

**NOTICE OF INTENT**  
**BOARD OF ELEMENTARY AND SECONDARY EDUCATION**

Louisiana Educator Credentials  
(LAC 28: CXXXI.303, 1901, 1903, 1904, 1907, 1909, 1911, 1913, 1917, and 1919)  
(LAC 28: CXV.501) and (LAC 28: LXXIX.123)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) *et seq.*, the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators* and LAC 28:LXXIX in *Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. Revisions to Louisiana Revised Statute 17:8.9 and 17:15 require criminal background checks (CBC) for the purposes of certification. The proposed amendments align policy with statute to establish a timeline for implementation of the requirement and reporting requirements for educators and school systems. Further, sanctions and actions applied to educator credentials are updated. Finally, new Praxis exams are being adopted to replace existing exams.

**Title 28**

**EDUCATION**

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

**Chapter 3. Initial Teacher Certification**

**Subchapter B. Testing Required for Certification**

**§303. Certification Exams and Scores**

A. – I.1.d.i.

- ii. Family and Consumer Sciences (5122), effective 6/8/14 - 8/31/25, score 153; or-
- iii. Family and Consumer Sciences (5123), effective 9/1/24, score 151.

e. – f.

g. Technology Education.

- i. Technology Education (0051 or 5051), effective 1/1/12 – 8/31/25, score 159; or
- ii. Technology and Engineering Education (5053), effective 9/1/24, score 157.

2. – P.2.b.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:3902, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023), amended LR 50:21 (January 2024), repromulgated LR 50:173 (February 2024), LR 50:

**Chapter 19. Actions and Sanctions to Louisiana Educator Credentials**

**§1901. Overview**

A. Educator credentials can be sanctioned for a conviction of certain criminal offenses, for the submission of fraudulent documentation, for professional license censure, for failure to meet the standards for effectiveness, or for participation in cheating. This chapter presents the circumstances that result in sanction, the criteria under which reinstatement or issuance may be obtained, and the circumstances under which a credential may be rescinded. Conditions and mandates for issuance and sanction outlined in this Chapter will be the same for all educator credentials issued by the Louisiana Department of Education.

B. The LDOE shall maintain and make available on the department website the identity of any person whose educator credential has been denied, suspended, or revoked for any of the following:

1. The person has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C), or any felony, even if adjudication was withheld or a pardon or expungement was granted.
2. The person has been found to have submitted fraudulent documentation to the board or the department as part of an application for a Louisiana credential.
3. The person has been found to have facilitated cheating on any state assessment as determined by the board.

C. The LDOE shall make available on the department website records regarding an individual's credential status, including period(s) of validity, sanctions, and actions. Status shall be determined by documents on file with LDOE that indicate criteria for certification have been met and verify no disqualifying factors as outlined in this Chapter.

D. An educator credential may be rescinded when the LDOE is notified that the credential was issued in violation of law or policy. The department shall notify the educator and may rescind the credential.

E. Annually, BESE shall make available on the board website a report detailing the number of appeals filed with the board for the prior calendar year, the offense upon which the appeal is based, the disposition of each appeal, and the number of teacher certifications or other authorizations to teach issued as the result of all successful appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022), LR 50:

**§1903. Definitions**

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*Department or LDOE*—the Louisiana Department of Education, may also be referenced as LDE.

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*Records Review*—official board procedure for consideration of an educator appeal regarding credential issuance, reinstatement, or sanction.

*Rescission*—removal of a credential, endorsement, or authorization issued in violation of law or policy. This is not considered a sanction.

*Sanction*—action or censure imposed upon educator credentials by the LDOE and/or BESE including but not limited to denial, suspension, revocation, reprimand, investigation, or monitor.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022), LR 50:

#### **§1904. Criminal History Review for Certification**

A. Effective beginning January 1, 2025, an applicant for an initial educator credential shall undergo a criminal history record check in accordance with this Section. For an applicant or recipient of an educator credential, the LDOE shall:

1. Request information from the Louisiana Bureau of Criminal Identification and Information, referred to in this Section as the “state bureau,” and the Federal Bureau of Investigation, referred to in this Section as the “federal bureau,” concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

2. Require and provide the procedure for the submission of a person’s fingerprints to the state bureau, and from the state bureau to the federal bureau, in a form acceptable to the state bureau.

3. Review rap backs in accordance with R.S. 15:587.1 and this Section for any person with an educator credential when the person applies to have a credential renewed, advanced, or otherwise modified.

B. An applicant for an educator credential shall submit required forms to obtain a state and federal criminal history check.

C. Beginning January 1, 2025, an application for certification renewal, advancement, or modification shall require state and federal criminal history checks for individuals for whom LDOE records do not include a state and federal criminal history check for certification purposes within the past five years.

D. The LDOE may require state and federal criminal history checks as otherwise requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:8.7, R.S. 17:8.9, R.S. 17:15, R.S. 15:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

#### **§1907. Reporting Requirements**

A. An LEA must notify the LDOE upon the termination, resignation, or resignation in lieu of termination of an employee who holds a Louisiana educator credential within 10 days of separation of service when the action results from:

1. conviction or plea of nolo contendere for an offense outlined in R.S. 15:587.1 or for any felony whatsoever;

2. – 4. Repealed.

5. – E. ...

F. Upon final conviction or plea of nolo contendere to any felony offense or any offense listed in R.S. 15:587.1(C), an individual who has an educator credential issued by the board or department shall report the fact of the conviction or plea to the LDOE within two business days, exclusive of weekends and holidays.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1751 (July 2022), LR 50:

#### **§1909. Criminal History Reporting**

A. ...

B. Court dispositions that are set aside pursuant to Articles 893 or 894 of the *Louisiana Code of Criminal Procedure*, expunged, or first offenders pardon, will be treated as convictions for the purpose of sanction.

C. ...

D. Sanction regarding a credential issued by the LDOE shall apply for the following:

1. – 2. ...

E. Misdemeanor and felony criminal convictions, or plea of nolo contendere, for an offense listed in R.S. 15:587.1 shall be referenced as prohibited convictions for which denial, suspension, and/or revocation is mandated and issuance or reinstatement shall never be considered.

F. With the exception of convictions listed in R.S. 15:587.1, records review eligibility may be considered under the following conditions:

1. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:15, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1752 (July 2022), LR 50:31 (January 2024), LR 50:

#### **§1911. Submission of Fraudulent Documents**

A. A Louisiana teaching credential will be denied or if currently issued will be suspended if an educator presents fraudulent documentation as part of an application for a credential to BESE or the LDOE.

B. The department will verify prior to determining that an educator has submitted fraudulent documentation as part of an application for a credential. Upon confirmation of the information, the LDOE will deny or suspend the credential pending official board action per sanction proceedings.

C. – D. ...

1. five years have passed since the date of the relevant sanction;

2. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6), R.S. 17:6, R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:.

### §1913. Professional License Censure

A. ...

B. An application for a Louisiana educator credential may be denied if the educator is found to have had a professional credential related to the area of issuance censured by the issuing agency.

C. – E. ...

1. completion of the terms and conditions of censure;
2. attainment of the eligibility for or reinstatement of censured licensure; and
3. compliance with criminal background check provisions where censure was due to potential criminal actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:.

### §1917. Test Irregularities and Test Security Violations

A. – B. ...

1. After an investigation has been completed by the school system, department staff will attempt to contact and inform the educator that the LDOE has information regarding participation in cheating and is proceeding under this Section to sanction the credential.

2. – 5. ...

6. Individuals who have been found to have participated in cheating in the administration of standardized tests, will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDOE. Such individuals will be notified in accordance with this Section.

7. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:.

### §1919. Records Review for Appeal of Sanction

A. – I. ...

1. In criminal cases, the felony conviction occurred more than 10 years prior with no additional convictions or repeat offenses, and the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

2. ...

J. An educator meeting criteria for provisional approval will be issued a Louisiana educator credential, appropriate to the qualifications of the educator, and valid for a period of 90 days. The provisional approval is subject to ratification by the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, sanctions may be enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1754 (July 2022), LR 50:.

## TITLE 28

### EDUCATION

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

##### Chapter 5. Personnel

### §501. Criminal Background Checks

A. – A.3 ...

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1(C) shall be hired by a public elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent employee of any kind, including any person employed to provide cafeteria, transportation, or janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services.

1. – 2. Repealed.

C. ...

D. – D.2. ...

Repealed.

E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:431 (March 2007), LR 34:607 (April 2008), repromulgated LR 35:443 (March 2009), amended LR 35:1473 (August 2009), LR 39:2200 (August 2013), LR 44:2132 (December 2018).

## TITLE 28

### EDUCATION

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

##### Chapter 1. Operation and Administration

### §123. Personnel

A. – A.3. ...

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1(C) shall be hired by any elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent school employee of any kind.

1. – 2. Repealed.

C. – D.1. ...

E. – E.2. Repealed.

F. – F.1. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3074 (December 2005), LR 39:1439 (June 2013), LR 44:2132 (December 2018), LR 50:

### COMPARISON DOCUMENT

#### Title 28

#### EDUCATION

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

#### Chapter 3. Initial Teacher Certification

#### Subchapter B. Testing Required for Certification

#### §303. Certification Exams and Scores

A. – I.1.d.i. ...

ii. Family and Consumer Sciences (5122), effective 6/8/14 - 8/31/25, score 153; or

iii. Family and Consumer Sciences (5123), effective 9/1/24, score 151.

e. – f. ...

g. Technology Education. Technology Education (0051 or 5051), effective 1/1/12, score 159.

i. Technology Education (0051 or 5051), effective 1/1/12 – 8/31/25, score 159; or

ii. Technology and Engineering Education (5053), effective 9/1/24, score 157.

2. – P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:3902, and R.S. 17:8.1-8.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:01375 (October 2020), amended LR 48:416 (March 2022), repromulgated LR 48:1018 (April 2022), LR 48:2099 (August 2022), LR 48:2554 (October 2022), LR 48:2730 (November 2022), LR 49:36 (January 2023), repromulgated LR 49:2096 (December 2023), amended LR 50:21 (January 2024), repromulgated LR 50:173 (February 2024), LR 50:

#### Chapter 19. ~~Actions and Sanctions to Louisiana Educator Credentials Related to the Suspension/Denial and Revocation of Louisiana Certificates~~

#### §1901. Overview

A. Educator credentials can be sanctioned for a conviction of certain criminal offenses, for the submission of fraudulent documentation, for professional license censure, for failure to meet the standards for effectiveness, or for participation in cheating. This chapter presents the circumstances that result in sanction, plus the criteria under which reinstatement or issuance may be obtained, and the circumstances under which a credential may be rescinded. Conditions and mandates for issuance and sanction outlined in this Chapter will be the same for all educator credentials issued by the Louisiana Department of Education.

B. The LDOE shall maintain and make available on the department website the identity of any person whose educator credential has been denied, suspended, or revoked for any of the following:

1. The person has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C), or any felony, even if adjudication was withheld or a pardon or expungement was granted.

2. The person has been found to have submitted fraudulent documentation to the board or the department as part of an application for a Louisiana credential.

3. The person has been found to have facilitated cheating on any state assessment as determined by the board.

C. The LDOE shall make available on the department website records regarding an individual’s credential status, including period(s) of validity, sanctions, and actions. Status shall be determined by documents on file with LDOE that indicate criteria for certification have been met and verify no disqualifying factors as outlined in this Chapter.

D. An educator credential may be rescinded when the LDOE is notified that the credential was issued in violation of law or policy. The department shall notify the educator and may rescind the credential.

E. Annually, BESE shall make available on the board website a report detailing the number of appeals filed with the board for the prior calendar year, the offense upon which the appeal is based, the disposition of each appeal, and the number of teacher certifications or other authorizations to teach issued as the result of all successful appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022), LR 50:

#### §1903. Definitions

\*\*\*

Department or LDOE—the Louisiana Department of Education, may also be referenced as LDE.

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Records Review—official board procedure for consideration of an educator appeal regarding credential issuance, reinstatement, or sanction.

Rescission—removal of a credential, endorsement, or authorization issued in violation of law or policy. This is not considered a sanction.

*Sanction*—action or censure imposed upon educator credentials by the LDOE and/or BESE including but not limited to denial, suspension, revocation, reprimand, investigation, or monitor.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022), LR 50:

**§1904. Criminal History Review for Certification**

A. Effective beginning January 1, 2025, an applicant for an initial educator credential shall undergo a criminal history record check in accordance with this Section. For an applicant or recipient of an educator credential, the LDOE shall:

1. Request information from the Louisiana Bureau of Criminal Identification and Information, referred to in this Section as the “state bureau,” and the Federal Bureau of Investigation, referred to in this Section as the “federal bureau,” concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

2. Require and provide the procedure for the submission of a person’s fingerprints to the state bureau, and from the state bureau to the federal bureau, in a form acceptable to the state bureau.

3. Review rap backs in accordance with R.S. 15:587.1 and this Section for any person with an educator credential when the person applies to have a credential renewed, advanced, or otherwise modified.

B. An applicant for an educator credential shall submit required forms to obtain a state and federal criminal history check.

C. Beginning January 1, 2025, an application for certification renewal, advancement, or modification shall require state and federal criminal history checks for individuals for whom LDOE records do not include a state and federal criminal history check for certification purposes within the past five years.

D. The LDOE may require state and federal criminal history checks as otherwise requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:8.7, R.S. 17:8.9, R.S. 17:15, R.S. 15:587.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:

**§1907. Reporting Requirements**

A. An LEA must notify the LDOE upon the termination, resignation, or resignation in lieu of termination of an employee who holds a Louisiana educator credential within 10 days of separation of service when the action results from:

1. arrest, criminal investigation, or conviction or plea of nolo contendere for an offense outlined in R.S. 15:587.1 or for any felony whatsoever;

2. – 4. Repealed.

5. – E. ...

Prohibited Criminal Offenses	
R.S. 14:2(B)	Crimes of Violence
R.S. 14:30	First Degree Murder
R.S. 14:30.1	Second Degree Murder
R.S. 14:31	Manslaughter
R.S. 14:32.6	First Degree Feticide
R.S. 14:32.7	Second Degree Feticide
R.S. 14:32.8	Third Degree Feticide
R.S. 14:41	Rape
R.S. 14:42	1st Degree Rape
R.S. 14:42.1	2nd Degree Rape
R.S. 14:43	3rd Degree Rape
R.S. 14:43.1	Sexual battery
R.S. 14:43.1.1	Misdemeanor Sexual Battery
R.S. 14:43.2	2nd degree Sexual Battery
R.S. 14:43.3	Oral Sexual Battery
R.S. 14:43.4	Female Genital Mutilation
R.S. 14:43.5	Intentional Exposure to the AIDS Virus
R.S. 14:44	Aggravated Kidnapping
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	Rehoming of a Child
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment
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. 14:81.1	Pornography Involving Juveniles
R.S. 14:81.2	Molestation of a Juvenile or a Person with a Physical or Mental Disability
R.S. 14:81.3	Computer aided Solicitation of a Minor
R.S. 14:81.4	Prohibited Sexual Conduct between Educator and Student
R.S. 14:82	Prostitution
R.S. 14:82.1	Prostitution; Persons under 17; Additional Offenses
R.S. 14:81.1.1	Sexting
R.S. 14:82.2	Purchase of Commercial Sexual Activity
R.S. 14:83	Soliciting for Prostitutes
R.S. 14:83.1	Inciting Prostitution
R.S. 14:83.2	Promoting Prostitution
R.S. 14:83.3	Prostitution by Massage
R.S. 14:83.4	Massage; sexual Content Prohibited

Prohibited Criminal Offenses	
R.S. 14:84	Pandering
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:86	Enticing Persons into Prostitution
R.S. 14:89	Crime Against Nature
R.S. 14:89.1	Aggravated Crime against Nature
R.S. 14:89.2	Crime against Nature by Solicitation
R.S. 14:92	Contributing to the Delinquency of Juveniles
R.S. 14:93	Cruelty to Juveniles
R.S. 14:93.2.1	Child Desertion
R.S. 14:93.3	Cruelty to the Infirm
R.S. 14:93.5	Sexual Battery of Persons with Infirmities
R.S. 14:106	Obscenity
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283	Video Voyeurism
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 14:286	Sale of Minor Children
R.S. 15:541	Sex Offenses

F. Upon final conviction or plea of nolo contendere to any felony offense or any offense listed in R.S. 15:587.1(C), an individual who has an educator credential issued by the board or department shall report the fact of the conviction or plea to the LDOE within two business days, exclusive of weekends and holidays.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1751 (July 2022), LR 50:.

### §1909. Criminal History Reporting

A. ...

B. Court dispositions that are set aside pursuant to Articles 893 or 894 of the *Louisiana Code of Criminal Procedure*, expunged, or which are pardoned subject to Louisiana pardon laws, including first offenders pardon, will be treated as convictions for the purpose of sanction.

C. ...

D. Sanction regarding a Louisiana educator credential issued by the LDOE shall apply for the following:

1. – 2. ...

E. Misdemeanor and felony criminal convictions, or plea of nolo contendere, for an offense listed in R.S. 15:587.1, ~~except as noted in statute and policy,~~ shall be referenced as prohibited convictions for which denial, suspension, and/or revocation is mandated and issuance or reinstatement shall never be considered.

F. Records With the exception of convictions listed in R.S. 15:587.1, records review eligibility requirements may be considered under the following conditions:

1. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:15, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1752 (July 2022), LR 50:31 (January 2024), LR 50:.

### §1911. Submission of Fraudulent Documents

A. A Louisiana teaching credential will be denied or if currently issued will be suspended and voided if an educator presents fraudulent documentation as part of an application for a credential pertaining to the credential to BESE or the LDOE.

B. The department will verify prior to determining that an educator has submitted fraudulent documentation as part of an application for a credential pertaining to credentialing. Upon confirmation of the information, the LDOE will deny or suspend the credential pending official board action per sanction proceedings.

C. – D. ...

1. five years have passed since the date of the relevant sanction or initial submission of fraudulent documents;

2. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6), R.S. 17:6, R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:.

### §1913. Professional License Censure

A. ...

B. An initial application for a Louisiana educator credential will may be denied if the educator is found to have had a professional credential related to the area of issuance censured by the issuing agency.

C. – E. ...

1. complete completion of the terms and conditions of censure;

2. attainment of the eligibility for or reinstatement of censured licensure; and

3. empty compliance with criminal background check provisions where censure was due to potential criminal actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:.

### §1917. Test Irregularities and Test Security Violations

A. – B. ...

1. ~~After an investigation has been completed by the school system, department~~ Department staff will attempt to contact and inform the educator that the LDQE has information regarding participation in cheating and is proceeding under this Section to sanction the credential.

2. – 5. ...

6. Individuals who do not hold a Louisiana educator credential and have been found to have participated in cheating in the administration of standardized tests, will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDQE. Such individuals will be notified in accordance with this Section.

7. – F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), LR 50:

#### §1919. Records Review for Appeal of Sanction

A. – I. ...

1. In criminal cases, the felony conviction occurred more than 10 years prior with no additional convictions or repeat offenses, and the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

2. ...

J. An educator meeting criteria for provisional approval will be issued a Louisiana educator credential, appropriate to the qualifications of the educator, and valid for a period of 90 days. The provisional approval is subject to ratification by the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, additional sanctions may be enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, R.S. 17:6, R.S. 17:7(6), R.S. 17:8.7, R.S. 17:8.9, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1754 (July 2022), LR 50:

### TITLE 28

#### EDUCATION

##### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

##### Chapter 5. Personnel

#### §501. Criminal Background Checks

A. – A.3. ...

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1(C) shall be hired by a public elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent employee of any kind, including any person employed to provide cafeteria, transportation, or janitorial or maintenance services by any person or entity that contracts with a school or school system to provide such services unless approved in writing by a district judge of the parish and the district attorney or, if employed on an emergency basis, unless approved in writing by the superintendent of the school system.

1. – 2. Repealed.

C. ...

D. – D.2.

Repealed.

E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1265 (June 2005), amended LR 33:431 (March 2007), LR 34:607 (April 2008), repromulgated LR 35:443 (March 2009), amended LR 35:1473 (August 2009), LR 39:2200 (August 2013), LR 44:2132 (December 2018), LR 50:

### TITLE 28

#### EDUCATION

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

##### Chapter 1. Operation and Administration

#### §123. Personnel

A. – A.3. ...

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1(C) shall be hired by any elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as a temporary, part-time, or permanent school employee of any kind unless approved in writing by a district judge of the parish and the parish district attorney or if employed on an emergency basis, unless approved in writing by either the superintendent of the school system or school leader.

1. – 2. Repealed.

C. – D.1. ...

E. – E.2.

Repealed.

F. – F.1. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2344 (November 2003), amended LR 31:3074 (December 2005), LR 39:1439 (June 2013), LR 44:2132 (December 2018).



**BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
FAMILY IMPACT STATEMENT  
(LA R.S. 49:953 and 972)**

**Person Preparing Statement:** Ashley Townsend  
**Phone:** 225.342.3446  
**Division:** Governmental, Administrative, and Public Affairs  
Part CXXXI. Bulletin 746— Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.303, 1901, 1903, 1904, 1907, 1909, 1911, 1913, 1917, and 1919); Part CXV. Bulletin 741— Louisiana Handbook for School Administrators (LAC 28: CXV.501); and LAC 28:LXXIX in Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.123)  
**Rule Title:** (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.123)

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.

PLEASE RESPOND (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

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 local government able to perform the function as contained in the proposed Rule? Yes

Signature of Contact Person: Ashley Townsend

Date Submitted: June 18, 2024

**POVERTY IMPACT STATEMENT  
(LA R.S. 49:973)**

**Person Preparing Statement:** Ashley Townsend  
**Phone:** 225.342.3446  
**Division:** Governmental, Administrative, and Public Affairs  
Part CXXXI. Bulletin 746— Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.303, 1901, 1903, 1904, 1907, 1909, 1911, 1913, 1917, and 1919); Part CXV. Bulletin 741— Louisiana Handbook for School Administrators (LAC 28: CXV.501); and LAC 28:LXXIX in Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.123)  
**Rule Title:** (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.123)

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 one hundred percent of the federal poverty line.

PLEASE RESPOND (YES, NO, OR LACKS SUFFICIENT INFORMATION TO DETERMINE) TO THE FOLLOWING:

1. Will the proposed Rule affect the household income, assets, and financial authority? No
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No
3. Will the proposed Rule affect employment and workforce development? No
4. Will the proposed Rule affect taxes and tax credits? No
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No

Signature of Contact Person: Ashley Townsend

Date Submitted: June 18, 2024



### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

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

### **Public Comments**

Interested persons may submit written comments via the U.S. Mail until noon, August 10, 2024, to Kimberly Tripeaux, Interim Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to 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.


**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

<b>Person Preparing Statement:</b>	Ashley Townsend	<b>Department:</b>	Louisiana Department of Education, Board of Elementary and Secondary Education
<b>Phone:</b>	225.342.3446	<b>Office:</b>	Governmental, Administrative, and Public Affairs Part CXXXI. <i>Bulletin 746— Louisiana Standards for State Certification of School Personnel</i> (LAC 28:CXXXI.303, 1901, 1903, 1904, 1907, 1909, 1911, 1913, 1917, and 1919); Part CXV. <i>Bulletin 741— Louisiana Handbook for School Administrators</i> (LAC 28: CXV.501); and LAC 28:LXXIX in <i>Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators</i> (LAC 28:LXXIX.123)
<b>Return Address:</b>	P.O. Box 94064 Baton Rouge, LA 70804	<b>Rule Title:</b>	28:LXXIX.123
		<b>Date Rule Takes Effect:</b>	Upon final adoption by BESE

**SUMMARY**  
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There may be implementation costs or savings to state or local governmental units due to the proposed rule change. The proposed rule change updates LAC 28:CXXXI in *Bulletin 746 –Louisiana Standards for State Certification of School Personnel*, LAC 28: CXV in *Bulletin 741—Louisiana Handbook for School Administrators*, and LAC 28:LXXIX in *Bulletin 741(Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. The changes will require applicants for certification to pay a fee of approximately \$85, to cover the costs of criminal background checks (CBC) with the Louisiana State Police and Federal Bureau of Investigations, as well as the Louisiana Department of Education (LDOE) credentialing fee in order to determine eligibility for the issuance of educator credentials. Some local education agencies (LEA) cover these costs for prospective employees, but this practice varies by LEA. Further, employers are no longer required to obtain CBCs for teachers, but are still authorized to obtain CBCs, which may reduce costs for the applicant or school system.
  
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is an anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change. The Louisiana State Police will receive processing and vendor fees for all CBCs requested by the department. Additionally, as a part of the total fee, LDOE will receive a processing fee of \$25 for reviewing and determining eligibility for certification. The fees collected will be used to cover operating expenses of the Credentialing Section of the LDOE Division of Educator Talent and Workforce Development.
  
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)  
There are anticipated costs to directly affected persons, small business, or nongovernmental groups as a result of the proposed rule change. Both first-time applicants for educator credentials and any applicant for credential renewal or update may be subject to fees for CBCs.
  
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There may be an impact on competition and employment as a result of the proposed rule change. If an educator cannot become certified due to a criminal history issue, it could impact their ability to be hired in the field of education. Additionally, if criminal history issues cause a change in the personnel availability to school systems, it could impact the competition between employing school systems for the educators available.



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Signature of Head or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

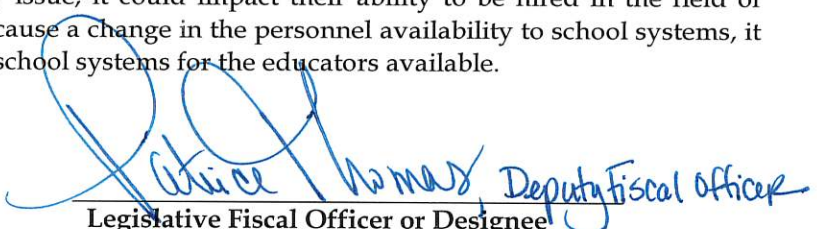
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Typed Name & Title of Agency Head or Designee

7.10.24

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Date of Signature



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Legislative Fiscal Officer or Designee

7/10/2024

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Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change aligns policy with statute, establishes a timeline for implementation of the CBC requirement, and creates criminal conviction reporting requirements for educators and school systems. Further, sanctions and actions applied to educator credentials are updated. The rule change also adopts new Praxis exams to replace previous exams that are being phased out.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The proposed rule change is in response to Act 745 of the 2022 Regular Legislative Session and Act 392 of the 2023 Regular Legislative Session. The acts mandate a criminal background check review prior to issuance, renewal, or update of any Louisiana educator credential.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule change will result in an increase in the expenditure of funds. Additional personnel have been hired to process the additional requirements. Technology systems have also been acquired for securely requesting, receiving, and storing CBC documentation. Until the implementation date, there was no proposed funding for the initial hiring and training for new personnel, or the creation of a new system to request, receive, and review the CBCs. In response to the above legislation, the LDOE made a SGF request through the executive budget. The request was granted and funds the additional staff required to process the additional requirements. The total estimated cost over a 5-year period, including salary and benefits for five additional staff members and technology expenses, is approximately \$2.5 million; however, the law allows for the collection of a processing fee that is anticipated to cover the expenses of staff and software after initial first-year costs.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a)  YES. If yes, attach documentation.

(b)  NO. If no, provide justification as to why this rule change should be published at this time

Beginning in FY 23, the state operating budget includes an appropriation for this purpose.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET**

**I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

<b>COSTS</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>
PERSONAL SERVICES	\$492,993	\$492,993	\$492,993
OPERATING EXPENSES	\$6,290	\$6,290	\$6,290
PROFESSIONAL SERVICES	\$173,000	\$173,000	\$173,000
OTHER CHARGES	\$0	\$0	\$0
EQUIPMENT	\$28,790	\$28,790	\$28,790
MAJOR REPAIR & CONSTR.	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$701,073</b>	<b>\$701,073</b>	<b>\$701,073</b>
<b>POSITIONS (#)</b>	<b>5</b>	<b>5</b>	<b>5</b>

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This revision will result in an increase in state expenditures. The Louisiana Department of Education (LDOE) reports an additional one (1) Education Program Consultant 2 position, estimated to cost \$97,584 (\$67,299 annual salary and \$30,285 related benefits), would be necessary to comply with the provisions, in addition to the (4) Education Program Consultant 2 positions funded in the existing budget (initially appropriated in FY 23). LDOE anticipates there will be additional costs to purchase software licenses, equipment, and the professional services for continued operations of a software system to request, receive, and review CBCs. LDOE notes that many costs associated with initial development of such a system are related to Act 745 of the 2022 Regular Session, and funding for these requirements was included in the FY 23 budget. LDOE reports the requirements of proposed policy will increase the number of educator certification applications, and associated CBCs received and processed by the department. LDOE is authorized to collect a \$25 fee for each new CBC and a \$50 fee for educator certification applications. Increases in fee collections are expected to offset the increase in costs to the department due to proposed rule change.

3. Sources of funding for implementing the proposed rule or rule change.

Beginning in FY 25, LDOE anticipates SGR from certification fees will increase, potentially offsetting the increase in SGF expenditures resulting from the proposed rule change. The table below does not reflect a reduction in SGF, as total impacts are indeterminable. In the event SGR increases more than anticipated, a reduction in SGF appropriations may be possible in future fiscal years.

<b>SOURCE</b>	<b>FY 25</b>	<b>FY 26</b>	<b>FY 27</b>
STATE GENERAL FUND	\$559,752	\$559,752	\$559,752
AGENCY SELF-GENERATED	\$258,350	\$258,350	\$258,350
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
OTHER (Specify)	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$818,102</b>	<b>\$818,102</b>	<b>\$818,102</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes

**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are minimal anticipated impacts to local governmental units as a result of the proposed rule change. Additional workload and paperwork associated with the request of a criminal background check prior to obtaining certification will fall upon the individual applicant and LDOE. If school systems choose to rely on the LDOE for the clearance of a criminal background check and chooses to not complete criminal background checks on certified employees, there actually may be a reduction in workload and paperwork resulting from this proposed rule. Further, some LEAs cover the cost of CBCs for potential employees.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Local government operating costs may be reduced as a result of this proposed policy.

**II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 25	FY 26	FY 27
STATE GENERAL FUND	\$0	\$0	\$0
AGENCY SELF-GENERATED	\$547,702	\$547,702	\$547,702
DEDICATED	\$0	\$0	\$0
FEDERAL FUNDS	\$0	\$0	\$0
LOCAL FUNDS	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$547,702</b>	<b>\$547,702</b>	<b>\$547,702</b>

\*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There is an anticipated increase in the revenue collections of state governmental units as a result of the proposed rule change. The LDOE and OSP will see an increase in SGR. Act 745 of the 2022 Regular Session allows LDOE to charge a fee of \$25 to process CBCs. Present law allows for a 5% annual increase in the amount of the processing fee; however, whether LDOE will increase this fee annually is indeterminable. CBCs will not be required to be processed until the third quarter of FY 25; therefore, in FY 25 revenue is estimated to equal \$258,350 (10,334 x \$25), to account for a half-year of CBC fee collections, with an expected heavier collection due to the start of the implementation of the rule. The number of CBCs being requested is expected to decrease over time due to the rapback legislation associated with Act 745 and Act 392; thus resulting in approximately the same number of CBCs requested in the second year as during the half of year (FY 25) associated with initial implementation. In FY 26 and beyond, it is currently expected that CBC requests and revenue will remain the same as FY 25.

In addition to the above the Office of State Police (OSP) charges \$26 for state background checks and \$13.25 for federal background checks. OSP retains \$2 of the \$13.25 fee charged for the federal background checks and remits the remainder to the Federal Bureau of Investigation. The expected increase in CBCs requested will result in additional fees collected by OSP. Based on the estimate associated with additional certification applications, OSP could expect an additional \$289,352 (\$28 x 10,334) beginning in FY 25. The table reflects the combined revenues expected to be generated for both LDOE and OSP as a result of the proposed rule change.

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS**

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule change will result in an additional one-time cost to directly affected persons, individual educators. The expected additional one-time cost is approximately \$85 for the criminal history check requirement.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Businesses contracted to complete the fingerprint collection used for the background check can expect an increase in revenue. Due to the unknown nature of the specific fees and volume of criminal history requests that may be associated with a specific vendor or business conducting the fingerprint collection, the expected increase in revenue is indeterminable.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There may be an impact on competition and employment as a result of the proposed rule change. If an educator cannot become certified due to a criminal history issue, it could impact their ability to be hired in the field of education. Additionally, if criminal history issues cause a change in the personnel availability to school systems, it could impact the competition between employing school systems for the educators available.

