

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

#### Part CLXXII

Bulletin 745—Louisiana Teaching Authorizations of School Personnel  
(LAC 28:CLXXII.101, 103, 104, 105, 107, 109, and 111).

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 repeal LAC 28: CLXXII. *Bulletin 745 – Louisiana Teaching Authorizations of School Personnel*. The proposed repeal removes repetitive language and re-establishes the Teaching Authorization requirement as a section in LAC 28: CXXXI. *Bulletin 746 – Louisiana Standards for State Certification of School Personnel*.

#### **Title 28**

#### **EDUCATION**

#### **Part CLXXII.**

#### **Bulletin 745—Louisiana Teaching Authorizations of School Personnel**

#### **§101. Introduction**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), repealed LR 48:

#### **§103. Teaching Authorizations**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), amended LR 45:900 (July 2019), repealed LR 48:

#### **§104. Issuance of a Denied Teaching Authorization**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:901 (July 2019), repealed LR 48:

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

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:39 (January 2019), Repealed LR 48:

#### **§107. Suspension and Revocation of Teaching Authorizations Due to Participation in Cheating**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:40 (January 2019), Repealed LR 48:

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

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), Repealed LR 48:

#### **§111. Reinstatement of Teaching Authorizations**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), amended LR 45:901 (July 2019), Repealed LR 48:

## COMPARISON DOCUMENT

### **Title 28**

### **EDUCATION**

### **Part CLXXH.**

### **Bulletin 745—Louisiana Teaching Authorizations of School Personnel**

#### **§101.—Introduction**

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019).

#### **§103.—Teaching Authorizations**

A. In accordance with Act 634 of the 2018 Regular Legislative Session, and effective July 1, 2018, a teaching authorization (TA) shall be required for individuals seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher.

B. A TA will be issued, sanctioned, or reinstated in accordance with policy outlined in Bulletin 746 Chapter 19, denied to anyone who has:

1. submitted fraudulent documentation to the board or the state Department of Education;
2. facilitated cheating on any state assessment administered to students; and
3. been convicted of or pled nolo contendere, even if adjudication was withheld, to:
  - a. any felony offense;
  - b. a crime of violence outlined in R.S. 14:2(B);
  - c. a sex offense outlined in R.S. 15:541; or
  - d. any crime outlined in R.S. 15:587.1.

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

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

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

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

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

G. Crimes are reported under R.S. 15:587.1, and include convictions for attempt, or conspiracy to commit any of these offenses. Conviction or plea of nolo contendere, even if adjudication was withheld, will be considered for the purpose of issuance. In addition, expungement, first offender pardon, and pre-trial diversion are disclosed in criminal background checks conducted in accordance with R.S. 17:15. Crimes considered for issuance of teaching authorizations are outlined in LAC 28:CXXXI.904.A.1-3, Bulletin 746—Louisiana Standards for State Certification of School Personnel.

H. Offenses 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 Subsection A of this Section, and provisions listed under the federal criminal code having analogous elements of criminal and moral turpitude will be considered for the purpose of teaching authorization eligibility. (Federal criminal code provisions are in title 18 of U.S.C.A., Crimes and Criminal Procedure.)

I. Convictions 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 first offender pardon laws nonetheless, will be treated as convictions for the purpose of denial, suspension, or revocation.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), amended LR 45:900 (July 2019).

#### **§104.—Issuance of a Denied Teaching Authorization**

A. Issuance will never be considered for individuals who have been convicted of a crime as outlined in LAC 28:CXXXI.904.A.3, Bulletin 746—Louisiana Standards for State Certification of School Personnel.

B. Issuance of a denied TA will not be considered until at least five years have elapsed from the date of entry of final conviction, offense, or censure.

C. A request for an appeal of a denied TA will be submitted by the employing school governing authority.

D. An LEA may apply to BESE for issuance of a TA after the lapse of time indicated and under the following conditions:

1. there have been no further convictions, submission of fraudulent documentation, participation in cheating, or professional license/certificate censure; and

~~2. in criminal cases, there has been successful completion of all conditions/requirements of any parole and/or probation. The applicant must provide relevant documentation. The applicant must provide a current state and FBI criminal history background check from the state police that is clean and clear and evidence that there has been successful completion and relevant documentation of all conditions/requirements of any parole or probation.~~

~~E. Documentation to be submitted with an appeal request will include:~~

- ~~1. court records of the conviction;~~
- ~~2. verification of satisfactory completion of sentence;~~
- ~~3. state and federal criminal background check (CBC);~~
- ~~4. letters of recommendation; and~~
- ~~5. signed assurance by school governing authority.~~

~~F. Board of Elementary and Secondary Education Responsibilities~~

~~1. The board will consider the request for issuance and documentation provided. The board is not required to conduct a records review for any crimes outlined in LAC 28:CXXXI.904.A.3, and may summarily deny a request for issuance of a TA.~~

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

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

~~4. In accordance with R.S. 42:17(A)(1), the board may meet in executive session for discussion of the character, professional competence, or physical or mental health of a person.~~

~~5. The board may deny a request for a records review for any applicant who:~~

- ~~a. failed to disclose prior criminal convictions or expungements;~~
- ~~b. falsified academic records;~~
- ~~c. has been found to have participated in cheating in the administration of standardized tests;~~
- ~~d. received further criminal convictions or participated in cheating; or~~
- ~~e. has had professional license/certificate censure.~~

~~6. The committee of the board will make a recommendation to the full board regarding whether the teaching authorization should be issued to the applicant. Board staff will notify the applicant of the action of the board.~~

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

~~G. A teaching authorization may be issued provisionally for a period of 90 days and pending ratification by BESE via a records review process and contingent upon the following:~~

- ~~1. the felony conviction occurred more than 10 years prior;~~
- ~~2. there are no additional convictions or repeat offenses; and~~
- ~~3. the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.~~

~~H. Candidates meeting criteria for provisional issuance will be issued a TA valid for 90 days from the date of issuance. The provisional issuance is subject to ratification of the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, the TA will be suspended and revoked.~~

~~I. Convictions for crimes of violence or crimes outlined in R.S. 15:587.1 must be considered on appeal directly to BESE and are not eligible for provisional issuance and board ratification.~~

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

~~HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:901 (July 2019).~~

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

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

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

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

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

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

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

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

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

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

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

~~HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:39 (January 2019).~~

#### **~~§107. Suspension and Revocation of Teaching Authorizations Due to Participation in Cheating~~**

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

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

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

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

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

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

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

~~6. If the department subsequently determines that the teacher or administrator did not participate in cheating, such action shall be communicated to the department and/or the board through documentation provided by the department. The board may receive such information and may order reinstatement of the teaching authorization.~~

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

~~HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2135 (December 2018), repromulgated LR 45:40 (January 2019).~~

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

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

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

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

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

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

~~HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019).~~

## **§111.—Reinstatement of Teaching Authorizations**

~~A.—Reinstatement will never be considered for an educator who has been convicted of a crime as outlined in LAC 28:CXXXI.904.A.3, Bulletin 746—Louisiana Standards for State Certification of School Personnel.~~

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

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

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

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

~~a.—relevant documentation; and~~

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

### ~~D.—Applicant Responsibilities~~

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

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

### ~~E.—State Board Responsibilities~~

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

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

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

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

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

~~a.—failed to disclose prior criminal convictions or expungements;~~

~~b.—falsified academic records;~~

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

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

~~e.—has had additional professional license/certificate censure.~~

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

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

~~F.—A teaching authorization may be reinstated provisionally for a period of 90 days and pending ratification by BESE via a records review process and contingent upon the following:~~

~~1.—the felony conviction occurred more than 10 years prior;~~

~~2.—there are no additional convictions or repeat offenses; and~~

~~3.—the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.~~

~~G.—Candidates meeting criteria for provisional issuance will be issued a TA valid for 90 days from the date of issuance. The provisional issuance is subject to ratification of the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, the TA will be suspended and revoked.~~

~~H.—Convictions for crimes of violence or crimes outlined in R.S. 15:587.1 must be considered on appeal directly to BESE and are not eligible for provisional issuance and board ratification.~~

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

~~HISTORICAL NOTE:—Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), amended LR 45:901 (July 2019).~~

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Person Preparing Statement: Ashley Townsend Dept.: LA Department of Education Board of Elementary & Secondary Education
Phone: (225) 342-2503 Office: Policy
Return Address: P. O. Box 94064 Baton Rouge, LA Rule Title: Part XI, Subpart 1, Bulletin 111 - Part CLXXII, Bulletin 745 - Louisiana Teaching Authorizations of School Personnel (Part CLXXII, 101, 103, 104, 105, 107, 109, and 111).

Date Rule Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 953 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)

The proposed revisions will not impact costs or savings to state or local governmental units. The proposed repeal removes repetitive language and re-establishes the Teaching Authorization requirement as a section in LAC 28: CXXXI, Bulletin 746 - Louisiana Standards for State Certification of School Personnel.

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

DocuSigned by: Beth Scioneaux Signature of Agency Head or Designee

Evan Brantley, Artemus Dooles Legislative Fiscal Officer or Designee F.O.

Beth Scioneaux, Deputy Superintendent for Management and Finance Typed Name and Title of Agency Head or Designee

4/5/2022 Date of Signature

4/7/2022 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 repeal removes repetitive language and re-establishes the Teaching Authorization requirement as a section in LAC 28: CXXXI. Bulletin 746 – Louisiana Standards for State Certification of School Personnel.

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

The proposed revisions are designed to remove repetitive language and more appropriately place the statutorily required language regarding teaching authorizations.

- 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.

No.

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.

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?

The proposed revisions will have no effect on costs or savings to state agencies.

| COSTS                             | FY21-22 | FY22-23 | FY23-24 |
|-----------------------------------|---------|---------|---------|
| PERSONAL SERVICES                 |         |         |         |
| OPERATING EXPENSES                | -0-     | -0-     | -0-     |
| PROFESSIONAL SERVICES             |         |         |         |
| OTHER CHARGES                     |         |         |         |
| EQUIPMENT                         |         |         |         |
| <u>MAJOR REPAIR &amp; CONSTR.</u> |         |         |         |
| <u>POSITIONS (#)</u>              |         |         |         |
| <b>TOTAL</b>                      | -0-     | -0-     | -0-     |

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.

N/A

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

| SOURCE                | FY21-22 | FY22-23 | FY23-24 |
|-----------------------|---------|---------|---------|
| STATE GENERAL FUND    | -0-     | -0-     | -0-     |
| AGENCY SELF-GENERATED | -0-     | -0-     | -0-     |
| DEDICATED             |         |         |         |
| FEDERAL FUNDS         | -0-     | -0-     | -0-     |
| OTHER (Specify)       |         |         |         |
| <b>TOTAL</b>          | -0-     | -0-     | -0-     |

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

N/A.

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.

The proposed revisions will not result in costs or savings to local governmental units.

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

The proposed revisions will not impact sources of funding of local governmental units.



FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

| REVENUE INCREASE/DECREASE | FY21-22    | FY22-23    | FY23-24    |
|---------------------------|------------|------------|------------|
| STATE GENERAL FUND        | -0-        | -0-        | -0-        |
| AGENCY SELF GENERATED     |            |            |            |
| RESTRICTED FUNDS*         |            |            |            |
| FEDERAL FUNDS             |            |            |            |
| LOCAL FUNDS               |            |            |            |
| <b>TOTAL</b>              | <b>-0-</b> | <b>-0-</b> | <b>-0-</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.

N/A

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS

- A. What persons 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 revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

- 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.

N/A

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.

The proposed revisions will not have an effect on competition and employment.

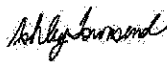
STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
FAMILY IMPACT STATEMENT  
(LA R.S. 49:953 and 972)

Person Preparing Statement: Ashley Townsend  
Phone: 225-342-2503  
Division: Policy Office  
Rule Title: Part CLXXII. Bulletin 745 – Louisiana Teaching Authorizations of School Personnel (Part CLXXII.101, 103, 104, 105, 107, 109, and 111).

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 TO THE FOLLOWING:

- 1. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?  
 No  
 Yes  
 Lacks sufficient information to determine
- 2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?  
 No  
 Yes  
 Lacks sufficient information to determine.
- 3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?  
 No  
 Yes  
 Lacks sufficient information to determine
- 4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?  
 No  
 Yes  
 Lacks sufficient information to determine
- 5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?  
 No  
 Yes  
 Lacks sufficient information to determine
- 6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?  
 No  
 Yes  
 Lacks sufficient information to determine

Signature of Contact Person:   
Date Submitted: 3/15/2022

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
POVERTY IMPACT STATEMENT  
(LA R.S. 49:973)

Person Preparing Statement: Ashley Townsend

Phone: 225-342-2503

Division: Policy Office

Rule Title: Part CLXXII, Bulletin 745 – Louisiana Teaching Authorizations of School Personnel (Part CLXXII.101, 103, 104, 105, 107, 109, and 111).

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 TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?  
 No  
 Yes  
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?  
 No  
 Yes  
 Lacks sufficient information to determine
3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?  
 No  
 Yes  
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?  
 No  
 Yes  
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?  
 No  
 Yes  
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 3/15/2022

### **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, May 10, 2022, to Shan N. Davis, 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.

Shan N. Davis  
Executive Director