



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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October 11, 2018

MEMORANDUM

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Member-at-Large

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Member-at-Large

TO: Senator John A. Alario, Jr., Senate President
Representative Taylor F. Barras, Speaker of the House
Senator Dan "Blade" Morrish, Chair, Senate Committee on Education
Representative Nancy Landry, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director 
Board of Elementary and Secondary Education

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the September 20, 2018, Notice of Intent that was promulgated on pages 1656-1661 of the *Louisiana Register*.

The Board has received no comments or requests for a public hearing and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Board has made no change to the proposed Rule.

Subject to legislative oversight by either the House Committee on Education or Senate Committee on Education, the Board anticipates adopting the Notice of Intent as a final Rule in the December 20, 2018, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Shannon Rawson at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

SND:slr

Attachment (1)

- c: Jeanne Johnston, Senior Analyst, Senate Committee on Education
Cheryl Serrett, Analyst, Senate Committee on Education
Nancy Jolly, Senior Legislative Analyst, House Committee on Education
Ryan Gremillion, Policy Director, Louisiana Department of Education
Shan N. Davis, Executive Director, BESE
Kevin Calbert, Communications Manager, BESE

Shan N. Davis
Executive Director

John C. White
State Superintendent

~~IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)~~

~~There are no estimated effects on competition and employment as a result of the proposed revisions.~~

~~Beth Scioneaux
Deputy Superintendent
1809#050~~

~~Evan Brasseaux
Staff Director
Legislative Fiscal Office~~

NOTICE OF INTENT

Board of Elementary and Secondary Education

Teaching Authorizations (LAC 28:LXXIX.123 and 125;
CXV.501 and 504; CXXXI.311 and Chapter 9;
CXXXIX.2107, 2903, and 2905; and CLXXI.101 and 103)

In accordance with R.S. 17:6 and 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has approved for advertisement amendments to *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*; *Bulletin 741—Louisiana Handbook for School Administrators*; *Bulletin 746—Louisiana Standards for State Certification of Personnel*; *Bulletin 126—Charter Schools*; and *Bulletin 745—Louisiana Teaching Authorizations of School Personnel*. The proposed revisions align state policy with Act 634 of the 2018 Regular Legislative Session.

**Title 28
EDUCATION**

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 1. Operation and Administration
§123. Personnel

A. - A.2. ...

3. The request must include the person's fingerprints in a form acceptable to the bureau.

a. Repealed.

B. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:15, 17:22(6), 17:391.1-391.10, 17:411, and 17:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3074 (December 2005), LR 39:1439 (June 2013), LR 44:

§125. Teaching Authorization

A. This Section provides for the rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to a person seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school, that does not require a Louisiana teaching certificate for the employment of a teacher.

B. Teaching authorizations shall be issued in accordance with LAC 28:CLXXI, Bulletin 745.

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 44:

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§501. Criminal Background Checks

A. - A.3. ...

4. Repealed.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:15, and 17:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:431 (March 2007), LR 34:607 (April 2008), repromulgated LR 35:443 (March 2009), amended LR 35:1473 (August 2009), LR 39:2200 (August 2013), LR 44:

§504. Teaching Authorization

A. This Section provides for the rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to a person seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. Teaching authorizations shall be issued in accordance with LAC 28:CLXXI, Bulletin 745.

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 44:

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 3. Teaching Authorizations and Certifications

Subchapter A. Standard Teaching Authorizations

Editor's Note: The name of the Division of Student Standards and Assessments has been changed to The Division of Student Standards, Assessments, and Accountability.

§311. World Language Certificate (WLC) PK-12

A. - E. ...

F. A foreign language teacher in a certified foreign language immersion program who cannot be certified or issued an authorization to teach through the board's Foreign Associate Teacher Program may be allowed to teach without passing the required examination, provided the teacher has at least a baccalaureate degree and complies with state laws relative to background checks and review of criminal history.

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 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:

Chapter 9. Actions Related to the Suspension/Denial and Revocation of Louisiana Certificates

§903. Definitions

A. - B.1. ...

2. those of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute

a crime under the provisions cited in this Subsection, and those under the federal criminal code having analogous elements of criminal and moral turpitude. (Federal criminal code provisions are in title 18 of U.S.C.A.) Specifically:

Crimes Reported under R.S. 15:587.1	

*R.S. 14:81.4	Prohibited sexual conduct between educator and student
*R.S. 14:82	Prostitution
*R.S. 14:82.1	Prostitution; Persons under seventeen; Additional offenses

R.S. 14:89.2	Crime against nature by solicitation
*R.S. 14:92	Contributing to the delinquency of juveniles
*R.S. 14:93	Cruelty to juveniles

*Certificate issuance/reinstatement will never be considered for crimes marked with an asterisk.	

C. ...

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 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:

§905. Denial of Initial or Renewal Certificates

A. An application for a Louisiana teaching certificate or an application for the renewal of an expired Louisiana teaching certificate shall be denied if the department determines that the individual applying for the certificate has been convicted of any offense listed in R.S. 15:587.1(C) or any felony offense whatsoever or has submitted fraudulent documentation, or has participated in cheating. A person convicted of an offense as defined herein or has submitted fraudulent documentation, or has participated in cheating may apply for a certificate if the following conditions apply:

1. five years have elapsed from date of entry of final conviction, the date of entry of his plea of nolo contendere, or from the date of receipt of notification from the board of its determination that the person submitted fraudulent documentation or facilitated cheating on a state assessment;

2. the board has received a request from the person for a formal appeal and has conducted a review of the person's background and the person has provided letters of recommendation to the board.

B. - D. ...

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 32:1830 (October 2006), amended LR 44:266 (February 2018), LR 44:

§906. Issuance of a Denied Certificate

A. Issuance will never be considered for teachers who have been convicted of a felony for the following crimes:

1. R.S. 14:283, 14:30, 14:30.1, 14:31, 14:32.6, 14:32.7, 14:32.8, 14:41, 14:42, 14:42.1, 14:43, 14:43.1, 14:43.1.1, 14:43.2, 14:43.3, 14:43.4, 14:43.5, 14:44, 14:44.1, 14:45, 14:46.2, 14:46.3, 14:46.4, 14:78, 14:78.1, 14:80, 14:80.1, 14:81, 14:81.1, 14:81.2, 14:81.3, 14:81.4, 14:82, 14:82.1, 14:84, 14:86, 14:89, 14:89.1, 14:92, 14:93, 14:93.3, 14:93.5, 14:106, 14:283, and 14:286.

B. - E.7. ...

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 36:1999 (September 2010), amended LR 38:763 (March 2012), LR 44:266 (February 2018), LR 44:

§911. Reinstatement of Suspended or Revoked Certificates

A. Reinstatement will never be considered for teachers who have been convicted of a felony for the following crimes:

1. R.S. 14:283, 14:30, 14:30.1, 14:31, 14:32.6, 14:32.7, 14:32.8, 14:41, 14:42, 14:42.1, 14:43, 14:43.1, 14:43.1.1, 14:43.2, 14:43.3, 14:43.4, 14:43.5, 14:44, 14:44.1, 14:45, 14:46.2, 14:46.3, 14:46.4, 14:78, 14:78.1, 14:80, 14:80.1, 14:81, 14:81.1, 14:81.2, 14:81.3, 14:81.4, 14:82, 14:82.1, 14:84, 14:86, 14:89, 14:89.1, 14:92, 14:93, 14:93.3, 14:93.5, 14:106, 14:283, and 14:286.

B. Reinstatements of certificates shall not be considered until at least five years have elapsed from the date of entry of final conviction, submission of fraudulent documentation, the date of investigation results regarding the participation in cheating, or professional license/certificate censure as noted in §905.B of this Part which resulted in certification suspension, and/or revocation.

C. - E.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), R.S. 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 34:2560 (December 2008), LR 36:1999 (September 2010), LR 38:764 (March 2012), LR 44:268 (February 2018), LR 44:

**Part CXXXIX. Bulletin 126—Charter Schools
Chapter 21. Charter School Governance**

§2107. Prohibitions

A. - I. ...

J. A charter school shall not hire anyone:

1. as an administrator, teacher, substitute teacher, bus operator, substitute bus operator, janitor, or other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) unless approved in writing by a district judge of the parish and the district attorney. This statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer;

2. as an administrator, teacher, or substitute teacher if any of the following apply to anyone who has been:

a. convicted or has pled nolo contendere to any other felony offense even if adjudication was withheld or a pardon or expungement was granted;

b. found to have submitted fraudulent documentation to the board or department as part of an application for a Louisiana teaching certificate or other teaching authorization; or

c. found to have facilitated cheating on any state assessment as determined by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 44:241 (February 2018), LR 44:

Chapter 29. Charter School Staff
§2903. Teaching Authorizations

A. This Section provides for the rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to anyone seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. Teaching authorizations shall be issued in accordance with LAC 28:CLXXI, Bulletin 745.

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 44:

§2905. Criminal History Review

A. - A.2. ...

3. Repealed.

B. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 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 39:3068 (November 2013), LR 44:245 (February 2018), LR 44:

Part CLXXI. Bulletin 745—Louisiana Teaching Authorizations of School Personnel

Chapter 1. Teaching Authorizations

§101. Introduction

A. This Chapter provides for rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to anyone seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

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 44:

§103. Teaching Authorizations

A. In accordance with Act 634 of the 2018 Regular Legislative Session, a teaching authorization (TA) shall be required for individuals seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. A TA shall be denied to anyone who has:

1. submitted fraudulent documentation to the board or the state Department of Education;
2. facilitated cheating on any state assessment administered to students; and
3. been convicted of or pled nolo contendere to a felony offense.

C. Eligibility Guideline

1. The applicant is seeking employment in a Louisiana public or nonpublic school in a role in which a Louisiana teaching certificate is not required.

D. A request for a TA must be submitted directly to the LDE by the employing school governing authority where the individual is seeking employment.

E. A TA is valid only for the period during which the individual is employed by the employing school governing authority making the initial TA request.

F. An individual seeking to change employing school systems must be issued a new TA.

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 44:

§105. Suspension and Revocation of Teaching Authorizations for Criminal Offenses

A. A Louisiana teaching authorization shall be suspended and revoked if the individual holding the teaching authorization has been convicted of any felony offense whatsoever. If the Louisiana teaching authorization of an individual is expired, and the individual has been convicted of a felony offense, this information shall be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. When the department is notified that any teacher has been convicted of a specific crime:

1. departmental staff shall attempt to contact the educator to inform him/her that the department has information regarding a criminal conviction and is proceeding under this policy to suspend the teaching authorization;

2. the teacher shall have 10 days from the date of notification to provide verification that he/she has not been convicted of a criminal offense. This opportunity for response is intended as a check against mistaken identity or other incorrect information and the requested verification may be provided through a telephone conversation or written correspondence;

3. if the teacher cannot be reached or if his/her employment status cannot be determined, suspension of the authorization shall proceed, as will all other steps in the process outlined in this policy;

4. if the department determines that there is evidence that an educator has been convicted of a criminal offense, the teaching authorization issued to that educator shall be suspended. The board, the educator, and the employing school system shall be notified that the teaching authorization has been suspended pending official board action per revocation proceedings;

5. the educator shall be notified by any appropriate means of notice that his/her teaching authorization has been suspended and that the teaching authorization will be revoked unless documentation is provided verifying that he/she was not convicted of the crime. The educator shall provide copies of any documentation that verifies his/her identity and refutes the existence of a criminal conviction;

6. if the conviction upon which a teaching authorization has been suspended or revoked is reversed, such action shall be communicated to the board through documentation provided by the applicant. The board may receive such information and order reinstatement of the teaching authorization;

7. upon official action by the board, any educator whose teaching authorization has been revoked shall be notified of such action. The correspondence shall include instructions for and identification of the date when the individual may apply to the board for reinstatement of his/her teaching authorization.

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 44:

§107. Suspension and Revocation of Teaching

Authorizations Due to Participation in Cheating

A. A Louisiana teaching authorization shall be suspended and revoked if the individual holding the teaching authorization has been found by the LDE to have participated in cheating, as defined in LAC 28:CXXXI.903. If the Louisiana teaching authorization of an individual has expired, and the individual has been found to have participated in cheating, this information shall be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. When the department has determined that any teacher or administrator has been found to have participated in cheating, the following process shall take place.

1. Departmental staff shall attempt to contact the teacher or administrator with notification that the department has information regarding his/her participation in cheating and is proceeding under this policy to suspend the teaching authorization.

2. The teacher or administrator shall have 10 working days from the date of notification to provide verification that he/she has not been found to have participated in cheating. This opportunity for response is intended as a check against mistaken identity or other incorrect information and the requested verification may be provided through a telephone conversation or written correspondence.

3. If the teacher or administrator cannot be reached, suspension of the teaching authorization shall proceed, as will all other steps in the process outlined in this policy.

4. If the department determines that a teacher or administrator was found to have participated in cheating, the teaching authorization shall be suspended. The board, the educator, and the employing school system shall be notified that the teaching authorization has been suspended pending official board action per revocation proceedings.

5. The educator or administrator shall be notified by any appropriate means that his/her teaching authorization has been suspended and that the authorization will be revoked unless documentation is provided verifying that he/she was not found to have participated in cheating.

6. If the department subsequently determines that the teacher or administrator did not participate in cheating, such action shall be communicated to the department and/or the board through documentation provided by the department.

The board may receive such information and may order reinstatement of the teaching authorization.

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 44:

§109. Suspension and Revocation of Teaching Authorizations due to Fraudulent Documentation

A. A Louisiana teaching authorization shall be suspended or revoked if an educator presents fraudulent documentation pertaining to his/her teaching authorization to the board or the LDE. If the Louisiana teaching authorization of an individual is expired, and the individual has submitted fraudulent documents pertaining to authorization, this information shall be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. The department shall conduct an investigation prior to determining that an educator has submitted fraudulent documentation pertaining to his/her teaching authorization. Upon confirmation of the information investigated, the department shall notify the educator that his/her teaching authorization has been suspended pending official board action per revocation proceedings.

C. Such records review shall be limited to the issue of whether or not the document submitted was fraudulent. The educator shall provide the board with any documentation that will refute the fraudulent nature of the document.

D. The committee of the board shall make a recommendation to the full board, based on documentation received from the department and the teacher, whether the teaching authorization should be revoked. The decision of the board shall be transmitted to the local school board and to the affected educator.

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 44:

§111. Reinstatement of Teaching Authorizations

A. Reinstatement will never be considered for an educator who has been convicted of a felony for the following crimes.

1. R.S. 14:30, 14:30.1, 14:31, 14:32.6, 14:32.7, 14:32.8, 14:41, 14:42, 14:42.1, 14:43, 14:43.1, 14:43.1.1, 14:43.2, 14:43.3, 14:43.4, 14:43.5, 14:44, 14:44.1, 14:45, 14:46.2, 14:46.3, 14:46.4, 14:78, 14:78.1, 14:80, 14:80.1, 14:81, 14:81.1, 14:81.2, 14:81.3, 14:81.4, 14:82, 14:82.1, 14:84, 14:86, 14:89, 14:89.1, 14:92, 14:93, 14:93.3, 14:93.5, 14:106, 14:283, and 14:286.

B. Reinstatements of teaching authorization shall not be considered until at least five years have elapsed from the date of entry of final conviction, submission of fraudulent documentation, or the date of investigation results regarding the participation in cheating, which resulted in teacher authorization suspension, revocation, or denial.

C. An applicant may apply to the board for reinstatement of his/her Louisiana teaching authorization after the lapse of time indicated in Subsection B of this Section and under the following conditions.

1. There have been no further convictions, submission of fraudulent documentation, or investigations regarding participation in cheating.

2. In criminal cases, there has been successful completion of all conditions/requirements of any parole and/or probation. The applicant must provide:

a. relevant documentation; and

b. a current state and FBI criminal history background check from state police that is clean and clear and evidence that there has been successful completion and relevant documentation of all conditions/requirements of any parole and probation.

D. Applicant Responsibilities

1. Contact the office of the Board of Elementary and Secondary Education and request a records review for reinstatement of the authorization.

2. Provide each applicable item identified in Subsection C of this Section, evidence that all requirements for teaching authorization have been successfully completed, and further documentation evidencing rehabilitation. The applicant is recommended to provide letters of support from past/present employers, school board employees and officials, faculty, and administrative staff from the college education department, law enforcement officials, or from other community leaders.

E. State Board Responsibilities

1. The board will consider the request for reinstatement and documentation provided. The board is not required to conduct a reinstatement records review and may summarily deny a request for issuance/reinstatement.

2. If the board or its designees decide to conduct a reinstatement records review, board staff shall notify the applicant of a date, time, and place when a committee of the board shall consider the applicant's request. Only the written documentation provided prior to the records review will be considered.

3. The board reserves the right to accept or reject any document as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for reinstatement of a teaching authorization.

4. In accordance with R.S. 42:17, the board may meet in executive session for discussion of the character, professional competence, or physical or mental health of a person.

5. The board may deny any request for issuance by any applicant who:

a. failed to disclose prior criminal convictions or expungements;

b. falsified academic records;

c. has been found to have participated in cheating in the administration of standardized tests; or

d. received further criminal convictions or participated in cheating; or

e. has had additional professional license/certificate censure.

6. The committee of the board shall make a recommendation to the full board regarding whether the teaching authorization issued to the applicant should be issued, reinstated, suspended for an additional period of time, or remain revoked. Board staff shall notify the applicant of the board action.

7. The action of the board is a final decision and can only be appealed to a court of proper jurisdiction in accordance with law.

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 44:

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 the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule 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 the Rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a Rule 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 security? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

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 12 p.m., October 10, 2018, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand-delivered to Shan Davis, 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.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Teaching Authorizations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There may be costs for the Department of Education and local school districts to implement the proposed changes as required by Act 634 of 2018 which revise the process and criteria for issuing teaching authorizations for certain school personnel and for determining whether individuals: have a criminal history; have submitted fraudulent documentation related to the issuance of the authorization; and/or have facilitated cheating on any state administered student assessments.

There may be an increase in staff resource needs for the Department of Education to review new and reinstatement certificate applications and to issue teaching authorizations. Public school districts may experience increased costs associated with the availability of certified teachers and their ability to fill positions with individuals who have the requisite authorization. However, the extent of any such increases are indeterminable at this time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Charter schools and non-public schools will experience impacts similar to those of the public school districts and schools.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be an indeterminable impact on teachers, and other school employees who will be subject to the requirements of obtaining a new or reinstated teaching authorization in order to continue working in public and non-public schools. While the changes may make it more difficult for some individuals to

obtain the necessary certificate, this would, in turn, increase demand for individuals with such authorization.

Beth Scioneaux
Deputy Superintendent
1809#048

Evan Brasseur
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Project Emissions Accounting and Offset
Requirements in Specified Parishes
(LAC 33:III.504)(AQ380)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.504 (AQ380).

This Rule will remove phrases from LAC 33:III.504 that explicitly preclude emissions decreases associated with a proposed project from being considered in determining whether the project results in a significant emissions increase.

It will also delete obsolete language from Footnote 4 of Table 1 and remove Livingston Parish from the list of parishes in which offsets for certain new stationary sources and modifications are required under LAC 33:III.504.

As described in EPA's March 13, 2018, memorandum entitled "Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program," EPA now interprets the provisions of the federal New Source Review (NSR) programs "as providing that any emissions decreases that may result from a given proposed project are to be considered when calculating at Step 1, whether the proposed project will result in a significant emissions increase." Previously, only emissions increases were considered in determining whether a proposed project resulted in a significant emissions increase and therefore triggered consideration of the net emissions increase over the project's contemporaneous period (i.e. Step 2), even if emissions decreases were inherently linked to the project. Accordingly, phrases which explicitly preclude emissions decreases associated with a proposed project from being considered in determining whether the project results in a significant emissions increase are being removed from LAC 33:III.504.

The reference to "a period of five years after the effective date of the rescission of the NOx waiver" is also being removed from Footnote 4 of Table 1 in Chapter 504. EPA rescinded Baton Rouge's Section 182(f) NOx exemption (i.e., the NOx waiver) on May 5, 2003, effective June 4, 2003 (68 FR 23597). Therefore, a newly proposed project could not fall within the aforementioned date range.

Finally, Livingston Parish is being removed from the list of parishes in which offsets for certain new stationary sources and modifications are required under LAC 33:III.504.M. Livingston Parish has only four Part 70 sources (AIs 9154, 11767, 19875, and 80537). Notably, none