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Executive Orders

EXECUTIVE ORDER JML 25-07

Renewal of State of Emergency
Severe Storms and Tornadoes—December 13, 2022

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of the state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service indicated a high risk of numerous severe thunderstorms beginning on the late evening of Tuesday, December 13, 2022 throughout the night into most of the day on Wednesday, December 14, 2022, with the possibility of tornadoes, damaging winds gust, excessive rain, and moderate to large hail;

WHEREAS, by Tuesday night, it was reported that one or more tornadoes had touched down in Caddo, near Four Forks, Louisiana, with several more tornadoes having been reported in Union, Rapides, Madison, East Carroll, and Franklin parishes;

WHEREAS, the tornadoes caused significant damage and power outages throughout northwest and northcentral Louisiana, with a report of two known deaths related to these tornadoes;

WHEREAS, severe damage was caused by the tornados to the safety, health, and security of the citizens of the state, along with damage to private property and public facilities;

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number JML 24-178, which is in effect through Sunday, January 12, 2025, and;

WHEREAS, there is a need to continue Executive Order Number JML 24-178 because several parishes are still working to recover from the damage caused by these storms.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 6: This order is effective upon signature and shall remain in effect from Friday, January 10, 2025 to Sunday, February 9, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 10th day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#050

EXECUTIVE ORDER JML 25-08

Review of Occupational Licensing Boards

WHEREAS, the Legislature has created numerous boards and commissions responsible for safeguarding life, health, and property, as well as protecting the public welfare through the oversight of licensure for various professions;

WHEREAS, the Legislature has recognized in R.S. 49:901 that the agencies, boards, and commissions that exercise the police power of the state in their regulatory, licensing and fee-collecting activities should be regularly reviewed;

WHEREAS, this administration is committed to removing unnecessary barriers to employment, fostering economic competitiveness, and eliminating burdensome and ineffective requirements for licensure;

WHEREAS, Louisiana licenses over 70 identified occupations and in 2022 the Institute for Justice ranked Louisiana as the 6th worst state for licensure burdens;

WHEREAS, occupational licensing reform is a bipartisan issue;

WHEREAS, Act 253 of the 2024 Regular Legislative Session, known as the “Welcome Home Act,” passed with bipartisan support and aims to reduce barriers to employment while encouraging skilled professionals to return to Louisiana to build their careers and lives;

WHEREAS, R.S. 37:3612 mandates that professional and occupational licensing boards annually publish on their websites data related to license issuance, renewals, and denials, categorized by parish;

WHEREAS, R.S. 37:3612 (C) requires every professional and occupational licensing board in this state to submit a typed summary identifying the requirements for obtaining a license;

WHEREAS, R.S. 49:901 further provides that it is the policy of the State of Louisiana that the Governor be authorized to require the various agencies, boards, and commissions engaged in regulatory and licensing activities to submit information and reports in such manner as he may direct with respect to the activities and financial condition of said agencies;

WHEREAS, R.S. 49:903 further authorizes the Governor to request and receive, in such a matter and at such time as he may direct, information relating to the activities of any agency including any and all written information and reports that may be of legitimate interest to the executive branch of the state government in determining whether the authority vested in such agencies by law is being exercised with proper judgment, discretion and restraint;

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

Section 1: Definitions

A. “Occupational Licensing Board” or “Board” means any state executive branch board, commission, department, or other agency that regulates the entry of persons into a particular profession or occupation or that is authorized to issue or revoke occupational licenses or certifications.

B. “Occupational License” means a nontransferable authorization issued by a state to an individual to practice or engage in a regulated profession or occupation.

C. “Calendar Year” means January 1, 2024, through December 31, 2024.

D. “Disciplinary Action” means any order, judgment, or consent agreement that:

- a. Results in the suspension or revocation of an occupational license.
- b. Requires the licensee to take additional training or education to maintain licensure; or
- c. Imposes a fine or other penalty.

E. “Retention Schedule” means the disposition instructions required by R.S. 44:411 (3) prescribing how long, in what location, under what conditions, and in what form record series shall be kept.

Section 2: Welcome Home Act Reporting

Each Occupational Licensing Board shall submit a report to the Office of the Governor by February 28, 2025, detailing:

A. The number of applications the Occupational Licensing Board has received since August 1, 2024, that seek to be licensed under the provision of the Welcome Home Act.

B. The number of occupational licenses granted and denied pursuant to the provisions of the Welcome Home Act.

C. Any policies or rules adopted by the Board to implement the Welcome Home Act.

D. All efforts the Board has made to inform the public about the Welcome Home Act

Section 3: The following Boards shall submit an additional report as outlined in Section 4:

1. Board of Barber Examiners
2. Louisiana State Board of Cosmetology
3. Louisiana Professional Engineering and Land Surveying Board
4. Louisiana State Board of Embalmers and Funeral Directors
5. Louisiana State Board of Examiners for Sanitarians
6. Louisiana Board for Hearing Aid Dealers
7. Board of Examiners of Certified Shorthand Reporters
8. Louisiana State Board of Social Work Examiners
9. State Board of Electrolysis Examiners
10. State Board of Examiners of Interior Designers
11. State Board of Radiologic Technologists
12. The Horticulture Commission of Louisiana

Section 4: No later than March 31, 2025, the Boards listed in Section 3 shall provide the Office of the Governor with a report that includes the following:

A. A list of all licenses, registrations, or certificates issued by the Board, including:

- a. Prerequisites for issuance, with recommendations for requirements that can be reduced or eliminated.
- b. How often each license, registration, or certificate issued by the Board must be renewed.
- c. The continuing education requirements per renewal period.

B. Licensure Information

1. Total applications received, approved, and denied during the calendar year.
2. Average processing times for complete applications during the calendar year.
3. A summary of disciplinary actions taken during the calendar year.
4. Copies of all cease-and-desist letters issued by the Board during the calendar year.

C. Operational Information

- a. A list of all fees and charges imposed, along with the statutory authority for each.
- b. Copies of meeting agendas and minutes from all Board meetings held during the calendar year.
- c. The number of full-time and part-time employees employed by the Board.

- d. A copy of the Board’s record retention schedule.
- e. A list of all pending lawsuits where the Board, or its members in their official capacity, are named as a Plaintiff or Defendant.

Section 5: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with implementing the provisions of this Order.

Section 6: This Order is effective upon signature and shall remain in effect until April 30, 2025, unless amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 14th day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#051

EXECUTIVE ORDER JML 25-09

Renewal of State of Emergency—Hurricane Ida

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021;

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 24-179, which is in effect through Sunday, January 19, 2025;

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency;

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, et seq.) and Louisiana Public Bid Law (R.S. 38:2211, et seq.) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Friday, January 17, 2025 to Sunday, February 16, 2025, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 17th day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#009

EXECUTIVE ORDER JML 25-10

Renewal of State of Emergency—Threat of Subsidence,
Subsurface Instability, and Presence of Hydrocarbons
in Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 160 JBE 2023;

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-180 which is in effect through Sunday, January 19, 2025;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023;

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern's integrity;

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana;

NOW THEREFORE I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by

the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, January 17, 2025, to Sunday, February 16, 2025, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 17th day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#053

EXECUTIVE ORDER JML 25-11

Amended Period of Mourning—State of Louisiana
Bourbon Street Attack

WHEREAS, the tragic events of January 1, 2025, have left a profound impact on the nation and the State of Louisiana;

WHEREAS, the start of the new year presents a time for reflection, celebration, and renewal; however, for many in our beloved State, it is marred with a sense of great sorrow and grief;

WHEREAS, this tragedy serves as a reminder of the importance of unity, resilience, and compassion in the face of acts of terrorism and hatred;

WHEREAS, acts of terrorism undermine the principles of peace and safety that bind our communities, and it is incumbent upon us to honor the memory of those lost by standing together against such senseless violence;

WHEREAS, we are called upon to support one another during times of need;

WHEREAS, it is fitting and proper for the entire State of Louisiana to lower the flags of the United States and the State of Louisiana as a visible sign of respect and remembrance for the victims;

WHEREAS, the term of Donald J. Trump, the 47th President of the United States commences at noon on January 20, 2025;

WHEREAS, Speaker Mike Johnson has ordered that the flags at the United States Capitol will fly at full-staff to celebrate our country coming together behind the inauguration of our 47th President, Donald J. Trump;

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

Section 1: JML 25-005 is hereby modified and amended to allow flags to be at full staff for the Presidential Inauguration on January 20, 2025.

Section 2: To honor and remember the victims of this tragic event, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings on the following days in remembrance of each individual victim who lost their lives:

a. On Monday, January 6, 2025: In remembrance of Kareem Badawi.

b. On Tuesday, January 7, 2025: In remembrance of Tiger Bech.

c. On Wednesday, January 8, 2025: In remembrance of Drew Dauphin.

d. On Thursday, January 9, 2025: In remembrance of Nikyra Dedeaux.

e. On Friday, January 10, 2025: In remembrance of William “Billy” DiMaio.

f. On Monday, January 13, 2025: In remembrance of Hubert Gauthreaux.

g. On Tuesday, January 14, 2025: In remembrance of Reggie Hunter.

h. On Wednesday, January 15, 2025: In remembrance of Nicole Perez.

i. On Thursday, January 16, 2025: In remembrance of Terrance “Terry” Kennedy.

j. On Friday, January 17, 2025: In remembrance of Matthew Tenedorio.

k. On Tuesday, January 21, 2025: In remembrance of LaTasha Polk.

l. On Wednesday, January 22, 2025: In remembrance of Brandon Taylor.

m. On Thursday, January 23, 2025: In remembrance of Elliot Wilkinson.

n. On Friday, January 24, 2025: In remembrance of Edward Pettifer.

Section 3: All political subdivisions, private entities, and educational institutions, including public, private, parochial, and post-secondary institutions, are encouraged to lower the flags of the United States and the State of Louisiana to half-staff during this period.

Section 4: This Order is effective upon signature and shall remain in effect until sunset, January 24, 2025, unless amended, modified, terminated, or rescinded by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 17th day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#054

EXECUTIVE ORDER JML 25-12

State of Emergency
Winter Weather Preparation—January 18, 2025

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B) (l) empowers him to declare a state of emergency or disaster by executive order, which has the force and effect of law;

WHEREAS, La. R.S. 29:724 authorizes the Governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, a declaration of emergency or disaster activates the state’s emergency response and recovery program under the command of the director of the Governor’s Office of Homeland Security and Emergency Preparedness (“GOHSEP”);

WHEREAS, GOHSEP is responsible for determining the requirements of the state and its political subdivisions for food, clothing, and other necessities and supplies in a designated emergency area;

WHEREAS, the National Weather Service has issued cold weather advisories and extreme cold warnings for the State beginning Monday, January 20, 2025, and advised people to minimize time outdoors and prepare for power outages;

WHEREAS, the winter weather is expected to result in extreme cold temperatures, wind chills, and prolonged temperatures below freezing for much of the area;

WHEREAS, there is a risk of snow accumulation across the state beginning overnight Monday through Thursday morning;

WHEREAS beginning Sunday, cold air will move in with high temperatures in the upper 30s and wind chill will drop below 20 degrees;

WHEREAS, this winter event could result in significant damage to unprotected pipes as well as citrus and agricultural crops;

WHEREAS, this winter event will lead to major or extreme impacts on roadways making travel practically impossible;

WHEREAS, all sixty-four (64) parishes are anticipated to issue emergency declarations;

WHEREAS, parishes state-wide may require assistance from the State of Louisiana to provide resources to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, this is expected to be a prolonged winter event lasting through Thursday;

WHEREAS, the State of Louisiana recognizes the need for direct state assistance to supplemental and support operational measures at the parish level, enabling more effective coordination, deployment of resources, and provision of essential services to mitigate the ongoing effects of the event;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana.

Section 2: Pursuant to R.S. 29:724 (A) (3) the designated emergency area, which is or may be affected shall include the entire State of Louisiana.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 5: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 7: This Order is effective upon signature and shall remain in effect from Saturday, January 18, 2025 until Monday, February 17, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 18th day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#055

EXECUTIVE ORDER JML 25-13

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 24-181, which is in effect through Sunday, January 26, 2025;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the State anticipates various state agencies and political subdivisions will need to continue to work cooperatively to mitigate any damage, current or future, as a result of these cybersecurity breaches.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Friday, January 24, 2025 to Sunday, February 23, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 24th day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#056

EXECUTIVE ORDER JML 25-14

Bond Allocation 2025 Ceiling and Carry-Forward
Bond Allocation 2024

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

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

WHEREAS, pursuant to Act No. 51 of 1986, Executive Order Number JML 2024-123 was issued to (a) provide for the manner in which the ceiling shall be determined, (b) establish the method to be used in allocating the ceiling, (c) establish the application procedure for obtaining an allocation of Bonds subject to such ceiling, and (d) establish a system of record keeping for such allocations;

WHEREAS, Section 4(G) of Executive Order Number JML 2024-123 provides that if the ceiling for a calendar year exceeds the aggregate amount of bonds subject to the private activity bond volume limit issued during the year by all issuers, by executive order, the Governor may allocate the excess amount to issuers or an issuer for use as a carry-forward for one or more carry-forward projects permitted under the Act;

WHEREAS, the sum of five hundred seventy-one million seven hundred eighteen thousand six hundred and twenty-five dollars (\$571,718,625) represents the amount of the ceiling determined by the staff of the Louisiana State Bond Commission ("SBC") for private activity bond volume limits for the year 2024 ("2024 Ceiling");

WHEREAS, the sum of ninety-three million nine hundred fifty-two thousand four hundred and forty-seven dollars (\$93,952,447) of the 2024 Ceiling was not allocated during the 2024 calendar year;

WHEREAS, the SBC has determined that ninety-three million nine hundred fifty-two thousand four hundred and forty-seven dollars (\$93,952,447) of the 2024 Ceiling is eligible for carry-forward, and the Governor desires to allocate this amount as carry-forward for projects which are permitted and eligible under the Act;

EXECUTIVE ORDER JML 25-15

**Renewal of State of Emergency
New Orleans, Super Bowl, and Mardi Gras Season**

WHEREAS, the Louisiana Housing Corporation has applied for the entire amount of the State’s 2024 carryforward of ninety-three million nine hundred fifty-two thousand four hundred and forty-seven dollars (\$93,952,447) to be used to finance homeownership for first-time homebuyers throughout the State of Louisiana; and

WHEREAS, the sum of five hundred ninety-seven million seven hundred six thousand two hundred dollars (\$597,706,200) represents the amount of the ceiling determined by the staff of the Louisiana State Bond Commission (“SBC”) for private activity bond volume limits for the year 2025 (“2025 Ceiling”).

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

Section 1: Pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, as amended, and in accordance with the request for carry-forward filed by the designated issuer, the excess private activity bond volume limit under the 2024 Ceiling is hereby allocated to the following issuer(s), for the following carry-forward project(s), and in the following amount(s):

Issuer	Carry-Forward Project	Carry-Forward Amount
Louisiana Housing Corporation	Single Family Mortgage Revenue Bonds (Home Ownership Program) Series 2025A (Non-AMT)	\$93,952,447

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

Section 3: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 28th day of January, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#057

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B) (1) empowers him to declare a state of emergency or disaster by executive order, which has the force and effect of law;

WHEREAS, a declaration of emergency or disaster activates the state’s emergency response and recovery program under the command of the director of the Governor’s Office of Homeland Security and Emergency Preparedness;

WHEREAS, the Governor’s Office of Homeland Security and Emergency Preparedness is responsible for determining the requirements of the state and its political subdivisions for food, clothing, and other necessities and supplies in a designated emergency area;

WHEREAS, R.S. 29:724 authorizes the Governor during a declared state of emergency or disaster, to direct and compel the evacuation of all or part of the population, from any stricken or threatened area within the state, when he deems such evacuation necessary for the preservation of life, or other disaster mitigation, response, or recovery;

WHEREAS, the Governor may prescribe routes, modes of transportation, and destinations in connection with evacuation;

WHEREAS, the Governor may make provisions for the availability and use of temporary emergency housing;

WHEREAS, the Governor may regulate ingress and egress to and from a disaster area, control the movement of persons within a certain area, and manage the occupancy of premises therein;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, the Louisiana Homeland Security and Emergency Assistance and Disaster Act confers upon the Governor the power to utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster or emergency;

WHEREAS, the Governor may transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purposes of performing or facilitating emergency services;

WHEREAS, at approximately 3:15 a.m. on January 1, 2025, an individual displaying an ISIS flag from the rear of his pickup truck drove into a crowd of people on Bourbon Street in New Orleans, in a targeted act of terrorism, resulting in a mass casualty incident;

WHEREAS, after hitting the crowd, the individual exited the vehicle and fired upon local law enforcement. Law enforcement returned fire, and the subject was neutralized and the threat eliminated.

WHEREAS, pursuant to further law enforcement investigative efforts, the perpetrator of this attack was found to have placed an improvised explosive device (“IED”) in his vehicle, as well as two IEDs in personal coolers that the attacker transported to and placed in a high-density area of the French Quarter;

WHEREAS, the situation remains under further investigation;

WHEREAS, fourteen innocent people lost their lives in this terrorist attack, and dozens others were injured.

WHEREAS, the terrorist attack caused significant harm to our visitors and residents;

WHEREAS, the City of New Orleans will host Super Bowl LIX on Sunday, February 9, 2025, at the Caesars Superdome, at a time that coincides with the Mardi Gras season;

WHEREAS, the U.S. Department of Homeland Security has designated Super Bowl LIX and Mardi Gras 2025 as a Special Event Assessment Rating (“SEAR”) Level 1;

WHEREAS, a SEAR Level 1 event is a significant event with national and/or international importance that requires extensive federal interagency support as well as state and local resources to detect and prevent potential weapons of mass destruction and/or chemical weapons; prevent the entry of contraband, such as narcotics, weapons, and explosives into the event; prevent civil disturbances; and prevent terrorism and targeted violence;

WHEREAS, the City of New Orleans is expected to see hundreds of thousands of visitors in the weeks leading up to the Super Bowl and Mardi Gras;

WHEREAS, extensive coordination and security measures are necessary to secure areas around the events and ensure public safety from the threats associated with these events, including but not limited to threats of terrorism, targeted violence, chemical warfare, civil disturbances, human trafficking, and sexual assault;

WHEREAS, it is necessary to begin securing the perimeter of the Superdome, as well as high-density areas including around the interstate, the parade routes, the Central Business District, and the French Quarter;

WHEREAS, it may be necessary to provide emergency temporary housing for those that are homeless and occupying the areas surrounding the Caesars Superdome, and high-density areas including around the interstate, the Downtown Development District, and the French Quarter;

WHEREAS, it is necessary to develop procedures, arrangements, and agreements to identify, acquire, and mobilize all the resources in and of the state in pursuit of preparedness of the State;

WHEREAS, the National Football League (“NFL”) has enhanced public safety and improved stadium access for fans by prohibiting certain bags in the Superdome. Fans are

encouraged to review the bag policies for the NFL, Superdome, and other venues hosting participating events;

WHEREAS, it is necessary to develop and maintain information and liaison with agencies and organizations with local, parish, state, and federal government, private industry, and Non- Governmental Organizations (“NGO”) that can furnish assistance in an emergency or disaster;

WHEREAS, it is necessary to build, equip, organize, and maintain the State Emergency Operations Center as a control and coordination facility for state departments and agencies, private industry, and volunteer groups to come to work together;

WHEREAS, R.S. 29:724 authorizes the Governor during a declared state of emergency or disaster to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency and disaster is hereby declared to exist as a result of the emergency conditions that currently threaten the lives, safety, and property of the citizens in Louisiana.

Section 2: Pursuant to R.S. 29:724 (B) (3), the designated emergency area is the Parish of Orleans.

Section 3: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness (“GOHSEP”) is hereby authorized to activate the State’s Emergency Operations Plan as needed and undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 4: The Director of GOHSEP shall take immediate and appropriate action to determine, direct, mobilize, and coordinate State resources as needed.

Section 5: GOHSEP, the Louisiana State Police (“LSP”), and the Louisiana National Guard (“LANG”) will coordinate with the necessary entities within the state and federal government to organize, collaborate, implement, and maintain an adequate level of security.

Section 6: Pursuant to R.S. 29:724(D) (1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the State Departments and the City of New Orleans, for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 7: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 8: Every State department, agency, and office is directed to provide any assistance and support requested by GOHSEP as needed to assist in response to this emergency.

Section 9: In anticipation of significantly high-density crowds in the days leading up to and following Super Bowl LIX, the need for heightened security measures to ensure public safety, and the safety of residents, athletes, and visitors, there is a need to safely control the ingress and egress of vulnerable areas. Louisiana State Police (“LSP”) is ordered to institute and enforce an Enhanced Security Zone (“ESZ”) perimeter within certain areas of the French Quarter wherein heightened security measures and restrictions shall be enforced to ensure the protection of public safety and public and private property within the ESZ, as follows:

A. LSP shall develop and publish to the public the specific geographic boundaries of an Enhanced Security Zone (ESZ), which shall include the area clearly marked on the map below.



B. Checkpoints shall be set up at each entrance to the ESZ.

C. LSP shall develop and publish to the public a policy setting forth any and all specific standards, guidelines, restrictions, limitations, and other requirements to be enforced within the ESZ. To prevent and deter the introduction of any destructive, explosive materials, coolers or ice chests of any kind are prohibited within the ESZ, and the LSP policy shall include a notice that any bags or containers larger than 4.5” x 6.5” (or about the size of a small clutch bag) are subject to search by law enforcement prior to entering the ESZ. This policy shall also include a notice that any bags or containers left unattended within the ESZ may be subject to search and/or seizure by law

enforcement. LSP shall also include a notice that special exceptions will be made for all medically necessary items after proper inspection has been made.

D. LSP shall post public notices at each entrance checkpoint to the ESZ, which shall include notice of the LSP policy on specific restrictions and prohibitions for bags or containers, as well as the potential for law enforcement to search bags or containers as described in the preceding paragraph.

E. This Enhanced Security Zone shall be in effect and enforced from at least Wednesday, February 5, 2025, through Monday, February 10, 2025.

Section 10: This Order is effective Tuesday, January 28, 2025, and shall continue in effect until Thursday, February 27, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 28th day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#058

EXECUTIVE ORDER JML 25-16

Renewal of State of Emergency
Department of Transportation and Development

WHEREAS, pursuant to R.S. 48:757, Governor John Bel Edwards declared a state of emergency on October 5, 2017, in Proclamation Number 109 JBE 2017 for repairs to certain roadways on the campus of Southern University and Agricultural and Mechanical College including F Street and H Street (also known as Farm Road);

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, the Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University’s campus;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business

if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

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

Section 1: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 3: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, January 31, 2025 to Sunday, March 2, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 31st day of January 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#059

EXECUTIVE ORDER JML 25-17

Renewal of State of Emergency—Severe Storms and
Tornadoes—December 13, 2022

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that

preparations of the state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service indicated a high risk of numerous severe thunderstorms beginning on the late evening of Tuesday, December 13, 2022 throughout the night into most of the day on Wednesday, December 14, 2022, with the possibility of tornadoes, damaging winds gust, excessive rain, and moderate to large hail;

WHEREAS, by Tuesday night, it was reported that one or more tornadoes had touched down in Caddo, near Four Forks, Louisiana, with several more tornadoes having been reported in Union, Rapides, Madison, East Carroll, and Franklin parishes;

WHEREAS, the tornadoes caused significant damage and power outages throughout northwest and northcentral Louisiana, with a report of two known deaths related to these tornadoes;

WHEREAS, severe damage was caused by the tornados to the safety, health, and security of the citizens of the state, along with damage to private property and public facilities;

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number JML 25-007, which is in effect through Sunday, February 9, 2025, and;

WHEREAS, there is a need to continue Executive Order Number JML 25-007 because several parishes are still working to recover from the damage caused by these storms.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their

corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 6: This order is effective upon signature and shall remain in effect from Friday, February 7, 2025 to Sunday, March 9, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 7th day of February 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2502#060

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

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

The Department of Health, Bureau of Health Services Financing amends LAC 50:VII.32904 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Effective January 30, 2025, this Emergency Rule will extend the temporary rates for intermediate care facilities for persons with intellectual disabilities (ICFs/IID) that have a cooperative endeavor agreement with the Office for Citizens with Developmental Disabilities and have a high concentration of people who have intellectual developmental disabilities, significant behavioral health needs, and high risk behavior resulting in previous interface with the judicial system, and for whom no other private ICFs/IID provider is able to support.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring that eligible ICFs/IID are able to maintain the current level of service.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32904. Temporary Reimbursement for Private Facilities

A. - A.4. ...

B. The temporary Medicaid reimbursement rate shall not extend beyond December 31, 2028.

C. - E.2.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:593 (May 2021), amended LR 48:2129 (August 2022), LR 49:688 (April 2023), LR 51:

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

Kimberly Sullivan, JD, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency

Rule is available for review by interested parties at parish Medicaid offices.

Michael Harrington, MBA, MA
Secretary

2502#006

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2024-2025 Resident Game Hunting Seasons Extension

Louisiana has experienced a historic winter storm event, which closed many roads in most areas of the state and prevented many hunters from engaging in recreational hunting opportunities for several days during open season. The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission prioritize maximizing hunting opportunities for the sportsmen and women of the state. Recognizing that extreme weather prevented hunting activity in much of the state and that Louisiana's resident game populations can sustain an expanded season to mitigate the hunting days lost to the winter storm event, the Secretary of the Department of Wildlife and Fisheries hereby extends certain resident game hunting seasons.

In accordance with the provisions of R.S. 49:962(G) which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to promulgate rules and regulations relative to hunting seasons and all rules and regulations pursuant thereto, R.S. 56:6(25)(a), 56:115 and 56:116 which provide that the Wildlife and Fisheries Commission may set seasons and establish associated rules and regulations for hunting resident game animals, the Department of Wildlife and Fisheries hereby adopts the following emergency rule amending the Resident Game Hunting Season dates for the 2024-25 season:

1. Quail season is extended from the last day in February to close on March 2, 2025. This extension includes all Wildlife Management Areas where quail hunting is not closed or otherwise restricted.

2. Rabbit and squirrel season is extended from the last day in February to close on March 2, 2025. This extension includes all Wildlife Management Areas where small game hunting is not closed or otherwise restricted.

3. Nutria season is extended from the last day in February to close on March 2, 2025. This extension includes all Wildlife Management Areas where nutria hunting is allowed, except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre through March 31.

4. Archery season for deer is extended from the last day in January to close on February 2, 2025 for Deer Areas 1, 2 and 4, and on the following Wildlife Management Areas: Alexander State Forest, Atchafalaya Delta, Bayou Macon, Bayou Pierre, Big Colewa Bayou, Big Lake, Biloxi,

Bodcau, Boeuf, Buckhorn, Dewey W. Wills, Esler Field, Hutchinson Creek, J.C. "Sonny" Gilbert, John Franks, Lake Boeuf, Lake Ramsay, Little River, Loggy Bayou, Marsh Bayou, Pearl River, Richard K. Yancey, Russell Sage, Sabine, Salvador/Timken, Sandy Hollow, Soda Lake, and Tangipahoa Parish School Board.

5. Archery season for deer is extended from February 15 to close on February 17, 2025 in Deer Areas 5, 6 and 9, and on the following Wildlife Management Areas: Acadiana Conservation Corridor, Attakapas Island, Elm Hall, Grassy Lake, Joyce, Manchac, Maurepas Swamp, Pass-a-Loutre, Pointe-aux-Chenes, Pomme de Terre, Sherburne, Spring Bayou, Thistlethwaite, and Tunica Hills.

6. Primitive firearms season for deer is extended from the last day in January to close on February 2, 2025 in Deer Areas 1, 4, 5, 6 and 9, and on Tangipahoa Parish School Board Wildlife Management Area. Deer Areas 5 and 9 remain BUCKS ONLY harvest. An additional primitive firearms deer season shall be open on Joyce Wildlife Management Area and Maurepas Swamp Wildlife Management Area for the weekend of February 1-2, 2025.

7. Feral hog season on the following Wildlife Management Areas is extended from the last day of February to close March 2, 2025: Atchafalaya Delta, Fort Johnson (North and Vernon), Pass-a-Loutre, Pointe-aux-Chenes, and Salvador/Timken.

8. Deer season for properties enrolled in Tier 1 Deer Management Assistance Program (DMAP) in Deer Areas 1, 4, 5, 6, and 9 is extended from February 15 to close on February 17, 2025.

9. Nighttime raccoon season on the following Wildlife Management Areas is extended from the last day of February to close on March 2, 2025: Attakapas, Bayou Macon, Bayou Pierre, Big Lake, Bodcau, Boeuf, Buckhorn, Dewey W. Wills, Clear Creek, Esler Field, Grassy Lake, Hutchinson Creek, J.C. "Sonny" Gilbert, Joyce, Little River, Loggy Bayou, Manchac, Marsh Bayou, Maurepas Swamp, Pearl River, Pomme de Terre, Richard K. Yancey, Russell Sage, Sabine Island, Sabine, Sandy Hollow, Sherburne, Spring Bayou, Tangipahoa Parish School Board, Tunica Hills, Walnut Hill, and West Bay.

This Emergency Rule shall become effective January 27, 2025, and remain in effect for the duration of the 2024-25 Resident Game Hunting Season.

Madison D. Sheahan
Secretary

2502#004

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Shrimp Season Closure in Portions of State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that average white shrimp size within these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these small white shrimp and provide opportunity for growth to larger and more valuable sizes. R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October 15 through the third Monday in December.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the commission on August 1, 2024, which authorizes the secretary of the department to close the fall inshore shrimp season when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2024 fall inshore shrimp season will close on Friday, January 24, 2025, at official sunset in the remaining inside waters open to shrimp harvest from the Mississippi/Louisiana state line westward to the eastern shore of South Pass of the Mississippi River, except for the following areas:

The open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2.

Existing data do not currently support shrimping closures in additional state inside waters. However, historic data suggest additional closures may be necessary and the department will continue monitoring shrimp populations in these waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Madison D. Sheahan
Secretary

2502#001

Rules

RULE

Department of Agriculture and Forestry Board of Veterinary Medicine

Veterinary Practice (LAC 46:LXXXV.Chapter 7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Board (“Board”) of Veterinary Medicine has amended LAC 46:LXXXV.Sections 700, 701, 702, 704, 705, 707, and 712. Of greater substance is the amendment of Section 700 to the Veterinarian-Client-Patient-Relationship definition relative to in-person, physical examinations and the definition of an unlicensed veterinarian as well as the proposed amendment to Section 705 providing greater discretion to licensed veterinarians with respect to the allowable drugs prescribed and dispensed to deer farmers. All other amendments are cleaning up rule language. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 7. Veterinary Practice

§700. Definition

* * *

Animal Control Officer—a bona fide employee of a governmental agency meeting the requirements of R.S. 37:1514(1).

* * *

Layperson—a person who is not registered and/or licensed in any of the categories defined in this Rule.

* * *

Unlicensed Veterinarians—individuals who have completed an approved, accredited program of instruction and have received a degree as a Doctor of Veterinary Medicine, or if foreign educated have completed the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE) program through the American Association of Veterinary State Boards (AAVSB), but who have not yet successfully passed the national exam (NAVLE) or have not been issued a license by the board to practice veterinary medicine in the state of Louisiana. Individuals who have a Louisiana license in an expired status are also unlicensed veterinarians.

Veterinarian-Client-Patient-Relationship—exists when:

1. - 3. ...

a. the veterinarian or associate veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an in-person, physical examination of the animal(s) and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; or

b. - c. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1328 (October 1993), amended LR 20:666 (June 1994), LR 20:1381 (December 1994), LR 24:940 and 941 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001), LR 27:543 (April 2001), LR 31:3162 (December 2005), LR 33:2424 (November 2007), LR 35:244 (February 2009), LR 40:308 (February 2014), LR 49:640 (April 2023), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:249 (February 2025).

§701. Record Keeping

A. - A.1.a.i.v. ...

vi. The documentation standards set forth above do not mandate a particular format, however, a record must include these elements, as well as any other document required by law or the board's rules. Examples include General Anesthesia Consent Forms, Euthanasia Consent Forms, documents involving prescribing, administering, or dispensing legend drugs or controlled substances, and billing invoices or statements of services or products provided. The veterinarian shall be ultimately responsible for the content and maintenance of the record.

A.1.b. - D.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 19:1328 (October 1993), LR 20:1381 (December 1994), LR 23:969 (August 1997), LR 24:941 (May 1998), LR 25:872 (May 1999), LR 33:2424 (November 2007), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:249 (February 2025).

§702. Direct Supervision

A. - B. ...

C. A *Registered Veterinary Technician* (RVT) as defined in §700 shall perform all tasks or procedures under direct supervision of a licensed veterinarian, except:

1. an RVT may perform the duties listed in §702.E.1 without the direct supervision of a licensed veterinarian, but the RVT is required to follow the record keeping requirements found in §702.E.3; and

2. an RVT may administer medications and/or treatments to non-boarding animals (hospitalized or ill) without direct supervision by a licensed veterinarian under the following conditions:

C.2.a. - D. ...

E. A *layperson* shall perform all tasks or procedures under direct supervision of a licensed veterinarian under the following conditions and with the exception described in §702.E.1.

1. A *layperson* may administer medications to boarding animals without direct supervision by a licensed veterinarian if the medication is directed to be used orally or topically and if the licensed veterinarian has recorded the exact treatments to be given in the animal's medical record.

2. When a *layperson* administers medications to non-boarding animals under the direct supervision of a licensed veterinarian, the licensed veterinarian must personally check the animal and update the treatment plan in the medical record at least once every 24 hours.

3. When a *layperson* administers medications, with or without direct supervision, the *layperson* shall keep a written record of all treatments which are performed, and that written record shall be incorporated into the animal's medical record.

4. The licensed veterinarian has the ultimate responsibility for the proper diagnosis and treatment of the animal, including the work delegated to a *layperson*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1329 (October 1993), LR 24:940 (May 1998), LR 40:309 (February 2014), LR 49:640 (April 2023), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:249 (February 2025).

§704. Consulting and Providing Legend and Certain Controlled Substances

A. Legend Drugs

1. When an animal control agency which is operated by a state or local governmental agency or which is operated by any duly incorporated humane society which has a contract with a local governmental agency to perform animal control services on behalf of the local governmental agency seeks to administer legend drugs to an animal for the sole purpose of animal capture and/or animal restraint, the animal control agency must have a staff or consulting veterinarian who is licensed to practice veterinary medicine by the board and who obtains the legend drugs.

A.2. - F ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 20:666 (June 1994); amended LR 24:334 (February 1998), LR 25:519 (March 1999), LR 26:317 (February 2000), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:250 (February 2025).

§705. Prescribing and Dispensing Drugs

A. - C. ...

D. Records shall be maintained in accordance with §701.

E. - N.6. ...

O. A veterinarian licensed by the board may lawfully prescribe and/or dispense legend and controlled drugs, and a mix of these drugs, to a deer farmer licensed by, and in good standing with, the Department of Agriculture and Forestry only under the following terms and conditions.

1. - 5. ...

6. The licensed deer farmer who obtains the drugs from the veterinarian shall be the only person allowed to use or administer the drugs on his deer and for capture purposes and subsequent reversal of the effects of those drugs only.

7. - 10. ...

11. The prescribing and/or dispensing veterinarian shall comply with all state and federal laws and/or regulations regarding the prescribing and/or dispensing of any legend or controlled drug, or a mix thereof, to a deer farmer licensed by, and in good standing with, the Department of Agriculture and Forestry.

12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), LR 19:1329 (October 1993) LR 20:1381 (December 1994), LR 23:1686 (December 1997), LR 24:1932 (October 1998), LR 25:1249 (July 1999), LR 25:1627 (September 1999), LR 27:51 (January 2001), LR 30:797 (April 2004), LR 37:1571 (June 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:250 (February 2025).

§707. Accepted Livestock and Equine Management Practices

A. - A.2. ...

3. the carrying out of schools and short courses, teaching A.I. techniques for livestock and equine, prospective A.I. technicians, and university agricultural students by qualified university faculty, cooperative extension service specialists, and qualified employees of NAAB-CSS approved A.I. organizations;

4. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 9:213 (April 1983), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:969 (August 1997), LR 24:1933 (October 1998), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:250 (February 2025).

§712. Alternative Therapy and Collaborative Treatment

A. ...

B. Direct supervision as used in this Section means the supervising veterinarian must be on the premises where the alternative therapy and/or collaborative treatment are being performed and is directly responsible for the on-going evaluation and/or diagnosis. A *layperson* (a person not licensed, registered, or certified by the board) cannot perform surgery, on-going evaluation and/or diagnosis, prognosis, or prescribe treatment, medicines, or appliances as set forth in §702.A.2.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 23:970 (August 1997), amended LR 38:357 (February 2012), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 51:250 (February 2025).

Jared B. Granier
Executive Director

2502#003

RULE

**Department of Civil Service
Board of Ethics**

**Campaign Finance: Reporting for a Tie Vote
(LAC 52:I.1615)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has adopted a Rule regarding the reporting requirements for candidates and political committees participating in an additional election following a tie vote or court ordered election. This Rule is hereby adopted on the day of promulgation.

**Title 52
ETHICS**

Part I. Board of Ethics

**Chapter 16. The Board as Supervisory Committee of
the Louisiana Campaign Finance
Disclosure Act**

§1615. Reporting for a Tie Vote

A. If there is a tie vote in a general election, candidates, political committees and other persons required to file campaign finance disclosure reports, shall file the following additional reports:

1. Special Reports for the twenty-day period preceding the tie vote election pursuant to R.S. 18:512. The Special Reports shall be filed as required by R.S. 18:1491.6C and R.S. 18:1495.4C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 51:251 (February 2025).

Kathleen M. Allen
Ethics Administrator

2502#017

RULE

**Department of Civil Service
Board of Ethics**

**Contributions: Receiving, Resignation,
and Reattribution (LAC 52:I.1617 and 1619)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has adopted a Rule regarding receiving, redesignating, and reattributing contributions. This Rule is hereby adopted on the day of promulgation.

**Title 52
ETHICS**

Part I. Board of Ethics

**Chapter 16. The Board as Supervisory Committee of
the Louisiana Campaign Finance
Disclosure Act**

§1617. Receiving Contributions

A. Candidate, political committee or other persons who are required to file campaign finance disclosure reports have

10 days from receipt of a contribution to take the following actions:

1. deposit the contribution into their designated campaign account; or,

2. return the contribution to the contributor.

B. If the contribution is deposited into a designated campaign account, it shall be disclosed as being received as the date that it was

1. hand-delivered to the candidate, political committee, other person who is required to file campaign finance disclosure reports, or their authorized representatives; or,

2. received in the mail or courier service by the candidate or their treasurer.

C. For contributions to candidates,

1. Unless the contribution is designated in writing by the contributor for a particular election, the contribution shall be presumed to be applied to the next election in which the candidate is participating.

2. If the contributor designates a contribution in writing for a particular election, the candidate shall maintain a copy of the designation in their campaign finance records.

3. A contributor cannot designate a contribution for a candidate for a future election which is past the next election cycle in which the candidate is participating.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 51:251 (February 2025).

**§1619. Resignation and Reattribution of
Contributions**

A. Resignation is an action taken by a candidate or his campaign committee and/or the contributor to designate an excess contribution to another election in which the contributor has not exceeded the contribution limits.

1. Resignation of a contribution designated by the contributor for a particular election, the candidate or their campaign committee shall obtain written resignation of the contribution to another election on a form approved by the board or in writing that contains the following:

- a. the name and address of the contributor;
- b. date and amount of initial contribution;
- c. date of election to which the initial contribution was designated;
- d. date and amount of redesignated contribution;
- e. date of election to which the contribution is redesignated;
- f. signature of contributor and date signed;
- g. date resignation received by the candidate or their committee.

B. Reattribution is an action taken by a candidate or his campaign committee and the contributor to attribute the excess portion of a contribution to another contributor who has not otherwise made a contribution that exceeded the contribution limits.

1. Funds may only be reattributed to another contributor who has a legal claim to the funds being reattributed because contributions through or in the name of another are prohibited by La. R.S. 18:1505.2A.

2. To reattribute the excess portion of a contribution, the candidate or their campaign committee shall obtain written reattribution of the contribution from the initial

contributor and the contributor to which the contribution is being reattributed on a form approved by the board or in writing that contains the following:

- a. the name and address of the initial contributor;
- b. date and amount of initial contribution;
- c. date of election to which the initial contribution was designated;
- d. date contribution reattributed to another contributor and the amount of the reattributed contribution;
- e. date of election to which the contribution is reattributed;
- f. signature of initial contributor and date signed;
- g. signature of contributor to whom the contribution is reattributed;
- h. date reattribution received by the candidate or their committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 51:251 (February 2025).

Kathleen M. Allen
Ethics Administrator

2502#016

RULE

Department of Civil Service Board of Ethics

Political Committees; Filing Fees (LAC 52:I.1603)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has amended a Rule regarding the acceptance of payments via electronic funds transfer for political committee registration fees. This Rule is adopted on the day of promulgation.

Title 52 ETHICS

Part I. Board of Ethics

Chapter 16. The Board as Supervisory Committee of the Louisiana Campaign Finance Disclosure Act

§1603. Political Committees; Filing Fees

A. A fee of \$100 shall be remitted to the supervisory committee with each statement of organization required to be filed by a political committee.

B. The \$100 fee shall be due only once per calendar year per committee. In the event that an amended statement of organization is filed by a political committee, no additional fee is required to be paid.

C. All fees paid in compliance with §1603 shall be by check drawn upon, or by electronic funds transfer drawn from, the designated depository of the political committee.

D. Certificates of registration will be issued to political committees only after a sufficient time has elapsed to insure that the funds used to pay the required fee have been paid by the bank upon which it is drawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1301 (October 1997), amended LR 51:252 (February 2025).

Kathleen M. Allen
Ethics Administrator

2502#018

RULE

Louisiana Economic Development Office of the Secretary

Louisiana Economic Development Procurement Code
(LAC 34:XV.Chapters 1, 3, 5, 7, 9, and 11)

Louisiana Economic Development (LED), as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104 and Act 590 of the 2024 Regular Session, hereby promulgate rules to be used by LED in place of state procurement law in R.S.39:1551-1755.

The LED Procurement Code provides flexibility in the selection of methods to be used for the procurement of goods and services, establishes competitive thresholds, outlines exceptions to competitive selection process, sets forth dispute resolution processes, establishes standards for integrity in procurements and provides a broad range of processes and procedures to be followed by LED and those seeking and doing business with LED. This Rule is hereby adopted on the day of promulgation.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

Part XV. Louisiana Economic Development Procurement Code

Chapter 1. Purpose, Applicability and Definitions §101. Purpose and Legislative Authority

A. Goal. It is the goal of LED to procure goods and services in a manner that is open, fair, encourages competition, and affords vendors equal opportunities to compete.

B. Purpose. The purpose of this LED Procurement Code is to establish parameters of a procurement program designed to support and facilitate the mission of LED by applying best methods and business practices to the procurement of goods and services and to structure other business arrangements by LED. This LED Procurement Code is intended to promote the development and use of procurement processes which promote the pursuit of excellence and the best interests of LED while maintaining the highest possible integrity, broad based competition, fair and equal treatment of the business community and increased economies and efficiencies for LED.

C. Communication.

1. LED intends to continue as a LaGov agency, using the state's enterprise resource planning, a fully integrated computer system that includes financials, logistics, human resources, payroll and business intelligence, feeding into the Louisiana Checkbook for transparency. Similar workflow and approval processes to other LaGov agencies will be followed, with the exception of individual transactional approvals required by the Office of State Procurement (OSP).

2. LED is to be exempt from OSP's central purchasing authority and individual transactional approval requirements.

3. LED will communicate and collaborate with the Division of Administration, the Office of Planning and Budget, the Office of Statewide Reporting and Accounting Policy, Civil Service, the Department of Revenue, the Office of the Attorney General, and any other state agencies or public entities as may be applicable.

D. Authority. This LED Procurement Code is adopted in compliance with the Administrative Procedure Act, R.S. 49:950 et. seq., including the authority for review of LED rules by the House Committee on Commerce, the Senate Committee of Commerce, Consumer Protection, and International Affairs, the House Committee on Appropriations and the Senate Committee on Finance, and pursuant to R.S. 36:104 and Act 590 of the 2024 Regular Session and subject to the approval of the Commissioner of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:252 (February 2025).

§103. Applicability

A. Applicability. This LED Procurement Code applies to the acquisition by the LED of all goods and services paid with public funds, and shall be used in place of the Louisiana Procurement Code, R.S. 39:1551-1755 and the procurement authority of the chief information officer and Office of Technology Services provided for in R.S. 39:15.1 et. seq.

B. Revocation. If LED's authority to use this LED Procurement Code should be revoked by the Division of Administration or otherwise by operation of law, LED shall end use of these provisions in keeping with the revocation notice and shall resume procurements pursuant to applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:253 (February 2025).

§105. Definitions

Chief Procurement Officer—the secretary of LED, or their designee, will designate and may change from time to time, one LED staff person to act as LED's Chief Procurement Officer.

Commissioner—the Commissioner of Administration (COA), the head executive of the Division of Administration.

Consulting Service—work, other than professional, personal or social service, rendered by an independent contractor who possesses specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, including but not limited to, such areas as management, data processing, advertising and public relations.

Contract—a written agreement between parties with binding legal effect, for the procurement or disposal of goods and services for LED. Contract types may include but not be limited to: (AGY) Interagency, (CON) Consulting, (COP) Cooperative Endeavors, (MIS) Miscellaneous, (OTH) Other, (PO) Purchase Orders, (PER) Personal Services, (PRO) Professional Services and (SOC) Social Services.

Emergency Procurement—a purchase made after a written determination by the Secretary that there exists an emergency condition which creates a threat to public health, welfare, safety or public property, or conservation of public resources, and the emergency condition creates an immediate and serious need for goods or services that cannot be met through the normal procurement methods.

Goods—moveable property, including but not limited to, equipment, materials, supplies, insurance and license agreements for software, and excluding immovable property. Goods are not services.

Governmental Body—any department, office, division, commission, council, board, bureau, committee, institution, agency, government corporation, or other establishment or official of the executive branch of government, For purposes of procurement of personal, professional, consulting, and social services contracts, governmental shall not include the judicial branch of state government.

Governmental Entity—any governmental unit which is not included in the definition of "governmental body" in this Section.

LaPAC—Louisiana's internet based system for posting vendor opportunities and award information.

LED—Louisiana Economic Development, formerly known as the Department of Economic Development.

LED Procurement Code (LPC)—the rules adopted pursuant to the authority granted by Act 590 of the 2024 Regular Session, for use by LED, in lieu of state procurement statutes when LED procures goods or services or enters other contracts.

Louisiana Authorized Dealer—a company that satisfies the requirements of a resident business as defined in R.S. 39:1556 and is specifically authorized by the manufacturer to sell and/or provide service for its products,

OSP—Office of State Procurement, located within the Division of Administration.

Person—any business, individual, union, committee, club, or other organization or group of individuals.

Personal Service—work rendered by individuals which requires use of creative or artistic skills, such as but not limited to graphic artists, sculptors, musicians, photographers, and writers, or which use requires use of highly technical or individual skills or talents, such as, but not limited to, paramedicals, therapists, foreign representatives, and expert witnesses for adjudications or other court proceedings. A *foreign representative* shall mean a person to represent LED in such foreign country.

Professional Service—work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but not be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, accountants and claims adjusters. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered.

Request for Proposal (RFP)—the RFP process is a procurement method used for the procurement of supplies, services, highly technical equipment or complex services. RFP responses are evaluated based on the relative merits of

each proposer compared to others. An award is to be made to the responsible proposer whose proposal is the most advantageous to LED, with consideration to other evaluation criteria as well as to cost.

Request for Qualifications (RFQ)—the RFQ process is a procurement method used for the procurement of services on a basis of competence and qualifications for a fair and reasonable price. An award is to be made at the discretion of LED to the most qualified proposer(s), whose proposal is the most advantageous to LED.

Secretary—the secretary of Louisiana Economic Development, or their designee.

Services—the furnishing of labor, time or effort by a vendor which may involve, to a lesser degree, the delivery or supply of a product, incidental to the required performance.

Small Entrepreneurship—a business currently certified as a small entrepreneurship by LED in accordance with R.S. 39:2006 (The Hudson Initiative) or a business currently certified as a small and emerging business by LED, in accordance with R.S. 51:941, et seq. (SEBD Program).

Social Service—work rendered by a person, firm, corporation, organization, governmental body, or governmental entity in furtherance of the general welfare of the citizens of Louisiana, including but not limited to rehabilitation and health support, improvement of living conditions and health.

Sole Source Procurement—a purchase made when there is only one source for a good or service and only one vendor or supplier has the sole ability to meet the requirement of the procurement.

Veteran-Owned Small Entrepreneurship—a business currently certified as a veteran or service-connected disabled veteran owned small entrepreneurship by LED, in accordance with R.S. 39:2176 (The Veteran Initiative).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:253 (February 2025).

Chapter 3. Contracts

§301. General provisions

A. In order to ensure LED and the state are properly protected when entering into contracts, all LED contracts shall be reviewed by legal staff, processed by a contract reviewer familiar with state guidelines, approved and executed by the secretary or their designee, as may be applicable.

B. LED staff shall attend periodic state training to ensure knowledge and competencies of any applicable regulations, policies and processes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:254 (February 2025).

§303. Contractual provisions

A. Clauses providing for the following may be included in contracts, except upon a written determination by the Secretary or their designee that the interests of LED are best served by omitting the clause. Standard clauses may include but not be limited to:

1. beginning and ending dates;
2. description of work and goals and objectives;
3. maximum amount and schedule of payments to be made;

4. deliverables;
5. performance measures;
6. monitoring plan;
7. termination clauses, for cause and convenience;
8. remedies for default;
9. legislative auditor right to audit;
10. assignability clause;
11. travel requirements in accordance with ppm 49, if applicable;
12. multi-year fiscal funding clause, if the duration of the contract crosses a fiscal year;
13. anti-discrimination clause, if applicable;
14. an itemized budget for cost-reimbursement contracts;
15. a clause requiring that Louisiana law shall apply to all disputes, and that venue for any actions brought against LED arising out of the contract shall be only in the Nineteenth Judicial District Court in East Baton Rouge Parish;
16. responsibility for payment of taxes, when applicable;
17. advance payments on all contracts except those for professional services are allowable if limited to less than or equal to 20 percent of the contract and if necessary to provide for the lowest cost delivery of service. If federal funds are to be advanced, federal guidelines shall prevail on the conditions and amount of the advance. Specific state statutory authority may override the 20 percent limit for certain contracts;
18. prohibition of Discriminatory Boycotts of Israel;
19. any additional clause required by an Executive Order.

B. Contracts funded fully or in part by federal funds, in addition to meeting all state requirements, shall meet all applicable federal standards and shall contain all necessary clauses required by federal statutes, rules or regulations.

C. In addition to any required contractual clauses, proof of review and approval by other agencies may be required as follows:

1. Contracts for private legal counsel to represent LED must have attorney general approval, with the concurrence of the Commissioner of Administration, in accordance with R.S. 49:258.

2. All contracts must have Civil Service approval, unless exempted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:254 (February 2025).

§305. Non-competitive contracts

A. LED shall have express authority to enter into the following contracts:

1. contracts with values under \$75,001;
2. standardized template contracts, with minimal contractual modifications project to project, such as varying vendor names and financial award amounts. These may include but not be limited to:
 - a. the Louisiana Economic Development Award Program (EDAP);
 - b. certain Social Service and Personal Service contracts relative to the LED FastStart Program, with individual values less than \$250,001 within a 12-month period (FastStart);

- c. the Economic Development Readiness Program (EDRED);
 - d. the Tier 1 Program with the Regional Economic Development Organizations (Tier 1);
 - e. the Louisiana Entertainment Development Fund Program (EDF);
 - f. the State Trade Expansion Program (STEP).
3. Personal and Professional Service contracts;
 4. Consulting Service contracts with values under \$100,001.

B. Except that any contracts for Information technology equipment, related services and software purchasing shall be governed by the provisions of Chapter 13.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:254 (February 2025).

§307. Competitive contracts

A. Contracts exceeding the amounts provided in Section 305 shall be awarded as provided for in this Chapter.

B. Contracts for \$100,001 or more and Social Service contracts for \$250,001 or more, within a 12-month period, shall be awarded in accordance with regulations issued by LED in Chapter 5 of this *LPC*, unless it is determined, in writing by the Secretary, that any one of the following conditions is present:

1. Sole Source Procurement. A determination by the secretary, supported by documentation, that only one source exists for the services rendered;
2. Emergency Procurement. A determination by the secretary, supported by, documentation, that an emergency exists which will not permit the delay in procurement necessitated by the RFP procedure;
3. the state legislature has made an appropriation for that particular contractor or contractors via the appropriation bill or other statutes;
4. local matching funds of greater than ten percent of the contract amount are required to be contributed by the contractor;
5. the contract is with another governmental entity or government body;
6. funds are specifically designated by the federal government for a particular private or public contractor or political subdivision.

C. Except that any contracts for information technology equipment, related services and software purchasing shall be governed by the provisions of Chapter 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:255 (February 2025).

Chapter 5. Competitive Solicitations

§501. General Provisions

A. The secretary shall determine the appropriate solicitation methods to be used in procuring goods and services for LED. Among those methods are:

1. request for proposals (RFP);
2. request for qualifications (RFQ).

B. Other procurement methods. Other procurement methods may be utilized where there is a written determination by the secretary that it is in the best interest of LED to do so.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:255 (February 2025).

§503. Specifications.

A. Specifications shall be developed in a manner which are most likely to result in the broadest possible competition while securing quality goods and services which meet the need and expectations of LED.

B. Specifications shall include the following:

1. specifically define the task and desired results of the project.
2. identify LED liaison personnel and resources available to the contractor.
3. specify applicable procedures concerning billing, documentation requirements, progress reports, and final results, if applicable.
4. inform the potential contractors of the criteria and the selection methodology and the weight which will be applied to each significant evaluation criteria to be used in evaluating responses.
5. require potential contractors to include a description of the firm’s qualifications and resumes for each of the key personnel.
6. specify the date and time not later than which proposals must be received by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:255 (February 2025).

§505. Public notification.

A. Public notification shall be made by the following methods:

1. RFQ’s shall be advertised by posting on LED’s website.
2. RFP’s shall be advertised through a centralized electronic interactive environment administered by the Division of Administration, and in addition, shall be advertised in the official journal of the state at least once. The advertisement shall appear at least 10 calendar days before the last day that proposals will be accepted.
3. In addition, at the discretion of LED, written notice of RFP and RFQs may be provided to persons, firms or corporations who are known by LED to be in a position to furnish such services, at least 10 calendar days before the last day that proposals will be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:255 (February 2025).

§507. Right to Reject

A. LED reserves the right to reject any or all responses to a solicitation in whole or in part and to award by items, parts of items, or by any group of items specified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:255 (February 2025).

§509. Evaluation and Award

A. Responses to solicitations shall be evaluated in keeping with the criteria, specifications, terms and conditions set forth in the solicitation.

B. The final selection of a contractor shall be made by LED in accordance with the selection criteria established in the RFP or RFQ. An award is to be made to the responsible proposer whose proposal is the most advantageous to LED.

C. Written notice of the award of a contract shall be provided to all proposers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:255 (February 2025).

§511. Dispute Resolution

A. Right to Protest. Any person who is aggrieved in connection with the solicitation or award of a contract issued by LED shall protest to the secretary. Protests with respect to a solicitation shall be submitted in writing at least two calendar days prior to the opening of bids on all matters. Protests with respect to the award of a contract shall be submitted in writing within fourteen calendar days after contract award.

B. Authority to Resolve Protests. The secretary shall have authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved person concerning the solicitation or award of a contract.

C. Decision. If the protest is not resolved by mutual agreement, the Secretary shall, within fourteen calendar days, issue a decision in writing. The decision shall:

1. state the reasons for the action taken.
2. inform the protestant of its right to judicial review in the Nineteenth Judicial District Court.

D. Notice of Decision. A copy of the decision under Subsection C of this Section shall be submitted or otherwise furnished to the protestant and any other party intervening.

E. Finality of Decision. A decision under Subsection C of this Section shall be final and conclusive unless one of the following applies:

1. the decision is fraudulent.
2. the person adversely affected by the decision has timely appealed to the court in accordance with R.S. 39:1691(A).

F. Stay of Procurements during Protests. In the event of a timely protest under Subsection A of this Section, LED shall not proceed further with the solicitation or with the awarding of the contract unless the secretary makes a written determination that the awarding of the contract is necessary without delay to protect the substantial interests of LED. Upon such determination by the secretary, no court shall enjoin progress under the award except after notice and hearing.

G. Award of Costs to Protestants. In addition to any other relief, when the protest is administratively or judicially sustained and the protesting bidder or proposer should have been awarded the contract but is not, the protesting bidder or proposer shall be entitled to the reasonable costs incurred in connection with the solicitation, including bid or proposal preparation costs other than attorney fees, provided that any administrative determination of such costs shall be subject to the written concurrence of the attorney general.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:256 (February 2025).

Chapter 7. Cooperative Procurement

§701. General Provisions

A. Where practical and beneficial to LED, a cooperative arrangement may be employed for the procurement of goods and/or services.

B. LED is eligible to procure any goods or services under the Louisiana State Contract. The items that are available for purchase through state contract have been subjected to a competitive process conducted by OSP. The lists saves LED time and money that would otherwise be spent on performing required competitive procedures.

C. Under certain conditions and as part of the state's cooperative procurement efforts, LED may be able to utilize the General Service Administration (GSA) schedules.

D. If LED elects to make cooperative purchases outside the state contract, documentation will be maintained in LED's procurement files.

1. Any item so purchased, with a price 20 percent or more in excess of state contract pricing, shall require justification for the proposed purchase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:256 (February 2025).

Chapter 9. Travel, Small Purchases and La Carte

§901. Travel

A. The Office of State Travel (OST), located within the Division of Administration, is responsible for setting Louisiana's general travel regulations, known as Policy and Procedure Memorandum 49 (PPM49).

B. LED shall continue to follow PPM49 for its travel purchases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:256 (February 2025).

§903. Small Purchases

A. Unless otherwise provided by law, "small purchases" means any procurement of supplies or operating services not exceeding \$25,000.

B. Except as otherwise provided by this Chapter, all small purchases shall be made in accordance with the following minimum procedures:

1. No competitive process is required for purchases not exceeding \$10,000 per single transaction.

2. Price quotations shall be solicited from three or more bona fide, qualified vendors for purchases exceeding \$10,000 but not exceeding \$20,000.

a. Quotations may be made by telephone, facsimile, written, or other means and shall be awarded on the basis of the lowest responsive quotation unless such quotation is impracticable or unreasonable. Whenever possible, at least one of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran owned small entrepreneurship.

i. LED files shall document and list all solicited vendors and each vendor's contact person, summarize quotations received, indicate the successful vendor and state the reason why any lower quotation was rejected. LED files shall also contain written confirmation of the quotation from the successful vendor.

b. When the price is determined by the secretary to be reasonable, the requirement to solicit three quotations may be waived when purchasing from a certified small entrepreneurship or a certified veteran owned small entrepreneurship. Reasonable is a best value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in LED's file.

c. The requirement to solicit at least one certified small entrepreneurship or certified veteran owned small entrepreneurship may be waived for procurements posted on LaPAC.

3. Price quotations shall be solicited from five or more bona fide, qualified vendors for purchases exceeding \$20,000 but not exceeding \$25,000.

a. Quotations may be made by facsimile or written means and shall be awarded on the basis of the lowest responsive price quotation received unless such quotation is impracticable or unreasonable. Whenever possible, at least two of the bona fide, qualified vendors shall be certified small entrepreneurs or certified veteran owned small entrepreneurs. LED files shall document and list all solicited vendors and each vendor's response, summarize quotations received, indicate the awarded quotation, and state LED's reason for any rejection of lower quotations.

b. When the price is determined by the secretary to be reasonable, the requirement to solicit five quotations may be waived when purchasing from a certified small entrepreneurship or certified veteran owned small entrepreneurship. Reasonable is a best value determination based on price, delivery, service, and/or any other related factors. This determination is to be maintained in the LED file.

c. The requirement to solicit at least two certified small entrepreneurs or certified veteran owned small entrepreneurs may be waived for procurements posted on LaPac.

d. A minimum of three working days shall be allowed for receipt of quotations.

e. All written or facsimile solicitations shall include the closing date, time, and all pertinent competitive specifications, including quantities, units of measure, packaging, delivery requirements, ship-to location, terms and conditions, and other information sufficient for a supplier to make an acceptable quotation. Precautionary measures shall be taken to safeguard the confidentiality of vendor responses prior to the closing time for receipt of quotations. No quotation shall be evaluated using criteria not disclosed in the solicitation.

C. The following items are considered small purchases and no competitive process is required for the following:

1. repair parts for equipment obtained from the original equipment manufacturer or an authorized dealer. A Louisiana authorized dealer shall be used if practicable. This provision does not apply to the stocking of parts.

2. Equipment repairs obtained from the original equipment manufacturer or an authorized dealer. A Louisiana authorized dealer shall be used if practicable;

3. vehicle repairs not covered by a competitive state contract or the state fleet maintenance repair contract obtained from an authorized dealer. A Louisiana authorized dealer shall be used if practicable.

4. vehicle body repairs covered by insurance recovery and in accordance with insurance requirements;

5. purchasing or selling transactions between LED and other state budget units or governmental agencies;

6. publications, including electronic publications, subscriptions, and web-based subscription services, and/or copyrighted materials purchased directly from the publisher of copyright holder;

7. publications and/or copyrighted materials purchased by libraries or text rental stores from either subscription services or wholesale dealers which distribute for publishers and/or copyright holders;

8. public utilities and services;

9. non-customized training, including educational instructor fees, and related resources (except equipment) used to enhance the performance of LED employees and good standing of LED, including memberships in and accreditations by professional societies and organizations;

10. materials, supplies, exhibitor fees, and exhibit booths for conferences, seminars, and workshops, or similar events (business, educational, promotional, cultural etc.) for participants in promotional activities which enhance economic development or further LED's mission, duties and/or functions, with the approval of the secretary, if not covered by competitive state contract;

11. wire, related equipment, time and material changes to accomplish repairs, adds, moves, and/or changes to telecommunication systems;

12. food, materials, and supplies for teaching and per course training not exceeding \$25,000, where the purchasing, preparing, and serving of food are part of the regularly prescribed course;

13. renewal of termite service contracts;

14. commercial internet service not exceeding \$1,500 per subscription per year;

15. advertising, where permitted by law and the Secretary certifies that specific media is required to reach targeted audiences;

16. publication of articles, manuscripts etc. in professional scientific, research of educational journals/media and/or the purchase of reprints;

17. royalties and license fees for use rights to intellectual property, such as but not limited to: patents, trademarks, service marks, copyrights, music, artistic works, trade secrets, industrial designs, domain names, etc.;

18. equipment moves by the original equipment manufacturer or authorized dealer to ensure equipment operation to original equipment manufacturer specifications, calibration, warrant, etc.;

19. mailing lists;

20. art exhibition rentals and/or loan agreements and associated costs of curatorial fees, transportation, and installation;

21. parcel services, including but not limited to Federal Express, United Parcel Service, Airborne Express, and Express Mail, when not covered by a competitive state contract.

D. For the following items, when the purchase is in excess of \$10,000 per single transaction, telephone, written, or facsimile price quotation shall be solicited, where feasible, from at least three bona fide, qualified vendors.

Whenever possible, at least one of the bona fide, qualified vendors shall be a certified small entrepreneurship or a certified veteran owned small entrepreneurship:

1. convention and meeting facilities including security services if applicable, provided that any associated food or lodging must be in accordance with PPM 49;

2. gasoline and fuel purchases not covered by competitive state contract;

3. air and bus charters in accordance with PPM 49, including group travel that does not qualify for commercial rates available to individual travelers.

E. In the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a cost center, or its equivalent, to avoid the competitive process.

F. Methods of payment for small purchases may include, but not be limited to:

1. P-Card;

2. Purchase Orders;

3. P-1 (ACH or check).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:256 (February 2025).

§905. La Carte

A. Louisiana “La Carte” purchasing cards are credit cards issued for use by state agencies and state employees for the purpose of making purchases on behalf of their departments. It provides an alternative method of payment.

B. Such a card may be issued to an individual LED employees and known as a P-Card, or may be issued to LED itself, and known as a CBA (Controlled Billed Account.)

C. The Office of State Travel (OST), located within the Division of Administration, is responsible for setting regulations on the overall use of the La Carte cards.

D. LED shall continue to follow OST guidelines for use of the La Carte cards, except that the single transaction limit for both CBA and P-cards shall be a maximum of five thousand dollars, or in an amount as otherwise approved in writing by the Secretary or their designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:258 (February 2025).

Chapter 11. Information Technology Equipment, Related Services and Software Purchasing

§1101. General Provisions

A. The purchase, lease, and rental of all information technology equipment, related services, and software by LED shall be exempt from the requirements of R.S. 39:1551-1755, R.S. 39:196-200, and the oversight and procurement authority of the Chief Information Officer and Office of Technology Services (OTS) provided for in R.S. 39:15.1 et. seq., except that LED shall be required to continue as a LaGov agency for use of the enterprise resource planning.

B. LED shall work collaboratively with OTS to establish a transition plan to be completed by June 30, 2025.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:258 (February 2025).

§1103. Competitive Thresholds

A. Single procurements of information technology equipment, software, installation, license, modifications, integration, training, hosted software, software subscriptions, support etc., collectively known as “IT”, and hardware/software maintenance estimated to cost less than \$250,001 during a twelve month period shall be made using procedures approved by the secretary.

B. Procurements of information technology equipment, software, installation, license, modifications, integration, training, hosted software, software subscriptions, support etc., collectively known as “IT”, and hardware/software maintenance estimated to cost at least \$250,001 but less than \$1 million during a twelve-month period shall be made using the competitive methods of an RFQ.

C. Procurements of information technology equipment, software, installation, license, modifications, integration, training, hosted software, software subscriptions, support etc., collectively known as “IT”, and hardware/software maintenance estimated to cost \$1 million or more during a twelve month period shall be made using the competitive methods of an RFP.

D. LED IT Procurement Support Team. A LED procurement support team may be formed for IT contracts in an amount greater than \$1 million, with the approval of the Commissioner. The LED IT procurement support team may include, but not be limited to, one representative per agency from the following: LED; the Attorney General’s Office (AG); and the Legislative Fiscal Office (LFO). At least two of the members of each procurement support team should have formal training in computer contract negotiations. The LFO and the AG shall each designate in writing to LED the names of a primary and an alternate team member. At least three members, one from each agency designated, must be present to constitute a quorum.

E. The individual agencies represented on the LED IT procurement support teams will have the following primary responsibilities:

1. Legislative Fiscal Office. The LFO shall have primary responsibility for the financial analysis of RFP’s, and review of funding procedures, and certification of specific appropriation for the proposed purpose prior to the final contract award.

2. Attorney General’s Office. The AG’s Office shall have primary responsibility for developing the legal terms and conditions of draft contracts, evaluating the legal impact of substantive terms and conditions, reviewing to ensure compliance with statutes and regulations, and legal negotiations.

3. Louisiana Economic Development. LED shall have primary responsibility for the determination of the compliance of proposals with the functional requirements, drafting of RFP’s, the evaluation of RFP’s, the award of the contract and for all management decisions of the procurement process.

F. The LED IT Procurement Support Team shall operate as a super-evaluator, following an initial evaluation by LED’s team, and, as a minimum, the LED IT Procurement Support Team shall review the RFP proposals, review LED evaluations of proposals, and review draft contract terms. There will be at least one group meeting to review proposals

and it shall make a written group recommendation to LED.

G. LED shall review and consider any group recommendations, however, the final determination of an award shall be made by the secretary, in writing, which shall be considered the final agency determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 39:1554.

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of the Secretary, LR 51:258 (February 2025).

Anne G. Villa
Deputy Secretary

2502#033

RULE

Board of Elementary and Secondary Education

Bulletin 104—Louisiana Computer Science Content Standards—Computer Science Content Standards (LAC 28:LXXV.Chapter 1 and LAC 28:CIV.101, 103, 301, 303, 501, 503, Chapter 7, Chapter 9, and Chapter 11)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has adopted LAC 28:CIV in *Bulletin 104—Louisiana Computer Science Content Standards*. Over the past year, the Computer Science Content Standards Writing Steering Committee and Grade Band Work Groups worked to write the Louisiana Computer Science Content Standards. The content standards replace LAC 28:LXXV in *Bulletin 104—Louisiana K-12 Educational Technology Standards*. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part LXXV. Bulletin 104—Louisiana K-12 Educational Technology Standards

Chapter 1. Purpose

Subchapter A. Educational Technology

§101. Mission Statement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:891 (May 2009), repealed LR 51:259 (February 2025).

§103. Philosophy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

§105. Definition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

Subchapter B. Standards

§107. Creativity and Innovation (1)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

§109. Communication and Collaboration (2)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

§111. Research and Information Fluency (3)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), LR 51:259 (February 2025).

§113. Critical Thinking, Problem Solving, and Decision Making (4)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2012 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

§115. Digital Citizenship (5)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2013 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

§117. Technology Operations and Concepts (6)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2013 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

Subchapter C. Performance Indicators

§119. Grades PreK-2

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2013 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

§121. Grades 3-5

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2013 (October 2003), amended LR 35:892 (May 2009), repealed LR 51:259 (February 2025).

§123. Grades 6-8

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2014 (October 2003), amended LR 35:893 (May 2009), repealed LR 51:260 (February 2025).

§125. Grades 9-12

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2014 (October 2003), amended LR 35:893 (May 2009), repealed LR 51:260 (February 2025).

Title 28 EDUCATION

Part CIV. Bulletin 104—Louisiana Computer Science Content Standards

Chapter 1. General Provisions

§101. Introduction

A. The computer science content standards are organized into five core concepts based on the Louisiana Computer Science Framework (LSCF). Each concept is further subdivided into relevant subconcepts which serve as a way to organize essential knowledge or computing skills.

B. The complexity of the standards progresses from kindergarten through twelfth grade. Within each concept, the content standards define the content and skills that students should master by the end of the elementary, middle, and high school grade bands. A standard represents a goal or outcome of an educational program and is not meant to serve as an instructional curriculum or assessment ask.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:260 (February 2025).

§103. Definitions

Abstraction—the process of reducing complexity by focusing on the most relevant details.

Algorithm—a step-by-step process to complete a task.

Code—any set of instructions expressed in a programming language.

Computational Artifact—anything created by a human using a computational thinking process and a computing device. A computational artifact can be, but is not limited to, a program, image, audio, video, presentation, or web page file.

Computational Thinking—a problem-solving process that can be applied to multiple disciplines and includes decomposition, abstraction, pattern recognition, and their impact on society.

Computer Science—the study of computers and algorithmic processes, including principles, hardware and software designs, implementation, and their impact on society.

Computing System—the collection of one or more computers or computing devices, including both hardware and software, integrated to accomplish shared tasks. A computing system may be used to refer to one device, but is more commonly used to refer to a collection of multiple connected devices, hardware, and computers.

Cyber Citizenship—the responsible use of technology which may include, but is not limited to, accessing and following acceptable, responsible behaviors to access technology within an acceptable use policy (AUP); social media use and limitations by age; data sharing and privacy; responsible personal cybersecurity practices; fact-checking and verifying information from social media outlets; understanding your personal digital footprint; obeying state and federal computing laws; and avoidance of cyber bullying and/or harassment.

Data Transformation—the process of converting, cleaning, and structuring data into a usable format for computers to process. The usable data can be analyzed to support data-driven decision making.

Digital Literacy—the ability to find, evaluate, utilize, share, and create digital content.

Emerging technologies—innovations, unexpected new technologies, new advances in computing, and future innovations that are happening in both the present and potential near future.

Model—a representation of some part of a problem or a system, and can act as a bridge between algorithms and actual implementation software.

Operation—the action that a computer carries out to complete a task. Not to be confused with mathematical operations of addition, subtraction, multiplication, and division. There are five basic types of computer operations: inputting, processing, outputting, storing, and controlling.

Procedure—an independent code module that fulfils some concrete tasks and is referenced within a larger body of program code. The fundamental purpose of a procedure is to offer a single point of reference for some small group or task that the developer or programmer may trigger by invoking the procedure itself.

Program—a set of instructions the computer executes to achieve an objective. When used as a verb, the term means to create a program by programming.

Programming Language—sets of computer instructions that can be utilized by a programmer to tell a computer what to do.

Reliability—an attribute of any system that consistently produces the same results to meet or exceed its requirements.

Remix—creating new program versions by recombining or modifying parts of the existing program's code to develop new solutions or compensate for problems.

Scalability—the capability of a network to handle a growing amount of work or the network's potential to be enlarged to accommodate future growth.

Simulation—a program that imitates the operation of a real-world process or system.

Software Development Life Cycle (SDLC)—a process for planning, creating, testing, and deploying an information system. The stages in the SDLC are planning, requirements analysis, design, coding, testing, deployment, and maintenance.

Test Case—a set of variables under which a user will determine whether the system satisfies requirements or works correctly.

Usability—the degree to which software can be used by specified consumers to achieve a quantified objective with

effectiveness, efficiency, and satisfaction in a quantified context of use.

Variable—a symbolic name used to keep track of a value that may change as a program runs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:260 (February 2025).

Chapter 3. Computing Systems

§301. Hardware and Software

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Identify and select the appropriate hardware to complete computing tasks.
2. Identify and select the appropriate software to complete computing tasks.
3. Evaluate hardware and software types to meet users' needs in completing various computing tasks.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Analyze the functions and interactions of core components within a computer system.
2. Explain how hardware and software components work together to perform specific tasks.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Explain how abstractions hide the underlying implementation details of computing systems embedded in everyday things.
2. Analyze the levels of interactions between application software and system software as well as the hardware layers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:261 (February 2025).

§303. Troubleshooting

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Propose potential ways to address computing problems using appropriate hardware and software.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Evaluate possible solutions to a hardware or software problem.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Generate guidelines that convey systematic troubleshooting strategies that other users can utilize to identify and fix errors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:261 (February 2025).

Chapter 5. Networks and the Internet

§501. Hardware and Network Communication

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Explain how networks connect computers to other computing systems and the Internet.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Analyze the various structures and functions of a network.

2. Identify and differentiate the protocols utilized in data sharing across networks.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Evaluate a network's scalability, reliability, and appropriateness by describing the relationship between routers, switches, devices, topology, and addressing (MAC, IP, Subnet, and Gateway).

2. Illustrate how to trace data through a network model, explaining the interactions that occur throughout the process.

3. Describe and evaluate the Internet as a digital public infrastructure (DPI) from the highest level to the private service provider level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:261 (February 2025).

§503. Cybersecurity

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Describe personally identifiable information (PII) and identify practices for when and where sharing PII is appropriate.

2. Identify ways to maintain data security when using networks.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Explain how physical and digital security practices and measures proactively address threats to users, data, and devices within and across networks.

2. Analyze threats and vulnerabilities to information security for individuals and organizations.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Interpret and analyze mechanisms through which malware and other types of cyber attacks can impact hardware, software, and sensitive data.

2. Recommend security measures to address factors that create trade-offs between the usability and security of a computing system.

3. Compare and contrast how software developers protect computing systems and information from unauthorized used access.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:261 (February 2025).

Chapter 7. Data and Analysis

§701. Data Representation

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Classify types of data and describe the attributes used to sort data.

2. Organize and present data visually to highlight relationships and support claims.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Evaluate the most efficient and effective ways to arrange, collect, and visually represent data to inform others.

2. Analyze and explain the connection between data sets and graphical representations.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Evaluate data representations, propose strategies to reconstruct the data, and visualize data in a variety of ways.

2. Define and describe database structures to optimize the search and retrieval of data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:261 (February 2025).

§703. Data Collection

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Select the appropriate data collection tool and technique to gather data to support a claim or communicate information.

2. Describe and collect data utilizing the appropriate units of measure and discuss how data format impacts a computing system.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Compare and contrast how data is collected using computational and non-computational tools and processes.

2. Analyze scenarios and computing systems to determine the appropriate data entry format for specific tools.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Explain and describe the impacts of uncertainty and the limitation of data collection technology and tools.

2. Describe the personal and legal impacts of accumulated data, both collected and derived, for given scenarios. Propose tools and techniques to manage the accumulated data appropriately.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:262 (February 2025).

§705. Data Storage

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Compare and contrast ways to store data using technology.

2. Explain how to save and name data, search for data, retrieve data, modify data, and delete data using a computing device.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Describe how different representations of real-world phenomena such as letters, numbers, and images are encoded as data.

2. Propose methods to back up data safely and the appropriate practices for data risk management.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Explain and utilize the appropriate data structural organization system to collaborate and communicate data within a team or user group in given scenarios.

2. Justify choices on how data elements are organized and where data is stored considering cost, speed, reliability, accessibility, privacy, and integrity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:262 (February 2025).

§707. Visualizations and Transformations

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Organize and present data visually in at least three ways to highlight relationships and evaluate a claim.

2. Evaluate data quality and clean data when indicated using the criteria of validity, accuracy, completeness, consistency, and uniformity.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Utilize tools and techniques to locate, collect, and create visualizations of large-scale data sets.

2. Collect and transform data using computational tools to make functional and reliable data for use in hypothesis testing.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Create interactive data visualizations using software tools that explain complex data to others.

2. Utilize data analysis tools to ingest (extract, transform, and load) and process data into relevant information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:262 (February 2025).

§709. Inference and Models

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Analyze data for patterns and relationships.

2. Utilize data to create models, answer investigative questions, and make predictions.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Describe and evaluate the accuracy of a modeled system by comparing the generated results with observed data from the system the data represents.

2. Refine computational models based on data generated by the models.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Apply and evaluate data analysis techniques to identify patterns represented in complex systems.

2. Analyze patterns in data visualizations, then select a collection tool to test a hypothesis and communicate the relevant information to others.

3. Create a model utilizing data with the appropriate simulated variable to develop predictions for real-world phenomena.

4. Evaluate the impact of the variable and the model on the performance of a simulation to refine a hypothesis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:262 (February 2025).

Chapter 9. Algorithms and Programming

§901. Variables and Algorithms

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Create clearly named variable representing different data types and perform operations on the variables' values.
2. Create, use, and apply an algorithm to complete a task. Compare the results of algorithm usage trials and refine the algorithm.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Evaluate and use naming conventions for variable to accurately communicate the variables' meaning to other users and programmers.
2. Compare and contrast data constants and variables.
3. Evaluate algorithms in terms of efficiency, correctness, and clarity.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Explain what computer memory is and how variable are stored and retrieved.
2. Assess variables, then classify the scope and type of variable.
3. Design algorithms that can be adapted to express an idea or solve a problem.
4. Use and adapt classical algorithms to solve computational problems.
5. Identify and explain how a derived data type can be utilized in a real-world scenario.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:263 (February 2025).

§903. Control Structures

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Define what a control structure is and create programs that include sequences, conditional, events, and loops.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Explain the functions of various control structures. Compare and contrast examples of control structure types.
2. Design and iteratively develop programs that combine control structures into advanced control structures.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Justify the selection of control structures to balance implementation complexity, maintainability, and program performance.
2. Design and iteratively develop computational artifacts using events to initiate instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:263 (February 2025).

§905. Modularity

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Define and apply decomposition to a complex problem in order to create smaller subproblems that can be solved through step-by-step instructions.

2. Modify, remix, or incorporate parts of an existing problem's solution to develop something new or add more advanced features to a program.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Decompose problems to facilitate program design, implementation, and review.
2. Create procedures with parameters to organize code and promote reusability.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Decompose problems into smaller components using constructs such as procedures, modules, and/or objects.
2. Create computational artifacts using procedures within a program, combinations of data and procedures, or independent but interrelated programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:263 (February 2025).

§907. Program Development

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Create a simple program to achieve a goal with expected outcomes.
2. Test and debug a program or algorithm to ensure the program produces the intended outcomes.
3. Collaborate with a team of peers to design, implement, test, and review the stages of program development.

4. Describe and justify the steps taken and choices made during a program's development.

5. Using an iterative process, test a program step-by-step and document areas of refinement.

6. Identify intellectual property rights and apply the appropriate attribution when creating or remixing programs.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Seek and incorporate feedback from peers to employ user-centered design solutions.

2. Incorporate existing resources into original programs and give the proper attributions.

3. Systematically test, document outcomes, and refine programs using a range of test cases.

4. Develop computational artifacts by working as a team, distributing tasks, and maintaining an iterative project timeline.

5. Use applicable industry practices to test, debug, document, and peer review code.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Design and develop programs by working in team roles using version control systems, integrated development environments (IDEs), and collaborative tools and practices.

2. Use a standard library and/or application programming interface (API) to create reusable code components to design simple programs and enhance existing programs.

3. Utilize the Software Development Life Cycle (SDLC) to create software that is a minimum viable product.

4. Iteratively evaluate and modify an existing program to add functionality and discuss intended and unintended implications.

5. Develop and utilize test cases to verify that a program performs according to the program's design specifications.

6. Apply the appropriate documentation techniques to make programs more accessible to debug and to be maintained by others.

7. Evaluate licenses that limit or restrict the use of computational artifacts when utilizing resources such as libraries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:263 (February 2025).

Chapter 11. Impacts of Computing

§1101. Intellectual Achievements

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Describe how computing has changed the ways people live and work.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Identify foundational computational advancements through the use of technology innovation cycle.

2. Plan and devise new ideas and solutions for problems with inspiration from previous discoveries in computational knowledge.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Analyze the key milestones of computer science, historical events influenced by computer science, and the people connected to these achievements.

2. Explain how innovations in computer science and technology enable advancements in other fields of study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:264 (February 2025).

§1103. Social Interaction

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Identify examples of cyberbullying with age-appropriate responses.

2. Identify and describe examples of appropriate versus inappropriate computer communications.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Analyze communication technologies and then describe how the technology's use influences individuals and society.

2. Generate designs that increase the accessibility and usability of technology for various groups of users.

3. Develop and propose norms for informal versus formal online communications.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Describe how cyberspace is becoming a universal medium for connecting humans, the economy, business, and computing.

2. Evaluate the adoption and adaptation of social norms from the physical world to the cyber world.

3. Describe and critique how algorithmic feedback loops can shape perceptions, reinforce a limited data set, and limit the sources of information that may inform the individual user.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:264 (February 2025).

§1105. Laws, Safety, and Industry Practices

A. Grade Band: K-5. By the end of fifth grade, students will:

1. Describe the safe versus unsafe uses of computing systems at age-appropriate levels.

2. Explain how the school and school system's computing rules and policies keep students safe.

3. Explain how online actions have real-world consequences and that laws and rules may also apply online.

B. Grade Band: 6-8. By the end of eighth grade, students will:

1. Recommend and propose computing-use guidelines to maintain a user's personal safety, privacy, and well-being.

2. Identify applicable laws that impact personal, industry, or business computing practices.

3. Describe and categorize factors that affect user's access to computing resources locally, nationally, and globally.

C. Grade Band: 9-12. By the end of twelfth grade, students will:

1. Describe and analyze the motive of online threat actors to a user's personal safety, privacy, and well-being.

2. Explain how the interconnectedness of cyberspace can lead to physical and digital vulnerabilities.

3. Compare and contrast the varied approaches used to govern data as intellectual property, control information access, and provide guidance to users.

4. Debate laws and industry regulations that impact the development and use of computational artifacts.

5. Debate the ethical consideration of creating and publishing computational artifacts.

6. Analyze the data provenance of computational artifacts.

7. Explain how individuals and organizations can exert influence on personal and societal perceptions and practices through computing technologies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:264 (February 2025).

Tavares A. Walker
Executive Director

2502#024

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Field Testing
(LAC 28:XI.7501)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education

(BESE) has amended LAC 28:XI in *Bulletin 118—Statewide Assessment Standards and Practices*. These revisions remove the wording specifying LEAP, which now refers to a specific assessment program. When initially adopted, the wording was meant to cover all testing. LEAP later became a word used to describe a particular set of tests rather than all state assessments. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment. Schools selected for any of the Louisiana field tests must participate. This ensures the test data are representative of the state's student population for the grade level being assessed. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

**Subpart 3. Bulletin 118—Statewide Assessment
Standards and Practices**

Chapter 75. Field Testing

§7501. General Provisions

[Formerly LAC 28:CXL.2501]

A. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment.

1. - 3. Repealed.

B. Field tests are conducted annually in designated content areas.

C. - C.2.f.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1557 (July 2005), amended LR 32:239 (February 2006), LR 34:1353 (July 2008), LR 40:2515 (December 2014), LR 44:476 (March 2018), LR 47:568 (May 2021), LR 51:265 (February 2025).

Tavares A. Walker
Executive Director

2502#025

RULE

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
Student Enrollment
(LAC 28:CXXXIX.2713)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CXXXIX in *Bulletin 126—Charter Schools*. Act 659 of the 2024 Regular Legislative Session revised requirements that charter schools meet a certain threshold with respect to the number of students with exceptionalities and economically disadvantaged students compared with total student enrollment. At the August 2024 Board of Elementary and Secondary Education (BESE) meeting, the board approved revisions to policy contained in *Bulletin 126—Charter Schools*, in response to Act 659. These revisions further clarify that policy. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CXXXIX. Bulletin 126—Charter Schools
Chapter 27. Charter School Recruitment and
Enrollment**

§2713. Required Student Enrollment Percentages

A. - E.2. ...

F. The department shall perform all calculations necessary to implement this Section and shall develop procedures for annually determining whether each charter school has complied with the application and enrollment transparency requirements of this Section.

G. - I. ...

J. Each charter school authorizer shall maintain procedures for investigating alleged noncompliance with Subsection 2107(I) of this Part by any charter school operating under its authority. The requirements of this Subsection may be satisfied through existing procedures, such as those required under state or federal anti-discrimination provisions. Each charter school authorizer shall submit copies of the procedures required by this Subsection to the LDOE no later than May 31 of each year.

1. The LDOE shall develop guidance for charter authorizers regarding the implementation of the procedures and steps authorizers shall take in response to a charter school's failure to meet the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 40:1325 (July 2014), LR 42:550 (April 2016), LR 43:310 (February 2017), LR 43:2478 (December 2017), LR 51: (January 2025), LR 51:265 (February 2025).

Tavares A. Walker
Executive Director

2502#030

RULE

Board of Elementary and Secondary Education

Bulletin 132—Louisiana Course Choice Program
(LAC 28:CLI.Chapter 1, 303, Chapter 5,
701, 703, 901, 1101, and 1301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CLI in *Bulletin 132—Louisiana Course Choice Program*. The revisions are in response to Act 91 of the 2024 Regular Legislative Session. Revisions provide that each local education agency (LEA) shall make available to all students and parents during the annual course enrollment process for the school system the course catalog as provided by the LDOE and derived from a list of course providers approved by BESE. Further, if the allocated funds are insufficient to fund all students who seek to enroll in a course under this program, students shall be prioritized as outlined. Additionally, a student shall not be permitted to enroll in a course where a

determination was made by the school counselor of the school that the course is not academically appropriate considering the student's chosen graduation pathway or conflicts with the LDOE published planning resources. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CLI. Bulletin 132—Louisiana Course Choice
Program**

Chapter 1. General Provisions

§101. Purpose, Scope, and Effect

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), repealed LR 51:266 (February 2025).

§103. Definitions

Academically Appropriate—coursework that aligns with the educational goals and interests as established during the student's Individual Graduation Planning.

* * *

Eligible Funded Student—any student who resides in Louisiana and is attending a Louisiana public elementary or secondary school.

1. - 2. Repealed.

Eligible Participating Student—any student who resides in Louisiana and meets one of the following criteria:

1. - 3. ...

Supplemental Course Allocation—shall provide for the cost of secondary course choices specifically approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), amended LR 40:2518 (December 2014), LR 51:266 (February 2025).

§105. Purpose of Course Choice Program

A. The Course Choice Program was enacted by the Louisiana Legislature so that all Louisiana school children have access to the type and format of education that best meets the needs of the individual student and to include parental choice in the best interest of their child. Each student has different needs that merit a variety of course choices on the individual student level, and that the state has the right, responsibility, duty and obligation to accomplish the objective of a quality, individualized education for all Louisiana children.

B. Course providers can offer a quality, individualized education to students, and it is in the public interest to offer students the means of accessing the educational opportunities offered by course providers by providing students instruction that is funded through public funds allocated to school systems from local and state sources to enroll in such courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.4002.2-4002.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3124 (December 2012), amended LR 51:266 (February 2025).

**Chapter 3. Course Choice Authorizers
§303. BESE Duties Relating to Course Choice
Program**

A. - A.3. ...

4. alignment of the courses offered by the course provider with any type of approved Louisiana diploma;

a. - a.i. ...

ii. career and technical education (CTE) course offerings, including internships and Registered Apprenticeships, that tie directly to current and future workforce needs of Louisiana as defined by the Louisiana Workforce Commission in its most recent jobs forecast and lead to industry-based certifications; and

iii. early access to college credit course offerings;

A.5. - C.1. ...

D. BESE shall provide a reciprocal instructor certification process for instructors who reside in other states but who are employed by authorized course providers and teach virtual education courses to satisfy the state certification requirements pursuant to R.S. 17:7.1.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 4002.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014), LR 51:266 (February 2025).

Chapter 5. Course Providers

§501. General Provisions

A. - D. ...

E. All Course Choice Program providers will adhere to the uniform grading policy established in LAC 28: CXV.2302 (*Bulletin 741*). Business and industry providers will provide credits for students seeking to obtain the career diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:184, and R.S. 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3125 (December 2012), amended LR 40:2518 (December 2014), LR 51:266 (February 2025).

§503. Course Provider Curriculum

A. ...

1. support the state content standards and CTE course guidelines as applicable;

2. - 4. ...

5. ensure that all courses offered for dual enrollment postsecondary credit meet the standards and grade-level expectations of the high school course for which the student is receiving credit and meet the standards for college credit as established by the Louisiana Board of Regents.

B. For all providers that offer courses which require a review in accordance with LAC 28: CXV.1703 (*Bulletin 741*), the provider shall complete the LDOE process completely before the submission of a course to the Course Choice catalog for student enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7, R.S. 17:24.4, and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:266 (February 2025).

§505. Course Provider Instructional Staff

A. - A.3. ...

4. Repealed.

B. No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall be allowed to instruct/interact with students as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent employee of any kind, including any person employed to provide cafeteria, transportation, or janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services.

1. - 2. Repealed.

C. ...

D. Failure to meet all requirements can result in probation or termination of the course provider for participation in the Course Choice Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:15, R.S. 17:7, R.S. 17:1, and R.S. 17:4002.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:267 (February 2025).

§507. Online Course Providers

A. The LDOE shall determine the appropriate standards for online education, and the online provider shall comply with the standards.

B. The course provider will ensure that all instructors are evaluated.

C. Repealed.

D. The course provider must have an acceptable use policy for technology in accordance with R.S. 17:100.7.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:267 (February 2025).

Chapter 7. Local Educational Authority Duties

§701. Local Educational Authority (LEA) Duties

A. Each LEA shall establish policies and procedures whereby each eligible funded student enrolls in a course in this program, and which shall also provide for the following:

1. Consultation with a designated school system staff member and obtaining written permission from a parent or guardian. A student shall not be permitted to enroll in a course where a determination was made by the school counselor of the school that the course is not academically appropriate considering the student's chosen graduation pathway or conflicts with the LDOE published planning resources.

2. Credits earned through the course provider shall appear on each such student's official transcript and count fully towards the requirements of any approved Louisiana diploma.

3. ...

4. All services to which each student would be entitled if attending the school in which he is enrolled full time for all courses, including but not limited to special education services pursuant to the student's individual education plan, shall be provided.

5. Each LEA that provides transportation for students within their jurisdiction shall also provide students participating in course choice transportation services within the same jurisdiction during normal school business hours.

6. Advise the student and his parent or legal guardian as part of the development and annual review of the student's IGP prior to academic scheduling for the upcoming school year.

B. Each LEA shall make available to all students during the annual course enrollment process for the school system the course catalog as provided by the LDOE and derived from a list of course providers approved by BESE. If the allocated funds are insufficient to fund all students who seek to enroll in a course under this program, students shall be prioritized in the following order:

1. seniors who require a course in order to graduate or student access to TOPS aligned courses not available through the school or school system;

2. students enrolling in courses required to complete an associate degree in a Fast Forward pathway or a certificate of technical studies aligned to high wage, high demand jobs or work-based learning;

3. students seeking access to TOPS aligned college credit;

4. students enrolled in a Comprehensive Intervention Required (CIR) or Urgent Intervention Required for Academics (UIR-A) schools;

5. access to high quality academic content aligned to graduation requirements or access to high quality career and technical content aligned to the Louisiana IBC state focus list which can be offered as recovery credit;

6. students seeking coursework to increase a student score on a nationally recognized assessment as defined in LAC 28:XI. 1711 (*Bulletin III*);

7. other priorities defined by the school system, approved by LDOE, and included in the LEAs pupil progression plan prior to the student enrollment process.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3126 (December 2012), amended LR 40:2519 (December 2014), LR 51:267 (February 2025).

§703. Local Education Authority Procedures for Student Enrollment

A. Each public school governing authority shall establish policies and procedures which shall require that prior to an eligible funded student enrolling in a course, the student and the parent or legal guardian shall be advised, as part of the development and annual review of the student's IGP, of whether a requested course is academically appropriate for the student.

B. - B.5. ...

C. Each local public school system shall make available to all students and parents during the annual course enrollment process for the school system the course catalog as provided by LDOE and derived from a list of course providers approved by BESE.

D. All schools must exercise flexibility in scheduling to accommodate course choice options.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S.17: 4002.5.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 51:267 (February 2025).

Chapter 9. Parental/Guardian Duties

§901. Parental/Guardian Duties

A. - B. ...

C. If a student is taking an online course through the Course Choice Program and elects to take the course off campus, the parent/guardian must:

1. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17: 4002.2-4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 51:268 (February 2025).

Chapter 11. Course Choice Program Funding

§1101. Program Funding

A. - C. ...

1. For private providers, fifty percent of the course amount or tuition to be paid to the course provider shall be paid upon student enrollment in a course and fifty percent shall be paid upon course completion according to the published course length.

2. - 2.a...

b. LEA allocated funds that are not committed for use by the school system or other public school shall be subject to reallocation to another public school system or other public school for the purposes of this program.

3. For public higher education providers, the course amount or tuition to be paid to the course provider shall be paid upon student enrollment in a course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3127 (December 2012), amended LR 40:2520 (December 2014), LR 51:268 (February 2025).

Chapter 13. Provider Evaluation

§1301. Provider Evaluation

A. - A.3. ...

a. academic achievement—course providers demonstrate and sustain a proven track record of student success on exams, including, but not limited to, LEAP and early college credit;

b. - c. ...

4. Providers must show positive student academic and/or technical gain with proven assessment methods for each type of course offering.

a. Core Academic—standard Louisiana approved end-of-course exams (EOC), or, if available, other EOC exams tied to applicable Louisiana-approved course guidelines.

b. Career and Technical Courses—IBCs recognized by the Louisiana Workforce Commission.

c. College Credit—dual enrollment credit of C or better, score of 3 or higher on AP exam, score of 4 or higher on IB exam, or minimum score recognized by the Louisiana Board of Regents flagship on the CLEP exam.

d. Test Prep Courses—used to help increase scores in ACT, SAT, WorkKeys, ASVAB, or CLT exams.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17:4002.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3128 (December 2012), amended LR 40:2520 (December 2014), LR 51:268 (February 2025).

Tavares A. Walker
Executive Director

2502#029

RULE

Board of Elementary and Secondary Education

Bulletin 133—Scholarship Programs
LA GATOR Scholarship Program Phases
(LAC 28:CLIII.1506)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CLIII in Bulletin 133—*Scholarship Programs*. Act 1 of the 2024 Regular Legislative Session created the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program to provide educational saving accounts for parental choice in K-12 education. At the August 2024 Board of Elementary and Secondary Education (BESE) meeting, the board approved, as a Notice of Intent, policy revisions to establish the LA GATOR Program. The updates to *Bulletin 133—Scholarship Programs* further expand the program to include regulations specific to phase 2 and phase 3 implementation. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part CLIII. Bulletin 133—Scholarship Programs

Chapter 15. Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program §1506. Phase 2 and Phase 3 Implementation

A. In the initial phase of program implementation, student eligibility shall be determined in accordance with §1505 of this Chapter. Upon legislative appropriation of funds sufficient to provide for program participation of all students eligible according to phase 1 criteria, additional applications shall be accepted from students meeting phase 2 eligibility criteria according to this Section. Should sufficient funds exist after all students eligible according to phase 2 criteria have been granted participation, additional applications shall be accepted from students meeting phase 3 eligibility criteria according to this Section.

B. In Phase 2, for a student to be eligible for an ESA, the student must be a resident of Louisiana and meet at least one of the following:

a. The student is entering kindergarten.

b. The student was enrolled in a public school for the previous school year.

c. The student is from a family with a total income at or below four hundred percent of the federal poverty guidelines.

C. In Phase 3, for a student to be eligible for an ESA, the student must be a resident of Louisiana.

D. To be considered for participation, an applicant must submit an application according to a process and timeline outlined by the LDOE and provide information as required by the LDOE.

E. An applicant must attest to and agree with, at a minimum, the following:

1. The applicant has full authority to make this application for the prospective participating student and to attest to and take all of the actions herein listed;

2. The applicant will provide for the education of the participating student in at least the subjects of English language arts (ELA), mathematics, social studies, and science;

3. The applicant will use account funds only for qualified education expenses of the participating student;

4. The applicant will ensure the provision of an education for the participating student that satisfies the compulsory school attendance requirement. Each participating student who fails to comply with the attendance requirements shall be reported to the state director of child welfare and attendance by the participating nonpublic school or service provider and shall be subject to the provisions of R.S. 17:233 which may include referral to juvenile or family court;

5. The applicant agrees that the student will participate in student assessments as required by BESE policy including arranging transportation to and from the testing location;

6. The applicant agrees to comply with the acceptable uses of ESA funds and all responsibilities as the account holder;

7. The applicant agrees to comply with all statutory and regulatory program requirements;

8. The applicant agrees to immediately disenroll from the LA GATOR program upon enrollment in a public school, home study program, Course Choice Program, or School Choice Program for Certain Students with Exceptionalities;

9. The applicant agrees that the student shall not participate concurrently with a home study program approved by BESE or a home study program registered with LDOE as a nonpublic school not seeking state approval, the Course Choice Program, or the School Choice Program for Certain Students with Exceptionalities;

10. The applicant agrees to share the participating student's personally identifiable, assessment, performance, and attendance information with the LDOE to be used to monitor program effectiveness and for other purposes consistent with state law and policy.

F. In Phase 2 implementation, if allocated funds are insufficient to fund all students eligible for LA GATOR Program participation, an award process shall be established by the LDOE as follows:

1. Students shall be prioritized for participation in the following order:

a. students currently participating in the Louisiana Scholarship Program or the LA GATOR Program;

b. students entering kindergarten;

c. students enrolled in a public school for the previous school year;

d. students from a family with a total income at or below two hundred fifty percent of the federal poverty guidelines and students identified as having a disability under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401;

e. students from a family with a total income at or below four hundred percent of the federal poverty guidelines;

f. siblings of students currently participating in the LA GATOR Program;

g. other eligible students.

2. Eligible students for whom funding is not available will be placed on a waiting list according to the prioritization criteria in this Subsection.

3. Students placed on a waiting list will be notified of their status and initial position on the waiting list.

G. In Phase 3 implementation, if allocated funds are insufficient to fund all students eligible for LA GATOR Program participation, an award process shall be established by the LDOE as follows:

1. Students shall be prioritized for participation in the following order:

a. students currently participating in the Louisiana Scholarship Program or the LA GATOR Program;

b. students from a family with a total income at or below two hundred fifty percent of the federal poverty guidelines and students identified as having a disability under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1401;

c. students from a family with a total income at or below four hundred percent of the federal poverty guidelines;

d. siblings of students currently participating in the LA GATOR Program;

e. other eligible students.

2. Eligible students for whom funding is not available will be placed on a waiting list according to the prioritization criteria in this Subsection.

3. Students placed on a waiting list will be notified of their status and initial position on the waiting list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:4037.2; R.S. 17:4037.5; and R.S. 17:4037.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:268 (February 2025).

Tavares A. Walker
Executive Director

2502#022

RULE

Board of Elementary and Secondary Education

Bulletin 1903—Louisiana Handbook for Students with
Dyslexia—Dyslexia Screening and Assessment
(LAC 28:XXXV.110)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:XXXV in *Bulletin 1903—Louisiana Handbook for Students with Dyslexia*. Act

517 of the 2024 Regular Legislative Session requires the promulgation of rules regarding kindergarten dyslexia screening and core assessment, parent notification, and reimbursement criteria. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part XXXV. Bulletin 1903—Louisiana Handbook for
Students with Dyslexia**

Chapter 1. General Provisions

§110. Core Assessment Requirements

A. If the results of dyslexia screening pursuant to §109 of this Chapter indicate that a student is at risk for dyslexia, the parent or legal guardian shall be notified within thirty days of the results of the screening, and, if requested by the parent or legal guardian and subject to funding, a core assessment for the diagnosis of dyslexia shall be administered.

1. A parent or legal guardian may only make one request per academic year.

2. If the parent or legal guardian requests the LEA to conduct the core assessment, the LEA must complete the core assessment within 30 business days.

B. The parent may select either the LEA or a vendor or professional approved by the LDOE to administer the core assessment. The administrator of the core assessment, in order to determine whether the student has dyslexia, shall determine through history, observation, and psychometric assessment if there are unexpected difficulties in reading and associated linguistic problems at the level of phonological processing that are unrelated to the student's intelligence, age, and grade level. The core assessment shall not be based on a single test score or specific number of characteristics and shall include all of the following:

1. tests of language, particularly phonemic assessment, real words, and pseudo words, oral reading fluency, and intellectual ability;

2. an academic performance review; and

3. an interview with the student's parent or legal guardian.

C. Vendors and professionals who administer and interpret the core assessments must meet qualifications set forth by the assessment publisher and be trained in administering the assessment, and may include a licensed psychologist, certified school psychologist, licensed certified speech-language pathologist, certified educational diagnostician, clinical psychologists, neuropsychologists, and/or certified academic language therapist. Core assessment publishers determine professionals trained to interpret the assessments.

D. The LDOE shall provide reimbursement for the cost of the assessment, subject to the availability of funding designated for this purpose and in alignment with applicable Louisiana statute and BESE policy.

1. Entities seeking reimbursement for the cost of core assessment must submit a request for reimbursement to the LDOE according to the procedures established for this purpose.

2. The amount of reimbursement provided shall not exceed \$500 per eligible student request, per academic year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(11), R.S. 17:24.9, R.S. 17:392.1, 17:392.3, and 17:392.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:270 (February 2025).

Tavares A. Walker
Executive Director

2502#028

RULE

Board of Elementary and Secondary Education

Communication Pathways
(LAC 28:CXV.303 and LAC 28:CXXXIX.2103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CXV in Bulletin 741—*Louisiana Handbook for School Administrators* and LAC 28:CXXXIX in Bulletin 126—*Charter Schools*. The changes establish a communication pathway for electronic delivery of information regarding key priorities and initiatives directly to each member of a local school board and to each local education agency (LEA). This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for
School Administrators**

Chapter 3. Operation and Administration

**§303. General Powers of Local Educational Governing
Authorities**

A. - M. ...

N. In a timely manner following each meeting of BESE, LDOE staff shall electronically disseminate any presentations regarding key priorities and initiatives of the LDOE directly to each member of a local school board and to each LEA. The LDOE may include additional relevant information as determined necessary. Each board member shall ensure that an accurate email address is on file with the LDOE for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:53, R.S. 17:54, R.S. 17:81, 17:81.2, and 17:81.4-8, R.S. 17:100.2, and R.S. 17:151.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1257 (June 2005), amended LR 35:1474 (August 2009), LR 35:1876 (September 2009), LR 37:1136 (April 2011), LR 39:2195 (August 2013), LR 51:62 (January 2025), LR 51:270 (February 2025).

**Title 28
EDUCATION**

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 21. Charter School Governance

§2103. Board Member Responsibilities

A. - I. ...

J. In a timely manner following each meeting of BESE, LDOE staff shall electronically disseminate any presentations regarding key priorities and initiatives of the LDOE directly to each member of a charter board. The LDOE may include additional relevant information as determined necessary. Each board member shall ensure that an accurate email address is on file with the LDOE for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:657 (May 2024), LR 51:270 (February 2025).

Tavares A. Walker
Executive Director

2502#027

RULE

Board of Elementary and Secondary Education

Educator Credentials

(LAC 28:XLV.103, 105, 303, Chapter 7, and 1301, LAC 28:CXXXI.101, Chapter 3, Chapter 5, Chapter 13, and Chapter 15, LAC 28:CXXXVII.101, Chapter 3, and 501, and LAC 28:CXLVI.101, Chapter 3, and Chapter 5)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:XLV. *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*, LAC 28:CXXXI. *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, LAC 28:CXXXVII. *Bulletin 125—Standards for Educational Leaders in Louisiana*, and LAC 28:CXLVI. *Bulletin 146—Louisiana Competencies and Standards for Teachers and Educational Leaders*. The revisions repeal outdated standards, adopt a new title to combine all competencies into one bulletin and update educational leader competencies to align with the new leader evaluation rubric. Further revisions repeal teacher competencies, adopt a computer science certification pathway, align other certification pathways, and make technical edits. Further revisions include reorganization, technical edits, and policy alignment. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 1. Introduction

§103. Definitions

Accredited (formerly *regionally accredited*)—a term used to denote the status of public recognition that a nationally recognized accrediting agency grants to an educational institution or program that meets the agency standards and requirements in accordance with 34 CFR 602. When used in this Part, regionally accredited shall be replaced with accredited in accordance with 34 CFR 602.

Alternative Teacher Preparation Program—a pathway for candidates with a minimum of a baccalaureate degree earned at an institution accredited in accordance with 34 CFR 602 which combines professional knowledge with field experiences, including a one-year supervised internship in a school setting. For admission to an alternative program, applicants must demonstrate content mastery.

Ancillary Certificate—a type of Louisiana certificate that allows a qualified person who is not a certified teacher to provide services in a school setting.

Associate Resident—a teacher of record who holds an associate degree, is enrolled in an undergraduate teacher preparation program, and who is in their residency year of the program.

Baccalaureate—a term used to denote an undergraduate degree or program such as bachelor of arts or bachelor of science.

CAEP Completer—a completer is referenced as a candidate who successfully satisfied all program requirements of a preparation program at least six months previously and who is employed in a position for which they were prepared for state licensure.

Certification—a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in the schools under the jurisdiction of BESE.

Cohort—a group of teacher candidates or program completers that entered or graduated from a teacher preparation program at the same time or shared common program experiences.

Completer—per LDOE and Title II standards, a completer is referenced as a teacher candidate who has successfully completed a traditional or alternative certification teacher preparation program.

Competencies—a set of learning outcomes teacher candidates must demonstrate to show mastery in general and content specific content areas.

Endorsement—a permanent certification, license, or credential added to an existing teaching certificate.

Equivalent Contact Hours—time spent with the instructor, time spent practicing or engaging in instruction, or a combination of both. One credit hour is equivalent to 15 contact hours.

Graduate—a term used to denote a degree, coursework, or program beyond the baccalaureate degree level such as masters of education or masters of arts in teaching.

Louisiana Employing Authority or Local Education Agency (LEA)—a BESE-approved school or other BESE-approved entity employing a Louisiana educator for the purposes of providing educational services to Louisiana students. The BESE-approved school or entity is responsible for the evaluation of educators and submission of certification requests in accordance with Louisiana law and BESE policy. These include Louisiana approved public, charter, and non-public schools, BESE-approved third party entities contracted to school systems, and BESE-approved early learning centers.

Mentor Teacher—a teacher who supports aspiring teachers participating in undergraduate and post-baccalaureate programs. Mentor teachers use a cycle of coaching focused on instructional decisions to meet the needs of all students. Mentors may co-teach with year-long residents or may support teachers without co-teaching. Mentors may also support new teachers or developing teachers in need of coaching, including teachers with an intensive assistance plan, in accordance with LAC 28:CXLVII (*Bulletin 130*).

Mentor Teacher Ancillary Certificate—a type of certificate that authorizes an individual to serve as a mentor for undergraduate or post-baccalaureate teacher residents.

Non-Education Baccalaureate Degree—a baccalaureate degree earned through an institution of higher education accredited in accordance with 34 CFR 602 that does not result in eligibility for teacher certification in the state in which the program is approved to operate.

Post-Baccalaureate Alternative Certification Program—a program offered prior to July 1, 2002, that provided opportunities for individuals with a minimum of a baccalaureate degree to become certified public school teachers. Applicants seeking certification under this program submitted an official transcript for evaluation to a Louisiana college or university with an approved teacher education program.

Practitioner—a candidate who serves as the teacher of record and is currently enrolled in an alternative certification program.

Resident Activities—any activity needed to meet or exceed policy requirements accomplished during the year-long residency period (i.e., lesson planning, developing IEP/IAP plans, analyzing student assessment results, etc.).

Residency Coursework—course or module requiring residency placement and activities; coincides with residency year/experience.

Residency Experience—encompasses all activities or expectations that occur during the year-long residency period (i.e., placement, meetings, school events, etc.).

Resident—an aspiring teacher in a traditional preparation program or alternative certification program who is not serving as the teacher of record and who is in their residency year of the program.

Traditional Teacher Preparation Program—a bachelor of arts or bachelor of science degree program that includes general education courses, certification focus area(s), professional education courses, field experiences, and student teaching/residency in a school setting.

Undergraduate—a term used to denote a degree, coursework, or program at the baccalaureate degree level such as a bachelor of art or bachelor of science.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:272 (February 2025).

§105. Acronyms

A. Listed below are the full identifications of acronyms used in this publication.

BESE—Board of Elementary and Secondary Education.

BOR—Board of Regents.

CAEP—Council for Accreditation of Educator Preparation.

CCSS—Common Core State Standards.

CDA—Child Development Associates credential.

CHEA—Council for Higher Education.

ECAC—Early Childhood Ancillary Certificate.

IEP—individualized education plan.

K-12—kindergarten through twelfth grade.

LDOE—Louisiana Department of Education.

LEAP 21—Louisiana Educational Assessment Program for the 21st century.

LSDAS—Louisiana School and District Accountability System.

NCATE—National Council for the Accreditation of Teacher Education.

PK-3—pre-kindergarten through third grade.

PK-12—pre-kindergarten through twelfth grade.

TEAC—Teacher Education Accreditation Council.

USDOE—U.S. Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:271 (February 2025).

Chapter 3. Initial State Approval for Teacher or Educational Leader Preparation Programs

§303. Initial Approval [Formerly §203]

A. - C.2. ...

a. develop and assess candidate mastery of applicable literacy competencies, which are found in LAC 28:CXLVI (*Bulletin 146*);

C.2.b. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:228 (February 2019), LR 45:902 (July 2019), repromulgated LR 46:892 (July 2020), amended LR 48:1757 (July 2022), LR 50:675 (May 2024), LR 51:272 (February 2025).

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter A. Teacher Preparation Programs

§741. Introduction

A. ...

B. Current approved preparation providers must demonstrate alignment of approved traditional and alternative programs to the program requirements described in this subchapter and be approved by BESE before July 1, 2018. Providers shall seek approval by submitting assurances or, if seeking to offer an innovative model as described in §743 of this bulletin, by submitting an innovative design application. The LDOE shall publish the assurances and the innovative design application on the LDOE website.

C. After July 1, 2018, teacher candidates shall be admitted only to traditional and alternative teacher preparation programs that meet the requirements described in this Subchapter.

D. The following are deadline dates for program completion for approved teacher preparation programs approved prior to October 1, 2016:

1. August 31, 2021 is the last date for candidates enrolled in approved alternative teacher preparation programs that were approved prior to October 1, 2016 to complete programs.

2. August 31, 2022 is the last date for candidates enrolled in traditional teacher preparation programs approved prior to October 1, 2016 to complete those programs.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 51:272 (February 2025).

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. - A.1.a. ...

i. develop and assess candidate mastery of applicable literacy competencies, which are found in LAC 28:CXLVI (*Bulletin 146*);

A.1.ii. - 6. ...

7. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study.

B. The program shall sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies codified in LAC 28:CXLVI (*Bulletin 146*) through a combination of general education, content area, and teaching coursework, assessments, and related practice experiences.

1. - 2. ...

C. Programs shall include the following practice experiences, which directly align with and sequentially develop the competencies identified in LAC 28:CXLVI (*Bulletin 146*):

C.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411, and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), repromulgated LR 49:851 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:273 (February 2025).

§745. Minimum Requirements for Alternative Teacher Preparation Programs

A. An alternate teacher preparation program is a program that includes a minimum number of credit or contact hours of coursework or training and required practice experiences. There are three types of alternative teacher preparation programs.

A.1. - B.1.a. ...

i. develop and assess candidate mastery of applicable literacy competencies, which are found in LAC 28:CXLVI (*Bulletin 146*); and

B.1.a.ii. - 6. ...

7. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study.

C. The program shall sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies codified in LAC 28:CXLVI (*Bulletin 146*) through a combination of coursework, assessments, and related practice experiences.

D. Programs must include the following practice experiences, which directly align with and sequentially

develop the competencies identified in LAC 28:CXLVI (*Bulletin 146*).

D.1. - E.3. ...

F. To be admitted into an alternative teacher preparation program, candidates must meet the following requirements:

1. possess a non-education baccalaureate degree from an institution accredited in accordance with 34 CFR 602;

2. - 4.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411; and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751 (December 2019), LR 46:324 (March 2020), LR 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), LR 49:256 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:273 (February 2025).

Subchapter B. Alternate Educational Leader Preparation Programs

§747. Educational Leader Practitioner (Residency) Program

A. State-approved non-university providers and Louisiana colleges or universities may choose to offer an educational leader practitioner (residency) program for certifying successful candidates for educational leader, level 1 certification. Two additional alternative paths are available to individuals seeking an educational leader certificate level 1; see LAC 28:CXXXI.Chapter 15 (*Bulletin 746*), for paths 1 and 2. Educational leader practitioner program providers must submit a program proposal to the Louisiana Department of Education. Programs will be reviewed for adherence to program requirements, and may be recommended to BESE for approval status.

1. ...

a. possess a baccalaureate degree from an institution accredited in accordance with 34 CFR 602;

A.1.b. - 10. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1333 (July 2017), amended LR 45:229 (February 2019), amended LR 50:679 (May 2024), LR 51:273 (February 2025).

§749. Minimum Requirements for Early Childhood Ancillary Certificate Programs

A. - B. ...

C. The program must sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies in accordance with LAC 28:CXLVI (*Bulletin 146*), through a combination of coursework, assessments, and related practice experiences.

D. Programs must include the following practice experiences, which directly align with and sequentially develop the competencies identified in LAC 28:CXLVI (*Bulletin 146*):

D.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:903 (July 2019), amended LR 48:1092 (April 2022), LR 51:273 (February 2025).

Chapter 13. Identifications of Acronyms

§1301. Acronyms

[Formerly §601]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 17:7(6), and R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002), amended LR 30:2459 (November 2004), LR 35:2331 (November 2009), LR 36:754 (April 2010), LR 37:566 (February 2011), LR 40:1002 (May 2014), LR 48:1092 (April 2022), repealed LR 51:274 (February 2025).

Title 28

EDUCATION

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

Chapter 1. Introduction

§101. Purpose

A. Certification is a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in K-12 schools and early learning centers under the jurisdiction of the Board of Elementary and Secondary Education (BESE).

B. Repealed.

C. Revisions to certification policy adopted by BESE will include specified implementation dates. Revisions to Praxis exams will allow for a 12-month transition period from the date of adoption by BESE. Additionally:

C.1. - D.

E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:8.1-8.9 and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1782 (October 2006), amended LR 43:1290 (July 2017), LR 46:17 (January 2020), LR 48:414 (March 2022), repromulgated LR 48:1014 (April 2022), amended LR 51:274 (February 2025).

Chapter 3. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§301. Overview

A. ...

B. Repealed.

C. - C.1. ...

D. - I.5.b. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902 and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), LR 48:415 (March 2022), repromulgated LR 48:1017 (April 2022), repromulgated LR 49:2094 (December 2023), amended LR 51:274 (February 2025).

Subchapter B. Testing Required for Certification

§303. Certification Exams and Scores

A. - C.2. ...

3. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

D. - D.1.c.iv. ...

2. Effective 1/1/24, Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

D.3. - E.1.c.iv. ...

2. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

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

i. English Language, Literature, and Composition: Content Knowledge (0041 or 5041), effective 9/1/99 to 7/20/13, score 160; and English Language, Literature, and Composition: Pedagogy (0043), effective 9/1/99 to 7/20/13, score 130;

ii. ...

iii. English Language Arts: Content and Analysis (5039), effective 1/1/14, score 168.

G.1.e. -I.2. ...

J. Content Add-on Certification Areas

1. - 1.b....

c. K-5 Computer Science and STEM. STEM for Elementary Grades (5036), effective 1/1/25, score 154.

K. - M.1.c....

d. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

2. - 2.a....

b. Deaf and Hard of Hearing Pedagogy exam in accordance with §303.B.3 of this Section;

c. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

3. - 3.b....

c. Integrated to Merged program completers: Principles of Learning and Teaching appropriate to grade level K-6, 5-9, or 7-12;

d. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

4. - 4.a....

b. Significant Disabilities Pedagogy exam in accordance with §303.B.5;

c. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

5. - 5.a....

b. Visual Impairments/Blind Pedagogy exams in accordance with §303.B.6;

c. Teaching of Reading: Elementary or Elementary Teaching Reading Language Arts Subtest in accordance with Subsection O of this Section.

N. - P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:3902, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023), amended LR 50:21 (January 2024), repromulgated LR 50:173 (February 2024), amended LR 50:659 (May 2024), LR 50:1448 (October 2024), LR 51:274 (February 2025).

§305. Minimum Requirements for Approved Regular Education Programs for Birth to Kindergarten

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:407.81, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July 2017), LR 44:745 (April 2018), LR 45:525 (April 2019), LR 45:1458 (October 2019), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1375 (October 2020), amended LR 48:421 (March 2022), repromulgated LR 48:1022 (April 2022), repromulgated LR 49:2099 (December 2023), repealed LR 51:274 (February 2025).

Subchapter C. General Teacher Competencies

§307. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, and R.S. 17:8.1-8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1798 (October 2006), amended LR 37:559 (February 2011), LR 38:3136 (December 2012), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020), amended LR 48:421 (March 2022), repromulgated LR 48:1023 (April 2022), repealed LR 51:275 (February 2025).

§309. General Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, R.S. 17:24.9, and R.S. 17:8.1-8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 35:894 (May 2009), LR 37:559 (February 2011), LR 37:882 (March 2011), LR 40:280 (February 2014), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:1376 (October 2020), LR 48:421 (March 2022), repromulgated LR 48:1023 (April 2022), LR: 48:1755 (July 2022), repealed LR 51:275 (February 2025).

Subchapter D. Special Education Teacher Competencies

§311. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 33:1618 (August 2007), LR 34:233 (February 2008), LR 35:642 (April 2009), LR 36:486 (March 2010), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 44:745 (April 2018), LR 44:2133 (December 2018), LR 45:1459 (October 2019), amended LR 48:422 (March 2022), repromulgated LR 48:1023 (April 2022), repealed LR 51:275 (February 2025).

§313. Learning Environments

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 35:221 (February 2009), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:1376 (October 2020), amended LR 48:422 (March 2022), repromulgated LR 48:1023 (April 2022), repealed LR 51:275 (February 2025).

§315. Curriculum

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1801 (October 2006), amended LR 36:752 (April 2010), LR 37:559 (February 2011), LR 38:1952 (August 2012), LR 43:1309 (July 2017), LR 46:1377 (October 2020), amended LR 48:422 (March 2022), repromulgated LR 48:1024 (April 2022), repealed LR 51:275 (February 2025).

§317. Assessment

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2129 (October 2015), amended LR 48:423 (March 2022), repromulgated LR 48:1024 (April 2022), repealed LR 51:275 (February 2025).

§319. Instructional Planning

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:423 (March 2022), repromulgated LR 48:1025 (April 2022), repealed LR 51:275 (February 2025).

Subchapter E. English Language Arts and Literacy Teacher Competencies

§321. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017), amended LR 48:423 (March 2022), repromulgated LR 48:1025 (April 2022), repealed LR 51:275 (February 2025).

§323. Content Knowledge Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), amended LR 36:2547 (November 2010), LR 40:280 (February 2014), LR 44:2000 (November 2018), LR 45:1750 (December 2019), amended LR 48:423 (March 2022), repromulgated LR 48:1025 (April 2022), LR 48:1755 (July 2022), repealed LR 51:275 (February 2025).

§325. English Language Arts Content Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 33:2355 (November 2007), LR 35:1487 (August 2009), LR 43:1311 (July 2017), LR 46:1377 (October 2020), amended LR 48:424 (March 2022), repromulgated LR 48:1026 (April 2022), LR: 48:1756 (July 2022), repealed LR 51:275 (February 2025).

§327. Disciplinary Literacy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022), repealed LR 51:275 (February 2025).

Subchapter F. Mathematics Teacher Competencies

§329. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022), repealed LR 51:276 (February 2025).

§331. Content Knowledge Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:426 (March 2022), repromulgated LR 48:1028 (April 2022), LR 50:487 (April 2024), repealed LR 51:276 (February 2025).

§333. Content Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:427 (March 2022), repromulgated LR 48:1029 (April 2022), LR 50:488 (April 2024), repealed LR 51:276 (February 2025).

Subchapter G. Early Childhood Teacher Competencies

§335. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:428 (March 2022), repromulgated LR 48:1029 (April 2022), repealed LR 51:276 (February 2025).

§337. Early Childhood Pedagogy Competencies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:428 (March 2022), repromulgated 1030 (April 2022), repromulgated LR 48:1030 (April 2022), repealed LR 51:276 (February 2025).

Subchapter H. Other Certification Area Competencies

§339. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:428 (March 2022), repealed LR 51:276 (February 2025).

§341. Other Special Education Areas

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 41:917 (May 2015), LR 45:230 (February 2019), LR 46:1378 (October 2020), amended LR 48:428 (March 2022), repromulgated LR 48:1030 (April 2022), repealed LR 51:276 (February 2025).

§343. Middle Grades 4-8 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:762 (March 2012), LR 38:3136 (December 2012),

LR 45:1459 (October 2019), amended LR 48:429 (March 2022), repromulgated LR 48:1030 (April 2022), repealed LR 51:276 (February 2025).

§345. Secondary Grades 6-12 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:3136 (December 2012), LR 45:1459 (October 2019), LR 46:1378 (October 2020), amended LR 48:429 (March 2022), repromulgated LR 48:1031 (April 2022), repealed LR 51:276 (February 2025).

§347. All Levels K-12 Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:432 (March 2008), amended LR 34:1610 (August 2008), LR 38:3137 (December 2012), amended LR 48:429 (March 2022), repromulgated LR 48:1031 (April 2022), repealed LR 51:276 (February 2025).

Chapter 5. Teaching Credentials, Licenses and Certifications

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. - B. ...

1. Alternate preparation completers completing a one-year in-state residency as teacher of record must hold a practitioner's license (PL) in the certification area in which the teacher preparation program was completed and receive mentoring, as outlined in LAC 28:XLV.996, during the first year on a PL by a school-system based mentor teacher in accordance with §553 of this Chapter.

B.2. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), LR 50:24 (January 2024), LR 50:488 (April 2024), amended LR 50:660 (May 2024), LR 51:276 (February 2025).

Subchapter B. Nonstandard Teaching Credentials

§531. Temporary Employment Permit (TEP)

A. - F.1. ...

2. Standards of effectiveness are successfully met in accordance with LAC 28:CXLVII (*Bulletin 130*) during each year on the TEP.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:438 (March 2022), repromulgated LR 48:1041 (April 2022), amended LR 49:40 (January 2023), LR 50:27 (January 2024), LR 51:276 (February 2025).

Subchapter C. Ancillary Teaching Certificates

§537. Introduction

A. - A.2.b. ...

c. Montessori teacher;

A.2.d. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:439 (March 2022), repromulgated LR 48:1042 (April 2022), amended LR 50:662 (May 2024), LR 51:276 (February 2025).

§543. Montessori Teacher Certificate

A. - B. ...

1. For a Class C Montessori Certificate—the teacher must have completed training from an approved provider listed in §1363 of this Part.

2. For a Class B Montessori certificate:

a. - b. ...

3. For Class A Montessori certificates:

a. - c. ...

C. Beginning January 1, 2025, applicants must earn the required number of semester hours or contact hour equivalent in the teaching of reading and literacy in alignment with the science of reading competencies for certification.

1. Birth-K, PK-3, or Grades 1-5: 9 semester hours.

2. Middle Grades: 6 semester hours.

3. Secondary 6-12 content areas or all-level K-12 areas: 3 semester hours.

D. An applicant for certification to teach kindergarten through third grade shall also pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303.O of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:441 (March 2022), repromulgated LR 48:1044 (April 2022), amended LR 50:663 (May 2024), LR 51:277 (February 2025).

Chapter 13. Endorsements to Existing Certificates

Subchapter A. Regular Education Level and Area Endorsements

§1315. Requirements to Add a Secondary (Grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

A. - A.1. ...

a. For Computer Science Grades 6-12 only, candidates also have the option of successful completion of a BESE-approved micro-credential Computer Science Grades 6-12 training program.

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

2. earn 21 credit hours in the specialty content area; or

3. For Computer Science Grades 6-12 only, candidates also have the option of successful completion of a BESE-approved micro-credential Computer Science Grades 6-12 training program; and

4. complete three semester hours in the teaching of reading and literacy, or other literacy options in accordance with §1301 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:456 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:668 (May 2024), LR 51:277 (February 2025).

Subchapter C. All Other Teaching Endorsement Areas

§1363. Montessori Teacher Certification

A. A credential to teach Montessori at the levels prescribed by the training institution may be added to a standard teaching certificate for teachers who have completed training from one of the following entities:

1. - 3. ...

4. The Montessori World Educational Institute;

5. Repealed.

6. Southwestern Montessori Training Center;

7. International Montessori Council;

8. ...

9. any program accredited by the Montessori Accreditation Council for Teacher Education.

B. Eligibility Requirements.

1. Class C Montessori endorsement: successfully complete training from an approved provider listed in this Section.

2. Class B Montessori endorsement: requirements of Class C and have at least one year of effective teaching experience in a Montessori school, verified in accordance with §103 of this Part.

3. Class A Montessori endorsement: requirements of Class B and a bachelor's degree from a college or university accredited in accordance with 34 CFR 602.

C. Beginning January 1, 2025, applicants must earn the required number of semester hours or contact hour equivalent in the teaching of reading and literacy in alignment with the science of reading competencies for certification as follows:

1. Birth-K, PK-3, or grades 1-5: 9 semester hours.

2. Middle grades: 6 semester hours.

3. Secondary 6-12 content area or all-level K-12 areas: 3 semester hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:465 (March 2022), repromulgated LR 48:1073 (April 2022), amended LR 51:277 (February 2025).

§1373. Computer Science and STEM Grades K-5 Specialty Content Area

A. Eligibility Requirements. A candidate must:

1. hold a valid OS, Level 1, or higher teaching certificate;

2. earn a passing score for Praxis—Principles of Learning and Teaching K-6 exam;

3. complete nine semester hours in the teaching of reading and literacy, or other literacy options as outlined in §1301 of this Chapter in alignment with the literacy foundations competencies, and

4. one of the following:

a. pass the STEM for the Elementary Grades Praxis exam;

b. earn 21 credit hours in computer science and STEM content with a minimum of 3 semester hours in computer science or educational technology; or

c. successfully complete a BESE-approved micro-credential Computer Science and STEM Grades K-5 training program.

B. An applicant applying for certification to teach kindergarten through third grade shall pass the BESE-approved Teaching of Reading: Elementary or Teaching of Reading: Elementary Subtest exam in accordance with §303 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:277 (February 2025).

§1375. Certification Designations

A. Designations may be added to a teaching certificate to recognize additional work completed, such as additional coursework, fellowships, department initiatives, or other professional learning approved by LDOE.

B. For a Master's Degree Plus 30 Graduate Hours designation, thirty semester hours in excess of the coursework necessary to award the first Master's degree are required. All coursework must be completed at the graduate level from a college or university accredited in accordance with 34 CFR 602 with a letter grade of "C" or better and be verified on official transcripts. Undergraduate-level coursework will not be accepted.

C. Eligibility Requirements.

1. hold a valid certificate appropriate to the credential; and

2. submit documentation of additional coursework, participation in professional development, fellowship, or other initiatives approved by LDOE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:278 (February 2025).

Chapter 15. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate

§1505. Educational Leader Certificate Level 1 (EDL 1)

A. - A.3.b. ...

c. provide documented evidence of leadership experiences of 240 clock hours or more aligned with performance expectations as listed in LAC 28:CXLVI (*Bulletin 146*) at the school and/or district level; and

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

5. - 5.a.Repealed.

6. Alternate Pathway 4—School Level Leader. The alternate pathway 4 is for individuals who hold an advanced degree or certain military experience and seek issuance of an EDL 1. The candidate must:

a. ...

b. hold a graduate degree in public administration, business administration, or a juris doctorate degree, or have been a commissioned officer of the United States military who has been honorably discharged with a pay grade O-3 or higher.

c. - d. ...

e. For Alternate Pathway 4 only, the certificate is a five-year, non-renewable certificate. If a candidate is not otherwise eligible for advancement to the EDL 2 in accordance with §1507 of this Chapter, the certificate may be advanced to the EDL 2 upon the educational leader successfully meeting the standards of effectiveness for five years as a school leader, in accordance with §103 of this Part.

B. EDL 1 Extensions.

1. An EDL 1 is valid for three years initially and may be extended thereafter for a period of one year at the request of an LEA. EDL 1 certificates are limited to two such extensions.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:466 (March 2022), repromulgated LR 48:1075 (April 2022), LR 48:2102 (August 2022), amended LR 50:672 (May 2024), LR 50:974 (July 2024), LR 51:278 (February 2025).

Subchapter B. Out-of-State Administrative Certification Structure

§1519. Out-of-State Principal Level 1 (OSP1)

A. This is a five year, non-renewable Louisiana certificate issued to an individual who holds comparable out-of-state certification as a principal or educational leader, authorizes the individual to serve as a principal or assistant principal in a Louisiana school system, and is issued upon employment as a principal or assistant principal in a Louisiana school system.

1. Eligibility requirements:

a. a valid out-of-state certificate as a principal or comparable educational leader certificate;

b. applicants holding an out-of-state certificate that is not valid must have served successfully as an assistant principal or principal for at least one year within the five year period immediately preceding first employment in Louisiana, as verified by the out-of-state employing authority or SEA. An applicant who has not served successfully as an assistant principal or principal for at least one year within the five year period immediately preceding first employment in Louisiana may be issued a one-year non-renewable OSP certificate.

c. Applicants issued the one year OSP certificate must meet the standards of effectiveness in accordance with §103 of this Part for issuance of a five-year non-renewable OSP 1 certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), 17:8.1-8.4, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:469 (March 2022), repromulgated LR 48:1077 (April 2022), amended LR 51:278 (February 2025).

§1521. Out-of-State Principal Level 2 (OSP2)

A. - A.1.a. ...

b. completion of Louisiana PRAXIS requirements for school leaders or qualify for exam exclusion in accordance with R.S. 17:8.4(A)(3) by fulfilling a minimum of four years of successful experience as a principal in another state, as verified by the out-of-state employing authority or SEA; and

c. a minimum of three years of successful experience as a principal or assistant principal verified in accordance with §103 of this Part.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), 17:8.1-8.4, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:469 (March 2022), repromulgated LR 48:1078 (April 2022), amended LR 50:673 (May 2024), LR 51:278 (February 2025).

§1523. Out-of-State Superintendent (OSS)

A. - A.1.c. ...

d. five years of successful administrative or management experience in education at the level of assistant principal or above with assistant principal experience limited to a maximum of two years of experience in that position;

e. three years of successful teaching experience with all out-of-state experience verified as successful by the out-of-state employing authority or SEA; and

f. earn a passing score on the Louisiana Praxis exam for school superintendents.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), 17:8.1-8.4, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:470 (March 2022, repromulgated LR 48:1078 (April 2022), amended LR 50:673 (May 2024), LR 51:279 (February 2025).

Title 28 EDUCATION

Part CXXXVII. Bulletin 125—Standards for Educational Leaders in Louisiana

Chapter 1. Purpose

§101. Introduction

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007), amended LR 36:2244 (October 2010), repromulgated LR 37:861 (March 2011), repealed LR 51:279 (February 2025).

Chapter 3. Professional Standards

§301. Professional Standards for Educational Leaders

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007), repromulgated LR 37:861 (March 2011), amended LR 45:233 (February 2019), repealed LR 51:279 (February 2025).

§303. Performance Expectation 1

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1335 (July 2007), repromulgated LR 37:862 (March 2011), repealed LR 51:279 (February 2025).

§305. Performance Expectation 2

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1336 (July 2007), repromulgated LR 37:863 (March 2011), repealed LR 51:279 (February 2025).

§307. Performance Expectation 3

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1336 (July 2007), repromulgated LR 37:864 (March 2011), repealed LR 51:279 (February 2025).

§309. Performance Expectation 4

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1337 (July 2007), repromulgated LR 37:864 (March 2011), repealed LR 51:279 (February 2025).

§311. Performance Expectation 5

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1337 (July 2007), repromulgated LR 37:865 (March 2011), repealed LR 51:279 (February 2025).

§313. Performance Expectation 6: The Education System

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17 and R.S.17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1338 (July 2007), repromulgated LR 37:866 (March 2011), repealed LR 51:279 (February 2025).

Chapter 5. Glossary

§501. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: and R.S.17: 6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:1338 (July 2007), repealed LR 51:279 (February 2025).

Title 28 EDUCATION

Part CXLVI. Bulletin 146—Louisiana Competencies and Standards for Teachers and Educational Leaders

Chapter 1. Purpose

§101. Introduction

A. Competencies establish clear and comprehensive standards for teachers and educational leaders in the state of Louisiana and outline expectations required for effective teaching and leadership in K-12 education. The framework for teacher preparation programs, certification processes, and ongoing professional learning aligns with Louisiana's commitment to continuous improvement and excellence in education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902 and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:279 (February 2025).

Chapter 3. Teacher Competencies

Subchapter A. General Teacher Certification Areas and Required Competencies

§301. Overview

A. The Louisiana competencies for initial teacher certification define what a teacher candidate must know and be able to do in order to be eligible for certification upon completion of a BESE-approved teacher preparation program. The competencies represent the knowledge and skills needed for teacher candidates to successfully transition to teaching, as determined by content experts, elementary and secondary educators, and postsecondary education

leaders. The competencies establish what teacher candidates should be taught. Preparation providers and school system partners determine how the competencies are developed through quality practice experiences that include, at a minimum, a year-long residency as defined in LAC 28:XLV (*Bulletin 996*).

B. When a candidate has successfully completed a state-approved program that develops and assesses mastery of the competencies and has met state testing and grade point average certification requirements, the program provider recommends the candidate for certification.

1. The LDOE will accept no final grade below a "C" in coursework within the approved undergraduate program, with the exception of the general education requirements. All coursework used for certification purposes must be for regular credit and not of a remedial or developmental nature.

C. The following teacher preparation competencies apply to all areas and grade levels for which a teacher candidate may be certified to teach. The competencies identify essential knowledge and skills that align with expectations for practicing teachers, including but not limited to what a teacher candidate must know and be able to do in order to:

1. communicate and collaborate with students, colleagues, families, and community members to support student learning and development; and

2. design and deliver effective instruction to all students, including students with exceptionalities and students in need of academic and non-academic intervention in a regular education setting.

D. Teacher preparation programs are authorized by certification areas, which are organized by subject area and grade band. Competencies outlined in this Part are required for each certification area.

E. Early Childhood Certification Areas and Required Competencies.

1. Birth to Kindergarten:
 - a. Subchapter A, General
 - b. Subchapter C, English Language Arts
 - c. Subchapter D, Mathematics
 - d. Subchapter E, Early Childhood
2. Early Childhood PK-3:
 - a. Subchapter A, General
 - b. Subchapter C, English Language Arts
 - c. Subchapter D, Mathematics
 - d. Subchapter E, Early Childhood

F. Elementary Grades 1-5.

1. Subchapter A, General
2. Subchapter C, English Language Arts
3. Subchapter D, Mathematics

G. Middle Grades 4-8.

1. English/Language Arts:
 - a. Subchapter A, General
 - b. Subchapter C, English Language Arts
2. Mathematics:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter D, Mathematics
3. Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science

4. Social Studies:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Social Studies

H. Upper Grades 6-12.

1. Agriculture:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Agriculture
2. Biology:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
3. Business:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Business
4. Chemistry:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
5. Computer Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Computer Science
6. Earth Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
7. Environmental Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
8. English/Language Arts:
 - a. Subchapter A, General
 - b. Subchapter C, English Language Arts
9. Family and Consumer Sciences:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Family and Consumer Sciences
10. Foreign Languages:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Foreign Languages
11. General Science:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
12. Journalism:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Journalism
13. Marketing:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Business and Marketing
14. Mathematics:
 - a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Mathematics
15. Physics:
 - a. Subchapter A, General

- b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Science
16. Social Studies:
- a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Social Studies
17. Speech:
- a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
18. Technology Education:
- a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Technology
- I. Grades K-12.
1. Art:
- a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Art
2. Dance:
- a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Dance
3. Foreign Languages:
- a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Foreign Languages
4. Music:
- a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Music
5. Health and Physical Education:
- a. Subchapter A, General
 - b. Subchapter C, Disciplinary Literacy
 - c. Subchapter F, Health and Physical Education
- J. Special Education Certification Areas.
1. Early Interventionist Birth to Five Years:
- a. Subchapter F, Early Interventionist Birth-Five Years
2. Deaf or Hard of Hearing K-12:
- a. Subchapter B, Special Education
 - b. Subchapter F, Deaf or Hard of Hearing
3. Mild to Moderate Disabilities 1-5, 4-8, 6-12:
- a. Subchapter B, Special Education
4. Significant Disabilities 1-12:
- a. Subchapter B, Special Education
 - b. Subchapter F, Significant Disabilities
5. Visual Impairments/Blind K-12:
- a. Subchapter B, Special Education
 - b. Subchapter F, Visual Impairments/Blind K-12

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902 and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:279 (February 2025).

§303. General Competencies

A. The teacher candidate demonstrates, at an effective level, the Louisiana components of effective teaching as defined in LAC 28:CXLVII (*Bulletin 130*) and the Louisiana educator rubric or local personnel evaluation, as applicable.

B. The teacher candidate demonstrates mastery of the content knowledge and skills and content pedagogy needed to teach the current academic standards as defined in BESE policy.

C. The teacher candidate uses evidence to continually evaluate practice, particularly the effects of choices and actions on students and adapts practice to meet the needs of each student.

1. The teacher candidate observes and reflects on student responses to instruction to identify areas of need and make adjustments to practice.

2. The teacher candidate gathers, synthesizes, and analyzes a variety of data from a variety of sources to adapt instructional practices and other professional behaviors to better meet student needs.

3. The teacher candidate uses structured input and feedback from a variety of sources such as colleagues, mentor teachers, school leaders, and preparation faculty to adjust instructional practice and professional behaviors to better meet student needs.

D. The teacher candidate elicits and uses information about students and experiences from families and communities to support student development and learning and adjust instruction and the learning environment.

E. The teacher candidate applies knowledge of state and federal laws and BESE policy related to student rights and teacher responsibilities for appropriate education for students with and without exceptionalities, parents, teachers, and other professionals in making instructional decisions and communicating with colleagues and families including laws and policies governing student privacy, special education, and limited English proficient education.

F. The teacher candidate differentiates instruction, behavior management techniques, and the learning environment in response to individual student differences in cognitive, well-being, language, and physical development, incorporating trauma-informed principles.

G. The teacher candidate develops and applies instructional supports and plans for an individualized education plan (IEP) or individualized accommodation plan (IAP) to allow a student with exceptionalities developmentally appropriate access to age- or grade-level instruction, individually and in collaboration with colleagues.

H. The teacher candidate applies knowledge of various types of assessments and the purposes, strengths, and limitations to select, adapt, and modify assessments to accommodate the abilities and needs of students with exceptionalities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), R.S. 17:3902, R.S. 17:24.9, and R.S. 17:8.1-8.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:281 (February 2025).

Subchapter B. Special Education Teacher Competencies §305. Introduction

A. The competencies identify the fundamental knowledge and skills developed and assessed in teacher candidates who are pursuing certification that includes eligibility to teach special education in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:281 (February 2025).

§307. Learning Environments

A. The teacher candidate uses positive motivational and instructional interventions to teach students with exceptionalities how to adapt to different environments.

B. The teacher candidate sets expectations for personal and social behavior of students with exceptionalities in various settings such as the classroom, library, cafeteria, gymnasium, and/or job site and incorporates the expectations into effective instructional routines, lesson plans, IEP goals, and objectives.

1. The teacher candidate provides positive visual, physical, and/or motivational support to individual students for integration into various settings.

C. The teacher candidate designs and adapts learning environments for diverse student populations that facilitate active participation in individual and group activities.

D. The teacher candidate modifies the learning environment, including the physical arrangement, student grouping, instructional intensity, pacing, and embedded assistive technology supports, to proactively manage student behaviors and unique learning needs.

1. The teacher candidate uses a variety of non-aversive techniques to control targeted behavior and maintain attention of students with exceptionalities.

2. The teacher candidate uses assessment data to select appropriate environmental accommodations and modifications to address deficits in student behaviors and learning needs.

E. The teacher candidate intervenes safely and appropriately when students with exceptionalities are in crisis.

F. The teacher candidate designs and implements positive interventions to develop and strengthen on task/desirable behaviors.

G. The teacher candidate plans and implements individualized reinforcement systems and environmental modifications at levels equal to the intensity of student behavior and function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:281 (February 2025).

§309. Curriculum

A. The teacher candidate makes the general curricula accessible to students with exceptionalities by implementing instruction that is inclusive of appropriate accommodations and modifications to the general curricula as outlined in an IEP.

B. The teacher candidate develops and implements comprehensive, longitudinal individualized programs, and IEPs in collaboration with team members, the individual, and family.

1. The teacher candidate addresses the needs of students with exceptionalities that extend beyond the general education curriculum within IEPs and through instruction across various educational settings and contexts.

C. The teacher candidate uses augmentative and alternative communication systems and a variety of assistive technologies to support instructional assessment, planning, and delivery for students with exceptionalities.

1. The teacher candidate selects, designs, and uses high- and low-technology materials and resources required to educate individuals whose exceptionalities interfere with communication.

D. The teacher candidate integrates affective, social, and life skills with academic curricula, creating the opportunity

for students to practice the skills in the context of authentic daily routines.

1. The teacher candidate designs, implements, and evaluates instructional programs that enhance social participation across environments.

E. The teacher candidate applies knowledge of career, vocational, and transition programs for students with exceptionalities to design and implement instructional programs that address independent living and career education for individuals.

1. The teacher candidate uses a variety of community- and school-based resources and strategies to successfully transition students with exceptionalities into and out of school and post-school environments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:282 (February 2025).

§311. Assessment

A. The teacher candidate monitors progress of students with exceptionalities towards attainment of IEP goals and objectives.

1. The teacher candidate uses knowledge of measurement principles and practices to interpret assessment results and guide educational decisions for students with exceptionalities.

2. The teacher candidate uses multiple types of assessment information in making instructional, eligibility, program, and placement decisions for students with exceptionalities, including students from culturally and linguistically diverse backgrounds.

3. The teacher candidate uses appropriate technology to conduct assessments in keeping with assessment protocols and in alignment with student needs.

B. The teacher candidate identifies and uses assessment data to identify the need for interventions and services for individuals who are in need of additional academic and/or non-academic support, including early identification of young individuals who may be at risk for exceptionalities.

1. The teacher candidate uses data derived from functional assessments to develop intervention plans aligned to the specific needs of individual students.

C. The teacher candidate selects, adapts, and modifies assessments or assessment strategies to accommodate abilities and needs of students with exceptionalities.

1. The teacher candidate implements procedures for assessing and reporting both appropriate and problematic social behaviors of students with exceptionalities.

2. The teacher candidate identifies reliable methods of response from students who lack typical communication and performance abilities, using supports as needed to accommodate individual student needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:282 (February 2025).

§313. Instructional Planning

A. The teacher candidate plans and implements age- and ability-appropriate instruction for students with exceptionalities that supports progress in the general curricula.

1. The teacher candidate incorporates goals and strategies from multiple IEPs in lesson plans.

2. The teacher candidate uses and adapts instructional strategies according to characteristics and needs of students with exceptionalities.

3. The teacher candidate selects and adapts instructional materials according to characteristics and needs of students with exceptionalities.

B. The teacher candidate selects and uses a variety of assistive technologies within instructional routines to promote access to the general curriculum for students with exceptionalities.

C. The teacher candidate modifies the pace of instruction and provides organizational cues to meet the instructional needs of students with exceptionalities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:282 (February 2025).

Subchapter C. English Language Arts (ELA) and Literacy Teacher Competencies

§315. Introduction

A. The English language arts and literacy teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, English language arts grades 4-8, English language arts grades 4-8 integrated to merged, English language arts 6-12, and English language arts grades 6-12 integrated to merged.

B. Content knowledge competencies identify foundational knowledge of the English language and language development, reading, composition, and oral language skills.

C. Content pedagogy competencies identify teaching knowledge and skills that are specific to English Language arts instruction that develop the student ability to:

1. understand and use vocabulary and language, including early literacy, such as print awareness, phonological skill, word recognition, and incidental reading foundational skills to facilitate understanding and comprehension of the written word;

2. understand topics, themes, and ideas to determine text meaning;

3. build understanding about texts using evidence through discussion; and

4. demonstrate understanding of the language, craft, topics, themes, and ideas of complex grade-level texts through writing, using evidence and appropriate grade-level conventions, spelling, and structure.

D. Disciplinary literacy competencies identify what a teacher candidate must know and be able to do to teach reading and literacy effectively in the context of certification areas other than English language arts in areas such as the middle grades and secondary science or social studies.

1. The ELA and literacy competencies are applicable to teacher candidates who are pursuing certification for grades 4-8 or 6-12 in any content area other than English language arts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:283 (February 2025).

§317. ELA Content Knowledge Competencies

A. The teacher candidate is able to read and understand the language, craft, topics, themes, and ideas of complex texts and explain how one is able to read and understand the texts.

1. The teacher candidate reads a wide variety of complex texts appropriate for instruction of age or grade-level reading, writing, speaking and listening, and language standards. The variety of texts includes print and non-print or digital texts; media texts, including but not limited to, songs, videos, podcasts, film, and classic texts and contemporary texts. The texts include children's literature that represent a range of world literatures, historical traditions, genres, forms, and the experiences of different genders, ethnicities, and social classes.

2. The teacher candidate determines the meaning, purpose, and main ideas of complex texts and explains the development orally and in writing based on the interaction of an author's craft by using word choice, syntax, use of details and illustrations, figurative language, elements and structure such as setting, characterization, development and organization, plot, pacing, and evidence, literary effects of symbolism and irony, and rhetorical devices.

3. The teacher candidate explains how vocabulary, diction, syntax, and sentence patterns contribute to the meaning, complexity, clarity, coherency, fluency, and quality of a text.

4. The teacher candidate selects words in complex texts which most contribute to the meaning, are common among complex texts, are part of word families, or have multiple meanings.

5. The teacher candidate makes connections among texts, including determining and explaining how each text challenges, validates, or refines the language, topics, themes, and/or ideas of other texts and how modern texts or texts in different mediums adapt, enhance, or misrepresent a source text.

6. The teacher candidate assesses the credibility and usability of texts by analyzing texts with differing viewpoints to determine areas of conflict or possible bias, evaluating whether the reasoning is sound and the evidence is relevant and sufficient, and determining the advantages and disadvantages of different texts and mediums for presenting a particular topic or idea.

7. The teacher candidate recognizes the influence of English language and literary history on ELA content.

B. The teacher candidate demonstrates proficiency with written and spoken language when writing about the topics, themes, and/or ideas of complex texts.

1. The teacher candidate creates a range of formal and informal, process and on-demand oral, written, and visual compositions to include analytic, argumentative, explanatory, and narrative text about the language, craft, topics, themes, and/or ideas of complex texts, taking into consideration the interrelationships among form, audience, context, and purpose.

2. The teacher candidate uses complex texts to locate models of writing such as word choice, syntax, sentence variety and fluency, text structure, and style and uses the models to imitate the language, structure, and style into personal writing.

3. The teacher candidate knows and appropriately uses the conventions of English language grammar, usage, and mechanics in relation to various rhetorical situations and to various style guides for composition.

4. The teacher candidate recognizes and explains the historical context of modern English language, including recognizing root words, determining word etymologies, and analyzing changes in syntax.

5. The teacher candidate explains the concept of dialect, recognizes the effect and impact on the meaning and development of written and spoken language, and knows how to apply the concept in context when appropriate.

6. The teacher candidate explains the importance of language structure, syntactic awareness, and discourse awareness in developing reading and writing fluency.

C. The teacher candidate demonstrates understanding of the stages of language, reading, and writing development.

1. The teacher candidate explains the progression, connection, and reciprocal relationships among the major components of early literacy development, including the typical and atypical development of skills in the areas of language, phonological processing, vocabulary, morphology, orthography, semantics, syntax, and discourse; reading, print awareness, decoding, fluency, and comprehension; and spelling and writing development including pre-literate, early emergent, emergent, transitional, and conventional.

2. The teacher candidate defines, explains, produces, and classifies the basic phonetic structure and orthographic rules and patterns of the English language, including but not limited to phonemes, graphemes, digraphs, blends, r-controlled vowels, hard and soft consonants, and explains the relation to the progression of reading and writing development.

3. The teacher candidate identifies, explains, and categorizes the six basic syllable types in English spelling and explains principles of teaching word identification and spelling, giving examples illustrating each principle.

4. The teacher candidate explains the role of fluency in typical reading development including word recognition, oral reading, silent reading, and comprehension, and as a characteristic of certain reading disorders.

5. The teacher candidate identifies, defines, and explains the relationship between environmental, cultural, and social factors that contribute to literacy development and the difference between delays and characteristics of some reading disorders, as determined by academic standards.

6. The teacher candidate explains and demonstrates through oral reading the print concepts young students must develop regarding text orientation, directionality, connection of print to meaning, return sweep, page sequencing, and punctuation.

7. The teacher candidate explains the stages of the development of phonological awareness skills and gives examples illustrating each stage of rhyme, syllable, onset-rime, phoneme segmentation, blending, and substitution.

8. The teacher candidate demonstrates appropriate enunciation in oral demonstrations, especially speech sounds when conducting phonemic awareness lessons.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:283 (February 2025).

§319. ELA Content Pedagogy Competencies

A. The teacher candidate applies knowledge of the relationships among speaking and listening, language, reading, and writing to use writing and speaking and listening experiences in conjunction with language and reading instruction to enhance student reading and writing development.

1. The teacher candidate for Birth-Kindergarten, PK-3, and 1-5 uses knowledge of the progression of phonological awareness skills to select or design and implement sequenced lessons and units that scaffold student development of phonological awareness and enhance reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts.

2. The teacher candidate for grades 1-5, 4-8, and 6-12 uses knowledge of the progression of language, reading, and writing skills to select or design and implement lesson sequences that scaffold and enhance early adolescent and adolescent student reading and writing development through the use of a variety of intentional, explicit, and systematic instructional practices embedded in a range of continuous texts for small-group instruction or intervention in addition to whole-class instruction with grade-level standards.

3. The teacher candidate uses knowledge of the relationship between phonemes and graphemes to plan writing experiences in conjunction with phonological instruction to enhance student reading and writing development.

4. The teacher candidate selects and uses various strategies to develop student reading fluency, including guiding student awareness of syntax and discourse.

5. The teacher candidate selects or designs and implements lessons and unit sequences which provide opportunities for all students to read a wide range and volume of texts for various purposes of understanding, pleasure, and research, and make connections among texts based on the language, craft, topics, themes, and/or ideas.

6. When appropriate and based on age- or grade-level standards, the teacher candidate supports student selection of texts and assessment of the credibility and usability of texts for different purposes.

7. The teacher candidate schedules and coordinates instructional time to make content connections with science, social studies, and the arts to ensure students build a wide vocabulary and knowledge of the world.

B. The teacher candidate selects or designs and implements instruction that provides opportunities for students at various stages of language, reading, and writing development to accurately and fluently read, understand, and express understanding of a range of complex grade-level texts, as determined by age- or grade-level standards.

1. The teacher candidate selects a volume of appropriately complex texts about similar topics, themes, and/or ideas that present opportunities for instruction and assessment of age- or grade-level standards.

2. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, or ideas to identify sections for rereading through interactive read aloud, read along, pair or group reading, and/or independent reading, and creates and sequences questions and tasks.

3. The teacher candidate anticipates student misconceptions or challenges and identifies a variety of grade-level appropriate instructional strategies to scaffold instruction and provide all students with opportunities to read, understand, and express understanding through conversations and writing using grade-level appropriate language, conventions, spelling, and structure.

4. The teacher candidate fluently applies principles of explicit and direct teaching: modeling, leading, giving, guided practice, and reviewing.

5. The teacher candidate implements multisensory and multimodal techniques to enhance instruction.

6. The teacher candidate designs and teaches routines to support a complete lesson format, from the introduction of a word recognition concept to fluent application in meaningful reading and writing.

C. The teacher candidate selects or designs and implements instructional materials that develop student ability to meet the age- or grade-level standards for reading, writing, speaking and listening, and language by composing a range of oral, written, and visual texts using formal and informal, process and on-demand, and different genres for a variety of purposes and audiences.

1. The teacher candidate selects and uses multiple academic standards for instruction with selected complex texts about similar topics, themes, and ideas to select or design composition tasks that explain, analyze, challenge, or extend the language, craft, topics, themes, and ideas of the texts.

2. The teacher candidate locates models of writing in complex texts to illustrate word choice, syntax, sentence variety, fluency, text structure, and style and selects or designs and implements instruction that develops student ability to use the models to advance language, structure, and style in personal writing.

3. The teacher candidate facilitates classroom discussions based on the age- or grade-level standards for speaking and listening that allow students to refine thinking about the language, craft, topics, themes, and/or ideas in complex texts in preparation for writing, when appropriate, as indicated by academic standards.

4. The teacher candidate develops, based on academic standards, student ability to create an organizing idea or thesis statement, effectively organize and develop a written, oral, or visual response, and, when appropriate, develop a topic or support an opinion or claim about the language, craft, topics, themes, and/or ideas in complex texts using relevant evidence.

5. The teacher candidate provides opportunities incorporating technology for students to plan, draft, revise, edit, and publish written, oral, visual, and digital texts, individually and collaboratively through shared and small-group writing and peer editing to communicate knowledge, ideas, understandings, insights, and experiences.

6. The teacher candidate anticipates how students may use non-standard language orally and in writing and selects or designs and implements instruction based on age- or grade-level standards to develop student ability to use language conventions of grammar, usage, and mechanics accurately and strategically in writing for different audiences and purposes.

7. The teacher candidate selects or designs and implements tasks for all students, as indicated by academic standards for reading, writing, speaking and listening, and language that require research of a topic, theme, or idea presented in complex texts and communication of findings orally and in writing.

8. The teacher candidate designs and implements research-based adaptations of instruction for students with advanced literacy skills and for students with weaknesses in working memory, attention, executive function, or processing speed.

D. The teacher candidate applies knowledge of language, reading, and writing development to select or design and use a range of ongoing classroom assessments including diagnostic, formal and informal, formative and summative, oral, and written which measure students' ability to read, understand, and demonstrate understanding of a range of grade-level complex texts to inform and adjust planning and instruction.

1. The teacher candidate selects or designs a range of ongoing assessments including formal and informal, formative and summative, oral, and written to measure student ability to use knowledge of language, print concepts, phonological awareness, phonics, and word recognition to accurately and fluently read, understand, and express understanding of a range of continuous texts.

2. The teacher candidate applies knowledge of reading, writing, and language development to identify trends in student reading foundational skills, writing, and language development and identify students who are in need of additional support with decoding, fluency, vocabulary development, speaking and listening, writing, and grammar.

3. The teacher candidate assesses specific reading behaviors often associated with fluency problems such as lack of automaticity, substitution, omissions, repetitions, inappropriate reading rates, and inaccuracy and recognizes atypical developmental patterns, and collaborates with colleagues and specialists to plan and implement appropriate instructional support(s) that address individual needs without replacing regular classroom instruction.

4. The teacher candidate assesses student written expression skills of handwriting for elements of legibility, such as letter formation, size and proportion, and spacing, and keyboarding for proper technique and style, such as adequate rate and accuracy, appropriate spacing, and proficiency with word processing programs, identifies elements that need improvement, and designs instructional supports that support student mastery.

5. The teacher candidate uses assessment trends to make adjustments to instructional plans through re-teaching, targeted mini-lessons, individualized or small-group remediation, or extension and identifies differentiated instructional supports that provide all students with opportunities to read, understand, and express understanding of complex texts, as determined by age- or grade-level standards.

6. The teacher candidate uses assessment trends to form flexible groups of students and selects or designs and implements small-group instruction to improve student ability to read independently a range of continuous texts and write in response using age- or grade-level appropriate conventions, spelling, language, and structure.

7. The teacher candidate understands and explains types of assessments specific to early literacy skills, along with their purposes, strengths, and limitations, as well as national norms associated with literacy skills.

8. The teacher candidate administers and interprets both print and electronic early literacy assessment for purposes including but not limited to formative or summative assessment, diagnostic purposes, and progress monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:284 (February 2025).

§321. Disciplinary Literacy Competencies

A. The teacher candidate applies knowledge of the theoretical and evidence-based foundations of reading and writing processes and specific disciplinary literacy expectations as described in academic standards to select or design and implement an integrated and comprehensive curriculum that develops students' understanding of content.

1. The teacher candidate explains the research and theory of disciplinary literacy and demonstrates discipline-specific reading and writing skills.

2. The teacher candidate explains how disciplinary literacy skills are necessary for learning content and expressing understanding of content through writing and speaking based on the academic standards for certification content area.

3. The teacher candidate selects or designs and implements discipline-specific curriculum and instructional materials which incorporate technology to support instructional goals and objectives for the disciplinary literacy demands of the certification content area and differentiates the materials for the range of literacy needs of adolescent readers.

4. The teacher candidate selects, assesses the accuracy and credibility of, and uses a range and volume of print, digital, visual, and oral discipline-specific texts including primary and secondary sources in social studies or current research, informational journals, experimental data, and results in science as instructional tools.

B. The teacher candidate applies knowledge of disciplinary literacy to select and use appropriate and varied instructional approaches to build student ability to understand and express understanding of discipline specific content through reading, writing, speaking, and language.

1. The teacher candidate provides opportunities for students to learn and use vocabulary and language specific to the certification content area, practice discipline-specific reading and writing strategies, and gain and express understanding of content by exploring key questions through grade-level print, digital, visual, and oral discipline specific texts.

C. The teacher candidate applies knowledge of disciplinary literacy to select or design and use a range of ongoing classroom assessments for diagnostic, formal and informal, formative and summative, oral and written use which measure student mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate assesses student ability to understand and use discipline-specific vocabulary and language, gain knowledge and understanding of content

through grade-level, discipline-specific texts, and express knowledge and understanding through speaking and writing.

2. The teacher candidate uses trends in assessment results to plan lessons, make adjustments to instruction, and provide remediation and enrichment opportunities for students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:286 (February 2025).

Subchapter D. Mathematics Teacher Competencies

§323. Introduction

A. The mathematics teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking certification in birth to kindergarten, pre-kindergarten-third grade, elementary grades 1-5, elementary grades 1-5 integrated to merged, mathematics grades 4-8, mathematics grades 4-8 integrated to merged, mathematics 6-12, and mathematics 6-12 integrated to merged.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:286 (February 2025).

§325. Mathematics Content Knowledge Competencies

A. Utilizing the academic standards for mathematics for the certification grade band and adjacent grade bands, the teacher candidate, at minimum, demonstrates the following competencies to plan for instruction, teach, assess, and monitor student learning:

1. provides exact, explicit definitions of mathematical ideas and concepts using appropriate mathematical language;

2. builds foundational numeracy by providing precise, accurate, useful descriptions of algorithms and procedures, including descriptions of the accuracy of alternative procedures or algorithms while blending concepts, procedures, strategies, problem-solving skills, and dispositions;

3. exhibits an integrated, functional grasp of foundational numeracy, mathematical concepts, and procedures along the grade K-12 mathematical progressions so that all students are prepared for success in Algebra I and beyond;

4. explains concepts and executes procedures flexibly, accurately, efficiently, and appropriately;

5. models the mathematical dispositions and habits of mind described in the practice standards and integrated within high-quality instructional materials, including precision of language, logical thought, reflection, explanation, and justification;

6. recognizes vertical alignment in K-12 mathematical standards and uses the connections between the topics identified in the relevant standards and problems arising in real-world applications;

7. builds positive math dispositions while portraying mathematics as sensible, useful, and worthwhile; and

8. teaches foundational mathematics skills, explicitly and systematically applying strategies to assess instructional effectiveness.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:286 (February 2025).

§327. Mathematics Content Pedagogy Competencies

A. The teacher candidate builds and applies knowledge within grade coherence and vertical alignment of mathematical topics and relationships within and across mathematical domains to identify key mathematical ideas and implement mathematically sound lesson sequences and units of study within high-quality materials that develop student foundational numeracy, conceptual understanding, procedural skill and fluency, and ability to solve real-world and mathematical problems to prepare students for success in Algebra I and beyond.

1. The teacher candidate appropriately implements effective mathematics instruction using high-quality instructional materials through planning appropriate scaffolding to provide opportunities for students to access and master grade-level standards.

2. The teacher candidate anticipates student misconceptions or math difficulty which may arise during a lesson or unit of study, identifies key points in the lesson or unit to check for misconceptions, and identifies appropriate instructional strategies to respond to misconceptions, including but not limited to questioning, whole group discussion, problem sets, instructional tools, and representations that make the mathematics of the lesson explicit.

3. The teacher candidate identifies and implements standards-based tasks within high-quality instructional materials using varied strategies, including but not limited to real-life applications, manipulatives, models, and diagrams/pictures that present opportunities for instruction and assessment.

4. The teacher candidate customizes lessons and practice sets within high-quality instructional materials that include scaffolding and differentiation of mathematical content to provide opportunities for students to develop and demonstrate mastery.

5. The teacher candidate uses student data to identify appropriate student groupings, such as pairs or small groups, to develop student conceptual understanding, skill, and fluency with mathematical content as well as independent mathematical thinking.

6. The teacher candidate provides effective interventions for all students by using an accelerated learning approach, connecting unfinished learning to new learning within grade-level content, and utilizing high-quality materials to provide just-in-time support, especially for students with difficulty in mathematics.

B. The teacher candidate applies understanding of student mathematical language development to provide regular opportunities during instruction for students to explain understanding both in writing and orally through classroom conversations.

1. The teacher candidate explains the connection between informal language to precise mathematical language to develop student ability to use precise mathematical language in explanations and discussions.

C. The teacher candidate applies understanding of the intersection of mathematical content and mathematical practices to provide regular, repeated opportunities for students to exhibit the math practices while engaging with the mathematical content of the lesson, including but not limited to the following:

1. using appropriate prompting and questioning that allows students to refine mathematical thinking and build upon understanding of the mathematical content of the lesson;

2. posing challenging problems that offer opportunities for productive struggle and for encouraging reasoning, problem solving, and perseverance in solving problems through an initial difficulty;

3. facilitating student conversations in which students are encouraged to discuss each other's thinking in order to clarify or improve mathematical understanding;

4. providing opportunities for students to choose and use appropriate tools when solving a problem; and

5. prompting students to explain and justify work and providing feedback that guides students to produce revised explanations and justifications.

D. The teacher candidate applies knowledge of mathematical topics and relationships within and across mathematical domains to select or design and use a range of ongoing classroom assessments, including but not limited to diagnostic, formal and informal, formative and summative, oral and written, which determine student mastery of grade-level standards in order to inform and adjust planning and instruction.

1. The teacher candidate identifies student difficulties, errors, unfinished learning, and inconsistencies in student knowledge, skills, and mathematical reasoning to accelerate or scaffold student learning during lesson implementation, using, but not limited to, the following strategies:

a. oral and written explanations of the elements and structures of mathematics and the meaning of procedures, analogies, and real-life experiences;

b. manipulatives, models, and pictures or diagrams; and

c. problem sets.

2. The teacher candidate uses student data to address difficulty with mathematics and uses trends in assessment results to plan, instructional strategies, learning acceleration, and enrichment opportunities for students within adopted high-quality instructional units of study.

3. The teacher candidate effectively uses student data to make instructional decisions. Student data includes but is not limited to classroom observation of discussion, oral reasoning, work samples, formative assessment, and summative assessment.

4. The teacher candidate regularly monitors student performance and student understanding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:287 (February 2025).

Subchapter E. Early Childhood Teacher Competencies §329. Introduction

A. The early childhood teacher preparation competencies identify essential knowledge and skills for teacher candidates seeking early childhood ancillary certification and certification in birth to kindergarten.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:287 (February 2025).

§331. Early Childhood Pedagogy Competencies

A. The teacher candidate designs instructional learning outcomes written in terms of what children will learn rather than do and includes indicators from applicable Louisiana birth to five early learning and development standards (ELDS) domains, and are appropriate for diverse learners such as special education and English learner students.

B. The teacher candidate provides emotional and behavioral support to children as indicated by the following:

1. creating a positive environment that supports emotional connections between children and adults and between children and peers;
2. exhibiting an awareness and sensitivity to the emotional and learning needs of children;
3. allowing opportunities for exploration while providing comfort, reassurance, and encouragement; and
4. placing emphasis on the perspectives, interests, motivations, and points of view of the children.

C. The teacher candidate manages classroom organization to support child development as indicated by the following:

1. setting clear, age-appropriate expectations for child behavior;
2. supporting positive behavior by using effective methods, including but not limited to highlighting positive behaviors and redirecting misbehaviors;
3. promoting the ability of children to self-regulate behavior, including but not limited to using a proactive approach and planning to minimize disruptions;
4. managing instructional and learning time and routines so children have maximum opportunities to be engaged in learning activities;
5. maximizing the interest and engagement by being actively involved in the learning process; and
6. using a variety of materials and modalities to gain the interest and participation in activities.

D. The teacher candidate provides engaged instructional support for learning as indicated by the following:

1. using interactions and discussions to promote higher-order thinking skills and cognition;
2. focusing on promoting understanding rather than on rote instruction or memorization;
3. providing feedback that expands learning and understanding;
4. scaffolding learning to provide supportive guidance so that children can achieve competencies and skills independently;
5. providing opportunities for conversations for the purpose of promoting opportunities for language use;
6. utilizing open-ended questioning techniques to allow children to put language together to communicate more ideas in increasingly complex ways;
7. modeling language use and forms through repeating and extending child responses and through self and parallel talk; and
8. using a variety of words and language forms that are new and unique to extend understanding of these parts of language.

E. The teacher candidate uses assessment to guide planning and understand levels of child growth and development as indicated by the following:

1. conducting observation-based assessments in a systematic, ongoing manner throughout daily routines and activities;
2. gathering and using assessment data for the purpose of planning instruction, activities, and experiences that further promote child development and learning;
3. reflecting on child assessment data and connections to teacher action to make changes to continuously improve practice; and
4. making decisions based on the progress of child development with reliability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:288 (February 2025).

Subchapter F. Other Certification Area Competencies

§333. Other Education Areas

A. Early Interventionist Birth-Five Years: Council for Exceptional Children (CEC) Initial Special Education Early Childhood Specialty Set.

B. Deaf or Hard of Hearing K-12: CEC Initial Special Education Deaf and Hard of Hearing Specialty Set.

C. Visual Impairments/Blind K-12: CEC Initial Special Education Blind and Visually Impaired Specialty Set.

D. Academically Gifted: National Association for Gifted Children (NAGC) Teacher Preparation Standards for Gifted.

E. Significant Disabilities 1-12: CEC Initial Special Education Individualized Independence Curriculum Specialty Set.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:288 (February 2025).

§335. Middle Grades 4-8 Education

A. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation.

B. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:288 (February 2025).

§337. Secondary Grades 6-12 Education

A. Agriculture Education: American Association for Agriculture (AAAE) National Standards for Teacher Education in Agriculture.

B. Business and Marketing Education: National Association for Business Teacher Education Association (NABTE) Business Teacher Education Standards.

C. Computer Science Education: International Society for Technology in Education (ISTE) Standards for Computer Science Educators.

D. Family and Consumer Sciences Education: American Association of Family and Consumer Sciences (AAFCS) Standards.

E. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers.

F. Journalism Education: Journalism Education Association (JEA) Standards for Journalism Educators.

G. Science Education: National Science Teachers Association (NSTA) Standards for Science Teacher Preparation.

H. Social Studies Education: National Council for the Social Studies (NCSS) Standards for the Initial Preparation of Social Studies Teachers.

I. Technology Education: International Society for Technology in Education (ISTE) Standards and International Technology and Engineering Educators Association (ITEEA) Standards.

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HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:288 (February 2025).

§339. All Levels K-12 Education

A. Art Education: National Association of Schools of Art and Design (NASAD) Standards for Art Teacher Preparation.

B. Dance Education: National Association of Schools of Dance (NASD) Standards for Dance Teacher Preparation.

C. English Learners Education: Teachers of English to Speakers of Other Languages (TESOL) Standards for Teacher Education Programs.

D. Foreign Languages Education: American Council on the Teaching of Foreign Languages (ACTFL) Program Standards for the Preparation of Foreign Language Teachers.

E. Health and Physical Education: Society of Health and Physical Educators (SHAPE) America, Initial Health Education Teacher Education Standards and Initial Physical Education Teacher Education Standards.

F. Music Education: National Association of Schools of Music (NASM) Standards for Music Teacher Preparation.

G. Theater Education: National Association of Schools of Theatre (NAST) Standards for Theater Teacher Preparation.

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Chapter 5. Educational Leader Professional Standards

§501. Introduction

A. LDOE has adopted the *Louisiana Leader Rubric* through a partnership with National Institute for Excellence in Teaching (NIET) to directly support improvements in school leadership as defined by performance expectations outlined in this Chapter. The rubric supports school leaders in building essential skills that elevate their practice, advance instruction, and improve outcomes for all students. Additionally, references to instructional practice and strategies embedded within the rubric are rooted in the use of high-quality instructional materials (HQIM), which are aligned to state standards and assessments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:289 (February 2025).

§503. Performance Expectation 1: School Mission, Vision, and Strategic Goal Setting

A. Education leaders ensure the achievement of all students by guiding the development and implementation of a shared vision of learning, strong organizational mission,

and high expectations for every student. The indicators in expectation 1 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. every student learning;
2. collaboration with all stakeholders;
3. high expectations for all;
4. examining assumptions and beliefs; and
5. continuous improvement using evidence.

B. Indicator A—Goal-Setting and Monitoring.

1. Establishes data-driven goals and an action plan for achievement.

2. Disaggregates current and relevant data in order to create and support school goals.

3. Uses current and relevant data to impact student achievement.

4. Plans, implements, and supports acceleration and interventions.

5. Effectively utilizes student data and student work to create and/or revise action plans a few times during the school year.

C. Indicator B—Communication of Mission, Vision, and Goals.

1. Establishes a school mission and vision that drives instruction and school activities.

2. Communicates the mission, vision, and goals of the school with staff members and students.

3. Invests teachers and students in contributing to the school vision in order to reach established goals.

D. Indicator C—Expectations.

1. Advocates for the best interests and needs of students to ensure student achievement.

2. Establishes high standards for students and teachers.

3. Creates opportunities for students and teachers to establish high and demanding expectations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:289 (February 2025).

§505. Performance Expectation 2: Instructional Leadership

A. Education Leaders ensure the achievement and success of all students by monitoring and continuously improving teaching and learning. The indicators in expectation 2 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. learning as the fundamental purpose of school;
2. valuing all learners;
3. continuous professional growth and development;
4. lifelong learning;
5. collaboration with all stakeholders;
6. high expectations for all; and
7. student learning.

B. Indicator A—Curriculum and Assessment.

1. Establishes and monitors high-quality instructional materials which are consistent with school wide goals.

2. Ensures teachers set clear, measurable objectives and success criteria aligned to the depth and rigor of the state standards and the objectives of the high-quality instructional materials. National or local standards are to be used when state standards are not provided.

3. Implements systems that allow teachers to analyze formative and summative data to monitor student progress and adjust teaching and learning using an accelerated approach to support and monitor student progress;

4. Creates opportunities for teachers to participate in professional learning that is focused on curriculum, assessment, and instructional practices.

5. Engages in conversations about assessments and student progress with teachers.

C. Indicator B—Teacher Effectiveness.

1. Utilizes a school wide evaluation system and individualized coaching plans/professional growth plans (PGPs) to increase teacher effectiveness.

2. Evaluates classroom teaching and learning accurately and provides student work data to support the evaluation.

3. Provides specific evidence from the observed lesson that connects to an overall area of strength, an area of growth, and a specific recommendation for next steps.

4. Uses teacher and student work data gathered through observations to determine what development activities or instructional strategies will best meet the needs of each individual teacher to improve overall teacher effectiveness.

5. Ensures most teachers receive a differentiated targeted support plan based on classroom evaluations.

6. Includes opportunities for teachers to implement learning in different ways and ensures teacher ownership of new learning.

7. Creates structures where teachers can support one another so that they can build and sustain their own learning in order to impact student achievement.

D. Indicator C—Meeting Student Needs.

1. Engages all teachers in utilizing data to identify students in need of acceleration, intervention, extension, or other additional supports.

2. Monitors student progress plans to ensure the academic needs of all students are being met.

3. Supports teachers in utilizing instructional supports within high-quality instructional materials, when available, to ensure that students master the content.

4. Implements rigorous, on grade-level instruction.

E. Indicator D—Instructional Focus.

1. Implements a schoolwide schedule and routines that maximize instructional time.

2. Plans and prioritizes his/her own schedule in order to engage in instructional leadership activities focused on teaching and learning.

3. Ensures teachers have access to high-quality instructional materials to instruct all students.

4. Considers district and school goals when making decisions about instructional practices or priorities.

5. Utilizes other instructional leaders on campus to play a role in supporting and building teacher capacity in order to meet both teacher and student goals.

6. Leads instructional staff meetings and/or ongoing applied professional learning with adult learning principles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:289 (February 2025).

§507. Performance Expectation 3: Capacity Building

A. Education leaders consistently and effectively reflect on their leadership practice resulting in strategic action plans that lead to significant increase in student achievement and teacher proficiency. Leaders self-reflect to determine areas of growth and set rigorous goals routinely to strengthen their own leadership practice. Education leaders implement and adjust school wide action plans based on feedback and data collected in order to enhance student achievement and teacher effectiveness. Leaders collaborate with colleagues at the school and system levels to implement local and school wide initiatives that consistently result in gains in student achievement. The indicators in expectation 3 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. guided collaboration for all stakeholders;

2. induction, support, and development of new staff;

3. providing continuous professional growth and developmental support opportunities for future and current teacher leaders;

4. demonstrating lifelong learning; and

5. leading and implementing professional learning aligned to multiple data sources and guided by adult learning principles.

B. Indicator A—Reflective Practice.

1. Reflects on their own leadership practice resulting in actions to increase student achievement and teacher proficiency.

2. Determines areas of growth and sets goals to strengthen his/her own leadership practice.

3. Implements school wide activities/action steps based on feedback and data.

4. Collaborates with colleagues at the school and system district levels to implement district local initiatives that result in gains in student achievement.

C. Indicator B—Leadership Development.

1. Utilizes teacher and student observational data with school leaders resulting in adjustments to the support that is provided for teachers and to ensure student growth.

2. Provides coaching support and collaborative opportunities for teacher leaders based on professional development, classroom support and observations, teacher evaluation data, and student achievement data.

3. Develops the leadership skills of others by establishing a career pipeline for mentor teachers, content leaders, and other instructional leaders to assume additional responsibilities.

4. Provides opportunities for teachers and staff members to gain new learning.

D. Indicator C—Collaborative Practices.

1. Provides ongoing collaborative opportunities structures for teachers to strengthen instructional practice by examining evidence of student learning and making instructional adjustments.

2. Provides for meaningful contribution from teachers that includes significant student or teacher data to inform decisions, build teacher capacity, and increase student achievement.

3. Monitors the quality of content within teacher collaboration so that it is a logical continuum that increases student learning.

E. Indicator D—Continuous Improvement.

1. Prepares and plans for new staff by providing induction and mentoring systems and support.

2. Systematically fosters and empowers the continuous learning and improvement of teachers and staff to the highest levels of practice through job-embedded professional learning opportunities.

3. Ensures individualized professional learning, aligned to the coaching plan/PGP, is provided to support teachers' and staff members' skills, is guided by understanding of adult learning principles, and is measured with student data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:290 (February 2025).

§509. Performance Expectation 4: School and Community Environment

A. Education leaders ensure the success of all students by collaborating with families and stakeholders who represent various community interests and needs and mobilizing community resources that improve teaching and learning. The indicators in expectation 4 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. high standards for all;
2. including family and community as partners;
3. respect for all families; and
4. continuous learning and improvement for all.

B. Indicator A—School Atmosphere.

1. Establishes a safe and positive campus atmosphere for students, staff members, families, and community stakeholders;

2. Manages conflict among stakeholders effectively.
3. Regularly collaborates with a school leadership team.

C. Indicator B—Community Engagement.

1. Develops productive relationships with stakeholders.

2. Uses communication to enhance student learning and build support for goals.

3. Provides needed support services for students and their families during school hours.

4. Creates opportunities for stakeholder engagement to improve school climate for student learning.

D. Indicator C—Discipline.

1. Implements campus wide discipline system/plan to promote a positive learning environment for all students.

2. Addresses student misconduct in a positive, fair, and unbiased manner.

3. Incorporates problem-solving skills to manage student behavioral challenges.

4. Supports teachers in resolving discipline concerns.

E. Indicator D—Access to High-Quality Education.

1. Implements systems that enable all students to have access to effective teachers.

2. Develops initiatives to ensure all students are provided with learning opportunities and academic and social supports that lead to academic success.

3. Supports teachers with identifying and utilizing resources for providing all students with educational opportunities.

F. Indicator E—Responsiveness to Stakeholders.

1. Incorporates and articulates a commitment to all students in the school mission and vision.

2. Incorporates the background knowledge of students' communities in the school curriculum.

3. Creates organizational structures at the school that empower all students and parents across communities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:291 (February 2025).

§511. Performance Expectation 5: Professionalism and Integrity

A. Education leaders ensure the success of all students by being professional and acting with integrity. The indicators in expectation 5 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. the common good over personal interests;
2. taking responsibility for actions;
3. professionalism and integrity in all relationships and decisions;
4. modeling high expectations; and
5. continuously improving knowledge and skills.

B. Indicator A—Professional Norms.

1. Establishes and supports an environment that is open, productive, caring, professional, and trusting for teachers and staff.

2. Promotes accountability among teachers and staff for each student's success and the effectiveness of the school as a whole.

C. Indicator B—Professional Behavior.

1. Provides professional direction by acting respectfully and responsibly in personal conduct, in relationships with others, and expects staff and students to do the same.

2. Demonstrates the values of integrity, trust, collaboration, perseverance, and continuous improvement.

3. Makes most decisions based on what is best for children and holds oneself responsible for the academic achievement and well-being of all students.

D. Indicator C—Policy.

1. Understands, implements, and supports school personnel in following school and system expectations and policies to maintain consistency and impartiality.

2. Models and ensures that all stakeholders understand, comply, and adhere to federal, state, and local laws, rights, policies, and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:291 (February 2025).

§513. Performance Expectation 6: School Operations/Management

A. Education leaders ensure the success of all students by managing organizational systems and resources for a safe, high-performing learning environment. The indicators in expectation 6 are designed to describe the degree to which educational leaders believe in, value, and are committed to:

1. a safe and supportive learning environment;
2. collaboration with all stakeholders;
3. responsible distribution of fiscal, physical, and human resources;

4. operating efficiently and effectively; and
5. management in service of staff and student learning.

B. Indicator A—Administrative Operations.

1. Manages the governance processes and internal and external politics toward achieving the school’s mission and vision.

2. Recruits, hires, and retains a diverse group of highly qualified professional staff.

3. Establishes and monitors a system that ensures all staff, including but not limited to clerical, cafeteria, custodial, and transportation, are productive and use their time effectively by focusing on student needs and student achievement.

C. Indicator B—Fiscal and Physical Management.

1. Acquires and manages fiscal, physical, and other resources to support student learning and community engagement.

2. Analyzes data sources and utilizes feedback to make decisions for allocating resources in order to meet the needs and goals of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 51:291 (February 2025).

Tavares A. Walker
Executive Director

2502#026

RULE

Board of Elementary and Secondary Education

Establish Committee (LAC 28:I.501)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:I in BESE/8(g) Operations. The revisions to the BESE Code provide for the establishment of the BESE Legislative and Governmental Affairs Committee. The purpose of the committee will be to support activities related to advancing the legislative agenda of BESE. These activities include providing timely input on BESE's legislative agenda and priorities, budget and legislative proposals, and legislation on the federal and state level. This Rule is hereby adopted on the day of promulgation.

**Title 28
EDUCATION**

Part I. BESE/8(g) Operations

Subpart 1. Board of Elementary and Secondary Education

Chapter 5. Organization

§501. Committees

A. - B.3.b. ...

4. - 4.b.i. Repealed.

5. Legislative and Governmental Affairs Committee. The following are examples of issues that will be considered by the Legislative and Governmental Affairs Committee:

- a. Primary areas of responsibility (AORs):
 - i. prioritization of education policies;
 - ii. development of policy positions;
 - iii. relevant proposals, reports, and correspondences;
 - iv. governmental education policy resource;
 - v. advice and counsel to BESE; and
 - vi. legislative relations.

6. School Innovation and Turnaround Committee. The following are examples of issues that will be considered by the School Innovation and Turnaround Committee.

- a. Primary areas of responsibility (AORs):
 - i. charter school performance, support, and oversight;
 - (a). charter amendment requests, approvals, extensions, and renewals, etc.;
 - ii. RSD performance management;
 - (a). school accountability—annual performance and exit eligibility; and
 - (b). school intervention decisions.
 - b. Issues included on “as-needed” basis in AORs:
 - i. enrollment policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:415 (March 2008), amended LR 35:223 (February 2009), LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2139 (July 2011), LR 38:3152 (December 2012), repromulgated LR 39:308 (February 2013), amended LR 39:3263 (December 2013), LR 45:1443 (October 2019), LR 48:412 (March 2022), LR 48:2558 (October 2022), LR 51:292 (February 2025).

Tavares A. Walker
Executive Director

2502#023

RULE

**Office of the Governor
Board of Pardons**

Clemency
(LAC 22:V.Chapter 2)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950) and pursuant to R.S. 15:573.1, the Board of Pardons has amended LAC V.201, 203, 204, 205, 209, 211. The amendment to §203 changes the eligibility criteria for inmates serving a life sentence. Inmates serving a life sentence for a non-violent offense must serve a minimum of 15 years to be eligible for a commutation of sentence, while inmates serving life for a violent offense (R.S. 14:2(B)) or a sex offense (R.S. 15:541), must serve a minimum of 25 years. The amendment to §205 changes the timeframe from four years to five for applications denied due to fraudulent documents or information and changes the process for favorable recommendations sent to the governor. The governor will take action on favorable recommendations prior to leaving office. This Rule is hereby adopted on the day of promulgation.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT

Part V. Board of Pardons

Chapter 2. Clemency

§201. Types of Clemency

A. Executive Pardon. An executive pardon is a full pardon that unconditionally releases a person from punishment and forgives guilt for any Louisiana convictions. It restores an applicant to all of the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms. An executive pardon shall not be considered for an applicant who is imprisoned except when exceptional circumstances exist. An executive pardon shall not be considered for an incarcerated applicant except when exceptional circumstances exist.

B. - F.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572, 15:573.1, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2254 (August 2013), amended LR 51:293 (February 2025).

§203. Eligibility for Clemency Consideration

A. Eligibility

1. Pardon. A person may not apply for a pardon if the applicant has any outstanding detainers or any pecuniary penalties or liabilities totaling more than \$1,000 resulting from any criminal conviction or traffic infraction. In addition, no person is eligible to apply for a pardon unless the applicant has paid all court costs imposed in connection with the conviction of the offense for which the pardon is requested.

2. Commutation of Sentence. A person may not be considered for a commutation of sentence unless he or she has been granted a hearing by the Pardon Board and has had his or her case placed upon a Pardon Board agenda. A person who is serving a life sentence resulting from a commutation of sentence of death shall not thereafter be eligible to apply for commutation of sentence to a specific number of years. See §204 for Capital Case eligibility.

3. Remission of Fines and Forfeitures. A person may not apply for a remission of fines and forfeitures unless he or she has completed all sentences imposed and all conditions of supervision have expired or been completed, including, but not limited to, parole and/or probation.

A.4. - C. ...

1. An incarcerated applicant who is not serving a life sentence for a non-violent offense may request a commutation of sentence:

- a. at any time; and
- b. must have been disciplinary report free for a period of at least 36 months prior to the date of the application or at the time of the hearing; and
- c. must not be classified to maximum custody status at the time of the application or at the time of the hearing; and
- d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated.

2. An incarcerated applicant who is not serving a life sentence, but who is serving a sentence for a violent offense

as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 may request a commutation of sentence:

- a. after having served a minimum of 10 years; and
- b. must have been disciplinary report free for a period of at least 36 months prior to the date of the application or at the time of the hearing; and
- c. must not be classified to maximum custody status at the time of the application or at the time of the hearing; and
- d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated, unless deemed unable to work due to medical or mental health condition.

3. An incarcerated applicant who is serving a life sentence for a non-violent offense may request a commutation of sentence:

- a. after having served a minimum of 15 years (The 15 years shall include periods of time prior to the imposition of the sentence in which the applicant was in actual custody for the offense for which he or she was sentenced to life imprisonment.); and
- b. must have been disciplinary report free for a period of at least 36 months prior to the date of the application or at the time of the hearing; and
- c. must not be classified to maximum custody status at the time of the application or at the time of the hearing; and
- d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated, unless deemed unable to work due to medical or mental health condition.

4. An incarcerated applicant who is serving a life sentence for a violent offense as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 may request a commutation of sentence:

- a. after having served a minimum of 25 years (The 25 years shall include periods of time prior to the imposition of the sentence in which the applicant was in actual custody for the offense for which he or she was sentenced to life imprisonment.); and
- b. must have been disciplinary report free for a period of at least 36 months prior to the date of the application or at the time of the hearing; and
- c. must not be classified to maximum custody status at the time of the application or at the time of the hearing; and
- d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated, unless deemed unable to work due to medical or mental health condition.

AUTHORITY NOTE: Promulgated in accordance with R.S.15:573.1, 15:574.12, and 44:1 et seq.

HISTORICAL NOTE: Promulgated Promulgated by the Office of the Governor, Board of Pardons, LR 39:2255 (August 2013), amended LR 42:1087 (July 2016), amended by the Office of the Governor, Board of Pardons and Committee on Parole, LR 44:574 (March 2018), amended by the Office of the Governor, Board of Pardons, LR 44:1006 (June 2018), LR 47:358 (March 2021), repromulgated LR 47:455 (April 2021), amended LR 50:1265 (September 2024), LR 51:293 (February 2025).

§204. Capital Cases

A. ...

B. No application for commutation of a death sentence to life without parole should be filed before the applicant’s direct appeal of the conviction and sentence has been denied and the applicant has served 25 years from the date of sentence. The 25 years shall not include periods of time prior to the imposition of a sentence in which the applicant was in actual custody for the offense for which he or she was sentenced to death.

C. Applications for commutation of a death sentence to life without parole must be submitted on the form approved by the Board of Pardons and must also contain the following information:

1. - 2. ...

3. certified copies of the indictment, judgment, verdict of the jury, and sentence in the case;

4. a brief statement of the offense for which the applicant has been sentenced to death;

5. - 6. ...

7. a brief statement of the effect of the applicant’s crime upon the family of the victim.

D. Timely applications for commutation of a death sentence to life without parole will be reviewed to determine eligibility. If an applicant is deemed eligible, the matter shall be set for public hearing, following the procedures in §211. If the applicant is not eligible, he or she will be notified in writing of the reason for ineligibility.

E. ...

F. Only one application for commutation of the death sentence to life without parole will be processed to completion. Successive or repetitious applications submitted on behalf of the same inmate may be summarily denied by the board without a meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12 and 44:12 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 50:1266 (September 2024), amended LR 51:294 (February 2025).

§205. Application Filing Procedures

A. - A.1. ...

2. It is the applicant's responsibility to submit a complete application. The application shall not be processed until it is complete. If any required information does not apply, the response should be “N/A”.

3. ...

4. Additional documentation relevant to the application may also be submitted, including letters of support on behalf of the applicant, military DD-214 if applicable, and other attachments that the applicant would like to include.

A.5. - B. ...

1. Incarcerated Applicants. Applicants currently confined in a facility must attach a current master prison record and have the signature of a classification officer verifying the applicant's conduct and a copy of the conduct report. Applicants sentenced to death must attach proof of direct appeal denial.

2. Parolees. Applicants who have completed parole supervision must attach a copy of their parole certificate, a certified judgment, and sentence on each conviction for

which they are applying for a pardon; a certified statement from the clerk of court that all fines, fees, and court costs (including restitution and parole fees) have been paid in full; a current credit report (current within 90 days of date of application), proof of income, and proof of residence.

3. Probationers. Applicants who have completed the probationary period must attach a certified copy of sentencing minutes or copy of automatic first offender pardon, a certified judgment and sentence on each conviction for which they are applying for a pardon; a certified statement from the clerk of court that all fines, fees, and court costs (including restitution and probation fees) have been paid in full; a current credit report (current within 90 days of date of application), proof of income, and proof of residence.

4. ...

C. No additional information or documents may be submitted until the applicant has been notified that he or she qualifies for a hearing. The Board of Pardons will not be responsible for items submitted prior to notification that a hearing will be scheduled.

D. ...

1. Applicants with a life sentence may reapply five years after the initial denial and every five years thereafter. The applicant must also meet the criteria stated in §203.C.3.-4d.

2. Applicants without a life sentence may reapply five years after the initial denial and every two years thereafter. If incarcerated, the applicant must also meet the criteria stated in §203.C.1-2.d.

3. Fraudulent Documents or Information. Any fraudulent documents or information submitted by an applicant will result in an automatic denial by the board and no new application will be accepted until five years have elapsed from the date of the letter of denial.

4. Favorable Recommendation. When the board notifies the governor that it has granted a favorable recommendation of an application for pardon or commutation of sentence, the board shall also provide simultaneous notice to the applicant that a favorable recommendation has been sent to the governor for consideration.

a. The governor will notify the following individuals at least 30 days before commuting a criminal sentence or granting a pardon to any person:

i. the attorney general, district attorney, the sheriff of the parish in which the applicant was convicted, and, in Orleans Parish, the superintendent of police; and

ii. the victim or the spouse or next of kin of the deceased victim.

E. Governor’s Action. The law requires the governor to grant or deny a favorable recommendation for clemency prior to leaving office or upon expiration of their term of office.

1. The governor’s office will notify an applicant if any clemency is granted. Any otherwise eligible person who has been granted any form of executive clemency by the governor may not reapply for further executive clemency for at least five years from the date that such action became final.

2. Denial by Governor after Favorable Recommendation.

a. The board shall notify an applicant after the governor's office notifies the board that its favorable recommendation was denied.

b. If the applicant is denied by the governor, the applicant may not reapply for clemency for at least five years from the date of the denial. The application filing procedures in Subsections A-D.3. of this Section shall apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:573.1, 15:574.12, and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2255 (August 2013), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 41:42 (January 2015), amended by the Office of the Governor, Board of Pardons, LR 42:1087 (July 2016), LR 43:1161 (June 2017), LR 45:1063 (August 2019), LR 47:358 (March 2021), LR 51:294 (February 2025).

§209. Hearing Advertisement Requirements

A. After notice to an applicant that they are qualified for a hearing, the applicant must provide the Board of Pardons office with proof of advertisement within 90 days from the date of the notice. The advertisement must be published in the official journal of the parish where the offense occurred. This ad must state:

"I (applicant's name), (DOC number), have applied for clemency for my conviction of (offense). Please send any comments to PardonBoard@la.gov or call (225) 342-5421."

B. At this stage of the process, along with the proof of advertisement published in the local journal, the applicant may submit additional information (e.g., letters of recommendation and copies of certificates of achievement and employment/residence agreement).

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2256 (August 2013), amended LR 43:1162 (June 2017), LR 51:295 (February 2025).

§211. Hearings before the Pardon Board

A. The board shall meet on regularly scheduled dates as determined by it and at such other times as the chairman may determine are necessary to review and take action on clemency applications before it and to transact such other business as it deems necessary. The meeting calendar shall be made available to the public. The hearing dates shall also be posted on the board's website. To the extent feasible, the board shall schedule hearings for clemency in the order in which the applications are completed.

B. ...

C. At least 90 days prior to the public hearing date, the board shall give written notice of the date, time, and place to the following:

1. - 2. ...

3. the victim, witness, guardian of the victim, or a close relative of the deceased victim. The notice is not required when the victim, witness, guardian of the victim, or the close relative of the deceased victim advises the board, in writing, that such notification is not desired;

4. - 5. ...

D. The victim, witness, guardian of the victim, or a close relative of the deceased victim shall have the right to make a written or oral statement as to the impact of the crime.

E. The victim, witness, guardian of the victim, a close relative of the deceased victim, a victim's advocacy group, and the district attorney or his representative may also appear before the panel by means of teleconference, telephone communication, or other electronic means.

1. All persons making oral presentations in favor of an applicant shall be allowed cumulatively no more than 10 minutes.

2. All persons making oral presentations against an applicant, including victims, shall be allowed cumulatively no more than 10 minutes.

3. The district attorney representing the state and the applicant's attorney will each be allowed a maximum of 10 minutes for oral presentation to the board.

F. There is no limit on written correspondence in favor of and/or opposition to the applicant's request.

G. The board shall notify the Department of Public Safety and Corrections and the Louisiana Victim Outreach Program at least 90 days prior to the public hearing.

H. If an applicant is requesting commutation of sentence and is released from custody and/or supervision prior to the public hearing date, the application will be closed without notice to the applicant. The applicant may reapply five years from the date of release.

I. The applicant's failure to attend and/or notify the board of his or her inability to participate in the hearing will result in an automatic denial. The applicant may reapply five years from the date of the denial.

J. - J.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12, and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2256 (August 2013), amended LR 42:1088 (July 2016), amended by the Office of the Governor, Board of Pardons and Committee on Parole, LR 43:46 (January 2017), LR 44:574 (March 2018), LR 44:2140 (December 2018), LR 47:359 (March 2021), LR 47:1107 (August 2021), LR 50:1266 (September 2024), LR 51:295 (February 2025).

Sheryl M. Ranatza
Board Chair

2502#002

RULE

Office of the Governor Division of Administration Office of State Uniform Payroll

State Uniform Payroll (LAC 4:III.Chapter 1)

In accordance with the provision of the Administrative Procedure Act, R.S. 49:953(A), the Office of State Uniform Payroll (OSUP) has amended LAC 4:III. Chapter 1.

Previously, when statewide/supplemental insurance vendors made policy or rate changes, policyholders/employees had to actively accept these changes in writing before they took effect. The new Rule automatically applies these changes unless policyholders/employees specifically request in writing to cancel their policy. This makes the process similar to how the Office of Group Benefits (OGB) handles their insurance

changes. The update also includes some formatting changes and removes Section 119, which was an outdated Rule from 2005 about vendor transitions. This Rule is hereby adopted on the day of promulgation.

Title 4
ADMINISTRATION
Part III. Payroll

Chapter 1. Payroll Deductions

§101. Definitions

* * *

Insurable Interest—as referenced herein shall be as defined in R.S. 22:901.C.(1) and (2), e.g., an individual related closely by blood or by law, or a lawful and substantial economic interest in having the life, health or bodily safety of the individual insured continue.

* * *

Statutory Vendors—any entity having deductions mandated or permitted by federal or state statute which includes, but is not limited to union dues, credit unions, IRC §457 and §403(b) plans, health and life insurance products sponsored by the Office of Group Benefits (OGB), retirement systems, Student Tuition Assistance and Revenue Trust (START), and qualified charitable organization entities.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1026 (May 2000), LR 32:84 (January 2006), LR 38:797 (March 2012), LR 51:296 (February 2025).

§103. Employee Payroll Benefits Committee (EPBC)

A. A committee comprised of 12 nominated and three ex-officio state employees of the departments of the executive branch of state government or the Office of the Governor, as defined under R.S. 36:4, and may include a representative from higher education, established by the commissioner of administration to fulfill the requirements of §106 and §112 of this Rule. Ex-officio members shall be: director or assistant director of OSUP, a designee of the commissioner of insurance, and a representative from OGB. Ex-officio members shall be non-voting members.

B. - D. ...

E. Prior to May 1, annually, the EPBC through OSUP shall submit, to the commissioner of administration, nominees for each of the four vacancies which will occur each year.

F. The commissioner of administration shall affirm or reject the nominations and submit such to OSUP prior to June 1 each year.

G. Any EPBC vacancy which occurs due to termination of employment or retirement of a member, and which creates a vacancy for a period of 12 months or more, shall be filled by appointment by the commissioner of administration.

1. Within 30 days of notice of the vacancy, the EPBC shall submit a nominee for replacement to the commissioner of administration.

2. The commissioner of administration shall affirm or reject the nomination within 30 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 22:22 (January 1996), amended LR 26:1026 (May 2000), LR 32:85 (January 2006), LR 39:3271 (December 2013), LR 51:296 (February 2025).

§106. Statewide Vendor Annual Renewal and New Application Process

A. All currently approved statewide vendors shall file an annual renewal application with OSUP as scheduled by that office.

B. Written notice of requests for a new statewide vendor payroll deduction or for current vendors to add additional products or to add additional policy forms or service plans under the current products should be sent to the director of OSUP prior to July 1 annually, in order for the vendor to receive an application form from OSUP. Applications for the purpose of providing deductions for IRA's, annuities, noninsurance investment programs or group plans are not permitted.

C. On or before August 1 annually, OSUP will provide deduction application forms along with instructions for completion to each renewal and new entity on file as of July 1.

D. On or before August 31 annually, renewal and new applications must be completed and submitted to OSUP in the manner indicated in the application instructions.

D.1. - 2.g. ...

E. On or before October 1 annually, OSUP will conduct a compliance review and shall notify vendors of any products that will be removed due to not meeting the participation requirements in §114.C.3. On or before October 1 annually, OSUP shall notify all vendors whether or not their annual application has been conditionally approved.

F. Between September and April annually, the EPBC shall conduct a thorough review of all products authorized for deduction and new applications.

F.1. - G. ...

H. OSUP shall provide the commissioner of administration recommendations from EPBC and information relative to vendor/product compliance with all other provisions of this Rule.

I - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:86 (January 2006), amended LR 38:797 (March 2012), LR 51:296 (February 2025).

§112. Statewide Vendor Requests for Enhancements/Changes to Products

A. - B.1.a. ...

b. current policyholders shall be enrolled in the changed policy unless they terminate the policy in writing with their payroll office or the vendor; and

B.1.c. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 26:1027 (May 2000), amended LR 32:87 (January 2006), LR 38:798 (March 2012), LR 51:296 (February 2025).

§114. Statewide Vendor Requirements and Responsibility

A. - B.3. ...

4. provide to the commissioner of administration within 30 days of approval an irrevocable letter of credit in the amount of \$100,000, or an irrevocable pledge of a certificate of deposit in the amount of \$100,000 to protect the state and any officer or employee from loss arising out of participation in the program or plan offered by the vendor.

C. - C.5.h. ...

i. employee deduction authorization shall not be transferred by an approved vendor to another vendor without special approval from the commissioner of administration;

C.5.j. - I ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:87 (January 2006), amended LR 38:798 (March 2012), LR 51:297 (February 2025).

§119. Rule Transition

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1029 (May 2000), LR 32:89 (January 2006), repealed LR 51:297 (February 2025).

§122. Statutory and Intra-Agency Vendor Information

A. - A.2. ...

a. Employee authorization agreements shall not stipulate any “contract” or “term of participation” requirements.

A.2.b. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 32:89 (January 2006), amended LR 51:297 (February 2025).

§137. Appeal Process

A. - B. ...

C. Any vendor and/or vendor representative who is not satisfied with this decision has the right to appeal to the commissioner of administration. Any such appeal must be in writing and received by the commissioner of administration within 10 days of receipt by the vendor. The commissioner of administration shall issue a written decision on the matter within 14 days of receipt of the written appeal.

D. The decision of the commissioner of administration shall be the final administrative review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:455.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 12:763 (November 1986), amended LR 16:402 (May 1990), LR 19:318 (March 1993), LR 22:22 (January 1996), LR 26:1031 (May 2000), LR 32:90 (January 2006), LR 51:297 (February 2025).

Nancy Keaton
Assistant Commissioner

2502#009

RULE

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

Home and Community-Based Services Waivers
Community Choices Waiver
(LAC 50:XXI.Chapters 81, 85, 86, 93, and 95)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services have amended LAC 50:XXI.Chapters 81, 85, 86, 93, and 95 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

**PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services
Waivers**

Subpart 7. Community Choices Waiver

Chapter 81. General Provisions

**§8105. Programmatic Allocation of Waiver
Opportunities**

A. ...

B. Community Choices Waiver opportunities shall be offered to individuals on the registry according to priority groups. The following groups shall have priority for Community Choices Waiver opportunities, in the order listed:

1. - 4. ...

5. individuals who require expedited waiver services, who are approved for the maximum amount of services allowable under LT-PCS and will require institutional placement, unless offered an expedited waiver opportunity;

6. individuals who are not presently receiving home and community-based services (HCBS) under another Medicaid program, including, but not limited to:

a. Program of All-Inclusive Care for the Elderly (PACE);

b. long term—personal care services (LT-PCS); and/or

c. any other 1915(c) waiver; and

7. all other eligible individuals on the CCW registry, by date of first request for services.

C. - D. ...

E. Notwithstanding the priority group provisions, up to 300 Community Choices Waiver opportunities may be granted to qualified individuals who require expedited waiver services. These individuals shall be offered an opportunity on a first-come, first-served basis.

1. To be considered for an expedited waiver opportunity, the individual must, at the time of the request for the expedited opportunity, be approved for the maximum amount of services allowable under LT-PCS and require institutional placement, unless offered an expedited waiver opportunity.

2. The following criteria shall be considered in determining whether to grant an expedited waiver opportunity:

- a. ...
- b. the death or incapacitation of an informal caregiver leaves the individual without other supports;
- c. ...
- d. the individual lives alone and has no access to informal support; or
- e. for other reasons, the individual lacks access to adequate informal support to prevent nursing facility placement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended LR 39:319 (February 2013), LR 39:1778 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018), LR 45:756 (June 2019), LR 50:785 (June 2024), LR 51:297 (February 2025).

Chapter 85. Self-Direction Initiative

§8501. Self-Direction Service Option

A. - C.2.d.vi. ...

D. Employee Qualifications. All employees under the self-direction option must:

1. ...
2. pass required criminal history background and database checks; and
3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:321 (February 2013), LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018), LR: 49:1726 (October 2023), LR 50:787 (June 2024), LR 51:298 (February 2025).

Chapter 86. Organized Health Care Delivery System

§8601. General Provisions

A. - C. ...

D. Prior to enrollment, an OHCDs must demonstrate the ability to provide all of the CCW services.

1. For ADHC services, the OHCDs must show the ability to provide this service, only if there is a licensed ADHC provider in the service area.

2. - 8. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2643 (December 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:787 (June 2024), LR 51:298 (February 2025).

Chapter 93. Provider Responsibilities

§9301. General Provisions

A. ...

B. All providers (with the exception of Home Delivered Meals providers), Self-Direction (SD) employers and/or Fiscal Employer Agencies (FEAs) must ensure that statewide criminal history background checks are performed on all unlicensed persons working for their agency in accordance with R.S. 40:1203.1 et seq. and/or other applicable state law upon hire.

1. Ensure that the provider or SD employer and/or FEA does not hire unlicensed persons who have a conviction that bars employment in accordance with R.S. 40:1203.3 or other applicable state law.

a. The provider, SD employer and/or FEA shall have documentation on the final disposition of all charges that bars employment pursuant to applicable state law.

2. Ensure that all employees, including contractors, have not been excluded from participation in the Medicaid programs by checking the databases upon hire and monthly thereafter.

a. The provider, SD employer and/or FEA must maintain documentation of the results of these database checks.

C. The provider shall not request payment unless the participant for whom payment is requested is receiving services in accordance with the Community Choices Waiver program provisions and the services have been prior authorized and actually provided.

D. Any provider of services under the Community Choices Waiver shall not refuse to serve any individual who chooses their agency unless there is documentation to support an inability to meet the individual's health and welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services.

1. OAAS or its designee must be immediately notified of the circumstances surrounding a refusal by a provider to render services.

2. This requirement can only be waived by OAAS or its designee.

E. Providers must maintain adequate documentation to support service delivery and compliance with the approved POC and will provide said documentation at the request of the department, or its designee.

F. Any provider of services under the Community Choices Waiver shall not interfere with the eligibility, assessment, care plan development, or care plan monitoring processes with use of methods including, but not limited to:

1. harassment;
2. intimidation; or
3. threats against program participants, members of their informal support network, LDH staff or support coordination staff.

G. Any provider of services under the Community Choices Waiver shall have the capacity and resources to provide all aspects of any service they are enrolled to provide in the specified service area.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3524 (December 2011),

amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:788 (June 2024), LR 51:298 (February 2025).

Chapter 95. Reimbursement

§9501. Reimbursement and Rate Requirements

A. - G. ...

H. Personal assistance service providers and Self-Direction employers must pay their direct services workers (DSW) a minimum of \$9 per hour.

I. ADHC providers must pay their ADHC direct support workers a minimum of \$9 per hour.

J. The state has the authority to set and change provider rates and/or provide lump sum payments to providers based upon funds allocated by the legislature.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), LR 39:508, 508 (March 2013), repromulgated LR 39:1048 (April 2013), amended LR 39:1779 (July 2013), LR 40:793 (April 2014), LR 42:897 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1902 (October 2018), LR 47:886 (July 2021), LR 49:487 (March 2023), LR 50:788 (June 2024), LR 51:299 (February 2025).

§9503. Direct Support/Service Worker Wages, Other Benefits, and Workforce Retention Bonus Payments

A. Direct Support/Service Worker Wage Floor and Other Benefits

1. Repealed.

2. - 3. ...

4. All PAS and ADHC providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the direct support/service worker in various forms. These forms include a minimum wage floor of \$9 per hour and other wage and non-wage benefits. These wage floor and wage and non-wage benefits are effective for all affected direct support/service workers, including contracted workers, of any working status, whether full-time or part-time.

5. Repealed.

6. ...

B. Direct Support/Service Worker Workforce Bonus Payments

1. Repealed.

2. The PAS and ADHC direct support/service worker who provided services from April 1, 2021 to October 31, 2022 to participants, must receive at least \$250 of this \$300 monthly bonus payment paid to the provider. This bonus payment is effective for all affected direct support/service workers, including contracted workers, of any working status, whether full-time or part-time.

C. - D.1.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:684 (April 2023), LR 51:299 (February 2025).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of

Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Michael Harrington, MBA, MA
Secretary

2502#046

RULE

Department of Health Bureau of Health Services Financing

Hospital Services
Inpatient Hospital Services
Other Rural Hospitals
(LAC 50:V.1201 and 1225)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:V.1201 and 1225 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals Services

Chapter 12. Other Rural Hospitals

Subchapter A. General Provisions

§1201. Qualifying Criteria

A. To qualify as an other rural, non-state hospital, the hospital shall meet the following criteria:

1. is a non-state owned hospital;

2. has no more than 60 licensed beds as of October 1, 2024, excluding distinct part psychiatric unit beds, distinct part rehabilitation unit beds, and nursery bassinets;

3. does not qualify as a *rural hospital* as defined in R.S. 40:1189.3;

4. is not located within one of Louisiana's metropolitan statistical areas (MSA) as delineated in OMB Bulletin No. 23-01;

5. has an operational emergency room; and

6. is located in a municipality with a population of less than 23,000 as measured by the 2020 United States Census Bureau.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:299 (February 2025).

Subchapter B. Reimbursement Methodology

§1225. Other Rural Hospitals

A. The inpatient hospital per diem rates paid to other rural, non-state hospitals shall be as follows.

1. Acute Care Services. The per diem rate for acute care services shall be 85 percent of the small rural hospital acute per diem rate in effect.

2. Psychiatric Services. The per diem rate for psychiatric services shall be 85 percent of the small rural hospital psychiatric per diem rate in effect.

3. Neonatal Intensive Care Unit (NICU) Services. The per diem rate for NICU services shall be 85 percent of the small rural hospital NICU per diem rate in effect.

4. Nursery Boarder Baby Services. The per diem rate for nursery boarder baby services shall be 85 percent of the small rural hospital nursery boarder baby per diem rate in effect.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:299 (February 2025).

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

Michael Harrington, MBA, MA
Secretary

2502#047

RULE

Department of Health Bureau of Health Services Financing

Hospital Services
Outpatient Hospital Services
Other Rural Hospitals
(LAC 50:V.7901 and 7903)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:V.7901 and 7903 in the Medical Assistance program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospital Services

Chapter 79. Other Rural Hospitals

§7901. Qualifying Criteria

A. In order to qualify as an other rural, non-state hospital, the hospital shall meet the following criteria:

1. is a non-state owned hospital;
2. has no more than 60 licensed beds as of October 1, 2024, excluding distinct part psychiatric unit beds, distinct part rehabilitation unit beds, and nursery bassinets;
3. does not qualify as a *rural hospital* as defined in R.S. 40:1189.3;
4. is not located within one of Louisiana's metropolitan statistical areas (MSA) as delineated in the OMB Bulletin No. 23-01;
5. has an operational emergency room; and
6. is located in a municipality with a population of less than 23,000 as measured by the 2020 United States Census.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:300 (February 2025).

§7903. Reimbursement Methodology

A. The reimbursement rates paid to other rural, non-state hospitals for outpatient hospital services shall be as follows.

1. Surgery Services. The reimbursement amount for outpatient hospital surgery services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

2. Clinic Services. The reimbursement amount for outpatient hospital facility fees for clinic services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

3. Laboratory Services. The reimbursement amount for outpatient clinical diagnostic laboratory services shall be the Medicaid fee schedule amount on file for each service.

4. Rehabilitation Services. The reimbursement amount for outpatient rehabilitation services shall be an interim payment equal to the Medicaid fee schedule amount on file for each service, and a final reimbursement amount of 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

5. Other Outpatient Hospital Services. The reimbursement amount for outpatient hospital services other than surgery services, clinic services, clinical diagnostic laboratory services, and rehabilitation services shall be an interim payment equal to 95 percent of allowable Medicaid cost as calculated through the cost report settlement process.

B. If a qualifying hospital's outpatient cost is greater in subsequent cost reporting periods than the initial implementation year cost report period's cost, outpatient costs shall be subjected to a cap prior to determination of cost settlement amount. Calculation of reimbursable costs shall be as follows.

1. An average cost per Medicaid outpatient unduplicated encounter per day shall be established using Medicaid cost report and paid claims data from the initial cost report period of implementation. The average unduplicated encounter cost per day shall be calculated by dividing the total outpatient allowable costs for all Medicaid outpatient services by the number of paid unduplicated encounters per day. Clinical diagnostic laboratory services and vaccines are not included in this calculation.

2. To determine the capped limit for each subsequent year's allowable cost settlement reimbursement, the base year outpatient unduplicated encounter per day cost shall be multiplied by the unduplicated encounters from the applicable subsequent cost reporting period's Medicaid paid claims data and then increased by 3 percent cumulatively for each year subsequent to the initial implementation year.

3. Final reimbursement shall be 95 percent multiplied by the lesser of capped cost amount calculated per §7903.B.2 or allowable reimbursable cost calculated per §7903.A.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:300 (February 2025).

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

Michael Harrington, MBA, MA
Secretary

2502#048

RULE

Department of Health Office of Public Health

Imported Crawfish and Shrimp; Notice to Patrons of Food Service Establishments (LAC 51:I.127)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the surgeon general, acting through the Department of Health, Office of Public Health (LDH-OPH), has amended Part I (General Provisions) of Title 51. These amendments are to comply with the provisions of Act 148 of the 2024 Regular Legislature. This Rule is hereby adopted on the day of promulgation.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part I. General Provisions

Chapter 1. General

§127. Imported Crawfish and Shrimp; Notice to Patrons of Food Service Establishments

A. Any violation of R.S. 40:5.5.4 shall constitute a violation of this Code. The state health officer acting through the Office of Public Health shall issue fines for violations of R.S. 40:5.5.4 as follows:

1. for a first offense, a fine of \$500 per violation. The state health officer, in his/her discretion, may provide an opportunity for corrective action in lieu of a fine for a first offense;
2. for a second offense, a fine of \$1000 per violation; and
3. for a third and subsequent offense, a fine of \$2000 per violation.

B. Notwithstanding any provision of law to the contrary, including R.S. 40:6(D), prior issuance of a notice of violation or compliance order shall not be a prerequisite to imposing the fines authorized by this Section, which shall be imposed by issuance of a notice and order of imposition of penalties. The notice shall state with specificity the nature of the violation, shall be served on the violator by any means authorized by this Code, and shall be subject to the same administrative appeal procedures and delays as provided for compliance orders in this Code. Fines authorized by this Section shall not be subject to mitigation.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:5.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:301 (February 2025).

Dr. Ralph Abraham
Surgeon General
and
Michael Harrington, MBA, MA
Secretary

2502#035

RULE

Department of Health Office of Public Health

Marine and Fresh Water Animal Food Products (LAC 51:IX.135)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the surgeon general, acting through the Department of Health, Office of Public Health (LDH/OPH), has amended certain Section 135 of Chapter 1 of Part IX (Marine and Fresh Water Animal Food Products) of Title 51 (Public Health—Sanitary Code). This Rule is hereby adopted on the day of promulgation.

Title 51

Public Health—Sanitary Code

Part IX. Marine and Fresh Water Animal Food Products

Chapter 1. Shellfish Growing Areas

§135. Fees for Services

[formerly paragraph 9:002-17]

- A. ...
- B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1) , R.S. 40:5.A.(2)(3)(5)(7)(9)(15)(17)(19)(20), R.S. 40:5.3 and R.S.40:31:35.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1300 (June 2002), amended by the Department of Health, Office of Public Health, LR 48:1850 (July 2022), repromulgated LR 48:2138 (August 2022), amended LR 51:301 (February 2025).

Dr. Ralph Abraham
Surgeon General
and
Michael Harrington, MBA, MA
Secretary

2502#034

RULE

Department of Public Safety and Corrections Corrections Services

Emergency Plan for Sex Offenders on Probation and Parole Supervision in the Event of an Emergency/Disaster (LAC 22:I.405)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby amends the contents of §405, Emergency Plan for Sex Offenders on Probation and Parole Supervision in the Event of an Emergency/Disaster.

The Department of Public Safety and Corrections, Corrections Services, has deleted the provision requiring that sex offenders under supervision must carry at all times a sex offender identification card provided by the division containing the offender's name, DOC number, offense, supervision expiration date, toll-free telephone number, and department's website address. Because there is no law that currently requires sex offenders to carry a sex offender identification card, the Division of Probation and Parole requested removal of this provision. Other minor revisions were also made. This Rule is hereby adopted on the day of promulgation.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 4. Division of Probation and Parole

§405. Emergency Plan for Sex Offenders on Probation and Parole Supervision in the Event of an Emergency/Disaster

A. Purpose. To establish the secretary's policy regarding the temporary and/or permanent displacement of sex offenders under the supervision of the Division of Probation and Parole in times of an emergency/disaster in accordance with applicable law.

B. Applicability: deputy secretary, assistant secretary, director of probation and parole, deputy director of probation and parole, regional directors, district administrators, and district supervisors of the Division of Probation and Parole. The Director of the Division of Probation and Parole shall ensure that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and that all appropriate staff and that all sex offenders currently under supervision are notified.

C. Policy. It is the secretary's policy to ensure public safety by establishing a uniform emergency procedure relative to the temporary and/or permanent displacement of sex offenders under the supervision of the Division of Probation and Parole.

D. Procedures

1. Requirements of the Division of Probation and Parole

a. The division shall establish a toll-free telephone number for sex offenders to call in the event of an emergency/disaster which results in their evacuation or temporary displacement.

b. In the event of an emergency/disaster resulting in the opening of shelters and/or other temporary housing in the state, the local probation and parole district office will post notices in any and all shelters within their geographical area. The notice shall include contact information for the local district office, the probation and parole toll-free telephone number and the department's website address.

c. Each district office will post notices in their office providing contact information in the event of an emergency/disaster resulting in the temporary displacement of sex offenders under supervision.

d. In the event a sex offender is evacuated/temporarily displaced from his approved in-state residence to a shelter/facility out of state, the supervising district will immediately notify all appropriate agencies through the interstate compact of the offender's location and take whatever action is appropriate in the case.

2. Requirements of the Sex Offender

a. Each sex offender under supervision will provide their probation and parole officer with at least one alternate address and telephone number in the event of an emergency/disaster that would require the offender to evacuate his approved residence. The sex offender is to evacuate to this alternate address in the event of an emergency/disaster unless he is prevented from doing so for a legitimate, bona fide reason.

b. In the event a sex offender is evacuated/temporarily displaced from his approved residence due to an emergency/disaster he is to contact either the local probation and parole district office or the headquarters office via the sex offender toll-free telephone number and advise of his new location. The sex offender is also to contact the local sheriff's office and chief of police and inform those agencies of the following: he is a sex offender; his name; date of birth; social security number; new residence location; and last address of registration prior to the emergency. These contacts are to be made as soon as possible and no later than 24 hours after arriving at the new location. This process is to be repeated every time the offender moves to a new location. This process applies to all sex offenders no matter where they are displaced to, both within the state and out of state.

c. In the event a sex offender is evacuated/temporarily displaced due to an emergency/disaster to an emergency shelter, temporary housing, private residence or hotel the sex offender shall immediately notify the management of the facility or home owner of their sex offender status. The sex offender will adhere to all registration and notification requirements when appropriate.

d. A sex offender shall not be housed in shelters, hotels, Federal Emergency Management Agency (FEMA) trailer parks or any other housing funded by FEMA where the general population of evacuees is staying. The sex offender shall be provided shelter or housing in an alternative location separate and apart from where the general population of evacuees is staying.

e. These requirements shall be included in the sex offender contract signed by the sex offender. Failure of the sex offender to comply with the provisions of this regulation shall be considered a violation of supervision and subject the offender to revocation proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:543.1.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 34:1423 (July 2008), amended LR 52:302 (February 2025).

Gary E. Westcott
Secretary

2502#020

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

**Weapons in the Designated Gaming Area
(LAC 42:III.2905)**

The Department of Public Safety and Corrections, Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., has amended LAC 42:III.2905. The rule change allows for LAC 42:III.2905 to comply with newly enacted SB233, Act No. 38, and to allow for qualified law enforcement officers and qualified retired law enforcement officers to bring a firearm in the designated gaming area of a casino. This Rule is hereby adopted on the day of promulgation.

Title 42

LOUISIANA GAMING

Part III. Gaming Control Board

Chapter 29. Operating Standards

§2905. Weapons in the Designated Gaming Area

A. No weapons are permitted in the designated gaming area other than those in the possession of any of the following individuals:

1. qualified law enforcement officers as defined in R.S. 40:1379.1.3, who provide valid identification proving their status;
2. qualified retired law enforcement officers as defined by R.S. 40:1379.1.4, who provide valid identification proving their status; or
3. on-duty gaming security personnel who are licensed by the Louisiana State Board of Private Security Examiners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 38:1657 (July 2012), amended LR 51:303 (February 2025).

**Christopher B. Hebert
Chairman**

2502#005

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of the Commissioner

Open Meetings via Electronic Means (LAC 7:I.Chapter 3)

In accordance with Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:2 and R.S. 3:3, notice is hereby given that the Department of Agriculture and Forestry, through the Office of the Commissioner, and on behalf of the public bodies created within the department, intends to promulgate LAC 7:I.301-307, relative to the accessibility of open meetings via electronic means. Act 393 of the 2023 Regular Session of the Louisiana Legislature mandates that public bodies adopt rules for public participation and member participation for those individuals with a disability recognized by the Americans with Disabilities Act, as well as for the provisions of remote meetings via electronic means for public bodies that meet certain criteria. These proposed Rules are written in plain language in an effort to increase transparency.

Title 7

AGRICULTURE AND ANIMALS

Part I. Administration

Chapter 3. Open Meetings via Electronic Means

§301. Open Meetings Accessibility and Accommodations

A. The Louisiana Department of Agriculture and Forestry and all public bodies created within the department shall provide for access to and participation in open meetings held by the public body via electronic means on an individualized basis to people with disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14, R.S. 42:17:2, R.S. 42:17.2.1, and R.S. 3:3

HISTORICAL NOTE: Promulgated by Department of Agriculture and Forestry, Office of the Commissioner LR 51:

§303. Postings Prior to Meeting via Electronic Means

A. At least twenty-four hours prior to the meeting, the public body shall post the following to its website:

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:

a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and

b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14, R.S. 42:17.2 and R.S. 3:3

HISTORICAL NOTE: Promulgated by Department of Agriculture and Forestry, Office of the Commissioner LR 51:

§305. Electronic Meeting Requirements and Limitations

A. Any public body that conducts six or more regularly scheduled meetings in a calendar year shall not conduct any more than one-third of its open meetings via electronic

means, and will only conduct successive meetings via electronic means as needed.

B. The public body shall ensure compliance with all requirements outlined in R.S. 42:17.2, for any meeting conducted via electronic means.

C. A schedule identifying which meetings will be conducted via electronic means and which will be conducted in-person shall be posted to the public body's website annually.

D. All members of the public body whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the public body's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14, R.S. 42:17.2, and R.S. 3:3

HISTORICAL NOTE: Promulgated by Department of Agriculture and Forestry, Office of the Commissioner LR 51:

§307. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, the public body is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the public body with an ADA-qualifying disability.

C. The public body shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated public representative to whom a disability accommodation may be submitted.

D. Upon receipt of an accommodation request, the designated representative is only permitted to ask if the requestor has an ADA-qualifying disability or is a caregiver of such a person (yes or no). The requestor shall not be required to complete a medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.

E. The designated representative shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

F. Participation via electronic means shall count for purposes of establishing quorum and voting.

1. Any member of the public body participating via videoconference must be visually present on-screen throughout the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14, R.S. 42:17.2 and R.S. 3:3

HISTORICAL NOTE: Promulgated by Department of Agriculture and Forestry, Office of the Commissioner LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B. In particular, there is no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules to Amy L. McInnis, General Counsel, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 2000, Baton Rouge, LA 70806 or via email to legal@ldaf.state.la.us and must be received no later than 4 p.m. on March 12, 2025. All written comments must be signed and dated.

Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed, all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to Amy L. McInnis, General Counsel, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 2000, Baton Rouge, LA 70806 or via email to legal@ldaf.state.la.us and must be received no later than 4 p.m. on March 12, 2025.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Open Meetings via Electronic Means

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no costs or savings resulting from the proposed rule change to the Louisiana Department of Agriculture and Forestry (LDAF), other than the cost of promulgation, which is included in the agency's operating budget. There is no anticipated impact on local governmental units.

The proposed rule provides for participation by individuals with disabilities recognized by the Americans with Disabilities Act in open meetings via electronic means. The proposed rules provide for certain boards and commissions that meet certain criteria to hold open meetings remotely via electronic means. There are no costs anticipated with the provision of these accommodations, as facilitating requests for remote participation would merely utilize the department's existing staff and technological equipment, which are already provided for in the department's operating budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to increase or decrease revenue collections of state or local government units. The proposed rule is intended to provide for virtual participation by individuals with disabilities in open meetings and allow certain boards and commissions to conduct virtual meetings. Virtual participation is offered at no costs to requesting individuals, and therefore would result in no impact on revenue to LDAF or any other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will have no estimated effect on costs to directly affected persons, small businesses, or non-governmental groups. Directly affected person may realize a savings associated with not traveling to a meeting location as a result of meetings taking place electronically.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to influence competition or employment. The proposed rule merely provides accessibility of open meetings via electronic means to individuals with disabilities recognized by the ADA who request accommodation.

Dane Morgan
Assistant Commissioner
2502#040

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Immunizations

(LAC 28:LXXIX.1101 and LAC 28:CLVII.303)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) proposes to amend LAC 28:LXXIX in *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators* and LAC 28:CLVII in *Bulletin 135—Health and Safety*. Acts 675 and 460 of the 2024 Regular Legislative Session provided for additional parental information regarding immunizations for students enrolling in or attending Louisiana schools. The proposed revisions further clarify these provisions.

Title 28

EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 11. Health

§1101. Immunization

A. - D.1. ...

E. No student attending or seeking to enter any school shall be required to comply with the provisions of this Section if the student or the student's parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or the student's parent or guardian is presented.

F. - J. ...

K. Prior to student participation in activities, programs, presentations, or lessons during which information regarding immunizations is shared, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

1. Notification shall be provided for all individuals presenting information including, but not limited to, school/school district personnel and/or a contracted or volunteer non-school person.

2. On-campus vaccine clinics, including school-based health centers where immunizations will be administered, shall be in compliance with the provisions of this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, 44:411, 17:170(D), R.S. 17:170.4, and 17:170(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009), LR 35:2348 (November 2009), LR 39:1443 (June 2013), repromulgated LR 46:1674 (December 2020), amended LR 50:973 (July 2024), LR 50:976 (July 2024), LR 51:51 (January 2025), LR 51:

Title 28

EDUCATION

Part CLVII. Bulletin 135—Health and Safety

Chapter 3. Health

§303. Immunizations

A. - D. ...

E. No student attending or seeking to enter any school shall be required to comply with the provisions of this Section if the student or the student's parent or guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student or his parent or guardian is presented.

F. - J. ...

K. Prior to student participation in activities, programs, presentations, or lessons during which information regarding immunizations is shared, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.

1. Notification shall be provided for all individuals presenting information including, but not limited to, school/school district personnel and/or a contracted or volunteer non-school person.

2. On-campus vaccine clinics, including school-based health centers where immunizations will be administered, shall be in compliance with the provisions of this Subsection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:170, 17:170.2, and 17:170.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1029 (April 2013), amended LR 45:35 (January 2019), LR 48:2549 (October 2022), LR 50:976 (July 2024), LR 51:45 (January 2025), LR 51:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, March 12, 2025, to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Tavares A. Walker, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Tavares A. Walker
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Immunizations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates Bulletin 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators* and Bulletin 135—*Health and Safety. Acts 675 and 460 of the 2024 RS* provided for additional parental choice regarding vaccine requirements for students enrolling in or attending Louisiana schools. The proposed rule change further clarifies these provisions and requires that prior to student

- participation in activities, programs, presentations, or lessons during which information regarding immunizations is shared, notification and the opportunity to exempt students from participation in the activity shall be provided to parents or guardians.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
There are no anticipated costs or benefits to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no anticipated effect on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2502#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Pharmacy**

Emergency Drug Kit Permit (LAC 46:LIII.1711)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy hereby gives notice of its intent to amend §1711 of its rules relative to Emergency Drug Kit Permits. The proposed Rule change removes the requirement for the administrator of the applicant facility to sign the application for the EDK permit, and require the online permit verification to be readily retrievable, since the board no longer issues paper permits.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 17. Institutional Pharmacy

Subchapter B. Emergency Drug Kits

§1711. Emergency Drug Kit Permit

- A. ...
- B. Permit Application and Requirements. Application for an EDK permit shall be made on a form provided by the board.
 1. The provider pharmacy shall apply to the board for an EDK permit. Upon compliance with the required provisions, the provider pharmacy shall be issued a permit by the board for the provider pharmacy to establish and maintain an EDK in the facility.
 2. - 5. ...
 6. A copy of the EDK permit online verification from the board's website shall be readily retrievable in the room where the EDK is located.
- C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 29:2095 (October 2003), effective January 1, 2004, amended by the Department of Health Board of Pharmacy, LR 46:584 (April 2020), amended LR 51:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed Rule amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed Rule amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed Rule amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed Rule amendment will have no effect on family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed Rule amendment will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed Rule amendment will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed Rule amendment will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed Rule amendment will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed Rule amendment will have no effect on employment and workforce development.

4. The Effect on Taxes and Tax Credits. The proposed Rule amendment will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed Rule amendment will have no effect on child and dependent care, housing, health care, nutrition, transportation, or utilities assistance.

Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency

has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on reporting requirements for small business.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on schedules or deadlines for compliance or reporting requirements for small business.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed Rule amendment will have no effect on consolidation or simplification of compliance or reporting requirements for small business.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed Rule amendment will have no effect on establishment of performance standards for small businesses to replace design or operational standards for small business.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses in the proposed Rule amendment.

Provider Impact Statement

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed Rule amendment will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed Rule amendment will have no effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, via United States Postal Service or other carrier, or in the alternative by personal delivery to M. Joseph Fontenot Jr., Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment. The deadline for the receipt of all written comments is 12 p.m. on Monday, March 31, 2025.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule change is scheduled for 9 a.m. on Monday, March 31, 2025. During the hearing, all interested persons

will be afforded an opportunity to submit comments and testimony, either verbally or in writing. The deadline for the receipt of all comments and testimony is 12 p.m. that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

M. Joseph Fontenot Jr.
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Emergency Drug Kit Permit**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The cost for the Louisiana Board of Pharmacy is approximately \$1,000 in FY 25 for the notice and rule publication in the Louisiana Register. Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated economic losses resulting from these proposed rule changes. The proposed rule changes will benefit pharmacies by eliminating the requirement to obtain the signature of the facility administrator on Emergency Drug Kit permit applications. This streamlines the application process, reducing administrative burdens without additional costs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Melvin J. Fontenot, Jr.
Executive Director
2502#039

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Federally Qualified Health Centers
Alternative Payment Methodology
(LAC 50:XI.10703)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.10703 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing provides reimbursement for services rendered by federally qualified health centers (FQHCs) on a per visit basis under a prospective payment system (PPS) methodology. The department proposes to amend the provisions governing reimbursement for FQHCs in order to establish an alternative payment methodology to pay an add-

on of \$50 per encounter in addition to the PPS rate on file for the date of service.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 13. Federally Qualified Health Centers

Chapter 107. Reimbursement Methodology

§10703. Alternative Payment Methodology

A. - J. ...

K. Effective for dates of service on or after July 1, 2025, Medicaid will increase FQHC payments by \$50 per encounter. This payment shall be reimbursed through an APM when these services are provided on the same date as a medical/dental/behavioral health visit that includes an evaluation and management procedure code as one of the detailed lines on the claim. This payment will only be allowed when the FQHC has a network provider agreement with a managed care organization that includes a Category 3B alternative payment methodology in accordance with the managed care organization's contract with the department, and the Category 3B alternative payment methodology has been in effect for no less than 12 months prior to June 30, 2025. The alternative payment methodology will pay qualifying FQHCs an add-on of \$50 in addition to the PPS rate on file for the date of service. The alternative payment methodology must be agreed to by the department and the FQHC.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1033 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1894 (October 2018), LR 44:2162 (December 2018), LR 45:434 (March 2019), amended LR 46:182 (February 2020), LR 47:1528 (October 2021), LR 47:1875 (December 2021), LR 49:1214 (July 2023), LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses as it will increase reimbursement to providers for the services they already render.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since this proposed Rule increases payments to providers for the services they already render.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is March 24, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on March 12, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on March 27, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after March 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Federally Qualified Health Centers Alternative Payment Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$270 for FY 24-25, \$1,566,207 for FY 25-26, and \$1,597,255 for FY 26-27. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

The proposed rule amends the provisions governing reimbursement to federally qualified health centers in order to establish an alternative payment methodology to pay an add-on amount of \$50 per encounter in addition to the prospective payment rate on file for the date of service.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$270 for FY 24-25, \$5,239,933 for FY 25-26, and \$5,344,457

for FY 26-27. It is anticipated that \$270 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule amends the provisions governing reimbursement to federally qualified health centers in order to establish an alternative payment methodology to pay an add-on amount of \$50 per encounter in addition to the prospective payment rate on file for the date of service. It is anticipated that this proposed rule will benefit providers by providing increased payment to providers for services they already render. The proposed rule is anticipated to increase payments to providers by approximately \$0 for FY 24-25 \$6,806,140 for FY 25-26, and \$6,941,712 for FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2502#042

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Home and Community-Based Services Waivers
Adult Day Health Care Providers
Cost Reporting (LAC 50:XXI.707 and 711)

Editor's Note: This Notice of Intent is being reprinted because of an error upon submission. The original Notice of Intent can be viewed in its entirety on pages 1740-1741 of the November 20, 2024 *Louisiana Register*.

The Department of Health, Bureau of Health Services Financing and Office of Aging and Adult Services propose to amend LAC 50:XXI.711 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend the provisions governing Adult Day Health Care providers in order to extend the due date for cost report filing from September 30 to November 30. This proposed Rule will also add language stating that the late filing penalty is non-refundable and subject to administrative appeal.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part XXI. Home and Community-Based Services Waivers

Subpart 1. General Provisions

Chapter 7. Reimbursement Methodology Subchapter B. Adult Day Health Care Providers §707. General Provisions

A. The Department of Health (LDH) establishes reimbursement methodologies and cost reporting

requirements for Adult Day Health Care (ADHC) providers of home and community-based services waiver programs.

B. - B.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office for Citizens with Developmental Disabilities and the Office of Aging and Adult Services, LR 47:1113 (August 2021), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 51:

§711. Cost Reporting

A - C. ...

D. Annual Reporting. Cost reports are to be filed on or before November 30 following the close of the cost reporting period, which is five months after the state's fiscal year end (June 30). Should the due date fall on a Saturday, Sunday, or an official state or federal holiday, the due date shall be the following business day. The cost report forms and schedules must be filed with one copy of the following documents:

D.1. - M.2....

N. Delinquent Cost Report. When an ADHC provider fails to submit a cost report by the last day of November following the close of the cost reporting period, a penalty of 5 percent of the monthly payment for the first month and a progressive penalty of 5 percent of the monthly payment for each succeeding month may be levied and withheld from the ADHC provider's payment for each month that the cost report is due, not extended and not received. If no claims are submitted for payment during the time of penalty implementation, the penalty will be imposed when the provider commences submitting claims for payment and will continue for the duration of the number of months the penalty would have been imposed. The late filing penalty is non-refundable and not subject to an administrative appeal.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, the Office for Citizens with Developmental Disabilities and the Office of Aging and Adult Services, LR 47:1114 (August 2021), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on December 30, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on, December 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on December 30, 2024 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after December 10, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Home and Community-Based Services Waivers—Adult Day Health Care Providers Cost Reporting

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

The proposed rule amends the provisions governing Adult Day Health Care providers in order to extend the due date for cost report filing from September 30 to November 30. This proposed rule will also add language stating that the late filing penalty is non-refundable and subject to administrative appeal.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no impact on revenue collections other than the federal share of the promulgation costs for FY 24-25. It is anticipated \$324 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule amends the provisions governing Adult Day Health Care providers in order to extend the due date for cost report filing from September 30 to November 30. This proposed rule will also add language stating that the late filing penalty is non-refundable and subject to administrative appeal. This rule is not anticipated to result in any fiscal impact to providers or the Medicaid Program in FY 24-25, FY 25-26, or FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Kimberly Sullivan, JD
 Medicaid Executive Director
 2502#012

Patrice Thomas
 Deputy Fiscal Officer
 Legislative Fiscal Office

NOTICE OF INTENT

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

**Intermediate Care Facilities for Persons
 with Intellectual Disabilities—Rate Determination
 (LAC 50:VII.32903)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:VII.32903 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Private Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID) receive a reimbursement rate based on utilization and resident acuity. These rates are calculated using cost components appropriate for an economic and efficient ICFs/IID providing quality service. The resident per diem rates represent the best judgment of the state to provide reasonable and adequate reimbursement required to cover the costs of economic and efficient operation of ICFs/IID.

The existing provision allowed private ICFs/IID that downsized from over 100 beds to less than 35 beds prior to December 31, 2010, without the benefit of a cooperative endeavor agreement (CEA) or transitional rate and that incurred excessive capital costs, to have their per diem rates (excluding provider fees) increased by a percent equal to the percent difference of per diem rates (excluding provider fees and dental pass through). The applicable differential was scheduled to expire on December 31, 2024. The Department of Health, Bureau of Health Services Financing promulgated

an Emergency Rule amending provisions governing ICFs/IID to eliminate the expiration date. This change allows more time to address the needs of private ICFs/IID that rely on this variance, ensuring uninterrupted services to the residents of these facilities (*Louisiana Register*, Volume 51, Number 1). This proposed Rule is being promulgated to continue the provisions of the December 30, 2024 Emergency Rule.

**TITLE 50
 PUBLIC HEALTH—MEDICAL ASSISTANCE**

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Subchapter A. Non-State Facilities

Chapter 329. Reimbursement Methodology

§32903. Rate Determination

A. - M. ...

N. Effective for dates of service on or after July 1, 2020, private ICFs/IID that downsized from over 100 beds to less than 35 beds prior to December 31, 2010, without the benefit of a cooperative endeavor agreement (CEA) or transitional rate and who incurred excessive capital costs, shall have their per diem rates (excluding provider fees) increased by a percent equal to the percent difference of per diem rates (excluding provider fees and dental pass through) they were paid as of June 30, 2019. See chart below with the applicable percentages:

	Intermittent	Limited	Extensive	Pervasive
1-8 beds	6.2 percent	6.2 percent	6.2 percent	6.1 percent
9-15 beds	3.2 percent	6.2 percent	6.2 percent	6.1 percent
16-32 beds	N/A	N/A	N/A	N/A
33+ beds	N/A	N/A	N/A	N/A

1. The applicable differential shall be applied anytime there is a change to the per diem rates.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2253 (September 2005), amended LR 33:462 (March 2007), LR 33:2202 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1555 (July 2010), LR 37:3028 (October 2011), LR 39:1780 (July 2013), LR 39:2766 (October 2013), LR 41:539 (March 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:370 (March 2021), LR 49:687 (April 2023), LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and will have no impact on the total direct and indirect cost to the provider to provide the same level of service, but will enable providers to provide the same level of service as described in HCR 170 since this proposed Rule continues the current per diem rates for qualifying facilities.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 24, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on March 12, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on March 27, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after March 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Intermediate Care Facilities for Persons with Intellectual Disabilities Rate Determination**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in costs that are currently allocated in the budget and continue an existing rate. The cost to the state will be approximately \$207,748 for FY 24-25, \$417,055 for FY 25-26, and \$427,713 for FY 26-27. It is anticipated that \$648 (\$324

SGF and \$324 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule continues a December 30th, 2024, Emergency Rule which eliminates the expiration date on a per diem rate increase for qualified intermediate care facilities for individuals with intellectual disabilities (ICFs/IID). This increased rate applies to private ICFs/IID that downsized from over 100 beds to less than 35 beds prior to December 31, 2010, without the benefit of a cooperative endeavor agreement (CEA) or transitional rate and that incurred excessive capital costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in federal revenue collections that are currently allocated in the budget and continue an existing rate. The anticipated federal revenue collections are approximately \$442,317 for FY 24-25, \$881,777 for FY 25-26, and \$904,312 for FY 26-17. It is anticipated that \$324 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues a December 30th, 2024, Emergency Rule which eliminates the expiration date on a per diem rate increase for qualified intermediate care facilities for individuals with intellectual disabilities (ICFs/IID). This increased rate applies to private ICFs/IID that downsized from over 100 beds to less than 35 beds prior to December 31, 2010, without the benefit of a cooperative endeavor agreement (CEA) or transitional rate and that incurred excessive capital costs. The proposed rule will be beneficial to providers by continuing the rate that they currently receive, allowing them to continue providing the current level of service to recipients. It is anticipated that the cost as a result of this proposed rule will be approximately \$649,417 for FY 24-25, \$1,298,832 for FY 25-26, and \$1,332,025 for FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2502#043

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Intermediate Care Facilities for Persons with
Intellectual Disabilities—Reimbursement Methodology
(LAC 50:VII.32917)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:VII.32917 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing reimbursement methodology for intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) in

order to provide for a one-time lump sum payment in FY 2025 to all privately owned or operated (ICFs/IID) that billed Medicaid between August 1, 2024, and October 31, 2024, and are active and Medicaid certified at the time of payment. The total amount will be prorated among eligible facilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32917. Dedicated Program Funding Pool Payments

A. - C.1.f. ...

D. Effective for providers, active and Medicaid certified as of July 1, 2024, a one-time lump sum payment will be made to non-state, non-public ICFs/IID.

1. Methodology

a. Payment will be based on each provider's specific prorated share of an additional dedicated program funding pool. This payment shall not exceed \$31,000,000.

b. The prorated share for each provider will be determined utilizing the provider's percentage of program Medicaid days for dates of service within a period of three consecutive months selected by the department, occurring between January 1, 2024, and December 31, 2024.

c. If the additional dedicated program funding pool lump sum payment exceeds the Medicare upper payment limit in the aggregate for the provider class, the department shall recoup the overage using the same means of distribution in §32917.D.1.b above.

d. The one-time payment will be made on or before June 30, 2025.

e. All facilities receiving payment shall be open and operating as an ICF/IID at the time the payment is made.

f. Payment of the one-time, lump sum payment is subject to approval by the CMS.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:28 (January 2020), amended LR 48:2972 (December 2022), LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, but may provide for a one time lump sum payout in FY 2025 to all privately owned or operated ICF/IIDs.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 24, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on, March 12, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on March 27, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after March 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Intermediate Care Facilities for Persons with Intellectual Disabilities Reimbursement Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$9,932,670 for FY 24-25, \$0 for FY 25-26, and \$0 for FY 26-27. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing reimbursement methodology for intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) in order to provide for a one-time lump sum payment in FY 2025 to all privately owned or operated (ICFs/IID) that billed Medicaid days between August 1, 2024, and October 31, 2024, and are active and Medicaid certified at the time of payment. The total amount will be prorated among eligible facilities.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$21,067,870 for FY 24-25, for \$0 for FY 25-26, and \$0 for FY 26-27. It is anticipated that \$270 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing reimbursement methodology for intermediate care facilities for individuals with intellectual disabilities (ICFs/IID) in order to provide for a one-time lump sum payment in FY 2025 to all privately owned or operated (ICFs/IID) that billed Medicaid days between August 1, 2024, and October 31, 2024, and are active and Medicaid certified at the time of payment. The total amount will be prorated among eligible facilities. Providers and small businesses will benefit from implementation of this proposed rule, by approximately \$31,000,000 for FY 24-25, \$0 for FY 25-26, and \$0 for FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Kimberly Sullivan
Medicaid Executive Director
2502#044

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

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

The Department of Health, Bureau of Health Services Financing amends LAC 50:VII.32904 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing previously promulgated an Emergency Rule to extend the temporary rates for intermediate care facilities for persons with intellectual disabilities (ICFs/IID) that have a cooperative endeavor agreement with the Office for Citizens with Developmental Disabilities and have a high concentration of people who have intellectual developmental disabilities, significant behavioral health needs, and high risk behavior resulting in previous interface with the judicial system, and for whom no other private ICF/IID provider is able to support (*Louisiana Register*, Volume 51, Number 2). This proposed Rule is being promulgated to continue the provisions of the January 30, 2025 Emergency Rule.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part VII. Long Term Care
Subpart 3. Intermediate Care Facilities for Persons with
Intellectual Disabilities
Chapter 329. Reimbursement Methodology
Subchapter A. Non-State Facilities
§32904. Temporary Reimbursement for Private Facilities**

A. - A.4. ...

B. The temporary Medicaid reimbursement rate shall not extend beyond December 31, 2028.

C. - E.2.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:593 (May 2021), amended LR 48:2129 (August 2022), LR 49:688 (April 2023), LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may reduce the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 since this proposed Rule increases payments to providers for the services they already render.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030.

Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is March 23, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on March 12, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on March 27, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after March 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Intermediate Care Facilities for Persons with Intellectual Disabilities Temporary Reimbursement for Private Facilities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 24-25. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule continues the provisions of the January 30, 2025, Emergency Rule which will extend the temporary rates for intermediate care facilities for persons with intellectual disabilities (ICFs/IID) that have a cooperative endeavor agreement with the Office for Citizens with Developmental Disabilities and have a high concentration of people who have intellectual developmental disabilities, significant behavioral health needs, and high risk behavior resulting in previous interface with the judicial system, and for whom no other private ICF/IID provider is able to support.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 24-25. It is anticipated that \$270 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the January 30, 2025, Emergency Rule which will extend the temporary rates for intermediate care facilities for persons with intellectual disabilities (ICFs/IID) that have a cooperative endeavor agreement with the Office for Citizens with Developmental Disabilities and have a high concentration of people who have intellectual developmental disabilities, significant behavioral health needs, and high risk behavior resulting in previous interface with the judicial system, and for

whom no other private ICF/IID provider is able to support. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring that eligible ICFs/IID are able to maintain the current level of service. It is anticipated that implementation of this proposed rule will not result in costs or savings to providers in FY 24-25, FY 25-26, and FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2502#045

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Medicaid Purchase Plan
Recipient Eligibility
(LAC 50:III.2309)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:III.2309 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and SCR 17 of the 2024 Regular Session. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Medicaid Purchase Plan allows persons who meet the Social Security disability criteria to seek the employment services, vocational rehabilitation services, and other support services needed to obtain, regain or maintain employment, and reduce their independence on cash benefit programs. Senate Concurrent Resolution 17 of the 2024 Regular Session of the Louisiana Legislature requests that the Department of Health increase eligibility requirements for the Medicaid Purchase Plan. This rulemaking action proposes to increase the income limit for this program from 100 percent to 200 percent of the federal poverty level (FPL), requires premiums for workers with income above 150 percent of FPL, and increases the countable resources the worker can own from \$10,000 to \$25,000.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2309. Medicaid Purchase Plan

[Formerly LAC 50:III.763-765]

A. The Medicaid Purchase Plan provides Medicaid coverage to individuals who meet the following criteria:

1. have earned income;
2. are at least 16, but not yet 65 years of age;
3. meet the Supplemental Security Income's definition of disability, except for earnings;
4. have countable income less than or equal to 200 percent of the federal poverty level (FPL);
5. have countable resources less than or equal to \$25,000; and
6. pay a monthly premium, if applicable.

B. Premium Payment. Eligible individuals with countable income less than or equal to 150 percent of the FPL are not required to pay a premium. Eligible individuals with countable income greater than 150 percent of the FPL are required to pay a premium of \$131 per month.

B.1. - D. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3299 (December 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, as it provides access to the Medicaid Purchase Plan for persons who may have been previously denied due to income exclusions.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, as it provides access to the Medicaid Purchase Plan for persons who may have been previously denied due to income exclusions.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have positive impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is March 24, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office

Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on March 12, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on March 27, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after March 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Medicaid Purchase Plan Recipient Eligibility

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$20,299 for FY 24-25, \$ 1,872,137 for FY 25-26, and \$3,028,718 for FY 26-27. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule increases the eligibility income limit for this program from 100 percent to 200 percent of the federal poverty, requires premiums for workers with income above 150 percent of federal poverty, and increases the countable resource the worker can own from \$10,000 to \$25,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$35,524 for FY 24-25, for \$3,707,689 for FY 25-26, and \$6,039,148 for FY 26-27. It is anticipated that \$270 will be collected in FY 24-25 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule increases the eligibility income limit for this program from 100 percent to 200 percent of the federal poverty, requires premiums for workers with income above 150 percent of federal poverty and increases the countable resource the worker can own from \$10,000 to \$25,000. This proposed rule amends current eligibility provisions by increasing eligibility limits for persons who meet the Social Security disability criteria. It is anticipated this proposed rule will benefit recipients by providing an affordable health insurance option for participants who were previously excluded due to income restrictions. It is anticipated that this proposed rule will result in estimated costs to the Medicaid program of \$55,283 for FY 24-25, \$5,579,826 for FY 25-26, and \$9,067,866 for FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule amends current eligibility provisions by increasing eligibility limits for persons who meet the Social Security disability criteria. This proposed rule will provide an affordable insurance option that allows for these participants to enter the workforce and/or to retain Medicaid's coverage of medical care as their income increases.

NOTICE OF INTENT
Department of Health
Health Standards Section

Nursing Facilities
Licensing Standards
(LAC 48:I.9701 and 9759)

The Department of Health, Health Standards Section (the department) proposes to amend LAC 48:I.9701 and §9759 as authorized by R.S. 36:254 and R.S. 40:2009.1-2116.2. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department proposes to amend the provisions governing the licensing of a nursing facilities (NF) in order to require NFs to access the certified nurse aide (CNA) registry and the Louisiana adverse actions list, prior to hire and then monthly thereafter to ensure that a prospective hire or currently employed or contracted CNA does not have a finding.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 97. Nursing Facilities
Subchapter A. General Provisions
§9701. Definitions

* * *

Direct Service Worker Registry—the Louisiana adverse actions list maintained by the department, or its designee, of unlicensed persons who have a finding placed against them of abuse, neglect, misappropriation, exploitation, or extortion while employed as a direct service worker (DSW) at a licensed healthcare facility or entity, who is ineligible to be employed or have continued employment as a DSW.

* * *

Louisiana Adverse Actions List—the adverse actions database, or its successor, maintained by the department or its designee, containing all individuals or providers who are sanctioned, which may include exclusions or for-cause terminations through LDH.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1891 (November 2016), amended LR 46:1393 (October 2020), LR 49:1075 (June 2023), amended by the Department of Health, Health Standards Section, LR 51:

Subchapter B. Organization and General Services
§9759 Criminal History Provisions and Screening

A. ...

B. Prior to hire and then monthly thereafter, the nursing facility (NF) shall access the certified nurse aide (CNA) registry and the Louisiana adverse actions list to determine if there is a finding that a prospective hire or currently employed or contracted CNA has been determined to have

committed exploitation, extortion, abuse or neglect of an individual in the care of the CNA, or there has been a misappropriation of the individual's property or funds. If there is such a finding on either database, the prospective employee shall not be hired as a CNA nor shall a current or contracted CNA have continued employment with the NF.

C. All personnel requiring licensure to provide care shall be currently licensed to practice in the state of Louisiana. Credentials of all licensed full-time, part-time, and consultant personnel shall be verified prior to hire or contract, and at least annually thereafter.

D. All personnel, including routine unpaid workers, involved in direct resident care, shall adhere to the *Title 51, Public Health Sanitary Code*, Chapter 5 requirements for health examinations and tuberculosis (TB) testing for employees and volunteers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1903 (November 2016), amended by the Department of Health, Health Standards Section, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on the direct or indirect cost to small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service. It is anticipated that implementation of this proposed Rule will have no impact on the direct or indirect costs to providers.

Public Comments

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, Post Office Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on April 2, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office

Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on March 13, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on April 1, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after March 13, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Michael Harrington, MBA, MA
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Nursing Facilities Licensing Standards**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation in FY 24-25. It is anticipated that \$648 will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the licensing of nursing facilities (NFs) in order to require NFs to access the certified nurse aide (CNA) registry and the Louisiana adverse actions list prior to hire and then monthly thereafter to ensure that a prospective hire or currently employed or contracted CNA does not have a finding.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no impact on state revenue collections in FY 24-25, FY 25-26, or FY 26-27.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed rule will not result in costs to providers in FY 24- 25, FY 25-26, or FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Tasheka Dukes, RN
Deputy Assistant Secretary
2502#038

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Licensed Professional Counselors Board of Examiners**

Teletherapy Registration Fee (LAC 46:LX.901)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Licensed Professional Counselors Board of Examiners proposes to provide licensed counselors or therapists from other states to

register to provide mental health counseling services via telehealth if their license is unencumbered. The Licensed Professional Counselors Board of Examiners hereby gives Notice of Intent to propose changes to Chapter 9 Section 901 in the February 20, 2025, edition of the *Louisiana Register*.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LX. Licensed Professional Counselors Board of
Examiners**

**Subpart 1. Licensed Professional Counselors
Chapter 9. Fees**

§901. General

- A. - A.4. ...
5. out of state teletherapy registration—\$100;
 6. application for appraisal, board-approved supervisor, and other specialty areas—\$100;
 7. application for change/additional board-approved supervisor—\$50;
 8. application for expedited review—\$55;
 9. renewal of license—\$170;
 10. renewal of provisional license—\$85;
 11. renewal of teletherapy registration, appraisal, board-approved supervisor, and other specialty areas—\$50;
 12. late fee for renewal of license—\$55;
 13. late fee for renewal of provisional license—\$55;
 14. late fee for renewal of appraisal, board-approved supervisor, and other specialty areas—\$25;
 15. reissue of license duplicate—\$25;
 16. copy of file—\$25;
 17. copy of any documents—cost incurred.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1123.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:136 (February 2003), amended LR 29:2783 (December 2003), LR 39:1790 (July 2013), LR 41:723 (April 2015), amended by the Department of Health, Licensed Professional Counselors Board of Examiners LR 45:437 (March 2019), LR 49:1087 (June 2023), LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these rules on family has been considered. This proposal to create licensee statuses has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security;
2. The effect on early childhood development and preschool through postsecondary education development;
3. The effect on employment and workforce development;
4. The effect on taxes and tax credits;
5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed change should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service;
2. The total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jamie S. Doming, Licensed Professional Counselors Board of Examiners, 11410 Lake Sherwood Avenue North Suite A, Baton Rouge, LA 70816 by March 14, 2025, at 5 p.m.

Jamie S. Doming
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Teletherapy Registration Fee**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The state board will develop a database and licensure application for telehealth registrants, with an estimated cost of approximately \$50,000 in FY 25, funded through self-generated revenue. Rulemaking, which involves publishing the proposed and final rule in the *Louisiana Register*, is expected to cost approximately \$800 in FY 25.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

If more individuals from other states seek registration to practice teletherapy in Louisiana under the new regulation, licensure fee revenues for the Louisiana Licensed Professional Counselors Board may increase correspondingly. However, the extent of this potential increase is currently indeterminable. Conversely, if out-of-state licensees allow their existing endorsement licenses to expire and instead opt to pay the registration fee for teletherapy privileges, the board's revenue could decrease. The magnitude of this potential decrease is also indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes will provide out-of-state mental health providers with a reduced registration fee to offer teletherapy services in Louisiana. This may benefit Licensed Professional Counselors (LPCs) and Licensed Marriage and Family Therapists (LMFTs) by simplifying the process of practicing in Louisiana, provided they are licensed and in good standing in another jurisdiction. Additionally, this change could benefit Louisiana residents by increasing their access to LPCs and LMFTs.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes could impact employment and competition by encouraging individuals from other states to seek registration to provide mental health counseling in Louisiana under the new regulations. However, the overall effect on competition and employment cannot be determined, as it is unclear how many additional individuals will pursue licensure as a result of the proposed changes.

Jamie Doming
Executive Director
2502#031

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Accident Reports (LAC 55:I.Chapter 9)

In accordance with the provisions of R.S. 32:398(E), the Department of Public Safety and Corrections, Public Safety Services, Office of State Police (Department) and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department hereby proposes to supplement and amend Title 55, Part I, Chapter 9, Section 901 regarding the cost of photographs and video/audio recordings (Body Worn Cameras) pertaining to accident reports.

The proposed Rule establishes a fee to obtain photographs and videos/audio recordings (BWC) relative to accident reports.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 9. Photographs and Videos

§901. Costs of Photographs and Videos Pertaining to Accident Reports

A. The following rules apply to the sale of photographs pertaining to accident reports:

1. Pursuant to R.S. 32:398 (E), the following fee scale shall be used for the sale of photographs and video/audio, body-worn camera (BWC) and in-car camera (ICC), pertaining to accident report.

a. For a proof sheet that includes thumbnails of all photographs, the cost shall be \$10 per sheet. Each sheet holds a maximum of 40 thumbnails.

b. For an individual photograph selected from the proof sheet, the cost shall be \$15 per individual photograph.

c. For an entire set of photographs (with or without purchasing the proof sheet), the cost shall be \$10 per photograph.

d. For a CD containing the photographs, the cost shall be \$10 per CD.

2. Photographs are available for purchase online at lsp.org, via facsimile to 225-925-4401, or via U.S. mail to: Office of State Police, Photo Lab, D-3, P.O. Box 66614, Baton Rouge, LA 70896.

3. Photographs and CDs will be shipped within three to five business days after receiving payment.

B. The following rules apply to the sale of videos/audio recordings, body-worn camera (BWC) and in-car camera (ICC), pertaining to accident reports:

1. Pursuant to R.S. 32:398(E), the following fee scale shall be used for the sale of video/audio recording, body-worn camera (BWC) and in-car camera (ICC), pertaining to accident reports:

a. For un-redacted videos/audio recordings, body-worn camera (BWC) and in-car camera (ICC), at a cost of \$25 per video.

2. All monetary transactions for videos pertaining to accident reports are processed through the internet via the GovQA System for Louisiana State Police requests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:398(E)

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:584 (April 2019), amended by the Department of Public Safety and Corrections, Office of State Police, LR 51:

Family Impact Statement

The Effect of this Rule on the Stability of the family.

The Effect of this proposed Rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This Rule will have no effect of this Rule on the authority and rights of parents regarding the education and supervision of their children.

The Effect of this Rule on the Functioning of the Family. This proposed Rule will have no effect on the functioning of the family.

The Effect of this Rule on Family Earnings and Family Budget. This proposed Rule will have no effect on family earnings and family budget.

The Effect of this Rule on the Behavior and Personal Responsibility of Children. This proposed Rule will have no effect on the behavior and personal responsibility of children.

The Effect of this Rule on Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. This proposed Rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

The impact of the proposed Rules on families and children in poverty has been considered and it has been determined that the proposed Rules should not negatively impact household income, assets, and financial security, early childhood development and preschool through postsecondary education development, employment and workforce development, taxes and tax credits, nor child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have any adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the

proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

Pursuant to HCR 170 of the 2014 Legislative session, it has been determined that this rule will have no adverse impact to the staffing of the provider, the costs of the provider or the ability of the provider to maintain its level of service.

Public Comments

Interested persons may submit written comments or requests for public hearing on this proposed rule change to Lieutenant Colonel Greg Graphia, Chief Administrative Officer, Louisiana State Police, P.O. Box 66614, Baton Rouge, Louisiana, 70896, by close of business March 12, 2025.

Lieutenant Colonel Greg Graphia
Chief Administrative Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Accident Reports

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that state or local government units will incur any costs or savings as a result of this proposed rule.

The Department of Public Safety (DPS) proposes to amend Section 901 (Costs of Photographs Pertaining to Accident Reports) of Part I, Chapter 9 of Title 55 (Public Safety) of the Louisiana Administrative Code. Specifically, the proposed rule establishes a fee of \$25 for requested audio/video recordings, body-worn camera, and in-car camera from interested persons pertaining to accident reports.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will result in an indeterminable increase in state revenues. Future revenue collections will increase by \$25 per request received by DPS for audio/video recordings pertaining to accident reports. Preliminary data from DPS suggests approximately 3,000 requests associated with accident reports are received annually. It is unknown if all accident report requests will include a request for audio/video recordings. To the extent accident report requests include requests for audio/video recordings, state revenue will increase accordingly.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

To the extent that individuals, small businesses, or non-governmental groups request audio/video recordings from body-worn and/or in-car cameras pertaining to accident reports, a cost of \$25 per video will be incurred.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Gail C. Holland
Deputy General Counsel
2502#049

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Breath and Blood Alcohol Analysis Methods and Techniques (LAC 55:I.555 and 581)

Pursuant to the authority of R.S. 32:663 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services hereby proposes to supplement and amend Title 55, Part I, Chapter 5, Subchapter B, Sections 555 and 581 to allow screening for the presence of ethyl alcohol where available, to provide ten calendar days for delivery of a sample to the laboratory for analysis starting at the time of collection, and to provide consistency in the maintenance of samples for blood alcohol and controlled dangerous substances testing.

The proposed rules provide permissive screening for the presence of ethyl alcohol, clarifies the time period for delivery of a blood sample taken for analysis using calendar days instead of 24-hour days, and provides for consistency for maintenance of samples submitted for blood alcohol and controlled dangerous substances analyses.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter B. Analysis of Blood

§555. Certified Techniques of Analyst

A.

B. Screening procedure may be used prior to routine analysis using gas chromatography / mass spectrometry methodology. This screening procedure shall be used solely to report the absence of ethyl alcohol. The presence of ethyl alcohol determined by this screening procedure shall be indicated by a mass spectral match to that of a library or reference standard of at least 80 percent. Any indication of ethyl alcohol by this screening method shall be confirmed by an analysis that complies with the requirements of this subchapter.

C. The methods approved for alcohol analysis of blood are:

1. gas chromatography—headspace sampling with internal standard;
2. gas chromatography—direct injection with internal standard;
3. gas chromatography/mass spectrometry-headspace sampling with internal standard;
4. gas chromatography/mass spectrometry-direct injection with internal standard.

D. Procedures shall include the following controls in conjunction with each batch of samples analyzed:

1. a system blank analysis;
2. analysis of a whole blood control of known alcohol content within the range 0.04 grams percent to 0.40 grams percent the result of which analysis must coincide with the known blood alcohol value of the control specimen +0.01 grams percent if validity is to be assigned to the results for the batch analyzed.

E. Replicate analysis shall be performed in order to eliminate the possibility of undetected errors.

F. Results shall be expressed in terms of percent w/v (grams percent) that is, grams of alcohol per 100 milliliters of blood rounded downward to the second decimal place, for example, 0.237 grams percent shall be reported as 0.23 grams percent.

G. Analytical procedures for determining the concentration of alcohol in the blood shall meet the following requirements.

1. The accuracy of the procedures shall be such as consistently to attain results within +0.01 grams percent of the known value over the range 0.04 grams to 0.40 grams percent in analysis of commercially whole blood controls.

2. The precision of the analysis shall be such as consistently to attain a reproductibility not greater than +0.005 grams percent from the mean value in replicate analysis.

3. The blank values yielded by the procedure in analysis of alcohol-free reagents consistently shall be not greater than 0.00 grams percent.

4. Procedures for the analysis of whole blood from living and post mortem subjects shall differentiate ethyl alcohol from all other substances.

H. Blood drawn for the purposes of determining the alcoholic content therein shall have been taken with the contents of a sealed blood collection kit approved by the Louisiana State Police Crime Laboratory. Such kits will be made available to all law enforcement agencies by the Louisiana State Police.

1. All kits approved by the Louisiana State Police Crime Laboratory contain the necessary preservative to insure stability of the sample as provided by the manufacturer and contain no ethyl alcohol. Each approved kit must be manufactured specifically for blood alcohol determinations in living or post-mortem subjects.

2. Following analysis, the evidence will be stored for a period of one year under refrigeration by either the testing facility or the submitting agency and then may be destroyed. Evidence collected subsequent to law enforcement investigations and/or search warrant executions are subject to the aforementioned storage period and destruction policy. Additional storage duration and/or destruction criteria may be implemented by the testing facility or submitting agency.

3. The blood sample taken for analysis may be maintained at room temperature and delivered to the proper evidence storage facility of each enforcement agency within 24 hours of the end of the collecting officer's shift. It shall be transported then to the laboratory utilized for analysis at the earliest opportunity after collection, not to exceed 10 calendar days starting at the time of collection.

I. Each laboratory performing blood alcohol analysis must either be permitted by terms set forth in the Louisiana Statutory Criminal Law and Procedure R.S. 32:663 (B and C) or submit to the Louisiana State Police Crime Laboratory for approval written procedures with regard to the following minimum standards.

1. Analysis must be performed on a gas chromatograph with or without a mass spectrometer.

2. Any procedures for blood alcohol determinations as outlined in these rules and regulations shall be considered minimum standards.

3. Maintenance repair and inspection must be in accordance with guidelines listed in §557.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 6:663 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR 11:259 (March 1985), LR 14:360 (June 1988), LR 17:675 (July 1991), repromulgated LR 17:798 (August 1991), amended LR 26:2624 (November 2000), LR 37:1416 (May 2011), LR 44:95 (January 2018), LR 51:

Subchapter C. Analysis of Blood and Urine for Controlled Dangerous Substances

§581. Receiving and Sampling of Evidence

A. - B. ...

C. The sample or samples taken for analysis should be refrigerated may be maintained at room temperature and delivered to a designated collection site the proper evidence storage facility within 24 hours following the end of the collecting officer’s shift. It shall then be transported to the laboratory utilized for analysis at the earliest opportunity after collection, not to exceed 10 calendar days starting at the time of collection.

D. After submitting the sample to the testing facility, specimens shall then be refrigerated in a designated evidence security area.

E. Following analysis, the evidence will be stored for a period of one year under refrigeration either at the testing facility or by the submitting agency. After the one year storage period, the evidence may be destroyed. Evidence collected subsequent to law enforcement investigations and/or search warrant executions are subject to the aforementioned storage period and destruction policy. Additional storage duration and/or destruction criteria may be implemented by the testing facility or submitting agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:2625 (November 2000), amended LR 37:1416 (May 2011), LR 44:97 (January 2018), LR 51:

Family Impact Statement

The Effect of this Rule on the Stability of the Family. This proposed Rule will have no effect on the stability of the family.

The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

The Effect of this Rule on the Functioning of the Family. This proposed Rule will have no effect on the functioning of the family.

The Effect of this Rule on Family Earnings and Family Budget. This proposed Rule will have no effect on family earning and family budget.

The Effect of this Rule on the Behavior and Personal Responsibility of Children. This proposed Rule will have no effect on the behavior and personal responsibility of children.

The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. This proposed Rule will have no effect

on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

The impact of the proposed Rule on families and children in poverty has been considered and it has been determined that the proposed Rules should not negatively impact household income, assets, and financial security, early childhood development and preschool through postsecondary education development, employment and workforce development, taxes and tax credits, nor child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have any adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

Pursuant to HCR 170 of the 2014 Legislative session, it has been determined that the proposed changes to these rules will have no foreseeable impact on the provider’s staffing, costs or ability to maintain the same level of service being provided.

Public Comments

Interested persons may submit written comments or requests for public hearing on this proposed rule change to Chad Guidry, Director, Louisiana State Police Crime Laboratory, at 376 E. Airport, Baton Rouge, LA 70806. Comments will be accepted through close of business March 12, 2025.

Captain Chad Guidry
Lab Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Breath and Blood Alcohol Analysis Methods and Techniques

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that Louisiana State Police (LSP) will incur any costs or savings as a result of this proposed rule.

LSP proposes to amend Chapter 5 (Breath and Blood Alcohol Analysis Methods and Techniques) or Part I, Title 55 (Public Safety) of the Louisiana Administrative Code. Specifically, the proposed rule:

•Allows for a permissive screening process to report the absence of ethyl alcohol prior to routine analysis used to determine the concentration of alcohol in blood.

•Establishes 10 calendar days beginning at the time of collection as the amount of time blood samples shall be transported to the laboratory utilized for analysis.

•Provides consistency in the administrative code by removing language suggesting samples taken for analysis should be refrigerated within 24 hours of being delivered to the proper evidence storage facility.

- Provides consistency in the administrative code by removing the option allowing evidence that has been analyzed to be stored at room temperature for a period of one year.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated cost or benefit to directly affected persons, small businesses, or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Captain Chad Guidry
Lab Director
2502#037

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Board of Trustees of the Louisiana State Police Retirement System

Disability Accommodations for Open Meetings
(LAC 58:IX.301 and 303)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted by R.S. 42:14(E), that the Board of Trustees of the Louisiana State Police Retirement System proposes to add LAC 58:IX.401, Disability Accommodations for Open Meetings.

Title 58

RETIREMENT

Part IX. State Police Retirement System

Chapter 4. Disability Accommodations for Open Meetings

§401. Disability Accommodations

A. Louisiana State Police Retirement System provides for participation via electronic means on an individualized basis for any person with a disability.

B. A person with a disability is defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number, and email address of the agency representative to whom disability accommodation requests may be submitted. Any accommodation request shall be made no later than 24 hours in advance of the scheduled meeting.

D. Upon receipt of an accommodation request, the designated agency representative may ask only if the requestor has an ADA-qualifying disability or is a caregiver of such a person (yes or no).

E. The requestor shall be provided with an accommodation, including any teleconference or video conference link, for participation via electronic means as

soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

F. All disability accommodation requests, whether submitted by telephone or email, shall be documented and included in the system's annual mandatory report pursuant to R.S. 46:2596.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the Louisiana State Police Retirement System, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, R.S. 49:974.1 et seq., the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and no impact on the provider's ability to provide the same level of services as described in HCR 170.

Public Comment

Interested persons may submit written comments to Margaret Corley Michel, Executive Director, Louisiana State Police Retirement System, 9224 Jefferson Highway, Baton Rouge, LA 70809. Mrs. Michel is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is 4:30 p.m. on March 14, 2025.

Margaret Corley Michel
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Disability Accommodations for Open Meetings

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that state or local governmental units will incur any costs or savings as a result of this proposed rule. The Louisiana State Police Retirement System (LSPRS) is

already in possession of the equipment necessary to provide teleconference or video conference participation in its meetings; therefore, there are no implementation costs.

LSPRS proposes to adopt Chapter 4 (Disability Accommodations for Open Meetings) of Part IX, Title 58 (Retirement) of the Louisiana Administrative Code. Specifically, the proposed rule establishes the framework for disability accommodations by:

Allowing members of the public and participating members of the agency with an ADA-qualifying disability to request accommodations.

Including contact information for the agency representative who is responsible for disability accommodations in the public notice for meetings.

Providing a timeline to meet the requested disability accommodations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Electronic meetings could potentially reduce expenses to directly affected persons, small businesses, or non-governmental groups by negating the need for travel to a board meeting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Margaret Corley Michel
Executive Director
2502#011

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Board of Trustees of the Louisiana State Police Retirement System

Procedures for Election of Louisiana State Police
Retirement System Trustees
(LAC 58:IX.301 and 303)

Notice is hereby given, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted by R.S. 11:1302(B), that the Board of Trustees of the Louisiana State Police Retirement System proposes to amend LAC 58:IX.301 and 303 in the Procedures for Election of Louisiana State Police Retirement System Trustees.

The board of trustees proposes to amend the time frames in the election procedures for filling a position on the board with a term ending December 31 by providing for each step to occur two months earlier.

Title 58

RETIREMENT

Part IX. State Police Retirement System

Chapter 3. Procedures for Election of Louisiana State Police Retirement System Trustees

§301. General Election Procedures

A. The director shall issue to the Louisiana State Police Retirement System membership a notice of each trustee office to be filled in the following timeframe:

1. between the first Monday in June and the third Monday in June, for a position with term ending December 31, via mail, with qualifying form attached and placed on the website, such form to require applicant's name, date started in system, and for which seat the applicant is qualifying;

2. ...

B. Candidates shall submit in writing to the director their intention to run for a specified office between in the following timeframe:

1. the fourth Monday in June and the second Monday in July, for a position with term ending December 31; and

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1302(B).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Police Retirement System, LR 42:1961 (November 2016), amended LR 51:

§303. Ballots, Count, Tabulation, Posting, Oath of Office

A. The director shall compile a ballot for each office to be filled. Ballots shall be mailed to the membership at their home addresses in the following timeframe:

1. beginning the fourth Monday of July through the second Monday of August, for a position with term ending December 31;

2. beginning the fourth Monday of March through the second Monday of April for a position with term ending June 30:

A.2.a. - A.2.c. ...

d. the director shall inform each member in this mailing that results of the vote shall be promulgated on the system's website in late September or early October (for a position with term ending December 31) or late May or early June (for a position with term ending June 30);

e. voted ballots shall be accepted through the fourth Monday in August at 4:30 p.m. (for a position with term ending December 31) or through the fourth Monday in April at 4:30 p.m. (for a position with term ending June 30);

A.2.f. ...

B. Ballots shall be held inviolate by the director.

1. The director shall call a special meeting of the retirement staff, and notify the public by placing notice on the system's website that anyone may attend, at which time the retirement staff shall count and tabulate ballots between September 1 and October 10 (for a position with term ending December 31) and between May 1 and June 10 (for a position with term ending June 30).

B.2. - C.1.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1302(B).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Police Retirement System, LR 42:1961 (November 2016), amended LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this

proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, R.S. 49:974.1 et seq., the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and no impact on the provider's ability to provide the same level of services as described in HCR 170.

Public Comments

Interested persons may submit written comments to Margaret Corley Michel, Executive Director, Louisiana State Police Retirement System, 9224 Jefferson Highway, Baton Rouge, LA 70809. Mrs. Michel is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is 4:30 p.m. on March 14, 2025.

Margaret Corely Michel
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Procedures for Election of Louisiana
State Police Retirement System Trustees**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule is not anticipated to result in any costs or savings for the Louisiana State Police Retirement System (LSPRS).

LSPRS proposed to amend Title 58, Part IX, Chapter 3, Section 301-General Election Procedures and Section 303-Ballots, Count, Tabulation, Posing, Oath of Office of the Louisiana Administrative Code. The proposed rule amends the timeframe of election procedures for Board of Trustee positions with a term ending December 31st by providing for each step to occur two months earlier. Specifically, this proposed rule:

- Requires the director to issue a notice to members of each trustee office to be filled between the first and third Monday in June rather than August.
- Requires candidates to submit their intention to run for office between the fourth Monday in June and the second Monday in July rather than between the fourth Monday in August and the second Monday in September.
- Requires the director to compile a ballot for each office to be filled and mail it to the members between the fourth Monday in July and the second Monday in August rather than between the fourth Monday in September and the second Monday in October.
- Requires the director to inform each member in a mailing that the results of the vote shall be promulgated on the system's website between late September and early October rather than late November and early December.
- Requires voted ballots shall be accepted through the fourth Monday in August rather than October.
- Requires the director to call a special meeting where ballots are counted and tabulated between September 1st and October 10th rather than between November 1st and December 10th.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or economic benefits to directly affected persons, small business, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Margaret Corley Michel
Executive Director
2502#010

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDA

Office of the Governor Division of Administration

Web Accessibility Compliance—PPM Number 74
(LAC 4:V.Chapter 61)

Policy and Procedure Memorandum Number 74, Web Accessibility Compliance, has been issued effective February 10, 2025.

Title 4

ADMINISTRATION

Part V. Policy and Procedure Memoranda

Chapter 61. Web Accessibility Compliance—PPM Number 74

§6101. Purpose

A. The purpose of this memorandum is to ensure people with disabilities can access online government services. It also provides consistency for web users across state websites and mobile applications.

B. All boards, commissions, departments, agencies, institutions, and offices of the executive branch of state government shall comply with this memorandum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:8 and 28 CFR Part 35, Subpart H.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 51:327, effective February 10, 2025.

§6103. Definitions

A. For purposes of this memorandum, the following definitions shall apply.

Agency—a board, commission, department, agency, institution, or office of the executive branch of state government.

Agency Home Page—the starting point for an agency website or mobile application. It is the first page presented whenever a user goes to the agency website or opens the mobile application.

Americans with Disabilities Act (ADA)—a federal law that prohibits discrimination based on disability in all areas of public life.

DOJ Final Rule—a set of requirements issued by the U.S. Department of Justice (DOJ) in 28 CFR Part 35, Subpart H. It sets minimum standards for web content and mobile applications so that they are accessible by people with disabilities.

Exceptions to DOJ Final Rule—in limited situations, certain web content does not have to comply with the DOJ Final Rule. The exceptions include:

- a. archived web content;
- b. electronic documents posted before April 24, 2026;
- c. content posted on the agency's website or mobile application by a member of the public;
- d. individualized documents that are password-protected;
- e. social media posts before April 24, 2026.

Mobile Applications—software applications (referred to as apps) that are downloaded and designed to run on mobile devices, such as smartphones and tablets.

Web Content—the information and sensory experience communicated to the user of a website or mobile application. This may be achieved through the use of text, images, sound, videos, documents, and social media posts.

Web Content Accessibility Guidelines (WCAG)—a set of technical standards issued by the World Wide Web Consortium (W3C). For each standard, there are three levels of conformance: A, AA, and AAA.

Web Properties—the various points of presence on the web that an agency uses to represent itself. This may include websites, mobile applications, and social media accounts that serve different purposes or audiences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:8 and 28 CFR Part 35, Subpart H.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 51:327, effective February 10, 2025.

§6105. Web Accessibility Coordinator

A. Agency heads shall designate at least one full-time employee of the agency to serve as web accessibility coordinator.

B. The web accessibility coordinator shall:

1. complete web accessibility training within 90 days of hire or designation to the role. The training materials may be determined by the agency head;
2. resolve accessibility issues reported by web or mobile application users;
3. provide assistance to agency staff, as needed, to create and manage web content that complies with this PPM.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:8 and 28 CFR Part 35, Subpart H.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 51:327, effective February 10, 2025.

§6107. Agency Policy

A. Agencies shall develop a Web Accessibility Policy. At a minimum, the policy shall include the following.

1. **Content Standards.** Given how quickly technology advances, the policy must adopt the most recently published version of WCAG. This means web content (not subject to exception from the DOJ final rule) shall comply with WCAG 2.2, Level AA. The standards are available at <https://www.w3.org/TR/WCAG22/>.

2. **Accessibility Statements.** The policy shall require that an accessibility statement be posted as a link directly from the agency home page. The statement must:

- a. express a commitment by the agency to making their web content accessible for people with disabilities;
- b. include the name, email address and telephone number of the agency's web accessibility coordinator. This ensures that people with disabilities know who to contact, and how, if they experience any accessibility issues.

3. **Internal Controls.** The policy must set appropriate internal controls in order to achieve and maintain web accessibility requirements. Internal controls should be based

on organizational, staffing and financial considerations specific to each agency. Examples of possible internal controls may include but are not limited to:

- a. approval procedures for how web content will be screened for accessibility prior to publication;
- b. reducing the number of web content authors and managers;
- c. contracting with a vendor to fix web content that is not compliant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:8 and 28 CFR Part 35, Subpart H.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 51:327, effective February 10, 2025.

§6109. Implementation

A. Agencies shall submit the following to the State ADA Coordinator, Rikki David, at rikki.david@la.gov by the deadlines given below.

1. By March 31, 2025: Agencies are to complete and submit the designation of agency contacts form to identify their web accessibility coordinator.
2. By June 30, 2025: Agencies are to submit an inventory of their major web properties, to include who is responsible for managing each web property.
3. By September 30, 2025: Agencies are to submit an action plan identifying the steps that they intend to take in order to update their major web properties so that they comply with the content standards.
4. By December 31, 2025: Agencies are to submit a report regarding the completion status of each step in the action plan.

5. By March 31, 2026: Agencies are to submit a copy of their Web Accessibility Policy that meets the requirements of §6107 above.

6. On/After April 24, 2026: Web content (not subject to exception from the DOJ final rule) shall be compliant.

B. Agencies should refer to the Web Accessibility Roadmap for further information regarding how to complete each implementation step.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:8 and 28 CFR Part 35, Subpart H.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 51:328, effective February 10, 2025.

§6111. Roles and Responsibilities

A. The Office of State ADA Coordinator (OSADAC) provides administrative support and recordkeeping for all agency forms, reports and policies required by this PPM.

B. The Office of Technology Services (OTS) provides technical and educational support to help understand the WCAG standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:8 and 28 CFR Part 35, Subpart H.

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, LR 51:328, effective February 10, 2025.

Taylor F. Barras
Commissioner

2502#032

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences Structural Pest Control Commission

Approved Termiticides and Manufacturers

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, hereby gives notice of the list of termiticides and manufacturers that have been approved by the Structural Pest Control Commission for use in Louisiana.

Approved Termiticides and Manufacturers			
Product	EPA Reg. No.	Percentage	Manufacturer
Altriset (Chlorantraniliprole)	100-1503	0.05% - 0.10%	Syngenta
Baseline (Bifenthrin)	279-3177	0.06% - 0.12%	FMC
Bifen XTS (Bifenthrin)	53883-189	0.06% - 0.12%	Control Solutions
Bifen IT (Bifenthrin)	53883-118	0.06% - 0.12%	Control Solutions
Bora-Care (Disodium Octaborate Tetrahydrate)	83465-1-64405	23%	Nisus
Borathor (Disodium Octaborate Tetrahydrate)	81824-8	5.0% - 15.0%	Ensysyex II, Inc.
Centerfire 75 WSP (Imidacloprid)	432-1332	0.05% - 0.10%	Bayer
Cyper TC (Cypermethrin)	53883-92	0.25% - 1.00%	Control Solutions
Demon MAX (Cypermethrin)	100-1218	0.25% - 1.00%	Syngenta
Dominion PT (Imidacloprid)	53883-237	0.05% - 0.10%	Control Solutions
Dominion 2L (Imidacloprid)	53883-229	0.05% - 0.10%	Control Solutions
Dragnet SFR (Permethrin)	279-3062	0.05% - 2.0%	FMC
Elusion 2 SC (Chlorfenapyr)	91234-238	0.125%-0.25%	Atticus
Fuse (Imidacloprid / Fipronil)	53883-328	0.067% - 0.13%	Control Solutions
Fuse Foam (Fipronil/Imidacloprid)	53883-462	0.005% & 0.025%	Control Solutions
MasterLine Bifenthrin 7.9 (Bifenthrin)	73748-7	0.06% - 0.12%	Univar
MasterLine B MaxxPro (Bifenthrin)	279-3206-73748	0.06% - 0.12%	Univar
MasterLine I MaxxDual (Imidacloprid)	432-1600-73748	.005% - 0.10%	Univar
MasterLine I MaxxPro WSP (Imidacloprid)	73748-8	0.05% - 0.10%	Univar

Approved Termiticides and Manufacturers			
Product	EPA Reg. No.	Percentage	Manufacturer
MasterLine I MaxxPro 2F (Imidacloprid)	73748-9	0.05% - 0.10%	Univar
Maxxthor SC (Bifenthrin)	81824-5	0.06% - 0.12%	Ensysyex II, Inc.
Navigator SC (Fipronil)	93182-23	0.06%-0.125%	Gharda Chemicals International
Notion 2 SC (Imidacloprid)	91234-328	0.05% - 0.10%	Atticus
Permethrin SFR (Permethrin)	70506-6-53883	0.50% - 2.00%	Control Solutions
Phantom (Chlorfenapyr)	241-392	0.063% - 0.25%	BASF
Prelude (Permethrin)	5481-550	0.50% - 2.00%	AMVAC
Premise 75 WSP (Imidacloprid)	432-1332	0.05% - 0.10%	Bayer
Premise 2 (Imidacloprid)	432-1331	0.05% - 0.10%	Bayer
Premise Foam (Imidacloprid)	432-1391	0.05%	Bayer
Premise Pre-Construction (Imidacloprid)	432-1331	0.05% - 0.10%	Bayer
Premise Pro (Imidacloprid)	432-1449	0.05% - 0.10%	Bayer
Prothor WSP (Imidacloprid)	82957-2	0.05% - 0.10%	Ensysyex III, Inc.
Talak 7.9% (Bifenthrin)	91234-145	0.06% - 0.12%	Atticus
Talstar P (Bifenthrin)	279-3206	0.06% - 0.12%	FMC
Taurus SC (Fipronil)	53883-279	0.06% - 0.125%	Control Solutions
Tengard SFR (Permethrin)	70506-6	0.50% - 2.00%	United Phosphorus
Termidor Dry (Fipronil)	499-546	0.5%	BASF
Termidor Foam (Fipronil)	499-563	0.005%	BASF
Termidor HE (Fipronil)	7969-329	0.06% - 0.125%	BASF
Termidor HP (Fipronil)	7969-354	0.06% - 0.125%	BASF
Termidor HP II (Fipronil)	7969-400	0.125%	BASF
Termidor SC (Fipronil)	7969-210	0.06% - 0.125%	BASF
Termidor 80WG (Fipronil)	7969-209	0.06% - 0.125%	BASF
Ternate SC (Fipronil)	91234-337	0.06% - 0.125%	Atticus
Totality (Bifenthrin)	279-3281	0.6%	FMC
Transport (Acetamiprid)(Bifenthrin)	8033-96-279	0.11%	FMC
Transport Mikron Insecticide (Acetamiprid / Bifenthrin)	8033-109-279	0.054% - 0.11%	FMC
UP-Cyde Pro 2.0 EC (Cypermethrin)	70506-19	0.25% - 1.0%	United Phosphorus
Wisdom TC Flowable (Bifenthrin)	5481-520	0.06% - 0.12%	AMVAC

Baits		
Product	EPA Reg. No.	Manufacturer
Advance Compressed Termite Bait II (Diflubenzuron)	499-500	BASF
Isophor Termite Bait (Diflubenzuron)	68850-2	Ensysstex, Inc.
Labyrinth (Diflubenzuron)	68850-2	Ensysstex, Inc.
Labyrinth AC (Diflubenzuron)	68850-2	Ensysstex, Inc.
Recruit AG FlexPack (Noviflumuron)	62719-652	Dow AgroSciences
Recruit IV (Noviflumuron)	62719-453	Dow AgroSciences
Recruit IV AG (Noviflumuron)	62719-454	Dow AgroSciences
Recruit HD (Noviflumuron)	62719-608	Dow AgroSciences
Shatter (Hexaflumuron)	62719-272	Dow AgroSciences
Trelona Compressed Termite Bait (Novaluron)	499-557	BASF
Trelona ATBS Annual Bait Stations	499-557	BASF
Trelona ATBS Direct Bait Kit (Novaluron)	499-557	BASF
Trelona ATBS Direct Bait Stations (Novaluron)	499-557	BASF
Trelona ATBS Home Monitoring Kit (Novaluron)	499-557	BASF

Mike Strain, DVM
Commissioner

2502#015

POTPOURRI

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Structural Pest Control Commission**

Public Hearing—Substantive Amendments to
Proposed Rule; Structural Pest Control Commission
(LAC 7:XXV.101, 113, and 117)

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, published a Notice of Intent to promulgate LAC 7:XXV.101, 113, and 117 in the September 20, 2024, edition of the *Louisiana Register* (LR 50:9, 1296-1298). A public hearing for the proposed Rule was held on Monday, October 28, 2024, which solicited comments and testimony, specifically on §117. As a result of its analysis of the comments and testimony received, the department proposes to amend §117 of the proposed Rule. Within §117(H)(2), the department proposes to adopt additions to include the total amount of restricted use pesticide applied per location, per application, and size of area treated with restricted use pesticide (square feet or linear feet) for record keeping for applications of pesticides in the general pest and commercial vertebrate phases. The additional language “restricted use” provides clarification to licensees and permittees regarding record keeping. The previously proposed Rule did not specify the type of pesticide it applied to. No fiscal or economic impact will result from the amendments proposed in this notice.

§117. Obligations of the Licensee/Permittee

A. - H.2.k. ...

1. total amount of a restricted use pesticide applied per location, per application; and

m. size of area with a restricted use pesticide treated (square feet or linear feet).

H.3. - Q. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3368.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:2437 (November 2000), LR 29:1062 (July 2003), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 31:2761 (November 2005), LR 35:1468 (August 2009), LR 37:280 (January 2011), LR 39:301 (February 2013), LR 42:214 (February 2016), LR 44:1236 (July 2018), LR 46:1541 (November 2020), LR 49:2076 (December 2023), repromulgated LR 50:776 (June 2024), amended LR 51:

Public Hearing

In accordance with the provisions of the Administrative Procedure Act, specifically at R.S. 49:966(H)(2), the Department of Agriculture of Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, gives notice of a public hearing to receive additional comments and testimony of these substantive amendments to the proposed Rule. The hearing will be held at 9 a.m. until 12 p.m. on March 24, 2025, in the Veterans’ Auditorium at the Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. At that time, all interested persons will be afforded an opportunity to submit data, views or arguments, either orally or in writing. Interested persons may submit written comments to Kelly Moore, Director of Structural Pest Control Commission, at 5825 Florida Blvd., Baton Rouge, LA 70806. She is responsible for responding to inquiries regarding these substantive amendments to the proposed Rule. The deadline for receipt of all written comments is 9:30 a.m. on March 24, 2025. Should individuals need an accommodation in order to participate, please contact Kelly Moore at (225) 952-8042.

Mike Strain, DVM
Commissioner

2502#014

POTPOURRI

**Department of Agriculture and Forestry
Office of Animal Health and Food Safety**

Hunting Season Variances for
Farm-Raised White-Tailed Deer

Pursuant to LAC 7:XXI.1719(A), farm-raised white-tailed deer may be harvested by killing from October 1 through January 31. LAC 7:XXI.1719(C) authorizes the commissioner of Agriculture and Forestry to establish, by written order, variances of these dates as the commissioner deems necessary to carry out the purposes of R.S. 3:3101-3108.

In light of the foregoing, and in consideration of its application for a variance, Commissioner of Agriculture and Forestry, Mike Strain, DVM hereby authorizes Malone Properties, License No. 2042, 411 Bud Farrar Road, Lillie,

LA, 71256, through its owner, Karl Malone, to open its hunting grounds for the purpose of harvesting farm-raised white-tailed deer from February 1, 2025, until April 30, 2025.

Mike Strain, DVM
Commissioner

2502#036

POTPOURRI

**Department of Energy and Natural Resources
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the oilfield sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Houston Oil Minerals Corp.	Calcasieu Pass	L	D 2A RA VUA; Stine Heirs	002	89795

Steven M. Giambrone
Interim Commissioner

2502#013

POTPOURRI

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Regional Haze Second Planning Period—State Implementation Plan (SIP) Revision

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2051 et seq., the Secretary gives notice that the Office of Environmental Assessment, Air Planning and Assessment Division, will submit to the Environmental Protection Agency (EPA) a revision to the Louisiana State Implementation Plan (SIP) for Regional Haze, namely the Regional Haze Second Planning Period, as required by CFR 51.308 (g). (2502Pot1)

The Regional Haze Rule requires a comprehensive analysis of each state’s regional haze SIP every 10 years and a progress report every five years. This 10-year review is intended to provide an update to Louisiana’s regional haze SIP. This update provides an opportunity for public input on the state’s and EPA’s comprehensive revision to Louisiana’s regional haze SIP.

All interested persons may submit written comments concerning the revision no later than 4:30 p.m., Tuesday, April 1, 2025, to Arlys Dalton, Office of Environmental Assessment, P.O. Box 4314, Baton Rouge, LA. 70821-4314, or by E-mail at arlys.dalton@la.gov. A public hearing will be granted upon request. The deadline for requesting a public hearing is Friday, March 7, 2025. The revision is available

for review via LDEQ’s Electronic Document Management System (EDMS), AI# 174156, or at LDEQ Headquarters, 602 North 5th Street, Baton Rouge, Louisiana, 70802.

Aurelia S. Giacometto
Secretary

2502#061

POTPOURRI

**Office of the Governor
Capital Area Groundwater Conservation Commission**

Public Hearing—Substantive Changes to Proposed Rule; Measuring Well Yield, Records (LAC 56:V.709)

The Capital Area Groundwater Conservation Commission published a Notice of Intent to amend §709, Records in the September 20, 2024 edition of the *Louisiana Register* (LR 50:1323). The notice solicited comments. A public hearing was held on October 10, 2024. As a result of its analysis of the comments received at the public hearing, the commission proposes to amend certain portions of the proposed Rule. Within Subsection C, the commission proposed to amend the first sentence to now include the term “hourly running total” and read as follows: “Well owners which do not have district provided monitoring/auditing equipment, shall provide hourly running total flow measurement data...”

The proposed amendment closely aligns with the proposed Rule on the same topic as published by the Capital Area Groundwater Conservation Commission in the September 20, 2024 edition of the *Louisiana Register* (LR 50:1323). The amendment of the Rule will further detail what type of well yield measurement data the commission is requesting from users. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 56

PUBLIC WORKS

Part V. Capital Area Ground Water Conservation Commission

Chapter 7. Rules and Regulations for Metering and/or Recording the Yield of Water Wells

§709. Records

A. The well owner shall be required to keep records of well yield and shall, on request, furnish data concerning such records to the representatives of the Capital Area Groundwater Conservation Commission [R.S. 38:3076A(8)].

B. For the data from well owners with district-provided monitoring/auditing equipment, this data is provided automatically through the supervisory control and data acquisition (SCADA) system.

C. Well owners which do not have district-provided monitoring/auditing equipment, shall provide hourly running total flow measurement data from each well from the month prior by the fifteenth of each month to the district staff utilizing a comma separated value (CSV) format and delivered to the district via secure file transfer protocol (SFTP), which format and delivery method may be modified over time by the commission to accommodate new technologies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079. Amended in accordance with R.S. 38:3076.A.(7), (8), and R.S. 38:3076.E.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), promulgated LR 33:2647 (December 2007), amended LR 51:

Public Hearing

In accordance with the provisions of the Administrative Procedure Act, specifically R.S. 49:966(H)(2), the Commission gives notice of a public hearing to receive additional comments on these substantive amendments to the proposed Rule. The hearing was scheduled for January 21, 2025 which had to be cancelled due to the snow storm. The hearing will be rescheduled and held at 10 a.m. on March 25, 2025 at the office of the Capital Area Groundwater Conservation Commission, 3074 Westfork Dr. Baton Rouge, Louisiana, 70816. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or written. Interested persons may submit written comments to Capital Area Groundwater Conservation Commission, 3074 Westfork Dr. Baton Rouge, Louisiana, 70816. The deadline for receipt of all written comments is March 20, 2025 at 10 a.m.

Gary Beard
Executive Director

2502#007

POTPOURRI

Department of Insurance Office of the Commissioner

Substantive Change Hearing for
Regulation 90—Payment of Pharmacy and Pharmacist
Claims Notice of Intent (LAC 37:XIII.Chapter 115)

The Department of Insurance published a Notice of Intent to amend Regulation 90 to add regulatory language to incorporate and clarify audit and claim review requirements and to require the filing of policies and procedures to bring Pharmacy Benefit Management processes into compliance, in the September 20, 2024, Volume 50, No. 9 edition of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend Section 11505 to define “pharmacy” according to the revised statute, to amend Section 11507 to clarify procedures for submitting non-electronic claims, to amend Section 11509 to clarify procedures for submitting electronic claims, to amend Section 11511 to outline the process for conducting pharmacy audits of records, to renumber Section 11513 to provide details on claim review procedures, to renumber Section 11515 to provide details on quality assurance review procedures, to renumber Sections 11517, 11519, and 11521 to align with the correct numerical sequence, and to add Section 11523 to include a confidentiality clause. Since this is a substantive change, the Louisiana Department of Insurance is giving the public an opportunity for a hearing as published in this potpourri. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 37 INSURANCE

Part XIII. Regulations

Chapter 115. Regulation Number 90—Payment of Pharmacy and Pharmacist Claims

§11501. Purpose

A. The purpose of Regulation 90 is to implement R.S. 22:1851-1862 relative to the making of the prompt and correct payment for prescription drugs, other products and supplies, and pharmacist services covered under insurance or other contracts that provide for pharmacy benefits, and for the review and auditing of claims or records pertaining to such services.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1662 (August 2007), amended LR 51:

§11503. Scope and Applicability

A. Except as otherwise specifically provided, the requirements of Regulation 90 apply to all health insurance issuers including health maintenance organizations that offer coverage in their insurance contracts for pharmacy services in accordance with the statutory requirements Subpart C of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:1851 et seq. Additionally, Regulation 90 applies to all contracts between a pharmacist and/or, pharmacy and/or a health insurance issuer, its agent, or any other party responsible for reimbursement for prescription drugs, other products and supplies, and pharmacist services. Any and all contracts entered into after July 1, 2005 shall be required to be in compliance with R.S. 22:1851 et seq. Additionally, Regulation 90 shall apply to all contracts in existence prior to July 1, 2005. Regulation 90 shall include but not be limited to those contracts that contain any automatic renewal provisions, renewal provisions that renew if not otherwise notified by a party, any provision that allows a party the opportunity to opt out of the contract, evergreen contracts, or rollover contracts and therefore these contracts shall be required to come into compliance. Regulation 90 shall apply to all contracts as enumerated above as of the first renewal date, first opt out date, first rollover date or first annual anniversary on or after July 1, 2005.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1663 (August 2007), amended LR 51:

§11505. Definitions

Pharmacy—appropriately licensed place within this state where prescription drugs are dispensed and pharmacist services are provided and any place outside of this state where prescription drugs are dispensed and pharmacist services are provided to residents of this state.

Prohibited Billing Activities—those activities outlined in R.S. 22:1871 et seq.

Uniform Claim Forms—are forms prescribed by the department and shall include the National Uniform Bill-04

(UB-04) or its successor for appropriate hospital services, and the current Health Care Financing Administration Form 1500 or its successor for physical and other appropriate professional services. If, after consultation with insurers, providers, and consumer groups, the commissioner determines that the state assignable portions of either form should be revised, he shall make a revision request to the State Uniform Bill Implementation Committee and if approved, prescribe the use of the revised form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1663 (August 2007), amended LR 51:

§11507. Claim Handling Procedures for Non-Electronic Claims

A. Pursuant to R.S. 22:1853.B, health insurance issuers or health maintenance organizations are required to submit to the Department, for approval, a "Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of non-electronic claims and procedures in place to ensure compliance with R.S. 22:1851 et seq. and R.S. 22:1871 et seq. The Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims shall include, but not be limited to, the following:

1. a process for documenting the date of actual receipt of non-electronic claims;

2. a process for reviewing non-electronic claims for accuracy and acceptability;

3. a set of policies and procedures governing the performance of pharmacy record audits, whether by the health insurance issuer or its agent. Such material shall:

a. specify the selection criteria or algorithm used to select pharmacies for auditing;

b. specify the potential purpose and scope of the audit function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

c. expressly demonstrate compliance with all substantive elements of R.S. 22:1856.1 and this Regulation;

4. a set of policies and procedures governing the performance of claim reviews and quality assurance reviews, whether by the health insurance issuer or its agent. Such material shall:

a. specify any distinctions between claim reviews and quality assurance reviews under the policies and procedures to be used by the company. Any alternative term for a review of a claim shall be added to the policies and procedures filed with the department as a term for either a claim review or a quality assurance review prior to use in communication with any pharmacy, except for annual audits and fraud or willful misrepresentation-related audits, reviews, or investigation;

b. specify the selection criteria or algorithm used in determining when a claim review is to be performed. This shall include safeguards to ensure the scope of the review is

not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

c. specify the selection criteria or algorithm used in determining when a quality assurance review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

d. specify the potential purpose and scope of its claim review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

e. specify the potential purpose and scope of its quality assurance review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy; and

5. a set of policies and procedures governing the performance of fraud or willful misrepresentation audits, whether by the health insurance issuer or its agent. Such material shall:

a. describe any triggers or criteria which may give rise to a fraud or willful misrepresentation audit; such triggers or criteria shall be clearly defined and easily distinguishable from the selection criteria or algorithms used by the company for pharmacy record audits, claim reviews, and quality assurance reviews;

b. describe the purpose, scope, and the set of invoking criteria to prevent the use of fraud or willful misrepresentation audits in place of pharmacy record audits, claim reviews, and quality assurance reviews.

B. The filing of the Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims document shall indicate compliance by a health insurance issuer or health maintenance organization with the filing requirements of

R.S. 22:1853. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to be not in compliance with the substantive requirements of R.S. 22:1853 or 1856.1.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11509. Claim Handling Procedures for Electronic Claims

A. Pursuant to R.S. 22:1851, health insurance issuers and health maintenance organizations are required to submit to the department, for approval, a "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of electronic claims and procedures in place to ensure compliance with R.S. 22:1851 et seq. The "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" shall include, but not be limited to, the following:

1. a process for electronically dating the time and date of actual receipt of electronic claims;

2. a process for reporting all claims rejected during electronic transmission and the reason for the rejection.

3. a set of policies and procedures governing the performance of pharmacy record audits, whether by the health insurance issuer or its agent. Such material shall:

a. specify the selection criteria or algorithm used to select pharmacies for auditing;

b. specify the potential purpose and scope of the audit function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

c. expressly demonstrate compliance with all substantive elements of R.S. 22:1856.1 and this Regulation;

4. a set of policies and procedures governing the performance of claim reviews and quality assurance reviews, whether by the health insurance issuer or its agent. Such material shall:

a. specify any distinctions between claim reviews and quality assurance reviews under the policies and procedures to be used by the company. Any alternative term for a review of a claim shall be added to the policies and procedures filed with the department as a term for either a claim review or a quality assurance review prior to use in communication with any pharmacy, except for annual audits and fraud or willful misrepresentation-related audits, reviews, or investigation;

b. specify the selection criteria or algorithm used in determining when a claim review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

c. specify the selection criteria or algorithm used in determining when a quality assurance review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

d. specify the potential purpose and scope of its claim review function, including all potential recoupment, remedial, and punitive rights;

e. specify the potential purpose and scope of its quality assurance review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy; and

5. a set of policies and procedures governing the performance of fraud or willful misrepresentation audits, whether by the health insurance issuer or its agent. Such material shall:

a. describe any triggers or criteria which may give rise to a fraud or willful misrepresentation audit; such triggers or criteria shall be clearly defined and easily distinguishable from the selection criteria or algorithms used by the company for pharmacy record audits, claim reviews, and quality assurance reviews;

b. describe the purpose, scope, and the set of invoking criteria to prevent the use of fraud or willful misrepresentation audits

B. ...

C. The filing of the "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" document shall indicate compliance by a health insurance issuer and health maintenance organization with the filing requirements of R.S. 22:1854. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to not be in compliance with the substantive requirements of R.S. 22:1854 or 1856.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11511. Pharmacy Audits of Records

A. Pharmacy record audits of records shall, with the exception of fraud or willful misrepresentation audits, be the sole mechanism a health insurance issuer or its agent may require a pharmacy to participate in for the purpose of systematic review of the pharmacy's compliance with contract terms and conditions, filing guidelines, and the provider manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11513. Claim Reviews

A. Claim reviews shall be limited to a determination of whether a claim is payable or has been paid correctly. Inappropriate aggregation of claim reviews, excessive application of claim reviews upon a single pharmacy, and similar activities serve to convert a claim review into a pharmacy record audit and therefore subject to the requirements of and limitations on such audits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§11515. Quality Assurance Reviews

A. Quality assurance reviews shall be limited to reviews of pharmacy compliance with contractual and claim filing requirements and shall only be performed prior to reimbursement. The purpose of a quality assurance review must be to test and maintain compliance with contract terms or agreed-upon claim filing requirements, and the health insurance issuer shall design and implement such reviews to be remedial in nature, rather than to deny, recover, or otherwise non-pay claims based on correctable or harmless errors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§11517. State of Emergency

A. Pursuant to any Executive Order issued by the governor transferring authority to the department on matters pertaining to insurance, and pursuant to the plenary authority vested in the commissioner under Title 22, the department shall be authorized to issue emergency regulations during a state of emergency that suspends and/or interrupts any of the

provisions found in Title 22 or take any or all such action that the commissioner deems necessary in reference to provisions in Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11519. Severability Clause

A. If any Section or provision of Regulation 90 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions that can be given effect without the invalid sections or provisions or application, and for these purposes, the Sections or provisions of this regulation and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11521. Effective Date

A. Regulation 90 shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11523. Confidentiality

A. The Louisiana Department of Insurance shall maintain any and all confidential documents considered trade secrets or fall under the Louisiana public records law under R.S. 44:1 et al.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

Public Hearing

A public hearing on the proposed substantive changes will be held by the Louisiana Department of Insurance on March 24, 2025 at 10 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA. Interested persons who wish to make comments may do so at the public hearing or by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, by faxing comments to (225) 342-7821, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., March 24, 2025.

Timothy J. Temple
Commissioner

2502#008

POTPOURRI

Department of Insurance Office of the Commissioner

Public Hearing—Substantive Changes to Proposed Rule; Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years (LAC 37:XIII.Chapter 202)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., published a Notice of Intent to promulgate its Rule, Regulation 131, in the September 20, 2024, LAC 37, Chapter 202 of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend Section 20207 by amending the definition of *Homeowners Insurance* by deleting the reference to manufactured homes or mobile homes, by deleting the word means in the definition of *Insured*, and by adding a definition of *Not In The Public Interest*. Section 20209 A.2. was amended to require the submission of data and not the submission of a geographic map. Finally, Section 20209 B. was amended to add a reference to the Uniform Trade Secret Act. Since these are substantive changes, the Department of Insurance is giving the public an opportunity for a hearing as published in this potpourri. The hearing date scheduled for February 21, 2025 is being continued to March 28, 2025.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 202. Regulation Number 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years

§20207. Definitions

A. As used in Regulation 131, these terms shall have the following meaning ascribed herein unless the context clearly indicates otherwise.

Commissioner—the Louisiana Commissioner of Insurance.

Department—the Louisiana Department of Insurance.

Homeowners Insurance—a policy of insurance on a one- or two-family owner-occupied premises, which combines fire and allied lines with any one or more perils of casualty, liability, or other types of insurance within one policy form at a single premium, where the insurer's liability for damage to the premises under said policy is determined with reference to the replacement value of the premises.

Homeowners Policies—shall mean for purposes of this regulation, policies of homeowners insurance that have been in effect for more than three years on or before August 1, 2024.

Nonrenewal or Cancellation Date—the termination date of an insured’s policy of homeowners insurance.

Insured—customers owning homeowners policies as provided for in R.S. 22:1265.

Insurer—any insurer that provides property, casualty, and liability insurance in the state of Louisiana.

Not In The Public Interest—means the imposition of a plan to cancel or nonrenew up to 5 percent of homeowners policies that has an outsized impact on a specific coastal geographic area, zip code, or parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20209. Plan for Nonrenewal or Cancellation

A. - A.1 ...

2. data submitted through a LDI portal or link to such data by parish representing each proposed parish and zip code affected by the nonrenewal or cancellation, along with the deductible amount. The data shall pinpoint all proposed homeowners policies to be nonrenewed or cancelled and demonstrate compliance with the requirement that no more than 5 percent of the insurer’s homeowners policies in force in any one parish that is subject to the “3 year rule” and a listing of those homeowners policies that may be nonrenewed or cancelled;

3. - 10. ...

B. Any business plan, documentation or information filed pursuant to Regulation 131 shall be considered proprietary or trade secret pursuant to the provisions of R.S.

44:3.2 and the Uniform Trade Secrets Act pursuant to Chapter 13-A of Title 51 of the Louisiana Revised Statutes of 1950 shall be applicable to any business plan, documentation or information.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

Public Comments

A public hearing on the proposed substantive changes will be held by the Department of Insurance on March 28, 2025 at 10 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA. Interested persons who wish to make comments may do so at the public hearing or by writing to Claire Lemoine, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted no later than March 28, 2025 by close of business, 4:30 p.m. Interested persons who wish to make comments may do so by writing to Claire Lemoine, Attorney Supervisor, Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov.

Timothy J. Temple
Commissioner

2502#019

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