



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

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February 1, 2025

MEMORANDUM

TO: Senator Cameron Henry, Senate President
Representative Phillip DeVillier, Speaker of the House
Senator Rick Edmonds, Chair, Senate Committee on Education
Representative Laurie Schlegel, Chair, House Committee on Education

FROM: Tavares A. Walker, Executive Director
Board of Elementary and Secondary Education

RE: 2024 Yearly Action Report

Pursuant to R.S. 49:968(K), the Board of Elementary and Secondary Education is submitting the attached 2024 Yearly Action Report regarding adoption, amendment, or repeal of any rule or the adoption, increase, or decrease of any fee during the calendar year 2024 (January 1, 2024, through December 31, 2024). Also attached are the summaries regarding petitions for rulemaking reviewed by the Board during the calendar year 2024 (January 1, 2024, through December 31, 2024).

Please contact me if I may be of assistance to you concerning these documents.

TAW:ell

Attachments (2)

Tavares A. Walker
Executive Director

Dr. Cade Brumley
State Superintendent

Attachment 1

2024 Yearly Action Report

Bulletin and Notice of Intent Title	Date of Board Action	1st Report- NOI/Rules submitted to OSR and 4 Legis. Entities	Date Notice of Intent Published	Public Com- ments Received	Request for Public Hearing received	Summary Report (2nd Report) - no hearing or comments	Summary Report (2nd Report) - with hearing or comments	Rule
746-August many sections // 996-August sections 743 and 745	8/23/23	10/10/23	10/20/23	no	no	11/10/23	NA	Jan-2024
741-August section 525	8/23/23	10/10/23	10/20/23	no	no	11/10/23	NA	Jan-2024
741NP-August sections 107, 125, 1309, 1901 // 741-August many sections // 119-August section 903 // 135-August section 509 // 126-August section 4003	8/23/23	10/10/23	10/20/23	yes	no	NA	12/18/23	Feb-2024
118-October section 7311	10/11/23	11/10/23	11/20/23	no	no	12/11/23	NA	Feb-2024
DECLARATION OF EMERGENCY 741-December sections 717, 2321, and 2322	12/13/23	NA	OSR posted Emergency Rule 11/29/23; Eff. 11/29/23 until 5/27/24	NA	NA	NA	NA	NA
DECLARATION OF EMERGENCY 741-December sections 717, 2321, and 2322 (rescind)		NA	OSR posted Emergency Rule 12/4/23; Eff. 12/4/23	NA	NA	NA	NA	NA
741-December sections 2318, 2319, and 2345 // 741NP-December sections 2109 and 2317	12/13/23	1/10/24	1/20/24	no	no	2/12/24	NA	Apr-2024
1573-December sections 305, 501, 505, and 509	12/13/23	1/10/24	1/20/24	no	no	2/12/24	NA	Apr-2024
746-December sections 331, 333, and 507	12/13/23	1/10/24	1/20/24	no	no	2/12/24	NA	Apr-2024
LAC 28-I-January section 1501	1/17/24	2/10/24	2/20/24	no	no	3/12/24	NA	May-2024
126-January sections 515, 2103, 2501, 4001, and 4003	1/17/24	2/10/24	2/20/24	no	no	3/12/24	NA	May-2024
130-January sections 101 and 104	1/17/24	2/10/24	2/20/24	no	no	3/12/24	NA	May-2024
1922-January section 107	1/17/24	2/10/24	2/20/24	no	no	3/12/24	NA	May-2024
996-January many sections	1/17/24	2/10/24	2/20/24	no	no	3/12/24	NA	May-2024
1566-January section 701	1/17/24	2/10/24	2/20/24	no	no	3/12/24	NA	May-2024
741-January section 1123 // 1903-January section 109	1/17/24	2/10/24	2/20/24	NA	NA	3/12/24	NA	May-2024
746-January many sections	1/17/24	2/10/24	2/20/24	NA	NA	3/12/24	NA	May-2024
130-March many sections	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
111-March section 405	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
1706-March sections 120, 152, 301, 322, 503, 504, and 530	3/6/24	4/10/24	4/20/24	yes	no	NA	6/17/24	Aug-2024
135-March section 303 // 741NP-section 1101	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
746-March section 1505	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024

The 2024 Action Report reflects policy revisions that occurred during the 2024 calendar year, whether or not the action was taken in the form of a Board approved Notice of Intent or in the form of a Final Rule noticed in the Louisiana Register.

2024 Yearly Action Report

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126-March section 4001 // 741-March sections 1103, 1105, and 1111	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
741NP-March sections 119, 909, 1101, 1311, and 1501	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
136-March many sections	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
137-March many sections	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
741-March sections 901 and 2319	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
139-March sections 103, 309, 311, 313, 320, 507, and 515	3/6/24	4/10/24	4/20/24	no	no	5/11/24	NA	Jul-2024
135-April section 305	4/15/24	5/10/24	5/20/24	no	no	6/10/24	NA	Aug-2024
741-April section 3113 and 3703	4/15/24	5/10/24	5/20/24	no	no	6/10/24	NA	Aug-2024
746-April sections 515, 553, and 1369	4/15/24	5/10/24	5/20/24	no	no	6/10/24	NA	Aug-2024
1903-April sections 101, 103, 105, 107, 109, and 111	4/15/24	5/10/24	5/20/24	no	no	6/10/24	NA	Aug-2024
111-April sections 709 and 3503	4/15/24	5/10/24	5/20/24	no	no	6/10/24	NA	Aug-2024
126-April section 511	4/15/24	5/10/24	5/20/24	no	no	6/10/24	NA	Aug-2024
746-June many sections // 741-June section 501 // 741NP-June section 123	6/12/24	7/10/24	7/20/24	no	no	8/10/24	NA	Oct-2024
111-June many sections	6/12/24	7/10/24	7/20/24	no	yes	NA	10/9/24	Nov-2024
133-August many sections	8/21/24	9/10/24	9/20/24	no	no	10/10/24	NA	Dec-2024
LAC 28-I-August sections 503, 505, and 507 // 106-August section 109 // 111-August section 103 // 140-August section 1101 // 741-August section 1319	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025
126-August many sections	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025
741-August many sections	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025
741NP-August many sections	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025
103-August section 309 // 111-August sections 907 and 909 // 741-August many sections	8/21/24	10/10/24	10/20/24	yes	no	NA	12/11/24	Jan-2025
135-August many sections	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025
1929-August section 1503	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025
1566-August sections 700, 701, and 705	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025

The 2024 Action Report reflects policy revisions that occurred during the 2024 calendar year, whether or not the action was taken in the form of a Board approved Notice of Intent or in the form of a Final Rule noticed in the Louisiana Register.

2024 Yearly Action Report

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1573-August section 305 // 1706-August many sections // 1922-August many sections // 741-August sections 303, 331, and 332	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025
130-August sections 313 and 331	8/21/24	10/10/24	10/20/24	no	no	11/10/24	NA	Jan-2025
104-October many sections	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
118-October section 7501	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
125-October many sections // 146-October many sections // 746-October many sections // 996-October many sections	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
126-October section 2713	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
132-October many sections	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
133-October section 1506	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
741-October section 303 // 126-October section 2103	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
1903-October section 110	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
LAC 28:l-section 501	10/9/24	11/10/24	11/20/24	no	no	12/11/24	NA	Feb-2025
137-December many sections // 139-December many sections	12/11/24	1/10/25	1/20/25			2/10/25		Apr-2025

The 2024 Action Report reflects policy revisions that occurred during the 2024 calendar year, whether or not the action was taken in the form of a Board approved Notice of Intent or in the form of a Final Rule noticed in the Louisiana Register.

Attachment 2



Petition for Rulemaking

for submission to the
Louisiana State Board of Elementary
and Secondary Education (BESE)

For BESE Office Use Only

Date received 7/10/24
 Received by Shannon Rawson
 Signature Shannon Rawson
 Date formally presented to BESE _____

I, Dr. Latricia Kyle, a citizen of the state of Louisiana, whose signature is appended to this petition, hereby petition the Louisiana State Board of Elementary and Secondary Education (BESE), in accordance with the Louisiana Administrative Procedure Act, R.S. 49:953(C) and LAC 28:1.1309, regarding the following: (Use separate form for each bulletin)

Bulletin number: 746

Section number(s): 1505

The petition requests that BESE: *(Check all that apply)*

Adopt new Rule(s) Amend current Rule(s) Repeal current Rule(s), as follows:

Justification for the requested revision(s): *(Summarize content and impact of proposal)*

I am aware that Bulletin 746 Section 1505 (6) (A) will fall off the NOI on July 20, 2024. Currently there are no exceptions to Educational Leader (EDL) Pathway 4. I understand that an "earned" Master of Public Administration (MPA), Master of Business Administration (MBA), Juris Doctorate (JD), or a Honorable discharged commissioned officer of the United States Military with a pay grade of O3 or higher is required. However, I am proposing that the following language is added: if an individual holds a Doctoral Degree in Public Policy and Administration (PhD) that an equivalency evaluation is completed by an accredited degree awarding institution to see if the PhD earned is equivalent to the MPA. (See next page)

Additional pages or a separate attachment are acceptable.

Petitioner's designee: *(if applicable)*

The petitioner designates _____ as the representative of this petition.

Mailing Address _____

Email *(optional)* _____ Phone *(optional)* _____

Petitioner information:

Name Dr. Latricia Kyle

Mailing Address 1465 Apenzell Lane Lewisville, TX 75067

Email *(optional)* latriciakyle@yahoo.com Phone *(optional)* (318) 789-3889

Petitioner's signature Date 07/08/2024
 Designee's signature *(if applicable)* _____ Date _____

The petition must be submitted via certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Shan Davis, Executive Director
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804-9064

Petition for Rulemaking Page 2

The impact of this proposal would allow individuals that have a degree that surpasses the requirements for Bulletin 746 Section 1505 to have the opportunity to have their transcripts evaluated by an accredited degree awarding institution to see if they meet the requirements of the master's degree within their PhD.

I am attaching a copy of my unofficial transcripts for my PhD in Public Policy and Administration. I am also attaching a copy of my Equivalency Evaluation that was completed by the Coordinator of the Master of Public Administration at the University of Louisiana at Monroe for informational purposes only.

I obtained my PhD in Public Policy and Administration in 2014. Although I supersede the requirements for a master's in public administration at the University of Louisiana at Monroe, I cannot just enroll in their program and expect them to accept all 36 hours and issue me the MPA degree. The most logical approach here would be to have the PhD evaluated to see if I met the requirements of the MPA. Nevertheless, I cannot expect LDOE to grant me an exception if the current policy does not identify that one can be considered.

Respectfully,



Dr. Latricia Kyle



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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Paul Hollis
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Preston Castille
8th BESE District

Conrad Appel
Member-at-Large

Judy Armstrong
Member-at-Large

Simone Champagne
Member-at-Large

July 11, 2024

Dr. Latricia Kyle
1465 Apenzell Lane
Lewisville, TX 75067

RE: Petition for Rulemaking

Dr. Kyle:

On behalf of the Board of Elementary and Secondary Education (BESE), please be advised that the BESE agency is in receipt of your petition for rulemaking request in regards to Bulletin 746, *Louisiana Standards for State Certification of School Personnel: §1505*. Educational Leader Certificate Level 1 (EDL 1).

Your request was received on July 10, 2024, and will be formally presented to BESE, including an agency response to this request submitted by the Louisiana Department of Education (LDOE), at the BESE meeting on August 21, 2024, scheduled to begin at 9:00 a.m. You can review this response prior to the meeting via the BESE website at <https://go.boarddocs.com/la/bese/Board.nsf/public>.

Sincerely,

Kimberly Tripeaux
Interim Executive Director

Shan N. Davis
Executive Director

Dr. Cade Brumley
State Superintendent

Summary of Petition for Rulemaking and Agency Response

Proposed Revisions to *Bulletin 746 - Louisiana Standards for State Certification of School Personnel*

Background

R.S. 49:964 and LAC 28, Part I, Section 1309, permit any interested person to petition the State Board of Elementary and Secondary Education (BESE) executive director in writing to adopt a new rule or amend or repeal an existing rule contained within the Louisiana Administrative Code, Title 28. Within 90 days of receipt of the petition for rulemaking, the executive director, after consulting with the board's officers, shall either:

1. initiate procedures for processing a proposed regulation, along with the rulemaking procedures provided in R.S. 49:950 et seq., upon approval to proceed with rulemaking; or
2. shall notify the petitioner in writing, stating the reason(s) for the denial, upon a denial to proceed with rulemaking.

Petition Received

On July 10, 2024, the BESE Interim Executive Director received a petition for rulemaking from Dr. Latricia Kyle, who requested that BESE amend policy in *Bulletin 746 - Louisiana Standards for State Certification of School Personnel*, Section 1505. Current policy provides for a pathway for certification of educational leaders through completion of an LDOE-coordinated education leader training, earning a passing score on the BESE-approved school leaders licensure assessment in accordance with R.S. 17:7.1, and holding certain graduate degrees. Dr. Kyle requests that policy be amended such that a Doctoral Degree in Public Policy and Administration (PhD) would satisfy the degree requirement upon completion of an equivalency evaluation by an accredited degree-awarding institution.

Response

The nature of the request is reasonable. If a degree obtained by an individual is certified by an institution offering a required degree to be at least equivalent to the required degree, the education requirement should be considered to have been met. The Louisiana Department of Education (LDOE) recommends revisions to the policy to provide for consideration of advanced degrees. Language will be recommended to BESE at the October 2024 meeting of the Educator Effectiveness Committee.



Petition for Rulemaking

for submission to the Louisiana State Board of Elementary and Secondary Education (BESE)

For BESE Office Use Only	
Date received	9/3/24
Received by	Erin LeBlanc
Signature	Erin LeBlanc
Date formally presented to BESE	

I, Hayley Brooke Smith, a citizen of the state of Louisiana, whose signature is appended to this petition, hereby petition the Louisiana State Board of Elementary and Secondary Education (BESE), in accordance with the Louisiana Administrative Procedure Act, R.S. 49:953(C) and LAC 28:1.1309, regarding the following: (Use separate form for each bulletin)

Bulletin number: 118

Section number(s): 5109. Assessment populations A. Classified populations

The petition requests that BESE: (Check all that apply)

- Adopt new Rule(s)
- Amend current Rule(s)
- Repeal current Rule(s), as follows:

Justification for the requested revision(s): (Summarize content and impact of proposal)

Students experiencing a debilitating, life-threatening, and/or terminal illness may receive a hardship waiver from LEAP tests.

They will still take the LEAP test, but will be exempt from the need to pass the test. If they pass the class itself, they will then meet the requirement for graduation.

Additional pages or a separate attachment are acceptable.

Petitioner's designee: (if applicable)

The petitioner designates _____ as the representative of this petition.

Mailing Address _____

Email (optional) _____ Phone (optional) _____

Petitioner information:

Name Hayley B. Smith

Mailing Address 894 Spears Rd.

Email (optional) hayley.smith@apsb.us Phone (optional) (337) - 853-1345

Petitioner's signature Hayley B. Smith Date 8/22/24

Designee's signature (if applicable) _____ Date _____

The petition must be submitted via certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Shan Davis, Executive Director
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804-9064

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SEP 03 2024

Board of Elementary and Secondary Education

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SEP 03 2024

To the Members of the House Committee on Education,

Board of Elementary
and Secondary Education

My name is Hayley Smith, and I am a school counselor at Kinder High School, in Kinder, Louisiana. I was educated in the state of Louisiana, Kindergarten through graduate school. I have served our students and public education system as a high school English teacher for ten years, and am beginning my first year as a school counselor this 24-25 school year. I have only been on the job since August 1st, yet I must reach out to all of you about a grievous injustice being felt by our students, staff, administrators, and parents.

Our state **does not** offer a hardship waiver for high stakes testing. I've always been aware of this fact, but didn't fully understand the horrible impact it is having on our students and their families until I came face to face with the reality of it myself. There is a student at my school who has battled two forms of cancer, and multiple rounds of chemo, throughout his entire high school career. He has not experienced a single day on our campus without being a cancer patient (2021-now.) He was once being scouted by agents to play college baseball, but today he sat in my office, with tears silently streaming down his face, as his mother told me that her one wish for him is that he can graduate high school this May, with the cohort of 2025.

He is taking a full class load this school year in order to make this dream a reality. He has passed all classes which contain a high stakes test. He has passed the classes, but not his final LEAP exam. When his mother asked us what we could do to still ensure his graduation, all we could offer her was "we hope he can pass the tests when he tries again next time," or "we need to get him an IEP, which will qualify him for Act 833."

The reason "better luck next time," is problematic: this student has suffered physically, mentally, and emotionally. It takes all his energy and strength just to make it through the day, much less pass a high stakes exam that is not (lets face it) on the student's side. Standardized tests are literally designed to create a curve of scores that leaves our weak, or vulnerable population sliding to the bottom. **The reason Act 833 is problematic:** when our district's diagnostician and special education liaison explained the process of becoming classified as "April Dunn," they used words like "disabled," and "special services," and "impairment." That was the moment I witnessed this student sink into a state of despair. That was also the moment when I realized, "this is why education and the education system have become the villains to the general public." When we turn to a child who is still undergoing treatment, on a kidney transplant list, and receiving dialysis every night, and say "the cost of this diploma is an approaching basic on the Biology or US History LEAP Test," we are demanding too high a cost. That is indeed the moment where we have become "the bad guy," in this story.

He has lost so much already: his health, a chance to play baseball with his friends, have a normal high school experience, and the belief that something good might happen, if he just hangs on. Please help us restore some of that belief to this child. Help us waive this final LEAP test so that he might graduate this upcoming May.

Time is not on my side, but I will not lose out from a lack of effort. My request is this: please do more than send me a "thanks for your concern, etc." response. Help us get this student to

graduation in May 2025. Be the good guys in this story. Most importantly, let's start having a conversation about what we can do about getting hardship waivers for our students facing terminal illnesses. I understand that this is a mountain of a task I'm describing, but every avalanche must begin somewhere.

Thank you and have a wonderful day,

Hayley B. Smith
School Counselor
Kinder High School

Email: hayley.smith@apsb.us
Number: (337)-853-1345



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Board of Elementary and Secondary Education

COMMENTARY

Students fall into cracks of Louisiana's high-stakes testing

| GREG LAROSE

APRIL 11, 2024 12:52 PM



Canva

There's a concerted push from the Louisiana Legislature and new governor to move students further down their chosen career paths, specifically those who want to enter the workforce immediately as opposed to attending a four-year college.

It's an admirable goal, but one that faces strong political steering currents. The state's conservative climate is generating louder calls for school and teacher accountability, and many feel measuring the progress of students is the best way to achieve that.

Lost in the tumult are students who fall short of clearing the final hurdle to graduation – the Louisiana Educational Assessment Program (LEAP) test. This week, lawmakers learned about a small segment who face career consequences because they haven't been able to pass the exam.

Louisiana has emphasized industry skill-specific curricula and training dating back more than 15 years to then-Gov. Bobby Jindal's tenure. Two-year community and technical colleges were given precedence over four-year schools, both in terms of resources and preparing high schoolers. Yet employers continue to say today that their hiring needs aren't being met.

Reps. Tehmi Chaisson, D-Lafayette, and Brach Myers, R-Lafayette, brought forward a proposal to address what they see as one shortcoming in the system. House Bill 931 would waive the requirement of passing the LEAP test to obtain a high school diploma if a student successfully completes the career-track curriculum, scores at least an 18 on the ACT WorkKeys exam and earns an industry-based certification. In many instances, these students are already working while in high school.

Their proposal lands as the Board of Elementary and Secondary Education (BESE) contemplates an appeals process for students who can't pass the LEAP exam. Gov. Jeff Landry issued an executive order on his first day in office that killed the process put in place just before John Bel Edwards left office. Landry and like-minded BESE members who took office at the same time as the governor have insisted any appeal route should not involve the state lowering the standards to obtain a high school diploma.

Left hanging in the balance are a handful of students who Chaisson said have all of the training and certifications needed to graduate with a job, but they are forced to game the system to obtain a diploma that's often needed for career advancement.

When bringing his bill before the House Committee on Education this week, Chaisson shared the story of an Acadiana High School student who had everything but the required LEAP score to receive his diploma. He was already working with the certification needed in his trade. But to earn the diploma he needed for promotion, the

student transferred to a private school and had to forgo competing for a state track championship for Acadiana.

“He’s got a job, but because he can’t remember who was the 11th president ... because he can’t remember who was the last person to sign the Declaration of Independence, that’s a problem,” Chaisson said.



SUBSCRIBE

April Dronet, a guidance counselor at Lacassine High School, told lawmakers about a student on track to become an emergency medical technician who has failed the LEAP test seven times since her sophomore year. She now suffers with chronic anxiety and becomes physically ill ahead of taking the test, Dronet said.

Lawmakers questioned whether remediation measures provided to such students were effective, with some saying it reveals a need for greater accountability measures.

Louisiana is one of eight states that makes high school graduation dependent on passing a high-stakes test. It’s the only one without an appeals process for students who can’t pass the test.

Officials couldn’t provide an exact number for how many students would be impacted under House Bill 931, but data from the 2022-23 school year from the Louisiana Department of Education show 16% of high school students statewide earned unsatisfactory scores on the LEAP test. A breakdown was not provided based on what type of diploma students pursued.

Also factoring into the issue are the letter grades assigned to schools as part of the state’s accountability standards. LEAP results are at the heart of these evaluations, and opinions are split over how, or if, to differentiate the performance of career-track students versus those who are college-bound.

Susan East Nelson with Louisiana Partnership for Children and Families supported the Chaisson-Myers bill and shared her own story of struggling with standardized testing, which revealed she had dyslexia.

"There is nothing worse to do to a kid than to tell them 'You're not good enough,' and they know they're good enough but they can't prove it," Nelson told the committee.

BESE Chairman Ronnie Morris, R-Baton Rouge, appeared before lawmakers with fellow members Conrad Appel, R-New Orleans, and Stacey Melerine, R-Shreveport, to oppose House Bill 931. Each argued softening graduation standards would take Louisiana education in the wrong direction.

"If we're going to challenge a student, that they earn a diploma in the state of Louisiana, it's got to represent something for four years of work," Morris said. "It's got to be more than attendance."

BESE members intend to establish an appeals process to handle "exceptions" like those students mentioned in the committee hearing, Morris said, but revisions to the existing standards won't be part of the discussion. High school seniors need only meet ninth-grade comprehension levels on the science and math portions of the LEAP, he said.

"I just don't understand how that can be too demanding for a Louisiana high school diploma," he said.

The committee voted down House Bill 931, placing the matter in the hands of BESE members.

Rep. Charles "Chuck" Owen, R-Rosepine, who voted against the bill, struggled with taking a steadfast stance on either side.

"I would love to see some middle ground get here rather than some all-or-nothing moment," Owen said.

For students caught in academic and career limbo, a middle ground where they can land can't arrive soon enough.

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an exception such
as debilitating,
life-threatening,
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October 2, 2024

Hayley B. Smith
894 Spears Road
Kinder, LA 70648

RE: Petition for Rulemaking

Dear Ms. Smith:

The State Board of Elementary and Secondary Education (BESE) office is in receipt of your Petition for Rulemaking request to amend Bulletin 118, *Statewide Assessment Standards and Practices: §5109. Assessment Populations*.

However, in response to House Concurrent Resolution (HCR) 44 of the 2024 Regular Legislative Session, a study is presently underway regarding whether an appeal process should be developed for certain students who do not pass the state-administered end-of-course assessments required for high school graduation. Your request for rulemaking appears to fall within this study.

Therefore, due to the present and ongoing study, your request for rulemaking is hereby denied at this time. Should the study produce potential updates, those changes will be reflected in policy at the appropriate time.

Sincerely,

Tavares A. Walker
Executive Director

Tavares A. Walker
Executive Director

Dr. Cade Brumley
State Superintendent



Petition for Rulemaking

for submission to the
Louisiana State Board of Elementary
and Secondary Education (BESE)

For BESE Office Use Only

Date received _____

Received by _____

Signature _____

Date formally presented to BESE _____

I, Patrick A. Davis, a citizen of the state of Louisiana, whose signature is appended to this petition, hereby petition the Louisiana State Board of Elementary and Secondary Education (BESE), in accordance with the Louisiana Administrative Procedure Act, R.S. 49:953(C) and LAC 28:1.1309, regarding the following: (Use separate form for each bulletin)

Bulletin number: 746

Section number(s): 1909 "Criminal History Reporting" paragraph B

The petition requests that BESE: (Check all that apply)

Adopt new Rule(s) Amend current Rule(s) Repeal current Rule(s), as follows:

Justification for the requested revision(s): (Summarize content and impact of proposal)

The rule is unlawful in that it violates Article 10 of the Civil Code. Some victims of wrongful conviction are advised to be expunged for benefit of the acquittal thereby sparing the system the expense and labor of contradictory proceedings. Paragraph B conflicts the intent of Article 894 expungements and is therefore unlawful considering CC 10. Paragraph B is void of the legislative intent of Article 894 as the past and current expressed intent in reference to accessing expunged records is for investigation; not sanctioning.

Additional pages or a separate attachment are acceptable.

Petitioner's designee: (if applicable)

The petitioner designates _____ as the representative of this petition.

Mailing Address _____

Email (optional) _____ Phone (optional) _____

Petitioner information:

Name Patrick A. Davis

Mailing Address 6801 Hwy 412 E, Slaughter, LA 70777

Email (optional) _____ Phone (optional) _____

Petitioner's signature  Date November 11, 2024

Designee's signature (if applicable) _____ Date _____

The petition must be submitted via certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Tavares A. Walker, Executive Director
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804-9064



Petition for Rulemaking

for submission to the
Louisiana State Board of Elementary
and Secondary Education (BESE)

For BESE Office Use Only

Date received _____
Received by _____
Signature _____
Date formally presented to BESE _____

I, Patrick A. Davis, a citizen of the state of Louisiana, whose signature is appended to this petition, hereby petition the Louisiana State Board of Elementary and Secondary Education (BESE), in accordance with the Louisiana Administrative Procedure Act, R.S. 49:953(C) and LAC 28:1.1309, regarding the following: (Use separate form for each bulletin)

Bulletin number: 746

Section number(s): 1909 "Criminal History Reporting" paragraph E

The petition requests that BESE: (Check all that apply)

Adopt new Rule(s) Amend current Rule(s) Repeal current Rule(s), as follows:

Justification for the requested revision(s): (Summarize content and impact of proposal)

E. In the absence of Constitutional provision for the BESE to be superior to the State Constitution nor to State legislation, a defendant who is acquitted by Article 894 is exempt by legislation of the "...shall never be considered" clause. The clause contradicts the Preamble of Article VIII of the State Constitution. Should paragraph B alone cause an applicant to be subject to paragraph E, the BESE would also subject the applicant to double jeopardy and sanction void of due process considering Const 1 Sections 2, 3, and 24.

Additional pages or a separate attachment are acceptable.

Petitioner's designee: (if applicable)

The petitioner designates _____ as the representative of this petition.

Mailing Address _____

Email (optional) _____ Phone (optional) _____

Petitioner information:

Name Patrick A. Davis

Mailing Address 6801 Hwy 412 E, Slaughter, LA 70777

Email (optional) _____ Phone (optional) _____

Petitioner's signature  Date November 11, 2024

Designee's signature (if applicable) _____ Date _____

The petition must be submitted via certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Tavares A. Walker, Executive Director
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804-9064



Petition for Rulemaking
 for submission to the
 Louisiana State Board of Elementary
 and Secondary Education (BESE)

<i>For BESE Office Use Only</i>	
Date received	_____
Received by	_____
Signature	_____
Date formally presented to BESE	_____

I, Patrick A. Davis, a citizen of the state of Louisiana, whose signature is appended to this petition, hereby petition the Louisiana State Board of Elementary and Secondary Education (BESE), in accordance with the Louisiana Administrative Procedure Act, R.S. 49:953(C) and LAC 28:1.1309, regarding the following: (Use separate form for each bulletin)

Bulletin number: 746

Section number(s): 1909 "Criminal History Reporting" paragraph F

The petition requests that BESE: *(Check all that apply)*

Adopt new Rule(s) Amend current Rule(s) Repeal current Rule(s), as follows:

Justification for the requested revision(s): *(Summarize content and impact of proposal)*

In 2022, Bulletin 746 made provision for a records review for applicants who were expunged pursuant to Article 894 prior to a certain date and who also were former employees of the school system. However, the Bulletin was revised in 2024 and now excludes both provisions of the previous version. The current Bulletin therefore violates Const 1 Sec 23 against applicants who were actively enrolled in a Teacher Certification program prior to July 2024 thereby also depriving applicants and the State benefit of Const 2 Preamble.

Additional pages or a separate attachment are acceptable.

Petitioner's designee: *(if applicable)*

The petitioner designates _____ as the representative of this petition.

Mailing Address _____


Email *(optional)* _____ Phone *(optional)* _____

Petitioner information:

Name Patrick A. Davis

Mailing Address 6801 Hwy 412 E, Slaughter, LA 70777

Email *(optional)* _____ Phone *(optional)* _____

Petitioner's signature  Date November 11, 2024

Designee's signature *(if applicable)* _____ Date _____

The petition must be submitted via certified mail and addressed to:

Board of Elementary and Secondary Education
 Attn: Tavares A. Walker, Executive Director
 P.O. Box 94064, Capitol Station
 Baton Rouge, LA 70804-9064

November 11, 2024

To: Board of Elementary and Secondary Education
Attn: Tavares A. Walker, Executive
Director P.O. Box 94064,
Capitol Station Baton Rouge, LA 70804-9064

Ref. Petition(s) for Rule Making My name is Patrick Davis. I am a candidate for certification as a teacher here in my home state of Louisiana. I learned Civics in the public school system of Louisiana during my sophomore year in high school. A system of checks and balances is one of the most important concepts in government. I am therefore appreciative of the opportunity to submit the attached Petition(s) for Rule Making in the wake of initially being denied licensure for residency training and while awaiting to appeal the decision.

Not that they were perfect nor ideal in every way, but I am very appreciative overall of the instruction that I received in the public-school systems of Louisiana. I therefore request to submit the attached petitions as a concerned citizen in that the Bulletin of which I am petitioning does not express nor clearly imply it's rationale for the sections that I am concerned about.

It is therefore my request that I not be considered an adversary of the Board nor of the State, but a concerned citizen and candidate for teacher certification, who is exercising a legal and constitutional right in the absence of any explanation in Bulletin 746 for clauses in certain sections that I find to be unlawful pursuant to the Constitution and legislation of the State of Louisiana.

Grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy,



Patrick A. Davis
6801 Hwy 412E
Slaughter, LA 70777



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November 11, 2024

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Judy Armstrong
Member-at-Large

Simone Champagne
Member-at-Large

Mr. Patrick A. Davis
6801 Highwa 412 East
Slaughter, Louisiana 70777

RE: Petition for Rulemaking

Dear Mr. Davis:

The Louisiana State Board of Elementary and Secondary Education (BESE) office is in receipt of your Petition for Rulemaking request to amend Bulletin 746, section 1909 – paragraph B, E, and F which concerns criminal history reporting. We have reviewed your request; and we have considered our current policy and the law.

However, La Criminal Procedure Article 971(2) provides that “An expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and other statutorily defined agencies.” The Louisiana State Board of Elementary and Secondary Education is a statutorily defined agency pursuant to La R.S. 17:407.42, 17:407.71 and 15:587.1. Therefore, expunged criminal records are available to office pursuant to law.

Therefore, your request for a rulemaking is hereby denied. Should have any further questions or comments, please contact our office to discuss.

Sincerely,

Tavares A. Walker
Executive Director

Tavares A. Walker
Executive Director

Dr. Cade Brumley
State Superintendent

RS 17:407.71

§407.71. Grounds for revocation or refusal to renew registration; criminal activities; lack of CPR or first aid training

A.(1) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child, whose name is on any other state's child abuse and neglect registry or repository, whose name is on the Louisiana Sex Offender and Child Predator Registry, whose name is on any other state's sex offender registry, or whose name is on the National Crime Information Center's National Sex Offender Registry may be a registered family child care provider, be employed in the residence or on the property of the residence where the care is provided by the registered family child care provider, or live in the residence where care is provided by the registered family child care provider. The cost of any criminal background check which may be required by the department as proof of compliance with this Subsection shall be the responsibility of the family child care provider.

(2) No person who has been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C), whose name is recorded on the state registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child, whose name is on any other state's child abuse and neglect registry or repository, whose name is on the Louisiana Sex Offender and Child Predator Registry, whose name is on any other state's sex offender registry, or whose name is on the National Crime Information Center's National Sex Offender Registry may be a registered in-home child care provider, be an adult employed in the home or on the property of the home where care is provided by the registered in-home child care provider, or be any adult living in the home where care is provided by the registered in-home child care provider who is not a caregiver. For the purposes of this Paragraph, the term "caregiver" shall mean any person legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child. The cost of any criminal background check which may be required by the department as proof of compliance with this Subsection shall be the responsibility of the in-home provider.

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation requirements and procedures through which the department shall:

(a) Request, consistent with the provisions of R.S. 15:587.1, from the Bureau of Criminal Identification and Information, information concerning whether or not a registered family child care provider, any adult employed in the residence or on the property of the residence where care is provided, or any adult living in the residence where care is provided has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

(b) Request information from the Department of Children and Family Services as to whether the individual's name is recorded on the state central registry for child abuse and neglect.

(c) Request information from the National Crime Information Center as to whether the individual's name is recorded on the National Sex Offender Registry.

(d) Request information identified in this Paragraph for the registered in-home provider, any adult employed in the home or on the property of the home where care is provided, or any adult living in the home where care is provided.

(2) The department shall require and provide for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information. A person who has submitted his fingerprints to the Louisiana Bureau of Criminal Identification and Information, and for whom the department has received a Louisiana or federal criminal history information report, may be hired on a provisional basis until such time as all required background checks have been completed; a provisional employee shall be monitored in accordance with rules adopted by the State Board of Elementary and Secondary Education by an individual who has completed a criminal background check. Under no circumstances shall an early learning center employ a person in any capacity until the department has received the required Louisiana or federal criminal history information report.

(3) The department may charge a processing fee not to exceed fifteen dollars and may collect the processing fees charged by the Bureau of Criminal Identification and Information for a state criminal history

report, the Federal Bureau of Investigation for a federal criminal history information report, the National Crime Information Center for a search of the National Sex Offender Registry, the Department of Children and Family Services for a search of its state central registry of abuse and neglect, and processing fees charged by other states when it receives a request for a criminal background check and shall timely submit the appropriate processing fees to the appropriate agencies.

C. Each family child care provider and in-home provider shall have documented current certification in either Infant/Child CPR or Infant/Child/Adult CPR in order to be registered.

D. The department may deny, revoke, or refuse to renew any registration of a family child care provider or in-home provider who violates the provisions of this Section.

E. The provisions of this Section shall not apply to a family child care provider or in-home provider when such provider is related to all the children receiving child care.

F. The provisions of this Section shall not apply to a family child care provider or in-home provider who is registered with the department solely for participation in the United States Child and Adult Care Food Program.

Added by Acts 2014, No. 868, §2, eff. February 1, 2015; Acts 2015, No. 354, §2, eff. July 1, 2015; Acts 2015, No. 297 §1, eff. August 1, 2015; Acts 2017, No. 423, See Act.

RS 17:407.42

§407.42. Review of criminal history information and state central registry of child abuse and neglect

A.(1) No person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) or whose name is on the Louisiana Sex Offender and Child Predator Registry, any other state's sex offender registry, or the National Crime Information Center's National Sex Offender Registry shall directly or indirectly own, operate, or participate in the governance of an early learning center, or shall be hired by any early learning center as a volunteer or employee of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or shall be hired by the department in a position whose duties include the performance of licensing inspections in early learning centers.

(2) No individual whose name is recorded on the state central registry within the Department of Children and Family Services as a perpetrator for a justified finding of abuse or neglect of a child or in any other state's child abuse and neglect registry or repository shall own or operate a licensed early learning center or shall be hired by a licensed early learning center as an employee or volunteer of any kind, including any therapeutic professionals, extracurricular personnel, and other independent contractors, or shall be hired by the department in a position whose duties include the performance of licensing inspections.

B.(1) The State Board of Elementary and Secondary Education shall establish by regulation, requirements and procedures under which the department shall, for any owner, volunteer, applicant, or employee of any kind, including contractors, of an early learning center or an applicant or employee of the department in a position whose duties include the performance of licensing inspections:

(a) Request information from the Louisiana Bureau of Criminal Identification and Information, consistent with the provisions of R.S. 15:587.1, concerning whether the person has been arrested for or convicted of or pled nolo contendere to any criminal offense.

(b) Request information from the Department of Children and Family Services as to whether the person is listed on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.

(c) Request information from the National Crime Information Center as to whether the individual's name is recorded on the National Sex Offender Registry.

(2) The department shall require and provide for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information prior to employment of such person. A person who has submitted his fingerprints to the Louisiana Bureau of Criminal Identification and Information, and for whom the department has received a Louisiana or federal criminal history information report, may be hired on a provisional basis until such time as all required background checks have been completed; a provisional employee shall be monitored in accordance with rules adopted by the State Board of Elementary and Secondary Education by an individual who has completed a criminal background check. Under no circumstances shall an early learning center employ a person in any capacity until the department has received the required Louisiana or federal criminal history information report.

(3) The department may charge a processing fee not to exceed fifteen dollars and may collect the processing fees charged by the Bureau of Criminal Identification and Information for a state criminal history report, the Federal Bureau of Investigation for a federal criminal history information report, the National Crime Information Center for a search of the National Sex Offender Registry, the Department of Children and Family Services for a search of its state central registry of child abuse and neglect, and processing fees charged by other states when it receives a request for an employment eligibility determination and shall timely submit the appropriate processing fees to the appropriate agencies.

C.(1) The State Board of Elementary and Secondary Education shall adopt rules to provide for a procedure whereby an early learning center may obtain a waiver from regulations adopted by the board establishing minimum child-to-staff ratios, when an undue delay in completing required background checks for employees makes it impossible to meet the prescribed ratios.

(2) An early learning center shall not be penalized for failing to meet established minimum child-to-staff ratios, if it demonstrates that a good-faith effort was made to comply with all background check requirements.

Acts 2014, No. 868, §2, eff. Oct. 1, 2014; Acts 2016, No. 646, §2; Acts 2017, No. 423, §3, eff. upon promulgation of rules or Sept. 30, 2018, whichever is earlier.

RS 15:587.1

§587.1. Provision of information to protect children

A.(1) As provided in R.S. 15:825.3, R.S. 17:8.9, 15, 407.42, and 407.71, Children's Code Article 424.1, and R.S. 46:51.2, any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children, and as provided in R.S. 46:51.2(A), the Department of Children and Family Services as employer of one or more persons who have been given or have applied to be considered for a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, and for individuals who are employed by or contracted staff of a child care institution, as defined in 42 U.S.C. 672, licensed by the department, shall request in writing that the bureau supply information to ascertain whether that person or persons have been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the organization or department making the request. It must include a statement signed by the person about whom the request is made which gives his permission for such information to be released.

(2) In responding to a request for information as provided for in Paragraph (1) of this Subsection, the bureau shall make available a record of all criminal arrests and convictions prior to the date of request. Any recipient of such information as provided in this Subsection shall maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

(3) The bureau, upon receiving a request as provided for in Paragraph (2) of this Subsection, shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested or convicted of or pled nolo contendere to any such crime or crimes, the crime or crimes of which he has been arrested or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred.

B.(1)(a) Upon receiving a request pursuant to the provisions of R.S. 17:8.9, 15, 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the requirements of Subsection A of this Section, the bureau of criminal identification and information shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. The bureau of criminal identification and information shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested or convicted or to which he has pled nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

(b) In addition to the requirements of Subparagraph (a) of this Paragraph, for requests made pursuant to R.S. 17:407.42 and 407.71, the bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:407.42 and 407.71. Any recipient of such information as provided for in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable state or federal law.

NOTE: Subparagraph (B)(1)(c) eff. upon promulgation of rules by the Louisiana State Board of Elementary and Secondary Education. See Acts 2020, No.154 and Acts 2022, No. 745.

(c) *In addition to the requirements of Subparagraph (a) of this Paragraph, for requests made by the state Department of Education pursuant to R.S. 17:8.9(A)(2), the bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:8.9(A)(2). Any recipient of such information as provided for in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable state or federal law.*

(2)(a) When an individual's record contains information which has been expunged, the bureau shall include in its report to the requesting person or entity the date of the arrest and a notation that the individual's record contains information which has been expunged and that the requestor may contact the bureau in order to obtain further information regarding the expunged information.

(b) The bureau shall establish policies and procedures by which the persons and entities enumerated in this Section may be furnished with expunged information. These policies and procedures shall not require the requesting person or entity to personally appear at the office of the bureau in order to obtain access to the expunged information.

(c) The requesting person or entity, upon receiving the expunged information, shall maintain the confidentiality of the information as provided by law, and the expunged information shall not be deemed a public record.

(d) The information may be used or admitted as evidence in any court proceeding or employment or disciplinary hearing in which the receiving person or entity is an authorized participant.

C. The provisions of R.S. 15:825.3, R.S. 17:8.9, 15, 407.42, and 407.71, R.S. 46:51.2, and Children's Code Article 424.1 shall govern the employment of persons who have been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

(1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8, R.S. 14:41 through R.S. 14:45, R.S. 14:46.4, R.S. 14:74, R.S. 14:78, R.S. 14:78.1, 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, crimes of violence as defined in R.S.14:2(B), sex offenses as defined in R.S. 15:541, 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. 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 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

(3) Those under the Federal Criminal Code having analogous elements of criminal and moral turpitude.

D.(1) The costs of providing the information required under this Section shall be charged by the bureau to the private employer or to the department, office, or other agency of government which has given, or is considering giving, a person supervisory or disciplinary authority over children or which made the request for information pursuant to the provisions of R.S. 17:15 or R.S. 46:51.2. Neither the individual applicant nor a judge exercising juvenile jurisdiction shall bear such costs.

(2) The prohibition in Paragraph (1) of this Subsection against an individual applicant bearing any of the costs of providing information shall not apply to requests made pursuant to the provisions of R.S. 17:8.9, 15, 407.42, or 407.71 or R.S. 46:51.2.

E. In addition to any penalties otherwise imposed under the provisions of this Chapter, the head of or other responsible person for any public entity who fails to comply with the provisions of Subsection A of this Section or who employs any person in violation of the provisions of R.S. 15:825.3, R.S. 17:8.9 or 15, or R.S. 46:51.2(A) or (B) shall be fined not more than five hundred dollars.

F. This Section may be cited as the "Louisiana Child Protection Act".

G. Notwithstanding any other provision of law to the contrary, the bureau and the Department of Public Safety and Corrections, corrections services, may utilize the National Crime Information Center to conduct such background checks as are required by this Section.

H. Any licensed child placement agency as defined in Children's Code Article 1169 and any person authorized to conduct preplacement home studies pursuant to Children's Code Article 1172 shall be entitled to information from the bureau to ascertain whether a person has been arrested for or convicted of, or pled nolo contendere to, any criminal offense. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the licensed child placement agency or person authorized to conduct preplacement adoption home studies, make available to the agency or person only that information contained in the bureau's criminal history record and identification files necessary in determining whether a person has been arrested for or convicted of, or pled nolo contendere to, a crime. The bureau shall charge the cost of providing such information to the agencies and persons entitled to receive the information as provided in this Subsection.

I. Notwithstanding any other provision of law to the contrary, the Department of Children and Family Services, office of children and family services, may utilize the National Crime Information Center to conduct background checks authorized in R.S. 15:587 when investigating or responding to reports of abuse or neglect as provided for in Section 151 of Public Law 109-248.

J.(1) Any Court Appointed Special Advocate program as defined in Children's Code Article 116 shall be entitled to information from the bureau to ascertain whether a person being considered for involvement with the CASA program has been arrested for, or convicted of, or pled guilty or nolo contendere to, any criminal offense. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the CASA program, survey its criminal history records and identification files. The bureau shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been arrested for or convicted of or pled guilty or nolo contendere to any crime or crimes, the crime or crimes of which he has been arrested for or convicted or to which he has pled guilty or nolo contendere, and the date or dates on which they occurred. The report provided pursuant to the provisions of this Subsection shall include arrests, convictions, or other dispositions, including convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

(2) When a criminal history records check is requested pursuant to this Subsection, in addition to the requirements set forth in Paragraph (1) of this Subsection, the bureau shall forward the fingerprints of the individual who is the subject of the inquiry to the Federal Bureau of Investigation for a national criminal history records check and shall provide the CASA program with the national criminal history record information of the individual who is the subject of the inquiry.

Acts 1986, No. 760, §1, eff. Jan. 1, 1987; Acts 1987, No. 735, §1; Acts 1989, No. 92, §1; Acts 1989, No. 198, §1; Acts 1989, No. 701, §1; Acts 1991, No. 125, §1; Acts 1993, No. 923, §1; Acts 1995, No. 1171, §1; Acts 1997, No. 904, §2, eff. July 10, 1997; Acts 1997, No. 1067, §1; Acts 1999, No. 816, §1; Acts 1999, No. 1052, §1, eff. July 1, 1999; Acts 1999, No. 1144, §1, eff. Jan. 1, 2000; Acts 2001, No. 314, §1, eff. June 6, 2001; Acts 2003, No. 896, §1, eff. July 1, 2003; Acts 2006, No. 233, §1; Acts 2006, No. 309, §1; Acts 2008, No. 649, §1; Acts 2009, No. 221, §1, eff. Jan. 1, 2010; Acts 2010, No. 355, §1; Acts 2010, No. 781, §1; Acts 2011, No. 283, §1; Acts 2012, No. 374, §1, eff. May 31, 2012; Acts 2014, No. 721, §3; Acts 2014, No. 868, §1, eff. Oct. 1, 2014; Acts 2015, No. 354, §1, eff. July 1, 2015; Acts 2016, No. 646, §3, special eff. date; Acts 2017, No. 423, §§1, 6, special eff. date; Acts 2019, No. 243, §1, eff. June 11, 2019; Acts 2020, No. 24, §1; Acts 2020, No. 154, §1, see Act; Acts 2022, No. 745, §1, see Act; Acts 2022, No. 745, §3; Acts 2023, No. 392, §2, eff. June 14, 2023.

CCRP 973

Art. 973. Effect of expunged record of arrest or conviction

A. An expunged record of arrest or conviction shall be confidential and no longer considered to be a public record and shall not be made available to any person or other entity except for the following:

(1) To a member of a law enforcement or criminal justice agency or prosecutor who shall request that information in writing, certifying that the request is for the purpose of investigating, prosecuting, or enforcing criminal law, for the purpose of any other statutorily defined law enforcement or administrative duties, or for the purposes of the requirements of sex offender registration and notification pursuant to the provisions of R.S. 15:540 et seq.

(2) On order of a court of competent jurisdiction and after a contradictory hearing for good cause shown.

(3) To the person whose record has been expunged or his counsel.

(4) To a member of a law enforcement or criminal justice agency, prosecutor, or judge, who requests that information in writing, certifying that the request is for the purpose of defending a law enforcement, criminal justice agency, or prosecutor in a civil suit for damages resulting from wrongful arrest or other civil litigation and the expunged record is necessary to provide a proper defense.

B. Upon written request therefor and on a confidential basis, the information contained in an expunged record may be released to the following entities that shall maintain the confidentiality of such record: the Office of Financial Institutions, the Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of Psychologists, the Louisiana Board of Pharmacy, the Louisiana State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Department of Insurance, the Louisiana Licensed Professional Counselors Board of Examiners, the Louisiana State Board of Chiropractic Examiners, or any person or entity requesting a record of all criminal arrests and convictions pursuant to R.S. 15:587.1, or as otherwise provided by law.

C. Except as to those persons and other entities set forth in Paragraph A of this Article, no person whose record of arrest or conviction has been expunged shall be required to disclose to any person that he was arrested or convicted of the subject offense, or that the record of the arrest or conviction has been expunged.

D. Any person who fails to maintain the confidentiality of records as required by the provisions of this Article shall be subject to contempt proceedings.

NOTE: Paragraph E eff. until appropriation of monies by the Legislature. See Acts 2023, No. 454.

E. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a law enforcement agency, criminal justice agency, or prosecutor including its use as a predicate offense, for the purposes of the Habitual Offender Law, or as otherwise authorized by law.

NOTE: Paragraph E eff. upon appropriation of monies by the Legislature. See Acts 2023, No. 454.

E. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a judge, magistrate, commissioner, law enforcement agency, criminal justice agency, or prosecutor, including its use as a predicate offense, for the purposes of the Habitual Offender Law, setting bail, sentencing, or as otherwise authorized by law.

F. Nothing in this Article shall be construed to limit or impair the authority of a law enforcement official to use an expunged record of any arrests or convictions in conducting an investigation to ascertain or confirm the qualifications of any person for any privilege or license as required or authorized by law.

G. Nothing in this Article shall be construed to limit or impair in any way the subsequent use of any expunged record of any arrests or convictions by a "news-gathering organization". For the purposes of this Title, "news-gathering organization" means all of the following:

(1) A newspaper, or news publication, printed or electronic, of current news and intelligence of varied, broad, and general public interest, having been published for a minimum of one year and that can provide documentation of membership in a statewide or national press association, as represented by an employee

thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

(2) A radio broadcast station, television broadcast station, cable television operator, or wire service as represented by an employee thereof who can provide documentation of his employment.

H. Nothing in this Article shall be construed to relieve a person who is required to register and provide notice as a child predator or sex offender of any obligations and responsibilities provided in R.S. 15:541 et seq.

Acts 2014, No. 145, §1; Acts 2018, No. 141, §1; Acts 2023, No. 454, §1, see Act.

CCRP 971

TITLE XXXIV. EXPUNGEMENT OF RECORDS

Art. 971. Legislative findings

The legislature hereby finds and declares the following:

(1) Louisiana law provides for the expungement of certain arrest and conviction records under limited circumstances. Obtaining an expungement of these records allows for the removal of a record from public access but does not result in the destruction of the record.

(2) An expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and other statutorily defined agencies.

(3) Following the passage of the Maritime Transportation Security Act of 2002, all individuals who wish to work at ports or on vessels regulated by this Act are required to obtain a Transportation Worker Identification Credential (TWIC). Obtaining a TWIC card requires a criminal history check and clearance which cannot be obtained without either a clean record or an expunged record with respect to certain offenses.

(4) The inability to obtain an expungement can prevent certain individuals from obtaining gainful employment.

(5) The need for employment must be balanced appropriately against the desire for public safety. Nothing in this Title shall be construed to limit or impair in any way the subsequent use of any expunged record of arrest or conviction in any lawful manner by law enforcement, law enforcement agencies, prosecutors, or judges, including its use as a predicate offense or for the provisions of the Habitual Offender Law.

(6) It is the intention of the legislature that this Title will provide opportunities to break the cycle of criminal recidivism, increase public safety, and assist the growing population of criminal offenders reentering the community to establish a self-sustaining life through opportunities in employment.

(7) In balancing the legitimate needs of law enforcement agencies and the desire to afford employment opportunities to all Louisiana citizens, the Louisiana Legislature enacts the provisions of this Title within the Code of Criminal Procedure.

Acts 2014, No. 145, §1.



Petition for Rulemaking

for submission to the Louisiana State Board of Elementary and Secondary Education (BESE)

For BESE Office Use Only	
Date received	12/09/2024
Received by	T. Walker
Signature	<i>[Handwritten Signature]</i>
Date formally presented to BESE	

I, Dr. Lon Barthel, a citizen of the state of Louisiana, whose signature is appended to this petition, hereby petition the Louisiana State Board of Elementary and Secondary Education (BESE), in accordance with the Louisiana Administrative Procedure Act, R.S. 49:953(C) and LAC 28:1.1309, regarding the following: (Use separate form for each bulletin)

Bulletin number: 1508
Section number(s): 107 ; 501 ; 513 ; 1501

The petition requests that BESE: (Check all that apply)

Adopt new Rule(s) Amend current Rule(s) Repeal current Rule(s), as follows:

Justification for the requested revision(s): (Summarize content and impact of proposal)

see attached

Additional pages or a separate attachment are acceptable.

Petitioner's designee: (if applicable)

The petitioner designates _____ as the representative of this petition.

Mailing Address _____

Email (optional) _____ Phone (optional) _____

Petitioner information:

Name Dr. Lon Barthel, LPC-S/A, MEd, NRE

Mailing Address 1008 Oakland Dr. Pearl River, LA 70452

Email (optional) barthel12@gmail.com Phone (optional) 5049575566

Petitioner's signature *[Handwritten Signature]* Date 12/3/24

Designee's signature (if applicable) _____ Date _____

The petition must be submitted via certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Tavares A. Walker, Executive Director
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804-9064

Justification for the requested revision(s):

Licensed professional counselors (LPCs) are able to provide school-based counseling services in schools, yet they are not hired to be members of pupil appraisal teams. I am petitioning the changes below to include LPCs and those with appraisal designation to be added to pupil appraisal teams as they are highly trained to provide multiple services that encompass the evaluation process. LPCs are able to:

- review, determine, and provide recommendations for interventions, strategies, and mental health services for students
- attain and interpret student behavior and conditions related to learning
- consult with other staff members in planning school programs to meet the special educational needs of students as indicated by tests/assessments, interviews, direct observation, and behavioral evaluation
- planning and managing a program of counseling services, including mental health counseling for students and parents
- assisting in developing positive behavioral intervention strategies
- preparing a psychosocial, social or developmental history on a student with a disability including conducting family, student, and teacher interviews and reviewing mental health/medical records
- provide individual and family counseling with the student and the family
- working in partnership with parents and others on those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school
- mobilizing school and community resources to enable the student to learn as effectively as possible in his or her educational program.

LPCs with appraisal designation are also competent to:

- administer or use test of language, educational and achievement, adaptive behavior tests, and symptom screening checklists or instruments
- interpret assessment results

I am petitioning to amend and adopt the following to **Bulletin 1508:**

- **§107** Qualified Examiners (A.1.): Amend by adding Licensed Professional Counselors to members of pupil appraisal teams
- **§501** Evaluation Coordinator (A.3.): Amend by adding Licensed Professional Counselors as evaluation coordinators
- **§513** Evaluation Components (A.8; A.10; A.11): Amend by adding Licensed Professional Counselors as personnel able to perform family interviews, functional behavior assessments, and Licensed Professional Counselors with board approved Appraisal designation allowed to conduct assessments
- **§1501** Overview (A) related services to include school counselor services in schools
- **Chapter 15. Related Services.** Adopt a new section for Licensed Professional Counselor Services


Licensed Professional Counselors can be certified through the state department of education under Provisional or Qualified Mental Health Providers and provide services as it aligns with the Louisiana Board of Professional Counselors Title 46 Professional and Occupational Standards Part LX: Professional Counselors ([Top line of doc \(lpcboard.org\)](#)), which states that licensed professional counselors have professional training as prescribed by R.S. 37:1107(A)(8), and *American Counseling Association (ACA) Code of Ethics* (R.S. 37:1105(D))/behavior involving the application of principles, methods, or procedures of the mental health counseling profession which includes but is not limited to:

- a. Mental Health Counseling/Psychotherapy— assisting an individual or group through psychotherapy by rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy of mental, emotional, behavioral, and addiction disorders. This professional relationship empowers diverse individuals, families, and groups to accomplish mental health, wellness, education, and career goals.
- b. Consulting—interpreting or reporting scientific fact or theory to provide assistance in solving current or potential problems of individuals, groups, or organizations. Section 505 defines ongoing consultation and collaboration for assessment, diagnosis, and treatment of serious mental illnesses.
- c. Referral Activities—the evaluation of data to identify problems and to determine the advisability of referral to other specialists.
- e. Appraisal—
 - i. use or administration of tests of language, educational and achievement tests, adaptive behavioral tests, and symptoms screening checklists or instruments, as well as tests of abilities, interests, and aptitudes, for the purpose of diagnosing those conditions allowed within the scope of these statutes, defining counseling goals, planning and implementing interventions, and documenting clients progress as related to mental health counseling. Appraisal includes but is not necessarily limited to the following areas.
 - (a). Abilities—those normative-based individual and group administered instruments used to measure general mental ability vis-a-vis specific abilities.
 - (b). Interests—those normative-based individual and group administered instruments used to suggest educational and vocational adjustment, interpersonal relations, intrapersonal tendencies and interests, satisfaction from avocational pursuits, and other major phases of human development.
 - (c). Aptitudes—those normative-based individual and group administered instruments used to measure special ability related to a future task(s).
 - ii. Qualified licensed professional counselors as well as other appropriately licensed or certified professionals may also administer or use test of language, educational and achievement, adaptive behavior tests, and symptom screening checklists or instruments. The administration and interpretation of these tests are not exclusively within the scope of this regulation.

iii. Appraisals done within the practice of mental health counseling must be performed in accordance with the requirements of the Louisiana Administrative Code, Title 46, Part LX, Chapter 21, Code of Conduct for Licensed Professional Counselors and Provisional Licensed Professional Counselors. A licensed professional counselor must be privileged by this board to utilize formal appraisal instruments and shall limit such use to those areas heretofore mentioned in this Chapter. A licensed professional counselor who wishes to be board privileged to utilize formal appraisal instruments in the appraisal of individuals shall additionally furnish this board satisfactory evidence of formal graduate training in statistics, sampling theory, test construction, test and measurements and individual differences and must renew this privileging designation every two years (as defined in Chapter 7). Formal training shall include a practicum and supervised practice with appraisal instruments.

Thank you for your time and review of my petition. I look forward to hearing from you.

Sincerely,


Dr. Lon Barthel, LPC-S/A, NCC, NCSC

1008 Oakland Drive, Pearl River, LA 70452

Lbarthel12@gmail.com

504.957.5566 Cell



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

December 17, 2024

Paul Hollis
1st BESE District

Sharon Clark
2nd BESE District

Sandy Holloway
3rd BESE District

Stacey Melerine
4th BESE District

Lance Harris
5th BESE District

Ronnie Morris
6th BESE District

Kevin Berken
7th BESE District

Preston Castille
8th BESE District

Conrad Appel
Member-at-Large

Judy Armstrong
Member-at-Large

Simone Champagne
Member-at-Large

Dr. Lori Barthel
1008 Oakland Drive
Pearl River, Louisiana 70452

RE: Petition for Rulemaking

Dear Dr. Barthel:

The Louisiana State Board of Elementary and Secondary Education (BESE) office is in receipt of your Petition for Rulemaking request to amend Bulletin 1508 or adopt new rules which concerns pupil appraisals. We have reviewed your request; and we have considered our current BESE policy and the law.

The Individuals with Disabilities Education Act (IDEA) and Louisiana Revised Statutes 17:1941 et seq., require that a student suspected of having a qualifying exceptionality receive a comprehensive multidisciplinary evaluation conducted by qualified examiners. Qualified examiners include pupil appraisal professionals certified by the Louisiana Department of Education and qualified professionals from other agencies or in private practice. Although LPCs and LMFTs are not explicitly referred to in the list of pupil appraisal professionals, Bulletin 1508, §107.A.2. grants LEAs broad authority to employ and engage any other qualified professionals as part of the multidisciplinary team to conduct comprehensive, individualized eligibility evaluations of students suspected of having a qualifying exceptionality, including LPCs and LMFTs.

Similarly, Bulletin 1508 also does not expressly prohibit LPCs and LMFTs from providing counseling as a related service. The definition of related services includes developmental, corrective, and other supportive services that are required to assist a student with an exceptionality to receive meaningful benefit from special educational services. One of the fundamental principles of the IDEA and our Exceptionality Laws is that Individualized Education Program (IEP) Teams must review all relevant student information, including evaluations and have the authority to identify and attempt to provide any related services that may deliver meaningful educational benefit to the child, which may include counseling services provided by LPCs and/or LMFTs. BESE appreciates there are differing opinions on these issues, but will not pursue further revisions to Bulletin 1508, *Pupil Appraisal Handbook*, at this time.

Therefore, your request for a rulemaking is hereby denied. Should have any further questions or comments, please contact our office to discuss.

Sincerely,

Tavares A. Walker
Executive Director

Tavares A. Walker
Executive Director

Dr. Cade Brumley
State Superintendent