Student Incentive Grant (SSIG). High school graduates are required to have at least "C" average grades (2.0 on a 4.0 system) in the high school academic subjects of

English, mathematics, social studies, and the sciences, or an ACT composite score of at least 18.

\* \* \* \*

Rule 2.f: The student aid officer (SAO) shall certify that the student meets one of the academic requirements stated above. A copy of the student's transcript or academic record will not be required.

\* \* \* \*

Rule 3.e: The commission will return approved copy of certification form together with SSIG check for each semester or quarter to the SAO at the school for distribution.

\* \* \* \*

Rule 3.f: If student is not present at school, SSIG award check should be returned to the Commission with certification of another eligible student.

\* \* \* \*

Rule 5.e: Funds will be interchangeable between the continuing and initial fund allocations at discretion of the SAO except that priority must be given to continuing students as required by federal regulations.

\* \* \* \*

Rule 6.a: The amount of SSIG for any academic year shall not be more than seven hundred dollars, nor less than two hundred dollars. If the student does not qualify for at least two hundred dollars annually, the student is ineligible for any SSIG.

\* \* \* \*

Rule 8.a(3): In connection with the use of the income tax method for dependent students, the expected family contribution calculated according to this system is an amount equal to the amount of income tax paid by the parents of such dependent student, plus five percent of such parents' net assets in excess of \$12,500, or \$25,000 if such assets include farm or business assets, plus any amount the student is reasonably able to contribute.

\* \* \* \*

Rule 8.c: If the student is entitled to a Basic Educational Opportunity Grant (BEOG), the SAO must consider the amount available to this student under BEOG as a resource, whether applied for or not.

\* \* \* \*

Rule 10.b: A student who has not received and will not receive financial assistance of more than seven hundred fifty dollars from the parent(s) in the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

\* \* \* \*

Rule 10.c: A student who has not lived or will not live for more than six weeks in the home of a parent during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

\* \* \* \*

Rule 11: Substantial financial need shall be defined as the difference between a student's cost of education and the sum of (1) that student's expected family contribution plus (2) other student aid the student is due to receive. The difference thus computed must exceed ninety dollars.

**State Guaranteed Student Loan Program**

Rule 2.a: Students are expected to be in good standing academically to be eligible for a student loan. High school graduates are required to have at least "C" average grades for four years in the academic subjects of English, mathematics, social studies, and the sciences; or an ACT composite score of at least 18.

Richard W. Petrie, Director, Loan/Grant Division  
Governor's Special Commission on Education Services

## RULE

### Board of Elementary and Secondary Education

*Editors Note: The Department of the State Register will not publish the texts of Rule 6.01.13, Rule 3.05.01, and Rule 3.01.03, described below, in accordance with R.S. 49:954.1C. Copies of any of these plans and programs may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.*

#### Rule 4.02.04

The Board adopted a policy directing that parishes provide an individual education plan both to the impartial hearing officer and to the Board for all appeal cases submitted to the Board under P.L. 94-142 and Act 754 of 1977.

#### Rule 6.01.13

The Board adopted Local Education Agency Personnel Evaluation Programs as submitted by the Department of Education.

#### Rule 3.05.01

(Replaces policy presently in effect.) The Board approved for adoption the Migrant Education State Plan for Fiscal Year 1980.

#### Rule 4.01.60

The Board approved for final adoption Regulations to Standards for State Approved Elementary Summer Schools.

#### Standards for State Approved Elementary Summer Schools

The following regulations govern the operation of approved summer programs in elementary schools.

##### Purpose.

1. To enable students who have failed in subjects to remove deficiencies and be considered for promotion to the next grade.
2. To enable students to become stronger in subjects where a need has been recognized.
3. To enable students to participate in offerings that are not provided in the regular curriculum during the school year.

##### Administration.

1. A summer school shall be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.
2. Summer school shall be conducted in an approved school building.
3. The Local Education Agency (LEA) will set up policies that will control requirements for satisfying successful completion of subjects offered.
4. Summer schools shall be operated under the direct supervision and administration of the LEA. However, summer schools having seven or more teachers shall have a certified principal.

##### Application.

1. The LEA shall apply to the State Department of Education for approval of each summer school program.
2. An application for approval of each summer school's offering shall be filed no later than the end of the first week after the summer session begins.
3. The application forms, provided by the State Department of Education, shall be submitted to the director of the Bureau of Elementary Education.
4. The application shall carry the approval of the chief administrative officer of the school system, and the principal of the summer school, if applicable.
5. In order for summer schools to be accepted, an on-site evaluation shall be made by personnel from the State Department of Education to verify information submitted on the report and to evaluate the quality of the instructional program.

Faculty.

1. Certification of the faculty shall be equal to that required during the regular session for subjects offered for removal of deficiencies.

2. The teaching load shall not exceed twenty students per class.

3. A teacher shall not teach for more than four clock hours daily.

##### Instruction.

1. A teacher will be allowed to teach only one subject for removal of deficiencies or remediation during a single time period.

2. A student attending summer school for promotional purposes cannot enroll for more than two subjects.

3. The library or library books as well as all regular teaching aids and equipment shall be available for summer school use.

4. Textbooks, supplementary materials and supplies adequate for effective instruction shall be provided.

a. Textbooks used during the summer school shall be chosen from the state approved list.

b. No fee shall be charged for textbooks used during summer school.

##### Attendance.

1. The minimum attendance for an elementary student to receive credit or pass a subject shall be sixty hours for one subject.

2. Students attending summer school for promotional purposes must have written consent by the principal of the last school he attended.

3. The LEA may impose a more strict minimum attendance policy.

##### Time Requirements.

1. A summer school term shall be operated for a minimum period of thirty-five days (five days per week for seven weeks).

2. Daily time requirements as follows:

Program	35 Days	Total Hours
Removal of Deficiencies	120 min. per subject	70
Remedial/Enrichment	90 min. per subject	52

Deviations. Deviations from the above time allotments and/or policies must be approved by the State Department of Education.

#### Rule 9.00.50a

The Board adopted Rules for Bus Riders, to be added to Bulletin 1191, *School Transportation Handbook*.

#### Rules for Bus Riders

##### Do

1. Cooperate with the driver—your safety depends on it!
2. Be on time—the bus will not wait.
3. Cross the road cautiously when waiting for and leaving the bus.
4. Follow driver's instructions when loading and unloading.
5. Remain quiet enough not to distract the driver.
6. Have written permission and be authorized by the principal to get off at a stop other than your own.
7. Be courteous, be safety-conscious, protect your riding privilege—enjoy your ride.

##### Do Not

1. Stand when a seat is available and bus is in motion.
2. Extend arms, head, or objects out of windows or doors.
3. Throw objects in the bus nor out windows or doors.
4. Use the emergency door except for emergencies.
5. Eat or drink on the bus.