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Executive Orders

EXECUTIVE ORDER EWE-77-13

Editors Note: Executive Order EWE-77-13 was issued on September 9, 1977, and published in the Louisiana Register, Volume 3, Number 10. The Governor subsequently amended Parts 4 and 6. EWE-77-13 is reprinted here as amended, minus Document No. 1, the list of Task Force members.)

WHEREAS, this administration has done more to increase the representation and participation of women than any previous administration and has set a precedent for appointing talented women in responsible positions, not only as Cabinet members, but also as members of numerous boards and commissions, the Constitutional Convention, and as Director of the Department of Corrections; and

WHEREAS, I support the strong belief that women do make invaluable contributions when they are entrusted with responsible positions, both in the public and private sector; and

WHEREAS, under the Edwards Administration, Louisiana should be foremost among the states in providing opportunities for women; and

WHEREAS, there is a need for a method to provide opportunities for increasing the number of women in responsible positions, and the establishment of a Louisiana Task Force for a Talent Bank of Women will fill that need; and

WHEREAS, the staff of the Bureau for Women is capable of maintaining and administering the files of the Talent Bank of Women; and

WHEREAS, coordination and leadership, combining both public and private interests on State and local levels, is essential to assist the Bureau for Women in planning an effective program for the benefit of the citizens of this State; and

WHEREAS, the responsibility for developing these advantages should be drawn from many areas; and

WHEREAS, it is required that these responsibilities be coordinated in a concentrated planning program to insure the formulation of a single policy including all interested agencies and groups, providing optimum benefit to the citizens of the State; and

WHEREAS, it is essential that cooperation and input to the planning program be secured from the private sector whose contributions are vital to the success of the resulting program; and

WHEREAS, Federal funds should be requested as deemed appropriate and desirable to assist this effort,

NOW, THEREFORE, in order to promote and assist in the development of a program to encourage more utilization of women in responsible positions and in the coordination of all levels of government and all private interests in this venture, I, Edwin Edwards, by virtue of the authority vested in me as Governor of the State of Louisiana, pursuant to the Constitution and applicable statutes of the State of Louisiana, do order as follows:

1. The establishment of the Louisiana Task Force for the purpose of assisting in the development of a comprehensive

policy for identifying qualified women for responsible positions.

2. The Task Force shall assist the Bureau for Women in the accumulation of a Talent Bank of Women.

3. The Task Force shall establish guidelines to follow in establishing a talent bank.

4. The Task Force shall consist of membership as shown in Document No. 1, attached hereto, which is made a part hereof and such other person as may be appointed by me.

5. The Task Force shall secure information concerning needs and opportunities and shall organize meetings for the purpose of informing interested groups and individuals of the purposes of this program. The information gathered will be submitted in report form, and shall form the basis of the Task Force's preliminary and final reports.

6. The Task Force shall be headed by a chairperson, as Coordinator and members appointed by the Governor, and who will serve without pay or other compensation. The Coordinator shall select a working staff to assist the Task Force in the performance of these duties.

7. The Task Force shall establish bylaws and rules of procedure for its operation.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 9th day of September, A.D. 1977.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-77-17

WHEREAS, sound population projections are necessary for efficient planning in Louisiana at the State and local level; and

WHEREAS, there is a need to eliminate possible discrepancies in planning activities resulting from the use of different sets of population projections; and

WHEREAS, adoption of one set of official projections would eliminate these discrepancies and would ensure uniform projections for use in all State and local planning activities.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct the following:

1. The Louisiana State Planning Office is hereby authorized to identify and promulgate the official population projections to be utilized in State and local planning, in consultation with the College of Business, Division of Business and Economic Research for the University of New Orleans; the College of Business and Economic Research of the Louisiana Tech University; and the College of Business, Division of Research of the Louisiana State University, Baton Rouge.

2. The Louisiana State Planning Office must approve utilization of any other projections for planning purposes and any such use shall require substantive justification by the requesting department.

3. Notice of selection of the official planning projections shall be published in the Louisiana Register, and otherwise furnished to all affected State and local agencies. The projections shall be on deposit with the Louisiana State Planning Office which shall promulgate timely updates as necessary.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 6th day of October, A.D. 1977.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-77-18

WHEREAS, there is an ever-present concern over the scientific, technological, and environmental quality policies of this State; and

WHEREAS, it is the policy of this Administration to provide by all means possible for the positive utilization of scientific development, for technological transfer, and for the enhancement, protection, and improvement of environmental quality throughout the State of Louisiana; and

WHEREAS, Public Law 94-580, the Resource Conservation and Recovery Act of 1976, has mandated certain responsibilities to the individual states to respond to and participate in the full planning and implementation of this Act; and

WHEREAS, Louisiana has taken a leadership role in the planning and implementation of this Act; and

WHEREAS, technological resources are playing an increasing role in the day-to-day operation of State government through such activities as the proposed satellite monitoring of the Louisiana Superport; and

WHEREAS, it is essential for the State to engage in desirable programs to maximize the transfer and application of science and technology to Louisiana's problems; and

WHEREAS, diversification of industrial and governmental resources can be achieved through economic and scientific research to determine more and better ways to utilize the State's human and natural resources.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the power vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create and establish the Office of Science, Technology, and Environmental Policy (OSTEP) within the Office of the Governor, whose purpose shall be to undertake matters dealing with scientific and technological research, the proper transfer of technology and coordination of the protection and improvement of environmental quality within the State of Louisiana.

FURTHERMORE, the Office of Science, Technology, and Environmental Policy shall be responsible for further coordination of planning and development of scientific programs and projects between Federal and State agencies; the transfer of technology from Federal sources in an efficient manner; the fostering of mutual cooperation among scientists, lay citizens, and governmental officials; and the maximizing of public and private participation in assessing and solving the many scientific, technological, and environmental problems facing the State of Louisiana.

FURTHERMORE, the Office of Science, Technology, and Environmental Policy shall be responsible for functioning as staff for the Governor's Advisory Committee on Waste Disposal Practices; shall be responsible for the full planning and coordination of the State's effort with respect to the Resource Conservation and Recovery Act of 1976 (P.L. 94-580); and shall coordinate, at least through the planning stages, the efforts of all other State agencies which have authority and responsibility for actual implementation and/or enforcement stages under any Federal laws, rules, regulations, or guidelines which pertain to areas addressed within the Resource Conservation and Recovery Act of 1976 (P.L. 94-580).

FURTHERMORE, the Office of Science, Technology, and Environmental Policy, at the direction of the Governor, shall maintain a close working relationship with the National Governors' Conference, and such other organizations, in an attempt to foster the States' interests, aims, and objectives as they relate to areas of scientific, technological, and environmental policy.

FURTHERMORE, the Office of Science, Technology, and Environmental Policy shall be directed by an Executive Director who shall be appointed by the Governor, and who shall advise the Governor on all matters pertaining to this office. The Executive Director shall further enlist and direct a competent and capable staff; shall have the authority to promote, procure, foster, and stimulate scientific, technological, and environmental research and development in the interest of the public; shall serve as an environmental advisor to the Governor; shall serve as official liaison in the transfer of technology from the Federal government to the State of Louisiana; and shall review the technical and managerial aspects of those research projects which may affect policy decisions of this Administration and report to the Governor.

FURTHERMORE, it is hereby ordered that all executive orders or parts of executive orders in conflict herewith are hereby rescinded and for all intents and purposes shall be considered null, void, and with no effect.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 11th day of October, A.D. 1977.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-77-19

WHEREAS, by Public Law 94-482 Congress established the National Occupational Information Coordination Committee for the purposes of improving coordination among vocational education, vocational rehabilitation, and manpower training programs, and to develop a source of information which will facilitate the accurate analysis and prediction of occupational supply and demand; and

WHEREAS, the Congressional Act mandates each state receiving funds under the Comprehensive Employment and Training Act of 1973 (CETA) to participate in this occupational information program, and to form a State Occupational Information Coordination Committee, and to create a coordinated system of employment information; and

WHEREAS, in order to provide more realistic employment opportunities and to generate information necessary to achieve the related but distinct objectives of vocational, educational, and rehabilitative programs, there should be developed uniform definitions of employment terminology, standards for estimating jobs, standards for estimating the labor force, and standard occupational classifications; and

WHEREAS, all of the above are national goals which can best be accomplished by full cooperation and coordination of efforts between the Federal government and the governments of the participating states; and

WHEREAS, this Administration is aware of the urgent need to manage public vocational programs in the most efficient manner and to provide a system of common information so as to contribute to the development of our state's economy; and

WHEREAS, the Congress has appropriated funds to initiate a coordinated occupational information system; and

WHEREAS, by participation in this program the State of Louisiana will realize many benefits, including improved governmental response to the needs of employers and job seekers, more effective management, more reliable occupational information for the use and benefit of public entities and private enterprise alike, more clearly identified employment opportunities, and improved reporting on the labor market.

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by the power and authority vested in me by the Constitution and the laws of the State, do hereby create and establish in the Department of Labor the State Occupational Information Coordination Committee. Fiscal responsibility shall be vested in the State Department of Labor which embraces the Office of Employment Security. The Committee shall be an interagency public body composed of the Assistant Secretary of the Office of Employment Security, Department of Labor; the Assistant Secretary of the Office of Rehabilitation Services, Department of Health and Human Resources; the Director of the Governor's State Manpower Service Council; and a representative of the Vocational-Technical Education Committee of the State Board of Elementary and Secondary Education (the State Board of Vocational Education).

The Committee shall:

1. Create an occupational information system for the State of Louisiana. This system shall be housed in the Department of Labor, and shall serve the State's programs in vocational education, vocational rehabilitation, manpower training, and economic development.

2. Execute an interagency agreement for the purpose of coordinating a program of occupational information.

3. Develop information on labor demand and supply, using uniform employment definitions, standard estimation and projection procedures, and standard occupational classifications.

4. Upon request, provide State agencies, members of the Legislature, or private citizens with accurate, pertinent information.

5. Submit an annual plan of operation to the Louisiana Department of Labor and the National Occupational Information Coordination Committee.

6. Supply other information and reports, upon request, to the Federal government, particularly to the National Occupational Information Coordination Committee.

BE IT FURTHER PROVIDED that only the four statutory members as established by the Congressional Act, who

are the administrators of the State Manpower Services, Vocational Education, Vocational Rehabilitation, and Employment Security Programs, or their delegated representatives, may decide any matter concerning the expenditure of funds.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 25th day of October, A.D. 1977.

Edwin Edwards
Governor of Louisiana

Policy and Procedure Memoranda

Office of the Governor
Division of Administration
Policy and Procedure Memorandum No. 63

Subject: Policy for the Use of State-Owned Vehicles and Mileage Reimbursement

Effective Date: October 1, 1977

**Authorization: Title 39, R.S. 1950, Part VI, Section 231;
Title 39, R.S. 1950, Part XIII, Section 361**

1. General Information.

1.1 A uniform policy for the use of State-owned vehicles is herein set forth to provide for the inclusion of more energy efficient vehicles in the State transportation program, the adoption of energy concerning transportation methods, and to require that these measures be promulgated as official policy and procedure effective October 1, 1977.

2. Purpose and Scope.

2.1 The purpose of this Policy and Procedure Memorandum is to require the implementation of a uniform policy for the use of State-owned vehicles, to provide for the purchase of motor vehicles, and to establish intradepartment motor pools where feasible. The policies and procedures contained herein shall apply to all departments of State government as required by Act 142 of the 1976 Louisiana Legislature.

3. Policy and Procedures.

3.1 Policy.

3.1.1 State-owned vehicles shall be made available on a top priority basis to State employees who travel in excess of fifteen thousand miles annually in the performance of State business. The State-owned vehicle may be stored at the employee's residence when it is determined to be in the best interest of the department. Use of State-owned vehicles for other than official State business is strictly prohibited.

3.1.2 Conditions requiring mileage reimbursement must receive written authorization from the Cabinet secretaries or their designees. Authorization records should be maintained in the appropriate files for reim-

bursment records or must be submitted by the employee with his or her expense form.

3.1.3 Where the vehicle is to be used primarily for city-to-city travel, a standard size car may be purchased. Where travel is primarily within a small geographical area, a compact car or economy class vehicle shall be purchased.

3.1.4 Cases of special need where the performance of official State business requires deviation from stated policy must receive prior written approval from the Commissioner of Administration. Such cases include:

(1) State-owned vehicles used by employees traveling less than fifteen thousand miles annually.

(2) Privately owned vehicles used by employees traveling in excess of fifteen thousand miles annually.

3.1.5 Cabinet secretaries shall establish intradepartment motor pools for use in the performance of official State business by department personnel who are not assigned a State-owned vehicle nor authorized for travel reimbursement. Motor Pool Vehicles shall be designated as such by the use of appropriate lettering and/or decals. Motor pool overnight storage cities shall be designated by the Cabinet secretaries.

3.2 Procedures.

3.2.1 An assessment shall be made by all Cabinet secretaries of the travel requirements for the performance of their departmental business.

3.2.2 An assessment shall be made by all Cabinet secretaries of the conditions influencing the types of vehicles required. Assignments of vehicle types shall correlate to any special transportation requirements (e.g., the use of Cushman carts for transportation within the confines of an institutional complex). Transportation type vehicles for assignment to individual employees or to motor pools shall include all automobiles, station wagons, carryalls, trucks and any other vehicle assigned for the purpose of transporting employees. Purchase release orders shall include a detailed explanation of the purpose and use of each vehicle. The explanation shall include such detail as intended use in motor pool, intercity travel, city-to-city travel, etc.

3.2.3 An assessment shall be made of employee travel requirements and assignment of State-owned vehicles will be made to those employees who travel in excess of fifteen thousand miles annually on State business. Necessary exceptions must be defined, justified and submitted to the Commissioner of Administration for approval.

3.2.4 State-owned vehicles anticipated to be operated less than fifteen thousand miles annually which will not be incorporated into intradepartment motor pools shall be turned over to the Division of Administration, Property Control Section.

3.2.5 An assessment shall be made of the feasibility of operating intradepartmental motor pools. Where a significant number of State employees could benefit from such a pool one shall be established.

3.2.6 An annual report shall be submitted to the Commissioner of Administration by January 1, 1978, and each succeeding year to include the following:

(1) Total number of State-owned vehicles used by the department by type and year.

(2) Number of State-owned vehicles driven less than fifteen thousand miles annually.

(3) Number of State-owned vehicles driven in excess of fifteen thousand miles annually.

(4) Total number of employees receiving mileage reimbursement and that dollar amount.

(5) Number of employees receiving mileage reimbursement for traveling more than fifteen thousand miles annually and that dollar amount.

(6) Approved exceptions to uniform policy.

(7) Intradepartmental motor pool status.

(8) Number of cars turned over to Division of Administration, Property Control Section.

Charles E. Roemer, II
Commissioner of Administration and
Executive Assistant to the Governor

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective November 20, 1977, the following amendment to the Supplement to the Quarantine and Regulation to Prevent the Spread of, Control and Eradicate the Sweet Potato Weevil, under authority of Parts 2 and 3 of Chapter 12 of Title 3 of the Revised Statutes of 1950.

III. Quarantined Areas, 2.a., add:

Ouachita Parish—Ward 4; that portion consisting of a one mile radius of and including the property of H. K. Wimberly, Section 4, R2E, T17N; and

Ward 5; that portion consisting of a one mile radius of and including the property of J. W. Lea, Section 8, R2E, T18N; and that portion consisting of a one mile radius of and including the property of O. W. Hattaway, Section 18, R2E, T18N.

West Carroll Parish—Ward 4; that portion consisting of a one mile radius of and including the property of Leon Hill, Section 28, R23N, T23N; that portion consisting of a one mile radius of and including the property of Lonnie Reese, Section 21, R11E, T21N; that portion consisting of a one mile radius of and including the property of Aaron Freeman, Section 21, R11E, T21N; and that portion consisting of a one mile radius of and including the property of Christina Blackman, Section 21, R11E, T21N.

The purpose of the amendment is to list revised quarantined areas in a major sweet potato growing area of the state.

Richard Carlton, State Entomologist
Office of Agricultural and Environmental Sciences

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

The Louisiana State Racing Commission finds that an imminent peril to the public health, safety, or welfare requires the adoption of the following rules and such are declared emergency rules and effective November 2, 1977. The Governor, Attorney General, and the Division of Administration are being notified this date of the action pursuant to law.

The Commission's reasons for the finding are that if said rules are not adopted right away, the betting public may not be afforded the proper supervision of racing by the Commission to protect it by insuring that every race run will represent a true competitive effort by every participating horse and rider; that every horse is physically fit to race; that no horse shall be administered any prohibited substance; and that the funds appropriated for the Commission shall not be depleted or expended unless completely necessary and fully justified; and benefits for certain participants in racing.

Naming of Riders

All riders will have to be named at the time of entry, or no later than the time the entries are drawn.

If a rider has a first or second call, and the first call is on a horse who is listed as a likely starter, that one must be honored.

The jockey agents and trainers will be held responsible.

A rider may be named on no more than two horses entered in any given race and his first and second calls therein, shall be declared no later than the time entries are drawn.

Training Tracks

For the purpose of this rule a "Training Track" is defined as follows: An auxiliary race track on the grounds of any person, or persons, associations, or corporations used for workouts, schooling, starts and the likes of race horses that may start or be racing during a current meeting at a track of an association conducting racing with pari-mutuel wagering thereon, duly licensed by the Commission.

Anyone desiring to operate a "Training Track" must apply to the Commission for a license to conduct such a business.

An application seeking such a license shall set forth the following:

A. The full name of the person, and if a corporation the name of the state under which it is incorporated, and the names of the corporation's agents for the service of process within Louisiana.

B. If an association or corporation, the names of the stock holders and directors of the corporation or the names of the members of the association.

C. The exact location where it is desired to conduct a training track.

D. Whether or not the racing plant is owned or leased, and if leased the name and address of the owner, or if the owner is a corporation, the names of its directors and shareholders.

E. A statement of the assets and liabilities of the person applying for a license.

F. Such other information as the Commission may require.

The Commission, its stewards, agents and employees shall have full authority and jurisdiction over a licensed training track as may be appropriately exercised pursuant to R.S.

4:141 et seq. and the Rules of Racing as such apply to an association or licensee, or permittee and consistent therewith.

Exacta Racing

Any race carded for exacta wagering must have not less than eight betting interests at post time for the second race, otherwise exacta wagering will be suspended for that particular race.

Deposit Upon Appeal

A deposit of not less than fifty dollars nor more than five hundred dollars may be required by the Commission to defray the necessary expenses of witnesses called and necessary equipment required by the Commission upon appeal to the Commission of judges' or stewards' final rulings. If the Commission upholds the stewards' or judges' ruling, the necessary expenses of the Commission shall be deducted from the deposit and the balance, if any, shall be returned. If the Commission finds in favor of the appellant, the deposit will be returned.

Lasix

Lasix will not be administered to any horse racing in the State of Louisiana, except under the following conditions:

A. The subject horse must be known to bleed by either the Louisiana State Veterinarian or one of the association veterinarians, and will be considered a known bleeder.

B. When the subject horse is observed bleeding, it will not be accepted in the entries for a period of fourteen days, and then, only with the written consent of the Louisiana State Veterinarian. A known bleeder must remain on the lasix list for a minimum of ninety days.

C. The Louisiana State Veterinarian at each track will keep an up to date list of horses placed on the lasix or bleeders list and shall notify the other tracks that are racing in Louisiana.

D. Horses shipping in from other states, that intend to race in Louisiana, in order to qualify under this rule as known bleeders, must have filed in its behalf a statement of this effect from either the State Veterinarian or a licensed racing association veterinarian of that respective state. This statement must be filed with the Louisiana State Racing Commission Veterinarian at the appropriate Louisiana track.

Workman's Compensation Insurance

In addition to all other requirements for a trainer's license, each applicant therefor must furnish a certificate of insurance, or a binder therefor, of an insurance company licensed and/or authorized to do business in the State of Louisiana, showing he or she has workman's compensation insurance covering his or her employees during the entire period for which the license shall be valid, if issued. This rule does not apply to trainers racing horses at a current meeting which is in progress, however, after November 15, 1977, this rule shall apply to all trainers.

Albert M. Stall, Chairman
Racing Commission

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The Board of Elementary and Secondary Education amended Bulletin 746 by adopting the following emergency

policies, on October 27, 1977, to include legislative acts of the 1977 session regarding teacher certification.

Rule 3.01.70v(11)—The Board amended page 2 by adding the following:

Act 756 of 1977 requires that (1) the applicant, prior to entry into a teacher education program, shall have completed three hours of counseling related to the suitability and aptitude of the student for teaching and the availability of jobs both geographically and by subject area; this counseling shall be conducted by university counseling services outside the teacher education program; (2) the applicant shall have attained a 2.20 average on a 4.00 scale in all course work as a condition for entrance into a teacher education program; (3) the applicant shall have achieved a 2.50 average on a 4.00 scale at graduation from an approved program. (Effective September 9, 1977, all students formally enrolled and admitted to teacher education programs must be in compliance with Act 756 and Act 757 of the 1977 Legislature.)

Act 645 of 1977 requires that on and after April 1, 1978, certification shall be a reliable indicator of minimum current ability and proficiency of the teacher to educate at the grade level and in the subject(s) to which the teacher is assigned.

Act 16 of 1977 requires that applicants for certification on and after September 15, 1978, must pass an examination which includes English proficiency, pedagogical knowledge, and knowledge in the areas of specialization of the applicant as a prerequisite to the granting of such certificate.

Rule 3.01.70v(12)—The Board amended Page 13, paragraph 3 to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experience in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 13, item d to read:

d. At least twelve semester hours of professional teacher education courses appropriate to the elementary level, including three semester hours in child psychology and nine semester hours in the teaching of reading including at least three semester hours of credit for a practicum or laboratory situation involving work with children and materials of instruction. (Act 756 of 1977).

Rule 3.01.70v(13)—The Board amended page 17, item c by adding:

In compliance with Act 756 of 1977, a minimum of 270 clock hours shall be spent in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual teaching shall be on an all-day basis. Act 757 of 1977 states that the student teaching shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experience in schools of varied socioeconomic and cultural characteristics.

The Board amended page 17, item 3a by increasing semester hours required from 21 to 27.

Rule 3.01.70v(14)—The Board amended page 18 by increasing the semester hours required in Principles of teaching reading from three to nine.

Rule 3.01.70v(15)—The Board amended page 20, second paragraph to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experiences in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 20, item 3 to read:

e. Six semester hours of credit in the teaching of reading for all persons seeking secondary certification (Act 756 of 1977).

Rule 3.01.70v(16)—The Board amended page 27, second paragraph to read:

The application for certification shall indicate that the applicant has earned credit in student teaching. The applicant shall have spent a minimum of 270 clock hours in student teaching with at least 180 of such hours spent in actual teaching. A substantial portion of the 180 hours of actual student teaching shall be on an all-day basis (Act 756 of 1977). The teacher education program shall include: 1) practical experience in actual classroom situations during a student's sophomore year; 2) field experiences in schools of varied socioeconomic and cultural characteristics (Act 757 of 1977).

The Board amended page 27 by adding the following:

e. Six semester hours in the teaching of reading (Act 756 of 1977).

Bro. Felician Fourrier, S.C., Acting Director
Board of Elementary and Secondary Education

DECLARATION OF EMERGENCY

Board of Regents

At its meeting on October 27, 1977, the Board of Regents exercised the emergency provisions of the Administrative Procedures Act to revise policy 3.4 in order to coincide with Act 439 of the 1977 Regular Session of the Legislature as follows:

Section II—Finance 3.4 Capital Projects

All changes to any institution or system's physical facilities that add to, improve, change the utilization of or that remove from use such facilities will first be submitted to this Board for review, comment, and approval prior to beginning any such project. Provided, however, that exception(s) will be made for certified emergency projects of a nonrecurring nature requiring immediate attention. Any such emergency project certified to by the appropriate management board's chief administrative officer may be approved by the Commissioner of Higher Education if concurred in by the Chairman of the Board and the Chairman of the Finance Committee. Any such action(s) taken will be reported to the full Board at its next meeting. Funding limits for emergency projects of this type are as established by State statute. Minor

repairs and minor construction costing less than \$25,000 will not be subject to individual approval by the Board of Regents provided adequate funds are available, all existing emergencies are being satisfied, and these projects are approved by the appropriate management board.

William Arceneaux, Commissioner
of Higher Education
Board of Regents



DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Services

The Department of Health and Human Resources, Office of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt effective July 1, 1977, rate adjustments for Skilled Nursing Facilities (SNF), Intermediate Care Facilities I (ICF I), and Intermediate Care Facilities II (ICF II). The new rates are as follows:

New Rates	SNF	ICF-I	ICF-II
Monthly	\$672.82	\$542.63	\$441.65
Daily	\$ 22.12	\$ 17.84	\$ 14.52

This rate increase has been approved based on cost reports from nursing home facilities that have been reviewed this current fiscal year. Notice of this change has been mailed to the nursing home administrators.

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

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences Horticulture Commission

The text which follows is the application manual for persons who wish to take the test for licensure as landscape architects.

Purpose of Examination

In order to safeguard public welfare, health, and property and to promote public good, any person practicing or offering to practice landscape architecture, privately or in public service, in the State of Louisiana, is required to submit evidence verifying qualifications for application for examination for license. The successful passage of this examination is part of the evidence required of each person seeking registration by license. The examination covers technical, professional, and practical subjects related to the practice of landscape architecture. The examination also covers the basic arts and sciences, a knowledge of which is material and necessary to the proper understanding, application, and qualifications for practice.

The function of the examination is to permit evaluation of a candidate's ability to apply theoretical training and practical experience to the performance of landscape architecture, and provide a basis for the Louisiana Horticulture Commission to license the candidate to practice professional landscape architecture.

History of Louisiana Horticulture Law and Landscape Architecture Professional Licensure

The licensing of landscape architects was first discussed in the early 1900's by an American Society of Landscape Architecture Committee concerned with professional registration. The first state to require licensing of landscape architects was Louisiana, when the State Legislature revised existing statutes to include the licensing of landscape architects. By the early 1960's five states required registration of landscape architects and by 1973, twenty years after the first registration law, twenty-seven states had passed licensing laws.

There are eleven members on the Louisiana Horticulture Commission. The law requires that this commission meet regularly four times a year: January, April, July, and October. A copy of the law and regulations may be obtained by requesting this from the Louisiana Horticulture Commission.

In 1961, with the number of states requiring registration growing and the potential of all states eventually passing registration laws, there was a recognized need for a group to coordinate the overall approach to registration in the United States, thus the Council of Landscape Architectural Registration Boards (CLARB) was founded. The stated purpose of the Board was, ". . . to facilitate exchange of information among the several State boards for licensing landscape architects; to formulate and implement reciprocal licensing arrangements and to study and advise regarding related matters."

While many of the aspects of CLARB's purpose were carried out to the benefit of the member states and the profession, it was not until 1970 that the problem of reciprocity was dealt with in a significant manner. In 1970, the first critical step towards reciprocity was taken with the adoption of the Uniform National Examination (UNE).

The objectives of CLARB are to promote high standards of landscape architectural practice; to foster the enactment of uniform laws pertaining to the practice of landscape architecture; to equalize and improve the standards for examination of applicants for State registration; to compile, maintain, and transmit professional records to member boards for registered landscape architects desiring this service; and to certify records and recommend registration for landscape architects who meet the standards of the Council for interstate and/or foreign registration.

As a member of CLARB, the Louisiana Horticulture Commission subscribes to its stated purpose and objectives. Since becoming a member, the Louisiana Horticulture Commission has used the Uniform National Examination prepared by CLARB as the examination for landscape architectural registration in the state.

Areas Covered by the Examination

The Uniform National Examination is divided into four major sections: history, design, design implementation, and professional practice.

These four sections are offered over a four-day period comprising the total written examination. A certain minimum score must be achieved in each section to pass. It should be noted that successfully passing the Uniform Na-

tional Examination (with a raw score in each section above the minimum) does not constitute national licensing. The granting of a license to practice landscape architecture is the responsibility of each state. CLARB can provide certification that an individual has successfully passed the UNE, which can assist a state in determining whether an applicant is qualified for licensure in that state. If further information is desired concerning CLARB's services, inquiries should be directed to the Council of Landscape Architectural Registration Boards, 1750 Old Meadow Road, McLean, Virginia 22101.

In addition to passing all sections of the UNE, the Board of Examiners may request the candidate to take one or more additional parts relating to plants and planting native to Louisiana.

Recommendations for Examination Preparation

The best preparation for the licensing examination is an objective and purposeful engagement with the required formal educational and professional experience aspects of landscape architecture development. Depending on the quality of these two aspects of development and the purpose with which they have been engaged, an applicant's preparation for this examination may vary.

The most complete and comprehensive single document available for help in preparation is *Landscape Architecture Review Workbook for Candidate Preparation for Professional Registration Examination* by D. Rodney Tapp. This document is available for twenty dollars through the American Society of Landscape Architects Foundation, and can be procured by writing them at 1750 Old Meadow Road, McLean, Virginia 22101. The book contains detailed commentary and notes on each subject area of the examination, examples of past examinations and extensive reference lists.

While no list of reference materials is ever complete and right for every individual preparing for an examination, the following is suggested as a point of beginning.

Landscape Architectural History

Newton, Norman T. *Design on the Land*. Cambridge: Harvard, 1971.

Tobey, George B. *A History of Landscape Architecture: The Relationship of People to Environment*. New York: American Elsevier, 1972.

Landscape Architectural Design

Alexander, Christopher. *Notes on the Synthesis of Form*. Cambridge: Harvard, 1964.

Eckbo, Garrett. *The Landscape We See*. New York: McGraw-Hill Book Co., 1969.

Eckbo, Garrett. *Urban Landscape Design*. New York: McGraw-Hill Book Co., 1964.

Halprin, Lawrence. *RSVP Cycles*. New York: George Braziller, 1970.

Lynch, Kevin. *Site Planning*. Second Edition. Cambridge, Massachusetts: The M.I.T. Press, 1971.

McHarg, Ian. *Design with Nature*. New York: National History Press, 1969.

Simonds, John Ormsbee. *Landscape Architecture: The Shaping of Man's Natural Environment*. New York: F. W. Dodge Corporation, 1961.

Landscape Architectural Design Implementation

Handbook of Landscape Architectural Construction. McLean Virginia: American Society of Landscape Architects Foundation, 1973.

Parker, Harry, Charles Gay, and John MacGuire. *Materials And Methods of Architectural Construction*. New York: John Wiley and Sons, 1958.

Parker, Harry and John MacGuire. *Simplified Site Engineering*. Fourth Edition. New York: John Wiley and Sons, 1967.

Robinette, Gary O. *Off the Board /Into the Ground Techniques of Planting Design Implementation*. Dubuque, Iowa: William C. Brown Book Co., 1968.

Ramsey, Charles G., and Harold R. Sleeper. *Architectural Graphic Standards*. Fifth Edition, revised. New York: John Wiley and Sons, 1956.

Seelye, Elwin E. *Data Book for Civil Engineers: Volume I, Design*. Third Edition, revised. New York: John Wiley and Sons, 1960.

Untermann, Richard K. *Grade Easy*. McLean, Virginia: American Society of Landscape Architects, 1973.

Landscape Architectural Professional Practice

Abbett, Robert W. *Engineering Contracts & Specifications*. Fourth Edition. New York: John Wiley and Sons, 1963.

Landscape Architect's Handbook of Professional Practice. McLean, Virginia: American Society of Landscape Architects, 1972.

Prerequisites for Eligibility to Take Examination

To apply for the licensing examination in Louisiana, the applicant must submit evidence of the following:

1. A degree from a college or university, with a degree in landscape architecture.
2. A notarized application with the verification, or a copy of college transcript.
3. Payment of the required application fee.

Reciprocity

The Louisiana Horticulture Commission provides for waiver of the written examination requirements upon submission of evidence satisfactory to the Commission that the applicant has qualified for registration in another state or territory where the requirements are equal to those required in Louisiana and payment of the current fee has been made. Each state with a landscape architecture registration law has slightly different requirements. For those who are interested in reciprocity, a chart which compares these differences is presented in the *Landscape Architecture Review Workbook* by Tapp and is also available through CLARB's Office in McLean, Virginia. For reciprocity in Louisiana, the applicant will be required to pass such additional examination sections as, in the opinion of the Commission, may be necessary to bring the applicant's record up to the existing requirement of Louisiana.

The applicant seeking registration by reciprocity must submit satisfactory proof of registration in good standing in the state or territory of prior registration.

Application Procedure

Application for admittance to the examination is to be submitted on the form provided by the Commission. The application must be filed with the Commission no later than the fifteenth of the month immediately preceding a Commission meeting. The application fee of twenty-five dollars must accompany the application; this fee is not refundable. With the formal application, each applicant must submit proof of statements made in the application by attaching documentary evidence that the application is clearly eligible under the section of the law upon which the application is based.

The UNE is given once a year during the month of June. Application Preparation:

1. In filling out the application, use a typewriter or plain block lettering.

2. Every item on the application must be answered. If the question does not apply, simply state, "not applicable".

3. Sign and execute the application before a notary public.

4. If registered in other states, list the state or states and indicate if registration was obtained by written examination.

5. Education: Education is defined as time spent as a matriculated student in a college or school of landscape architecture approved by the Commission. Applicant should state in chronological order the name and location of each college or university attended, giving the dates of attendance, major area of study, and if a graduate, the degree received. A diploma or a copy of official transcripts from each of the institutions attended must accompany the application.

6. Experience: Experience is defined as full-time employment in landscape architectural work under the direct supervision of a registered landscape architect or a landscape architect qualified for registration in Louisiana. All experience and training must meet the approval of the Commission. A notarized affidavit signed by the licensed landscape architect under whom the candidate trained should give a complete account of his/her entire experience from the time professional practice was actively engaged to the present time. The account should state concisely the title of position, the name, address and character of the business, the kind of work done, and the degree of personal responsibility, indicating time spent in the various levels of responsibility.

Also included must be the name and address of the licensee and company to which the applicant was responsible or associated.

9. All documents submitted to the Commission with the formal application must be clearly and properly marked for identification and ownership.

At the discretion of the Commission, other evidence may be requested. The Commission reserves the right to retain, as a permanent part of the application, any or all documents submitted.

All applicants will be considered individually by the Commission and approved or rejected on a roll call vote. If after reviewing the application, the Commission requires additional information or a personal appearance, the applicant is responsible to supply such information or appear at the time and place designated by the Commission.

Failure to supply additional evidence of information within sixty days from the date of a written request from the Commission or to appear before the Commission when such an appearance is deemed necessary, may be considered just and sufficient cause for disapproval of the application.

Information Available Before Examination

Each applicant will be notified by mail as to whether the Commission has certified him/her as being eligible to take the examination. After being designated by the Commission as a candidate for the examination, a copy of the instructions by which the examination will be conducted will be furnished to each candidate. This material will include:

1. The schedule for the examination and its various sections; specific times and places will be indicated.

2. A list of equipment and other materials that will be allowed and necessary to bring to the examination.

3. Notes regarding the administration of the examination.

4. A booklet prepared by CLARB entitled Uniform National Examination—Section Outlines. The booklet describes what will be covered in each section and in what format each will be offered.

Outlines of the Subject Areas Covered by the Examination

Uniform National Examination—Section Outlines as indicated above, will be sent to each candidate once certified. These outlines have been developed as a framework for the preparation of the examination by the Examination Committee of CLARB. They outline in detail the subject areas which will be included in each section of the examination and serve as a means of classifying and distributing questions.

These outlines are broad in scope and reflect the wide-ranging activities and responsibilities of contemporary landscape architectural practice. They have been developed in light of the basic purpose of the examination as it reflects the general functions and responsibility of licensure. The general and specific details of the outlines were developed from the State laws and/or Board requirements and a consensus opinion expressed by a randomly selected group of leaders within the profession.

The form of the examination and its questions have been developed by an appointed group of registered landscape architects, to be appropriate to a candidate after his or her academic education has been supplemented by the required period of practical experience.

Evaluation Procedures

Successful performance on the examination for licensure is based on the concept of mastery of the relevant subject matter and skills. Thus, candidates must obtain a "pass" evaluation in all sections of the examination. The candidate will not be evaluated in competition with others taking the examination, nor will there be "normal" distribution curves, "standard" scores or passing criteria established after the examination has been administered.

Objective items—All "objective" portions of the examination will be sent to CLARB for processing. This processing will identify and eliminate any faulty test items prior to determining individual section scores. After the processing by CLARB, each candidate's test performance will be sent back to the State Board for distribution.

Design/graphic items—The design/graphic solutions will be evaluated by an appointed group of professionals using carefully controlled scoring procedures provided by CLARB. The purpose of these procedures is to protect the candidate from any idiosyncratic biases among the evaluators, and to assure the professional quality of the examination.

Notification of Results

Results will be mailed within three months following the written examination. No results will be available by telephone.

Retaking Examination

A candidate receiving a passing grade on a section included in the examination will be given credit for that section. A candidate who fails to receive a passing grade on all sections can retake those sections not passed. Candidates desiring to retake certain sections of the examination may be required to appear before the Commission and furnish evidence of satisfactory study and preparation before readmittance.

Richard Carlton, Secretary
Horticulture Commission

RULE

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Horticulture Commission**

The Louisiana Department of Agriculture, Office of Agricultural and Environmental Sciences, Horticulture Commission, has adopted a policy, pursuant to R.S. 37:1969, which would require that each place of business, as defined in R.S. 37:1963, have present during the hours that business is being conducted a person or persons licensed in each phase of horticulture being offered to the public.

Richard Carlton, Secretary
Horticulture Commission

RULES

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Pesticide Commission**

Under authority of Part 1 of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950, the following addition is made to the Rules and Regulations on Mixing and Application of Pesticides:

1. Definitions

f. "Label"—The term 'label' means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

g. "Labeling"—The term 'labeling' means all labels and all other written, printed, or graphic matter accompanying the pesticide or device at any time; or to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Department of Health, Education, and Welfare, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

E. A. Cancienne, Director
Pesticide Commission

RULES

**Department of Agriculture
Dairy Stabilization Board**

The Dairy Stabilization Board at its meeting on October 25, 1977, amended Rule 3.2(2) to read as follows:

3.2(2) Prior to the adoption, amendment or repeal of any rule, the Board shall afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the Legislature to which the proposed rule change has been referred

under the provisions of the Administrative Procedures Act. The Board shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the Board, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption.

C. James Gelpi, Director-Attorney
Dairy Stabilization Board

RULE

Department of State Civil Service

The Louisiana Civil Service Commission at its meeting on November 8, 1977, amended Rule 11.29(b) to read as follows:

(b) Subject to the provisions of Rules 6.25(b) (3), 11.28(b), 11.29(d), 11.29(i), and 11.29(j), an employee serving in a position for which the current minimum of the pay range is less than \$971 per month who is required to perform overtime duty shall, at the option of his appointing authority, but in conformity with the provisions of the Federal rules, statutes, regulations, and judicial decisions . . .

George Hamner, Director
Department of State Civil Service

RULE

**Department of Corrections
Board of Pardons**

(Editor's Note: The following was adopted by the Board of Pardons on October 11, 1977 to become effective January 1, 1978.)

Rule 9 of the Rules and Regulations of the Board of Pardons is amended to read as follows:

Rule 9: The Board, upon denying an application, shall within twenty-one working days, inform the applicant of the denial and the fact that the Board shall review applicant's petition automatically at least once again, at a time established at the Board's discretion. Prior to the time of the review, which shall consist only of reviewing written documents with no legal representation or witnesses present, the applicant will be allowed to decide whether or not to proceed with said review or to elect to have a new hearing, with benefit of legal representation and/or other witnesses present.

The review and/or new hearing of the case of an applicant previously denied by this Board, who was subsequently granted parole, will be conducted, upon request by the parolee and approval by the Board.

In no event shall an applicant be reheard within one year from date of any denial without prior approval of the Board.

John D. Hunter, Chairman
Board of Pardons

RULES

Board of Elementary and Secondary Education

The following rules were adopted by the Board of Elementary and Secondary Education on October 27, 1977.

Rule 4.02.03

The Board adopted for inclusion in the Policy and Procedure Manual the following policy statements from the State Plan for Special Education:

Policy Statements Contained in Fiscal Year 1978

Amended Annual Program Plan

II. Right to Education Policy Statement (612(1)).

Section 612(1) of the Act states that in order to qualify for Part B assistance the State must have "in effect a policy that assures all handicapped children the right to a free appropriate public education."

A. Policy to insure all handicapped children a free appropriate public education.

The Board of Elementary and Secondary Education (BESE) reaffirms its policy that all handicapped children have the right to a free appropriate public education.

This policy is consistent with the State's mandatory legislation enacted in 1972, and applicable to all state agencies which provides in part as follows:

" . . . that suitable special education and training facilities, services, classes, and opportunities be provided for all physically and/or mentally handicapped and other exceptional children of public school age, or within the broader age limits hereinafter provided."

The age limits set forth in the legislation are:

"Children who have been identified and are eligible for services in the categories described in the preceding paragraph shall be not less than three years of age nor more than twenty-one years of age, subject to the rules and regulations of the State Board of (Elementary and Secondary) Education concerning the age groups of children who may be reasonably taught or trained together."

Further, the first priority shall be handicapped children who are not receiving educational services, and second, handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education.

III. Full Educational Opportunities Goal and Timeliness (612(2) (A)).

Section 612(2) (A) requires that each Annual Program Plan set forth detailed policies and procedures to assure that "there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel and services necessary throughout the State to meet such a goal. . . ."

A. Goal statement—BESE establishes a goal of providing full educational opportunity to all handicapped children, ages birth through twenty-one in the State.

IV. Policy on Priorities (612(3)).

Section 612(3) states that in order for a State to qualify for assistance under Part B, the State must demonstrate that it "has established priorities for providing a free ap-

propriate public education to all handicapped children . . . first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education and has made adequate progress in meeting the timetables set forth in (Sec. 612(2) (B))."

A. BESE establishes priorities for providing a free appropriate education to all handicapped children . . . first with respect to handicapped children who are not receiving an education, and second, with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education.

V. Child Identification (612(2) (C)).

Section 612(2) (C) of EHA-B, as amended by P. L. 94-142, states that each plan shall set forth in detail the policies and procedures which the State has undertaken in order to assure that "all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services."

A. Policies and procedures undertaken to insure that all handicapped children are identified, located and evaluated.

It is the policy of BESE that all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services."

VI. Individualized Education Program (612(4)).

Section 612(4) of the Act states that in order to qualify for assistance under Part B, the State must demonstrate that "each local education agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in Section 614(a) (5)."

Section 614(a) (5) states that a local education agency or an intermediate education unit must submit an application for funds to the State education agency. The application shall "provide assurances that the local education agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically but not less than annually."

A. BESE establishes policies that all local educational agencies (LEA's) or intermediate educational units (IEU's) be required to establish and maintain individualized education programs for all children receiving special educational services. The development, review, and revision of the individualized education programs (IEP's) must include: