

# STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064 · PHONE: 225-342-5840 · FAX: 225-342-5843

September 10, 2018

## MEMORANDUM

**James Garvey**  
1<sup>st</sup> BESE District

**Kira Orange Jones**  
2<sup>nd</sup> BESE District

**Sandy Holloway**  
3<sup>rd</sup> BESE District

**Tony Davis**  
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**Kathy Edmonston**  
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8<sup>th</sup> BESE District

**Thomas Roque**  
Member-at-Large

**Lurie Thomason**  
Member-at-Large

**Doris Voitier**  
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 August 20, 2018, Notice of Intent that was promulgated on pages 1473 - 1479 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 November 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

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: Bulletin 111—The Louisiana School,  
District, and State Accountability System**

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

There may be an indeterminable increase to local school districts as a result of the changes to the methodology used to calculate school performance scores (SPS) for K-3 schools. The addition of a progress index to calculate scores are critical to determining whether schools are on track for students to reach achievement levels of mastery. Scores calculated under the revised methodology may require schools to provide additional resources to ensure students meet these levels.

The proposed policy revisions provide for an alternative methodology for the calculation and reporting of school performance scores for K-3 schools. Approximately 27 K-3 schools statewide will be impacted by the changes. This is an interim solution while the state Department of Education works to develop a long-term solution for measuring performance and progress in K-2 and K-3 schools.

Additional changes address subgroup performance scores, and recognition of fifth year graduates who earn associate degrees. Changes to the dropout credit index for sub-group performance will allow for all students below the existing threshold to be included in the calculation of the school performance score, and high schools' SPS will benefit from the new credit associated with fifth year graduates' academic achievement. There is no anticipated fiscal impact as a result of these changes.

**C. Certification Areas**

**1. Grades 6-12 Certification**

Grades 6-12 Certification Areas					
Subject Area	Praxis Test	Score			PLT 7-12
Agriculture	Agriculture (0700) Prior to 6/8/14	510			157
	Agriculture (5701) Effective 6/8/14	147	---	---	
American Sign Language	American Sign Language Proficiency Interview (ASLPI-0634)	3+ 170	World Languages Pedagogy 0841 (Score 158)		
Biology	Biology: Content Knowledge (0235 or 5235)	150	---	---	157

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

The proposed policy revisions will have no effect on revenue collections of state or local governmental units.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

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

There are no anticipated impacts to competition or employment.

Beth Scioneaux  
Deputy Superintendent  
1808#044

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for  
State Certification of School Personnel  
Teaching Authorizations and Certification  
(LAC 28:CXXXI.203, Chapter 3,  
414, 605, 803, and Chapter 9)

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education has approved for advertisement the revision of *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

**Title 28**

**EDUCATION**

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

**Chapter 2. Initial Teacher Certification**

**Subchapter B. Testing Required for Certification Areas**

**§203. PRAXIS Exams and Scores**

(Formerly §243)

A. - B. ...

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2. All-Level K-12 Certification

All-Level K-12 Certification Areas							
Subject Area	Praxis Test	Score	PLTK-6		PLT 5-9		PLT 7-12
Grades K-12 Art	Art: Content Knowledge (0134 or 5134)	159	160	or	160	or	157
Grades K-12 Dance	None Available**	---	160		160	or	157
Grades K-12 Foreign Languages	Chinese (Mandarin): World Language (5665)	164	PLT K-6 (Score 160) or PLT 5-9 (Score 160) or PL7-12 (Score 157) until 6/30/13; After 6/30/13 World Languages Pedagogy 0841 (Score 158)				
	French: World Language (5174)	157					
	German: World Language (5183)	157					
	Spanish: World Language (5195)	157					
	American Sign Language Proficiency Interview (ASLPI - 0634)	3+ 170					
Grades K-12 Music	Music: Content Knowledge (0113 or 5113)	151	160	or	160	or	157
Grades K-12 Health and Physical Education	Phys. Education: Content Knowledge (0091 or 5091), Prior to 6/8/14	146	160		160	or	157
	Health and Physical Education (5857), Effective 6/8/14	160					

\*\*At this time, a content area exam is not required for certification in Louisiana

D. - E. ...

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**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 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:

**Chapter 3. Teaching Authorizations and Certifications**

**Subchapter B. Nonstandard Teaching Authorizations §323. Temporary Authority to Teach (TAT)**

A. Temporary authority to teach (TAT) is issued for one calendar year, while the holder pursues alternate certification program admission requirements or certification requirements. A TAT cannot be issued to teachers who previously held a temporary employment permit (TEP) or a standard teaching certificate.

**B. Eligibility Requirements**

1. The applicant must teach in a demonstrated area of need as evidenced by LEA-level workforce needs.

2. The applicant must have a baccalaureate degree from a regionally-accredited institution.

3. The applicant must possess passing scores on the Praxis core academic skills for educators in reading and writing examinations or appropriate scores on the ACT or SAT.

a. Applicants possessing a graduate degree from a regionally-accredited college or university will be exempted from the Praxis core academic skills for educators requirement.

4. The applicant must have at least a 2.20 GPA. The GPA may be calculated using the last 60 hours of coursework earned from a regionally-accredited university.

C. The employing school system must submit the application and provide an affidavit signed by the local superintendent verifying that good faith efforts for recruiting certified personnel have been made, including posting all positions for which TATs are issued; that "there is no regularly certified, competent, and suitable person available for the position."

**D. Renewal Requirements**

1. TATs are valid for one year initially and may be renewed twice thereafter provided:

a. the applicant provides evidence that the required exam(s) for admission into a teacher preparation program has been taken at least twice within the validity period of the TAT;

b. the applicant provides evidence of meeting the standards of effectiveness pursuant to Bulletin 130;

c. the employing school system submits the application on behalf of the applicant and provides an affidavit signed by the local superintendent verifying that good faith efforts for recruiting certified personnel have been made, including posting all positions for which TATs are issued; and

d. there is no regularly certified, competent, and suitable person available for the position.

**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 32:1803 (October 2006), amended LR 36:2547 (November 2010), LR 40:280 (February 2014), LR 44:

**Subchapter C. Ancillary Teaching Certificates**

**§348. Math for Professionals Certificate**

A. ...

B. Math for professionals certificate is valid for three years initially and allows an individual to teach one or more mathematics courses on a part-time basis.

1. - 1.a.i. ...

ii. earned a master's degree in mathematics, engineering, or science content area; or

a.iii. - c. ...

**2. Renewal Requirements**

a. TATs valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA.

b. For renewal of the certificate, a candidate must successfully meet the standards of effectiveness for at least three years during the initial or renewal period pursuant to Bulletin 130 and R.S. 17:3902.

3. ...

**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 35:220 (February 2009), amended LR 39:1463 (June 2013), LR 40:281 (February 2014), LR 44:

**§349. Dyslexia Ancillary Certificate (Optional)**

A. Dyslexia Practitioner. The optional dyslexia practitioner ancillary certificate is valid for five years and is issued to an individual to teach students with dyslexia.

1. Eligibility Requirements. Candidates shall:

a. hold a valid Louisiana teaching certificate; and  
b. demonstrate completion of a multisensory-structured language training program accredited by a nationally-recognized accrediting organization, as posted on the LDE website, which shall include 45 hours of coursework and 60 hours of clinical work that is observed and monitored by a qualified professional; and

c. pass a multisensory-structured language education-related competency examination that is administered by a nationally-recognized professional organization that issues national certification.

2. Renewal Requirements. The certificate is valid for a period of five years and may be renewed thereafter at the request of the Louisiana employing authority.

a. Candidates shall successfully meet the standards of effectiveness for at least three years during the five-year renewal period pursuant to Bulletin 130 and R.S. 17:3902.

b. Candidates shall demonstrate that the certificate issued by a nationally-recognized professional organization is in good standing at the time the renewal is requested.

B. Dyslexia Therapist. The optional dyslexia therapist ancillary certificate is valid for five years and is issued to an individual to teach students with dyslexia.

1. Eligibility Requirements. Candidates shall:

a. hold a valid Louisiana teaching certificate; and  
b. demonstrate completion of a multisensory-structured language training program accredited by a nationally-recognized accrediting organization, as posted to the LDE website, which shall include 200 hours of coursework and 700 hours of clinical work that is observed and monitored by a qualified professional; and

c. pass a multisensory-structured language education-related competency examination that is administered by a nationally-recognized professional organization, as posted on the LDE website, that issues national certification.

2. Renewal Requirements. The certificate is valid for a period of five years and may be renewed thereafter at the request of the Louisiana employing authority.

a. Candidates shall successfully meet the standards of effectiveness for at least three years during the five-year renewal period pursuant to Bulletin 130 and R.S. 17:3902.

b. Candidates shall demonstrate that the certificate issued by a nationally-recognized professional organization is in good standing at the time the renewal is requested.

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 35:220 (February 2009), amended LR 39:1463 (June 2013), LR 40:281 (February 2014), LR 44:

**Chapter 4. Ancillary School Service Certificates**

**Subchapter A. General Ancillary School Certificates**

**§414. Mental Health Professional Counselor**

A. ...

1. Eligibility Requirements. Candidates shall:

a.i. hold current Louisiana licensure as a provisional licensed professional counselor in Louisiana (PLPC), in accordance with R.S. 37:1101 et seq.; or

ii. work under active supervision of a board-approved licensed professional counselor supervisor (BALPC-S) (i.e., 1 hour of supervision per 20 client contact hours) and accrue 1,900 direct client contact hours, 1,000 indirect hours, and 100 clinical supervision hours under the board-approved licensed professional counselor supervisor (BALPC-S);

b. - f. ...

2. Renewal requirements are non-renewable.

B. ...

1. Eligibility Requirements. Candidates shall:

a. hold current Louisiana licensure as a licensed professional counselor in Louisiana (LPC) or as a provisional-licensed professional counselor (PLPC) in accordance with R.S. 37:1101 et seq.; or

1.b. - 2.a. ...

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 37:881 (March 2011), amended LR 44:

**Chapter 6. Endorsements to Existing Certificates**

**Subchapter A. Regular Education Level and Area**

**Endorsements**

**§605. Requirements to add Early Childhood (Grades PK-3)**

A. - B. ...

1.a. prior to 9/1/15, a passing score for Praxis elementary education: content knowledge (0014 or 5014);

b. effective 9/1/15 to 8/31/17, a passing score for:

i. Praxis elementary education: content knowledge (5018); or

ii. Praxis elementary education: multiple subjects (5001);

c. mandatory 9/1/17, a passing score for Praxis elementary education: multiple subjects (5001);

2.a. a passing score for Praxis principles of learning and teaching early childhood (0621 or 5621); or

b. accumulate 12 credit hours of combined early childhood and kindergarten coursework;

3. nine semester hours of reading coursework or a passing score for Praxis teaching reading exam (0204 or 5204).

C. - D.2. ...

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 32:1815 (October 2006), amended LR 37:883 (March 2011), repromulgated LR 37:1561 (June 2011), amended LR 37:3215 (November 2011), LR 38:44 (January 2012), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:918 (May 2015), LR 41:1270 (July 2015), LR 44:

**Chapter 8. Certification Appeal Process**

**§803. Appeal Process**

- A. ...
1. An appeal cannot be initiated until:
    - a. an applicant has submitted a complete certification application to the Department of Education, Division of Certification, Leadership, and Preparation;
    - b. the application is reviewed by a certification specialist; and
    - c. the applicant is notified that he/she is denied the requested certification.
  2. ...
  3. Appeals will not be considered for individuals who:
    - a. ...
    - b. lack a minimum grade point average of 2.50 for initial certification; or
    - c. - f. ...
    - g. are requesting issuance or renewal of a non-standard teaching certificate excluding the temporary authority to teach (TAT) certificate;
- 3.h. - 4. ...

**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 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 38:3140 (December 2012), LR 43:1314 (July 2017), LR 44:

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

**§903. Definitions**

- A. ...
- \*\*\*
- B. The following crimes are reported under R.S. 15:587.1:
1. R.S. 14:2(B), R.S. 14:30, R.S. 14:30.1, R.S. 14:31, 14:32.6, 14:32.7, 14:32.8, R.S. 14:41 through R.S.14:45, R.S. 14:46.2, R.S. 14:46.3, R.S. 14:46.4, R.S. 14:74, R.S. 14:79.1, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:89.2, R.S. 14:92, R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, R.S. 14:93.5, R.S. 14:106, R.S. 14:282, R.S. 14:283, R.S. 14:283.1, R.S. 14:284, R.S. 14:286, R.S. 15:541, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses;
  2. those crimes of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with the responsibility for responding to the request, would constitute a crime under the provisions cited in this Subsection in the following table, and those under the federal criminal code in 18 USC, having analogous elements of criminal and moral turpitude.

Crimes Reported under R.S. 15:587.1	
***	
*R.S. 14:44.1	Second degree kidnapping
*R.S. 14:44.2	Aggravated kidnapping of a child
*R.S. 14:45	Simple kidnapping
*R.S. 14:46.2	Human trafficking
*R.S. 14:46.3	Trafficking of children for sexual purposes
*R.S. 14:46.4	Rehomng of a child
R.S. 14:74	Criminal neglect of family
***	
*R.S. 14:80	Felony Carnal knowledge of a juvenile
*R.S. 14:80.1	Misdemeanor carnal knowledge of a juvenile

*R.S. 14:81	Indecent behavior with a juvenile
***	
*R.S. 14:93	Cruelty to juveniles
*R.S. 14:93.5	Sexual battery of persons with infirmities
R.S. 14:93.2.1	Child desertion
***	
*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. ...
- B. An application for a Louisiana teaching certificate or an application for a renewal of an expired teaching certificate shall be denied if the individual applying for the certificate has ever had any professional license/certificate related to the area of certification denied, suspended, revoked, or voluntarily surrendered.

C. - 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 36:1999 (September 2010), amended LR 38:763 (March 2012), 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. 14:30, 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 (in some instances), 14:82.1, 14:84, 14:86, 14:89, 14:89.1, 14.92 (in some instances), 14:93, 14:93.3; 14:93.5, 14:106, 14:283, and 14:286.

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

C. An applicant may apply to the board for the issuance of his/her Louisiana teaching certificate 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, participation in cheating, or professional license/certificate censure.

C.2. - D. ...

1. Contact the office of the Board of Elementary and Secondary Education and request a records review for issuance of the certificate that was denied due to:

- a. the submission of fraudulent documentation;
- b. conviction for a crime listed in R.S. 15:587.1 or for any felony;

- c. participation in cheating; or
- d. professional license/certificate censure.

**E. Board of Elementary and Secondary Education Responsibilities**

1. - 2. ...

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

4. In accordance with R.S. 42:17(A)(1), 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 a request for a records review for 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;
- 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 certificate should be issued to the applicant. Board staff shall notify the applicant of the action of the board.

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

**§910. Suspension and Revocation of Certificates due to Professional License/Certificate Censure**

A. A Louisiana teaching certificate may be suspended and or revoked if a teacher is found to have had a professional license/certificate related to the area of certification denied, suspended, revoked, or voluntarily surrendered.

B. The department shall investigate prior to determining that a teacher has had a professional license/certificate censured. Upon confirmation of the information investigated, the department shall notify the teacher in writing that his/her certificate has been suspended pending official board action per revocation proceedings.

1. Such records review shall be limited to the issue of whether or not the professional license/certificate has been censured. The teacher shall provide the board with any documentation that will refute the findings of the department investigation.

C. 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 certificate should be revoked. The decision of the board shall be transmitted to the local school board and to the teacher affected.

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

**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:

**§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. 14:30, 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 (in some instances), 14:82.1, 14:84, 14:86, 14:89, 14:89.1, 14:92 (in some instances), 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 three 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, which resulted in certification suspension and/or revocation.

C. An applicant may apply to the board for reinstatement of his/her Louisiana teaching certificate after the lapse of time indicated above and under the following conditions.

1. There have been no further convictions, submission of fraudulent documentation, investigations regarding participation in cheating, or professional license/certificate censure as noted in §905.B of this Chapter.

C.2 - D.2. ...

**E. Board of Elementary and Secondary Education Responsibilities**

1 - 2. ...

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 certificate.

4. In accordance with R.S. 42:17(A)(1), 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.

6. The committee of the board shall make a recommendation to the full board regarding whether the teaching certificate 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), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 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:

#### **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 staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, September 9, 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: Bulletin 746—Louisiana Standards for State Certification of School Personnel—Teaching Authorizations and Certification**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be a net increase in operating expenses of the Department of Education as a result of the proposed revisions to certain teacher certifications. While there will be a reduction in workload associated with the extended renewal periods for the Math for Professionals Certificate, and a cost avoidance to hold additional TAT Appeals Council meetings, there will be an increase in staff time and resources to process renewal of Temporary Authority to Teach (TAT) certificates, new American Sign Language endorsements and new Dyslexia ancillary certificates. The estimated increase over a three-year period is approximately \$4,500.

There could be cost increases for the districts to the extent teachers become eligible for increases in base salary or incremental pay. The impacts will vary depending upon the type of certificate awarded and the length of such certificates, as well as the demands and payment options of the district in which teachers are employed, and are indeterminable at this time.

Proposed revisions modify requirements for non-standard teaching authorizations (Temporary Authority to Teach); recognize additional qualifications for ancillary teaching certificates (Math for Professionals); as well as implement new ancillary teaching certificates (Dyslexia Practitioner), and endorsements (American Sign Language) for certain professionals. Additionally, proposed changes allow for extended renewals of up to three years for the Temporary Authority to Teach and the Math for Professional certifications. The optional dyslexia certificate will be valid for five years.

Additional changes provide technical clarifications for other general ancillary school certificates as well as action related to the suspension, denial and revocation of certificates

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

There will be a net increase in self-generated revenues of approximately \$60,000 over the next three years for the LDE as a result of the changes to teacher certifications. There will be an increase of \$60,000 in revenues associated with the three-year Temporary Authority to Teach (TAT) certificate impacting an estimated 400 applicants over the next three years; an increase of \$3,000 associated with the American Sign Language endorsement for approximately 90 applicants; and an increase of \$4,500 associated with the Dyslexia Ancillary certificates for an estimated 60 applicants. These increases will be offset by a \$7,500 reduction in revenues associated with the extended three-year renewal for the Math for Professionals certificates impacting an average 300 applicants over this time frame.

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

There will be a reduction in out-of-pocket expenses for teachers to obtain Math for Professional certifications of annual application fees of \$50. Teachers seeking renewal of TAT certificates will incur applications fees of \$50 annually for an additional two years. Teachers seeking new ASL and Dyslexia certificates will incur \$50 application fees and testing costs of approximately \$200 to \$300 respectively. Benefits will accrue to teachers awarded these certificates ranging from the ability to continue teaching while pursuing alternative certification to potential increased pay as a result of endorsements and ancillary certifications.

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

School districts will benefit to the extent teachers with TAT certificates can continue teaching while pursuing alternative certification, and other certificates increase the potential number of teachers able to provide certain instruction. An increase in the number teachers with these credentials could create additional competition across districts however, these impacts will vary across the districts and will be based on the number of teachers who obtain such certifications, and are indeterminable at this time.

Beth Scioneaux  
Deputy Superintendent  
1808#043

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Dentistry**

**Dental Hygienists (LAC 46:XXXIII.701)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to amend LAC 46:XXXIII.701.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.701 to allow hygienists working in FQHCs to operate under general supervision with the same limits as those in privately owned dental offices. When the rules allowing hygienists to work under general supervision in private dental offices were implemented, general supervision was allowed in public institutions or schools or in an office

owned by a Louisiana licensed dentist. Federally qualified health clinics are not public institutions and they are not generally owned by Louisiana licensed dentists, yet they employ dentists. Thus, under the current rule, FQHC's are not allowed to have hygienists work under general supervision. The Rule change would allow FQHC's to have hygienists work under the general supervision of a dentist, just as they are currently allowed to do in private dental offices and in public institutions.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Profession**

**Chapter 7. Dental Hygienists**

**§701. Authorized Duties**

A. - G. ...

1. No entity may employ dental hygienists to provide treatment for patients of record under general supervision other than:

a. a public institution that has supervision by a Louisiana licensed dentist;

b. a nonprofit entity that meets the statutory, regulatory and program requirements for grantees supported under Section 330 of the Public Health Service Act (42 U.S.C. §254b or its successor) and that has supervision by a Louisiana licensed dentist;

c. a school that has supervision by a Louisiana licensed dentist, or

d. an office owned by a dentist or group of dentists licensed in Louisiana.

2. ...

3. No duly licensed and registered dentist shall supervise a dental hygienist for more than five consecutive business days or for more than 20 total days in any calendar year. These limits do not apply to a hygienist working at a school or public institution.

4. - 6. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:760(8).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:791 (November 1988), amended LR 15:965 (November 1989), LR 19:206 (February 1993), LR 22:22 (January 1996), LR 22:1217 (December 1996), LR 24:1116 (June 1998), LR 27:1892 (November 2001), LR 32:2056 (November 2006), LR 37:590 (February 2011), LR 37:1406 (May 2011), amended by the Department of Health, Board of Dentistry LR 43:48 (January 2017).

**Family Impact Statement**

There will be no family impact in regard to issues set forth in R.S. 49:972.

**Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S. 49:973. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.