

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 764 – Louisiana Standards for State Certification of School Personnel
(LAC28: CXXXI.525, 536, 1901, 1903, 1905, 1907, 1909, 1911, 1913, 1915, 1917, 1919).

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 (BESE) proposes to amend LAC 28:CXXXI in Bulletin 746 – *Louisiana Standards for State Certification of School Personnel*. The aforementioned revisions are in response to a request by the Board at the October 2019 meeting directing BESE staff to work with the Louisiana Department of Education (LDE) staff to recommend policy revisions to Bulletins allowing for certification notations and/or possible license censure options. The repeal and re-establishment of Chapters 1 through 8 and Chapters 10 through 13 of Bulletin 746 were approved by BESE at the August 2021 Board meeting and will become rule on March 20, 2022. The currently proposed revisions repeal Chapter 9 and re-establish the policy as Chapter 19 in the newly re-established Bulletin 746. BESE policy requires sanctions on an educator credential for certain criminal offenses, submission of fraudulent documentation, professional license censure, participation in cheating, and/or failure to meet the standards of effectiveness. Further, the updates clarify definitions, convictions or offenses considered, and sanctions that can be imposed upon educator credentials, and updates and aligns the three bulletins regarding actions and the issuance and sanction of Louisiana educator credentials. Additionally, language from Bulletin 745, *Louisiana Teaching Authorizations of School Personnel*, which was approved for repeal at the March 2022 BESE meeting, is re-established as a section in Bulletin 746.

Title 28

EDUCATION

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

Chapter 5. Teaching Credential, Licenses and Certifications

Subchapter B. Nonstandard Teaching Credentials

§525. Introduction

A. There are six types of nonstandard teaching credentials issued in Louisiana: temporary authority to teach (TAT); out-of-field authorization to teach (OFAT); temporary employment permit (TEP); nonpublic temporary certificate (T); resident teacher certificate (R); and teaching authorization (TA). Nonstandard credentials are of a temporary nature but may be renewed under specified guidelines.

B. A teaching authorization (TA) is a nonstandard credential that only indicates a cleared background check. It is not the equivalent of a teaching certificate and does not substantiate the enrollment in or completion of an educator preparation program.

C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE in accordance with BESE policy.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017), LR 48:

§536. 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 this Bulletin, LAC 28:CXXXI.Chapter 19.

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.

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 for which the individual is employed by the employing school governing authority that submits the initial TA request.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§901. Overview

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 32:1830 (October 2006), amended LR 38:3140 (December 2012), LR 44:264 (February 2018), LR 45:1056 (August 2019), repealed LR 48:

§903. Definitions

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 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1056 (August 2019), repealed LR 48:

§904. Criminal History Reporting [Formerly §903.B-C]

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1056 (August 2019), LR 45:1750 (December 2019), repealed LR 48:

§905. Denial of Initial or Renewal Certificates

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 32:1830 (October 2006), amended LR 44:266 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1057 (August 2019), repealed LR 48:

§906. Issuance of a Denied Certificate

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 36:1999 (September 2010), amended LR 38:763 (March 2012), LR 44:266 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), repromulgated LR 45:234 (February 2019), LR 45:1057 (August 2019), repealed LR 48:

§907. Suspension and Revocation of Certificates 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 32:1831 (October 2006), amended LR 44:266 (February 2018), LR 45:1058 (August 2019), repealed LR 48:

§908. Suspension and Revocation of Certificate/Endorsement 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 38:3140 (December 2012), amended LR 44:267 (February 2018), LR 45:1058 (August 2019), repealed LR 48:

§909. Suspension and Revocation of Certificates due to Fraudulent Documentation Pertaining to Certification

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 32:1831 (October 2006), amended LR 38:764 (March 2012), LR 44:267 (February 2018), LR 45:1059 (August 2019), repealed LR 48:

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

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2003 (November 2018), amended LR 45:1059 (August 2019), repealed LR 48:

§911. Issuance or Renewal of Certificates – Standards for Effectiveness

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1059 (August 2019), repealed LR 48:

§913. Reinstatement of Suspended or Revoked Certificates [Formerly §911]

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, 17:411, and 42:17.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 34:2560 (December 2008), LR 36:1999 (September 2010), LR 38:764 (March 2012), LR 44:268 (February 2018), LR 44:2003 (November 2018), LR 44:2133 (December 2018), LR 45:1060 (August 2019), repealed LR 48:

Chapter 19. Actions 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. 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.

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 48:

§1903. Definitions

Applicant—any person applying for a Louisiana Department of Education issued educator credential.

Board or BESE—the Board of Elementary and Secondary Education as a whole and/or any of its standing committees.

Cheating—as determined by the LDE in accordance with LAC 28:XI, Bulletin 118—*Statewide Assessment Standards and Practices*, a testing irregularity and/or test security violation committed by an educator in order to alter student or school assessment results in violation of Bulletin 118, LAC 28:XI.Chapter 53. The determination is made by the LDE in consultation with the LEA.

Credential—documentation issued by the LDE to validate educator qualifications including but not limited to certification, authorization, permit, or license.

Convicted or Conviction—any proceedings in which the accused person pleads guilty or no contest, and those proceedings that are tried and result in a judgment of guilty. Convictions also include matters that have been granted expungement and/or deferred disposition under Louisiana CCP Article 893 or 894.

Department or LDE—the Louisiana Department of Education.

Educator—a teacher, substitute teacher, or administrator of a public or nonpublic elementary or secondary school or school system.

Fraudulent Document—any paper, instrument, or other form of written or electronic text that is false, altered, or counterfeit, and that is used as a subterfuge or device to induce the issuance or reinstatement of an educator credential.

LEA—Local Education Agency.

Offense or Crime—those listed in R.S. 15.587.1(C) and any felony offense whatsoever.

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

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

Teaching Authorization (TA)—as defined in section 536 of this part, a TA is required for individuals seeking employment as an administrator, teacher, or substitute teacher in any 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 48:

§1905. Sanction of Educator Credentials

A. Denial. An application to the LDE for initial, update, or renewal of educator credentials will be rejected in accordance with the restrictions defined in this chapter.

B. Suspension. An educator credential can be inactivated for a prescribed period of time, indefinitely, or pending further action by the board. During a period of suspension, the credential may not be updated or renewed. Expired credentials will be processed relative to future eligibility.

C. Revocation. An educator credential has been voided by board consideration and motion as mandated in statute or policy.

D. Reprimand. Formal warning noted on educator credential history.

E. Monitor. For test security violations regarding cheating, an educator will not be issued a test code and may not administer state assessments for a prescribed period of time from 1 to 5 years.

F. Sanctions, including application denial, placed upon educator credentials will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE, and written notification will be forwarded to the applicant, educator, local education agency, and/or BESE, as applicable.

G. Notification. Written and/or electronic communication sent upon determination of any action or sanction applied to educator credentials.

1. Written documentation will be forwarded via postal service to the last known address on file for the educator.

2. Written and/or electronic documentation will also be forwarded to any employing agency or institution that has submitted documentation as part of the application or credentialing process.

3. An educator will have 10 days to provide proof of mistaken identity or misinformation prior to official action.

H. Denials due to failure to meet the standards for effectiveness will not be reported to NASDTEC.

§1907. Reporting Requirements

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

1. arrest, criminal investigation, or conviction for an offense outlined in R.S. 15:587.1 or for any felony whatsoever;
2. LEA investigation for professional misconduct involving inappropriate behavior and/or communication with a student;
3. non-sex related acts or crimes committed against a child;
4. sexual misconduct that did not result in a criminal investigation; or
5. investigation and report of test irregularity and test security violation regarding cheating.

B. Upon receipt of LEA notification, the department will provide written notice to the educator who will have 10 days to submit verification of mistaken identity or to refute the violation.

C. Information provided to the LDE or BESE via an unsolicited source may be verified and appropriate sanctions imposed. The educator will have 10 days to provide proof of mistaken identity or misinformation prior to official action.

D. If a conviction or information upon which a credential was sanctioned is reversed or overturned on appeal, documentation may be provided to the LDE and/or board for consideration.

E. The educator must provide the department and the board with any documentation that will refute the findings of the LDE or BESE review process or action.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1909. Criminal History Reporting

A. An existing Louisiana educator credential, even if expired, or an application for an initial educator credential shall be subject to sanction due to information contained in state and federal criminal history reporting information or other verifying documentation submitted. Criminal conviction or plea of nolo contendere, even if adjudication is withheld, will be considered for the purpose of credentials issued by the LDE and may be used to determine eligibility to hold such.

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. Offenses committed in a jurisdiction other than Louisiana which, in the judgement of the bureau charged with responsibility for responding to the request, would constitute a crime under the provisions cited this Section and provisions listed under the federal criminal code having analogous elements of criminal and moral turpitude, will be considered for purposes of educator credentials. Federal criminal code provisions are located in title 18 of the U.S.C.A., *Crimes and Criminal Procedure*.

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

1. Any felony conviction; and
2. Any misdemeanor or felony conviction for an offense listed in R.S. 15:587.1.

E. Misdemeanor and felony criminal convictions 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.

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

Prohibited Criminal Offenses	
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. 14:82.1.1	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
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. The statutory exception for misdemeanor and felony convictions provided in R.S. 15:587.1 which are not prohibited convictions and may permit consideration for educator credential eligibility are as follows:

Criminal Offenses	
R.S. 40:966(A)	Penalty for Distribution or Possession with intent to Distribute Narcotic Drugs Listed in Schedule I; Manufacture; Distribution
R.S. 40:967(A)	Prohibited Acts; Schedule II; Penalties; Manufacture; Distribution
R.S. 40:968(A)	Prohibited Acts; Schedule III; Penalties; Manufacture; Distribution
R.S. 40:969(A)	Prohibited Acts; Schedule IV; Penalties; Manufacture; Distribution
R.S. 40:970(A)	Prohibited Acts; Schedule V; Penalties; Manufacture; Distribution

G. Credential sanction is mandated; however, issuance or reinstatement may be considered, where otherwise not prohibited by law, for a person who was employed as a school administrator, teacher, or substitute teacher and whose final conviction or plea of *nolo contendere* to any misdemeanor or felony offense provided in the following table occurred on or before August 1, 2019.

Criminal Offenses	
R.S. 14:2(B)	Crimes of Violence
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment
R.S. 14:82.1.1	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
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:89.2	Crime against Nature by Solicitation
R.S. 14:93.2.1	Child Desertion
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 15:541	Sex Offenses

H. Records review eligibility requirements:

1. five years have passed from the date of entry of the final disposition or conviction;
2. a Louisiana and FBI criminal history background check from the Louisiana State Police is clean and clear and indicates no additional convictions, warrants, or pending charges; and

3. conditions and requirements of sentencing, including but not limited to probation or parole, have been successfully completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, 17:6, 17:7, and 17:15.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§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 pertaining to the credential to BESE or the LDE.

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

C. The board will make a determination based upon documentation received from the LDE and the educator regarding sanctions applicable to the educator credential.

D. Records review eligibility requirements:

1. Five years have passed since the date of sanction or initial submission of fraudulent documents;
2. The educator has met all credentialing criteria as verified by the LDE; and

3. The applicant must submit credential application and official copies of relevant supporting documentation in accordance with application procedures and regulations.

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 48:

§1913. Professional License Censure

A. Censure of a professional license includes, but is not limited to formal or documented denial, suspension, revocation, reprimand, or investigation.

B. An initial application for a Louisiana educator credential will 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. An existing credential, even if expired, for which license censure has been reported and verified will be suspended by the LDE and referred to BESE for review.

D. The LDE will verify prior to determining that an educator has had professional credential censured. Upon confirmation of the information, the department will notify the educator that the credential is pending official board action per revocation proceedings.

E. Records review eligibility requirements may include:

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

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, 48:

§1915. Standards for Effectiveness

A. A Louisiana educator credential shall be issued or renewed in accordance with LAC 28:CXLVII (Bulletin 130), R.S. 17:3886, and R.S. 17:3902 upon demonstration that the standards for effectiveness, as determined by the board, have been met for three years during the initial or renewal validity period of the credential.

B. A Louisiana educator credential will not be issued or renewed if the educator records demonstrate that the standards for effectiveness, as determined by the board, have not been met for three years during the validity period of the certificate unless evidence of effectiveness is received from the LEA, through a records review request, that justifies the issuance or reinstatement of a credential.

C. The local governing authority may submit records review request and supporting documentation, justifying the issuance or renewal of a credential, on behalf of an educator who has failed to meet the standards for effectiveness in accordance with LAC 28:CXLVII, *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*.

D. Records review documentation requirements:

1. Evaluation tool used to determine effectiveness or lack thereof;
2. LDE evaluation report for each year of the validity period of credential;
3. Intensive Assistance Plan and supporting documentation; and
4. LEA and applicant letters requesting a records review and clarifying factors for consideration.

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 48:

§1917. Test Irregularities and Test Security Violations

A. A Louisiana educator credential may be sanctioned if the educator holding the credential has been found by the LDE or other governing authority to have participated in cheating as defined in §1903. of this chapter.

B. When the LDE has determined an educator has been found to have participated in cheating, the following process will take place:

1. Department staff will attempt to contact and inform the educator that the LDE has information regarding participation in cheating and is proceeding under this section to sanction the credential.

2. The educator will be notified that the certificate may be sanctioned unless the educator can provide documentation to refute having been found to have participated in cheating. This opportunity for response is intended as a check against mistaken identity or other incorrect information.

3. The educator will have 10 days to respond to LDE communication, after which sanction of the credential will proceed, as will all other steps in accordance with this section.

4. If the department determines that an educator was found to have participated in cheating, the credential will be considered for sanction by BESE. The educator and employing school system, if applicable, will be notified that the teacher or administrator credential is pending official board action in accordance with sanction proceedings.

5. If the department subsequently determines that the educator did not participate in cheating, such action will be communicated to the board through documentation provided by the department. The board may receive such information and may order reinstatement of the certificate.

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 LDE. Such individuals will be notified in accordance with this section.

7. If the investigation concludes no findings of participating in cheating and the board has taken no formal action to sanction the educator credential, the department is authorized to cease sanction proceedings.

C. Upon determination of a test irregularity and test security violation of cheating reported by an LEA, the following documentation will be presented to BESE for consideration of educator credential sanction:

1. LEA documentation—

- a. Proof of test administration professional development/training;
- b. Signed and dated Oath of Security;
- c. District Testing Coordinator investigation report and plan submitted to LDE within 30 days of incident;
- d. Void form (if applicable); and
- e. Status of employment or disciplinary action.

2. LDE documentation—

- a. LDE investigation summary;
- b. LDE written letter to educator; and
- c. Educator response, or lack thereof, to determination of cheating.

D. Upon determination of a test security violation of cheating discovered during the scoring process, the following information will be presented to BESE for consideration of educator credential sanction;

1. LDE documentation—

- a. Scoring contractor notice to LDE and summary of findings;
- b. Summary report of review of suspected documents resulting in voided test items or scores; and
- c. Written notice to LEA superintendent, District Testing Coordinator, and educator of results;

2. LEA documentation—

- a. Proof of test administration professional development/training;
- b. Signed and dated Oath of Security; and
- c. Educator response, or lack thereof, to determination of cheating

E. Educator credential sanctions that may be imposed by BESE include:

1. Reprimand—formal warning noted on educator credential history;
2. Monitored—educator will not be issued test code and may not administer state assessments for a prescribed period of time from 1 to 5 years, but credential is otherwise valid as issued;
3. Suspension of credential for a prescribed period of time from 1 to 5 years; and
4. Revocation of credential with consideration for records review after 5 years.

F. Educators whose professional records from another state include findings of cheating may be processed and sanctioned in accordance with this section.

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 48:

§1919. Records Review for Appeal of Sanction

A. The board will consider an eligible request for a records review and documentation provided. The board is not required to conduct an issuance or reinstatement records review and may summarily deny a request.

B. If the board or designee decides to conduct a 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. In all cases, appellants are encouraged to submit letters of recommendation from past/present employers, educator and professional references, and community leaders that evidence the character, ethics, rehabilitation, and accomplishments of the educator.

C. Submission of specific documentation is required and will be determined by the prior action or violation for which the records review is requested. BESE staff will communicate timelines and documentation requirements to appellants upon request.

D. 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 issuance or reinstatement of an educator credential.

E. 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.

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

1. failed to disclose prior criminal convictions or expungements;
2. falsified academic records or application documents;
3. has been found to have participated in cheating in the administration of standardized tests;
4. received further criminal arrests or convictions; or
5. failed to meet the standards for effectiveness outlined in LAC 28:CXLVII, Bulletin 130.

G. The committee of the board will make a recommendation to the full board regarding whether the credential should be sanctioned, issued, reinstated, suspended for an additional period of time, revoked, or other action as determined in this Chapter.

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

I. Provisional Approval. Educator credential may be reinstated or issued provisionally for a period of 90 days and pending ratification by BESE via a records review process and contingent upon certain criteria.

1. In criminal cases, the felony conviction occurred more than 10 year 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. In license censure cases, the censure determination was based upon criteria that would not invalidate a Louisiana educator credential, nor does the censure involve violence, sex, children, or any crime outlined in R.S. 15.587.1.

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. 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 48:

COMPARISON DOCUMENT

Title 28

EDUCATION

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

Chapter 5. Teaching Credential, Licenses and Certifications

Subchapter B. Nonstandard Teaching Credentials

§525. Introduction

A. There are ~~five~~ six types of nonstandard teaching credentials issued in Louisiana: temporary authority to teach (TAT); out-of-field authorization to teach (OFAT); temporary employment permit (TEP); nonpublic temporary certificate (T); ~~and~~ resident teacher certificate (R); ~~and~~ teaching authorization (TA). Nonstandard credentials are of a temporary nature but may be renewed under specified guidelines.

~~B. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE in accordance with BESE policy.~~ A teaching authorization (TA) is a nonstandard credential that only indicates a cleared background check. It is not the equivalent of a teaching certificate and does not substantiate the enrollment in or completion of an educator preparation program.

~~C. Medical Excuse and Exceptions. Exceptions to policy will be considered in the case of serious medical condition or unavailability of required coursework or exams. When serious medical problems of the teacher or immediate family exist, a doctor statement is required with a letter of assurance from the teacher that the unmet policy requirements will be completed within one year of the exception being granted. The final authority for approval and policy flexibility is at the discretion of the LDE in accordance with BESE policy.~~

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1803 (October 2006), LR 43:1311 (July 2017), LR 48:

§536. 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 this Bulletin, LAC 28:CXXI.Chapter 19.~~

~~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.~~

~~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 for which the individual is employed by the employing school governing authority that submits the initial TA request.~~

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

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

~~§901.—Overview~~

~~A. Teaching certificates can be denied, suspended, or revoked for certain criminal offenses, for the submission of fraudulent documentation, for professional license censure, for failure to meet the standards for effectiveness, or for participating in cheating. This Chapter presents those circumstances plus the circumstances under which certificates may be reinstated.~~

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

~~HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 38:3140 (December 2012), LR 44:264 (February 2018), LR 45:1056 (August 2019).~~

~~§903.—Definitions~~

~~A. The following definitions apply to this Chapter.~~

~~*Applicant*—any person applying for a Louisiana teaching authorization of any kind.~~

~~*Board or BESE*—the Board of Elementary and Secondary Education as a whole and/or any of its standing committees.~~

~~*Cheating*—as determined by the LDE in accordance with LAC 28:XI, *Bulletin 118—Statewide Assessment Standards and Practices*, a testing irregularity committed by an educator in order to alter student or school assessment results or by inappropriately accessing secure test materials in violation of Bulletin 118, LAC 28:XI.Chapter 53. The determination is made by the LDE in consultation with the LEA, as specified in LAC 28:XI, *Bulletin 118*.~~

~~*Convicted or Conviction*—any proceedings in which the accused person pleads guilty or no contest, and those proceedings that are tried and result in a judgment of guilty.~~

~~*Department*—the Louisiana Department of Education.~~

~~*Educator*—a teacher or administrator of a public or nonpublic elementary or secondary school or school system.~~

~~*Fraudulent Document*—any paper, instrument, or other form of writing that is false, altered, or counterfeit and that is used as a subterfuge or device to induce the issuance of a certificate.~~

~~*Offense or Crime*—those listed in R.S. 15:587.1(C) and any felony offense whatsoever.~~

~~*Teaching Certificate or Certificate*—any license, permit, or certificate issued by the Louisiana Department of Education, Division of Teacher Certification, Preparation and Recruitment.~~

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

~~HISTORICAL NOTE:—Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1056 (August 2019).~~

§904.—Criminal History Reporting
[Formerly §903.B-C]

~~A.—Crimes listed in this Subsection 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 certification. In addition, expungements, first offender pardons, and pretrial diversions are disclosed in criminal background checks conducted in accordance with R.S. 17:15, and specifically:~~

- ~~1.—any felony conviction;~~
- ~~2.—misdemeanor and felony offenses which include, but are not limited to, offenses defined in the following table;~~

Criminal Offenses	
R.S. 40:966(A)	Penalty for Distribution or Possession with intent to Distribute Narcotic Drugs Listed in Schedule I; Manufacture; Distribution
R.S. 40:967(A)	Prohibited Acts; Schedule II; Penalties; Manufacture; Distribution
R.S. 40:968(A)	Prohibited Acts; Schedule III; Penalties; Manufacture; Distribution
R.S. 40:969(A)	Prohibited Acts; Schedule IV; Penalties; Manufacture; Distribution
R.S. 40:970(A)	Prohibited Acts; Schedule V; Penalties; Manufacture; Distribution

~~3.—misdemeanor and felony offenses which include, but are not limited to, offenses defined in the following table, for which issuance or reinstatement of a certificate will never be considered;~~

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. 14:82.1.1	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
R.S. 14:84	Pandering
R.S. 14:85	Letting Premises for Prostitution

Prohibited Criminal Offenses	
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

4. in accordance with R.S. 17:7, certification issuance or reinstatement may be considered, where not prohibited in other statute, for a person who was employed as a school administrator, teacher, or substitute teacher and whose final conviction or plea of *nolo contendere* to any misdemeanor or felony offense provided in the following table occurred on or before August 1, 2019.

Criminal Offenses	
R.S. 14:2(B)	Crimes of Violence
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment
R.S. 14:82.1.1	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
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:89.2	Crime against Nature by Solicitation
R.S. 14:93.2.1	Child Desertion
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 15:541	Sex Offenses

B. Offenses committed in a jurisdiction other than Louisiana which, in the judgement of the bureau 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 purposes of certification. (Federal criminal code provisions are located in title 18 of the U.S.C.A., *Crimes and Criminal Procedure*.)

C. 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 pardon laws nonetheless, will be treated as convictions for the purpose of denial, suspension, or revocation.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1056 (August 2019), LR 45:1750 (December 2019).

§905. Denial of Initial or Renewal Certificates

A. An application for a Louisiana teaching certificate or an application for the renewal of an expired Louisiana teaching certificate will be denied if the department determines that the individual applying for the certificate has been convicted of any offense defined in §904.A of this Chapter, has submitted fraudulent documentation, has professional license censure, has failed to meet the standards for effectiveness, or has participated in cheating. An individual may apply for a certificate if the following conditions apply:

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

2. the board has received a request for a formal appeal and has conducted a records review of relevant documentation.

B. An application for a Louisiana teaching certificate or an application for a renewal of an expired teaching certificate will be denied if the individual applying for the certificate:

1. has ever had any professional license/certificate related to the area of certification denied, suspended, revoked, or voluntarily surrendered;

2. is currently being reviewed or investigated for purposes of such action as stated in this Subsection or if such action is pending; and/or

3. has failed to meet the standards for effectiveness in accordance with LAC 28:CXLVII, Bulletin 130.

C. The applicant will be notified that the certificate has been denied. The applicant must provide copies of any documents that verify identity, refute the existence of a criminal conviction, verify the accuracy of fraudulent documentation as submitted, or verify the accuracy of the report regarding the participation in cheating, as submitted. If a conviction or information upon which the certificate has been denied is reversed, such action must be communicated to the department through documentation provided by the applicant.

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

~~HISTORICAL NOTE:—Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 44:266 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), LR 45:1057 (August 2019).~~

~~§906.— Issuance of a Denied Certificate~~

- ~~A.— Issuance will never be considered for educators convicted of crimes defined in §904.A.3 of this Chapter.~~
- ~~B.— Issuance of certificates shall not be considered until at least five years have elapsed from the date of entry of final conviction or submission of fraudulent documentation, or the date of investigation results regarding the participation in cheating or professional license/certificate censure as noted in §905.B of this Chapter, which resulted in certification denial.~~
- ~~C.— An applicant may apply to the board for the issuance or renewal of a Louisiana teaching certificate under the following conditions:~~
- ~~1.— There have been no further convictions, submission of fraudulent documentation, participation in cheating, or professional license/certificate censure.~~
 - ~~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 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.~~
 - ~~3.— The local governing authority submits an appeal that justifies issuance of a certificate for an educator who has failed to meet the standards for effectiveness.~~
- ~~D.— Applicant Responsibilities~~
- ~~1.— Contact the office of the Board of Elementary and Secondary Education and request a records review for issuance of the certificate that was denied due to:~~
 - ~~a.— the submission of fraudulent documentation;~~
 - ~~b.— conviction for a crime listed in §904.A.1 and 2 of this Chapter, R.S. 15:587.1, or for any felony;~~
 - ~~c.— participation in cheating;~~
 - ~~d.— professional license/certificate censure; or~~
 - ~~e.— failure to meet the standards for effectiveness.~~
- ~~E.— Board of Elementary and Secondary Education Responsibilities~~
- ~~1.— The board will consider the request for issuance and documentation provided, but is not required to conduct a records review for crimes defined in §904.A.3 of this Chapter and may summarily deny a request for issuance of certification.~~
 - ~~2.— When the board or its designees conduct an issuance 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 offered as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will determine if and when an applicant is eligible for issuance of a teaching certificate.~~
 - ~~4.— In accordance with R.S. 42:17(A)(1), the board may meet in executive session for discussion of the character, professional competence, or physical or mental health of a person.~~
 - ~~5.— The board may deny a request for a records review for any applicant who:~~
 - ~~a.— failed to disclose prior criminal convictions or expungements;~~
 - ~~b.— falsified academic records;~~
 - ~~c.— has been found to have participated in cheating in the administration of standardized tests;~~
 - ~~d.— received further criminal convictions or participated in cheating; or~~
 - ~~e.— has had additional professional license/certificate censure.~~
 - ~~6.— The committee of the board shall make a recommendation to the full board regarding whether the teaching certificate should be issued to the applicant. Board staff shall notify the applicant of the action of the board.~~
 - ~~7.— The action of the board is a final decision and can only be appealed to a court of proper jurisdiction in accordance with law.~~
- ~~F.— Certification 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.— conviction does not involve violence, sex, children, or any other crime outlined in R.S. 15:587.1.~~
- ~~G.— An educator meeting criteria for provisional issuance will be issued a certificate, appropriate to the credentials of the educator, and valid for a period of 90 days from the date of issuance. The provisional issuance 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, certification 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 36:1999 (September 2010), amended LR 38:763 (March 2012), LR 44:266 (February 2018), LR 44:2002 (November 2018), LR 44:2133 (December 2018), repromulgated LR 45:234 (February 2019), LR 45:1057 (August 2019).~~

~~§907.—Suspension and Revocation of Certificates for Criminal Offenses~~

~~A.—A Louisiana teaching certificate will be suspended and revoked if the individual holding the certificate has been convicted of any offense defined in §904.A of this Chapter. The information will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE, even if the Louisiana educator certification has expired. Such individuals will be notified in accordance with this Section.~~

~~B.—When the department is notified that an educator has been convicted of a specific crime, the following actions will occur:~~

~~1.—Department staff will attempt to contact the educator to inform him/her that the department has information regarding a criminal conviction and is proceeding under this Section to suspend the certificate.~~

~~2.—An educator will have 10 working 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. The requested verification may be provided through a telephone conversation or written correspondence.~~

~~3.—Suspension of the certificate will proceed, as will all other steps in the process outlined in this Section if the educator cannot be reached or if employment status cannot be determined.~~

~~4.—The certificate issued to the educator will be suspended if the department determines that there is evidence of a criminal conviction. The board, the educator, and the employing school system will be notified that the teaching certificate has been suspended pending official board action in accordance with revocation proceedings.~~

~~5.—The educator will be notified that the certificate has been suspended and that the certificate will be revoked unless the educator can provide documentation that he/she was not convicted of the crime. The educator must provide copies of any documentation that verifies identity and refutes the existence of a criminal conviction.~~

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

~~7.—Upon official action by the board, any educator whose certificate has been revoked will be notified of such action. The correspondence will include instructions for and identification of the date when the individual may apply to the board for reinstatement of the certificate.~~

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

~~HISTORICAL NOTE:—Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 44:266 (February 2018), LR 45:1058 (August 2019).~~

~~§908.—Suspension and Revocation of Certificate/Endorsement Due to Participation in Cheating~~

~~A.—A Louisiana teaching or educational leadership certificate will be suspended and revoked if the educator holding the certificate has been found by the LDE to have participated in *cheating*, as defined in §903.A of this Chapter. If the Louisiana teaching certificate is expired, and the educator has been found to have participated in cheating, this information will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified in accordance with the process outlined in this Section.~~

~~B.—When the department has determined an educator has been found to have participated in cheating, the following process will take place:~~

~~1.—Department staff will attempt to contact the educator to inform him/her that the department has information regarding participation in cheating and is proceeding under this Section to suspend the certificate.~~

~~2.—The educator will 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 educator cannot be reached, suspension of the certificate will proceed, as will all other steps in accordance with this Section.~~

~~4.—If the department determines that an educator was found to have participated in cheating, the certificate will be suspended. The board, educator, and employing school system will be notified that the teacher or administrator certificate has been suspended pending official board action in accordance with revocation proceedings.~~

~~5.—The educator will be notified that that the certificate has been suspended and will be revoked unless the educator can provide documentation that he/she was not found to have participated in cheating.~~

~~6.—If the department subsequently determines that the educator did not participate in cheating, such action will 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 certificate.~~

~~7.—Individuals who do not hold a current Louisiana teaching/educational leadership certificate 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 LDE. Such individuals will be notified in accordance with this Section.~~

~~8.—If the investigation concludes no findings of participating in cheating and the board has taken no formal action to revoke the teaching certificate, the department is authorized to release the suspension with the appropriate documentation, notifying the board of the action taken and providing supporting documentation.~~

~~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 38:3140 (December 2012), amended LR 44:267 (February 2018), LR 45:1058 (August 2019).~~

~~§909.—Suspension and Revocation of Certificates due to Fraudulent Documentation Pertaining to Certification~~

~~A.—A Louisiana teaching certificate will be suspended or revoked if an educator presents fraudulent documentation pertaining to the certificate to the state Board of Elementary and Secondary Education or the Department of Education. If the Louisiana teaching certificate is expired, and the individual has submitted fraudulent documents pertaining to certification, this information will 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 will verify prior to determining that an educator has submitted fraudulent documentation pertaining to certification. Upon confirmation of the information, the department will notify the educator that the certificate has been suspended pending official board action per revocation proceedings.~~

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

~~D.—The committee of the board will make a recommendation to the full board, based on documentation received from the department and the educator, whether the teaching certificate should be revoked. The decision of the board will 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 32:1831 (October 2006), amended LR 38:764 (March 2012), LR 44:267 (February 2018), LR 45:1059 (August 2019).~~

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

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

~~B.—The department will verify prior to determining that an educator has had a professional license/certificate censured. Upon confirmation of the information, the department will notify the educator in writing that the certificate has been suspended pending official board action per revocation proceedings.~~

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

~~C.—The committee of the board will make a recommendation to the full board, based on documentation received from the department and the educator, whether the teaching certificate should be revoked. The decision of the board will be transmitted to the local school board and to the affected educator.~~

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

~~HISTORICAL NOTE:—Promulgated by the Board of Elementary and Secondary Education, LR 44:2003 (November 2018), amended LR 45:1059 (August 2019).~~

~~§911.—Issuance or Renewal of Certificates—Standards for Effectiveness~~

~~A.—A Louisiana educator certificate shall be issued or renewed in accordance with LAC 28:CXLVII (Bulletin 130), R.S. 17:3886, and R.S. 17:3902 upon demonstration that the standard for effectiveness, as determined by the board, has been met for three years during the initial or renewal validity period of the certificate.~~

~~B.—A Louisiana educator certificate shall not be issued or renewed if the educator demonstrates that the standard for effectiveness, as determined by the board, has not been met for three years during the validity period of the certificate unless evidence of effectiveness is received from the LEA, through an appeal, that justifies the issuance of a certificate.~~

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

~~HISTORICAL NOTE:—Promulgated by the Board of Elementary and Secondary Education, LR 45:1059 (August 2019).~~

~~§913.—Reinstatement of Suspended or Revoked Certificates~~

~~{Formerly §911}~~

~~A.—Reinstatement will never be considered for an educator who has been convicted of a prohibited criminal offense as defined in §904.A.3 of this Chapter.~~

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

~~C.—An applicant may apply to the board for reinstatement of a Louisiana teaching certificate under the following conditions:~~

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

~~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 and a current state and FBI criminal history background check from the Louisiana 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.~~

~~3.—The local governing authority submits an appeal, justifying the issuance of a certificate, on behalf of an educator who has failed to meet the standards for effectiveness in accordance with LAC 28:CXLVII, *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*.~~

~~D. Applicant Responsibilities~~

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

~~2. Provide each applicable item identified in Subsection C of this Section, evidence that all requirements for certification 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. Board of Elementary and Secondary Education 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 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 as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will itself determine if and when an applicant is eligible for reinstatement of a teaching certificate.~~

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

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

- ~~a. failed to disclose prior criminal convictions or expungements;~~
- ~~b. falsified academic records;~~
- ~~c. has been found to have participated in cheating in the administration of standardized tests;~~
- ~~d. received further criminal convictions or participated in cheating; or~~
- ~~e. failed to meet the standards for effectiveness outlined in LAC 28:CXLVII, Bulletin 130.~~

~~6. The committee of the board will make a recommendation to the full board regarding whether the teaching certificate issued to the applicant should be issued, reinstated, suspended for an additional period of time, or remain revoked. Board staff will 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. Certification 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. conviction does not involve violence, sex, children, or any other crime outlined in R.S. 15:587.1.~~

~~G. An educator meeting criteria for provisional reinstatement will be issued a certificate, appropriate to the credentials of the educator, and valid for a period of 90 days from the date of reinstatement. The provisional reinstatement is subject to the ratification of the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, certification 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 reinstatement 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, 17:411, and 42:17.~~

~~HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 34:2560 (December 2008), LR 36:1999 (September 2010), LR 38:764 (March 2012), LR 44:268 (February 2018), LR 44:2003 (November 2018), LR 44:2133 (December 2018), LR 45:1060 (August 2019).~~

§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. 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.

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 48:

§1903. Definitions

Applicant—any person applying for a Louisiana Department of Education issued educator credential.

Board or BESE—the Board of Elementary and Secondary Education as a whole and/or any of its standing committees.

Cheating—as determined by the LDE in accordance with LAC 28:XI, Bulletin 118—*Statewide Assessment Standards and Practices*, a testing irregularity and/or test security violation committed by an educator in order to alter student or school assessment results in violation of Bulletin 118, LAC 28:XI.Chapter 53. The determination is made by the LDE in consultation with the LEA.

Credential—documentation issued by the LDE to validate educator qualifications including but not limited to certification, authorization, permit, or license.

Convicted or Conviction—any proceedings in which the accused person pleads guilty or no contest, and those proceedings that are tried and result in a judgment of guilty. Convictions also include matters that have been granted expungement and/or deferred disposition under Louisiana CCP Article 893 or 894.

Department or LDE—the Louisiana Department of Education.

Educator—a teacher, substitute teacher, or administrator of a public or nonpublic elementary or secondary school or school system.

Fraudulent Document—any paper, instrument, or other form of written or electronic text that is false, altered, or counterfeit, and that is used as a subterfuge or device to induce the issuance or reinstatement of an educator credential.

LEA—Local Education Agency.

Offense or Crime—those listed in R.S. 15.587.1(C) and any felony offense whatsoever.

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

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

Teaching Authorization (TA)—as defined in section 536 of this part, a TA is required for individuals seeking employment as an administrator, teacher, or substitute teacher in any 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 48:

§1905. Sanction of Educator Credentials

A. Denial. An application to the LDE for initial, update, or renewal of educator credentials will be rejected in accordance with the restrictions defined in this chapter.

B. Suspension. An educator credential can be inactivated for a prescribed period of time, indefinitely, or pending further action by the board. During a period of suspension, the credential may not be updated or renewed. Expired credentials will be processed relative to future eligibility.

C. Revocation. An educator credential has been voided by board consideration and motion as mandated in statute or policy.

D. Reprimand. Formal warning noted on educator credential history.

E. Monitor. For test security violations regarding cheating, an educator will not be issued a test code and may not administer state assessments for a prescribed period of time from 1 to 5 years.

F. Sanctions, including application denial, placed upon educator credentials will be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE, and written notification will be forwarded to the applicant, educator, local education agency, and/or BESE, as applicable.

G. Notification. Written and/or electronic communication sent upon determination of any action or sanction applied to educator credentials.

1. Written documentation will be forwarded via postal service to the last known address on file for the educator.

2. Written and/or electronic documentation will also be forwarded to any employing agency or institution that has submitted documentation as part of the application or credentialing process.

3. An educator will have 10 days to provide proof of mistaken identity or misinformation prior to official action.

H. Denials due to failure to meet the standards for effectiveness will not be reported to NASDTEC.

§1907. Reporting Requirements

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

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

2. LEA investigation for professional misconduct involving inappropriate behavior and/or communication with a student;

3. non-sex related acts or crimes committed against a child;

4. sexual misconduct that did not result in a criminal investigation; or

5. investigation and report of test irregularity and test security violation regarding cheating.

B. Upon receipt of LEA notification, the department will provide written notice to the educator who will have 10 days to submit verification of mistaken identity or to refute the violation.

C. Information provided to the LDE or BESE via an unsolicited source may be verified and appropriate sanctions imposed. The educator will have 10 days to provide proof of mistaken identity or misinformation prior to official action.

D. If a conviction or information upon which a credential was sanctioned is reversed or overturned on appeal, documentation may be provided to the LDE and/or board for consideration.

E. The educator must provide the department and the board with any documentation that will refute the findings of the LDE or BESE review process or action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), and 17:411.
HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§1909. Criminal History Reporting

A. An existing Louisiana educator credential, even if expired, or an application for an initial educator credential shall be subject to sanction due to information contained in state and federal criminal history reporting information or other verifying documentation submitted. Criminal conviction or plea of nolo contendere, even if adjudication is withheld, will be considered for the purpose of credentials issued by the LDE and may be used to determine eligibility to hold such.

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. Offenses committed in a jurisdiction other than Louisiana which, in the judgement of the bureau charged with responsibility for responding to the request, would constitute a crime under the provisions cited this Section and provisions listed under the federal criminal code having analogous elements of criminal and moral turpitude, will be considered for purposes of educator credentials. Federal criminal code provisions are located in title 18 of the U.S.C.A., Crimes and Criminal Procedure.

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

1. Any felony conviction; and
2. Any misdemeanor or felony conviction for an offense listed in R.S. 15:587.1.

E. Misdemeanor and felony criminal convictions 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.

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. 14:82.1.1	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
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

Prohibited Criminal Offenses	
R.S. 14:286	Sale of Minor Children
R.S. 15:541	Sex Offenses

F. The statutory exception for misdemeanor and felony convictions provided in R.S. 15:587.1 which are not prohibited convictions and may permit consideration for educator credential eligibility are as follows:

Criminal Offenses	
R.S. 40:966(A)	Penalty for Distribution or Possession with intent to Distribute Narcotic Drugs Listed in Schedule I; Manufacture; Distribution
R.S. 40:967(A)	Prohibited Acts; Schedule II; Penalties; Manufacture; Distribution
R.S. 40:968(A)	Prohibited Acts; Schedule III; Penalties; Manufacture; Distribution
R.S. 40:969(A)	Prohibited Acts; Schedule IV; Penalties; Manufacture; Distribution
R.S. 40:970(A)	Prohibited Acts; Schedule V; Penalties; Manufacture; Distribution

G. Credential sanction is mandated; however, issuance or reinstatement may be considered, where otherwise not prohibited by law, for a person who was employed as a school administrator, teacher, or substitute teacher and whose final conviction or plea of *nolo contendere* to any misdemeanor or felony offense provided in the following table occurred on or before August 1, 2019.

Criminal Offenses	
R.S. 14:2(B)	Crimes of Violence
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment
R.S. 14:82.1.1	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
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:89.2	Crime against Nature by Solicitation
R.S. 14:93.2.1	Child Desertion
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 15:541	Sex Offenses

H. Records review eligibility requirements:

1. five years have passed from the date of entry of the final disposition or conviction;
2. a Louisiana and FBI criminal history background check from the Louisiana State Police is clean and clear and indicates no additional convictions, warrants, or pending charges; and
3. conditions and requirements of sentencing, including but not limited to probation or parole, have been successfully completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:587.1, 17:6, 17:7, and 17:15.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:

§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 pertaining to the credential to BESE or the LDE.

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

C. The board will make a determination based upon documentation received from the LDE and the educator regarding sanctions applicable to the educator credential.

D. Records review eligibility requirements:

1. Five years have passed since the date of sanction or initial submission of fraudulent documents;
2. The educator has met all credentialing criteria as verified by the LDE; and
3. The applicant must submit credential application and official copies of relevant supporting documentation in accordance with application procedures and regulations.

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 48:

§1913. Professional License Censure

A. Censure of a professional license includes, but is not limited to formal or documented denial, suspension, revocation, reprimand, or investigation.

B. An initial application for a Louisiana educator credential will 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. An existing credential, even if expired, for which license censure has been reported and verified will be suspended by the LDE and referred to BESE for review.

D. The LDE will verify prior to determining that an educator has had professional credential censured. Upon confirmation of the information, the department will notify the educator that the credential is pending official board action per revocation proceedings.

E. Records review eligibility requirements may include:

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

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, 48:

§1915. Standards for Effectiveness

A. A Louisiana educator credential shall be issued or renewed in accordance with LAC 28:CXLVII (Bulletin 130), R.S. 17:3886, and R.S. 17:3902 upon demonstration that the standards for effectiveness, as determined by the board, have been met for three years during the initial or renewal validity period of the credential.

B. A Louisiana educator credential will not be issued or renewed if the educator records demonstrate that the standards for effectiveness, as determined by the board, have not been met for three years during the validity period of the certificate unless evidence of effectiveness is received from the LEA, through a records review request, that justifies the issuance or reinstatement of a credential.

C. The local governing authority may submit records review request and supporting documentation, justifying the issuance or renewal of a credential, on behalf of an educator who has failed to meet the standards for effectiveness in accordance with LAC 28:CXLVII, *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*.

D. Records review documentation requirements:

1. Evaluation tool used to determine effectiveness or lack thereof;
2. LDE evaluation report for each year of the validity period of credential;
3. Intensive Assistance Plan and supporting documentation; and
4. LEA and applicant letters requesting a records review and clarifying factors for consideration.

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 48:

§1917. Test Irregularities and Test Security Violations

A. A Louisiana educator credential may be sanctioned if the educator holding the credential has been found by the LDE or other governing authority to have participated in cheating as defined in §1903. of this chapter.

B. When the LDE has determined an educator has been found to have participated in cheating, the following process will take place:

1. Department staff will attempt to contact and inform the educator that the LDE has information regarding participation in cheating and is proceeding under this section to sanction the credential.

2. The educator will be notified that the certificate may be sanctioned unless the educator can provide documentation to refute having been found to have participated in cheating. This opportunity for response is intended as a check against mistaken identity or other incorrect information.

3. The educator will have 10 days to respond to LDE communication, after which sanction of the credential will proceed, as will all other steps in accordance with this section.

4. If the department determines that an educator was found to have participated in cheating, the credential will be considered for sanction by BESE. The educator and employing school system, if applicable, will be notified that the teacher or administrator credential is pending official board action in accordance with sanction proceedings.

5. If the department subsequently determines that the educator did not participate in cheating, such action will be communicated to the board through documentation provided by the department. The board may receive such information and may order reinstatement of the certificate.

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 LDE. Such individuals will be notified in accordance with this section.

7. If the investigation concludes no findings of participating in cheating and the board has taken no formal action to sanction the educator credential, the department is authorized to cease sanction proceedings.

C. Upon determination of a test irregularity and test security violation of cheating reported by an LEA, the following documentation will be presented to BESE for consideration of educator credential sanction:

1. LEA documentation—

- a. Proof of test administration professional development/training;
- b. Signed and dated Oath of Security;
- c. District Testing Coordinator investigation report and plan submitted to LDE within 30 days of incident;
- d. Void form (if applicable); and

e. Status of employment or disciplinary action.

2. LDE documentation—

a. LDE investigation summary;

b. LDE written letter to educator; and

c. Educator response, or lack thereof, to determination of cheating.

D. Upon determination of a test security violation of cheating discovered during the scoring process, the following information will be presented to BESE for consideration of educator credential sanction:

1. LDE documentation—

a. Scoring contractor notice to LDE and summary of findings;

b. Summary report of review of suspected documents resulting in voided test items or scores; and

c. Written notice to LEA superintendent, District Testing Coordinator, and educator of results;

2. LEA documentation—

a. Proof of test administration professional development/training;

b. Signed and dated Oath of Security; and

c. Educator response, or lack thereof, to determination of cheating

E. Educator credential sanctions that may be imposed by BESE include:

1. Reprimand—formal warning noted on educator credential history;

2. Monitored—educator will not be issued test code and may not administer state assessments for a prescribed period of time from 1 to 5 years, but credential is otherwise valid as issued;

3. Suspension of credential for a prescribed period of time from 1 to 5 years; and

4. Revocation of credential with consideration for records review after 5 years.

F. Educators whose professional records from another state include findings of cheating may be processed and sanctioned in accordance with this section.

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 48:

§1919. Records Review for Appeal of Sanction

A. The board will consider an eligible request for a records review and documentation provided. The board is not required to conduct an issuance or reinstatement records review and may summarily deny a request.

B. If the board or designee decides to conduct a 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. In all cases, appellants are encouraged to submit letters of recommendation from past/present employers, educator and professional references, and community leaders that evidence the character, ethics, rehabilitation, and accomplishments of the educator.

C. Submission of specific documentation is required and will be determined by the prior action or violation for which the records review is requested. BESE staff will communicate timelines and documentation requirements to appellants upon request.

D. 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 issuance or reinstatement of an educator credential.

E. 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.

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

1. failed to disclose prior criminal convictions or expungements;

2. falsified academic records or application documents;

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

4. received further criminal arrests or convictions; or

5. failed to meet the standards for effectiveness outlined in LAC 28:CXLVII, Bulletin 130.

G. The committee of the board will make a recommendation to the full board regarding whether the credential should be sanctioned, issued, reinstated, suspended for an additional period of time, revoked, or other action as determined in this Chapter.

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

I. Provisional Approval. Educator credential may be reinstated or issued provisionally for a period of 90 days and pending ratification by BESE via a records review process and contingent upon certain criteria.

1. In criminal cases, the felony conviction occurred more than 10 year 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. In license censure cases, the censure determination was based upon criteria that would not invalidate a Louisiana educator credential, nor does the censure involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

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. 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 48:

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 CXXXI. Bulletin 746 -- Louisiana Standards for State Certification of School Personnel (LAC CXXXI.525, 536, 1901, 1903, 1905, 1907, 1909, 1911, 1913, 1915, 1917, 1919).

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 revisions repeal Chapter 9 and re-establish the policy as Chapter 19 in the newly re-established Bulletin 746. BESE policy requires sanctions on an educator credential for certain criminal offenses, submission of fraudulent documentation, professional license censure, participation in cheating, and/or failure to meet the standards of effectiveness. Further, the updates clarify definitions, convictions or offenses considered, and sanctions that can be imposed upon educator credentials, and updates and aligns the three bulletins regarding actions and the issuance and sanction of Louisiana educator credentials. Additionally, language from Bulletin 745, Louisiana Teaching Authorizations of School Personnel, which was approved for repeal at the March 2022 BESE meeting, is re-established as a section in Bulletin 746.

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

Even Brassfield, Intern Deputy
Legislative Fiscal Officer or Designee *Fiscal Officer*

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

LFO 10/04

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 repeal and re-establishment of Chapters 1 through 8 and Chapters 10 through 13 of Bulletin 746 were approved by BESE at the August 2021 Board meeting and will become rule on March 20, 2022. The currently proposed revisions repeal Chapter 9 and re-establish the policy as Chapter 19 in the newly re-established Bulletin 746. BESE policy requires sanctions on an educator credential for certain criminal offenses, submission of fraudulent documentation, professional license censure, participation in cheating, and/or failure to meet the standards of effectiveness. Further, the updates clarify definitions, convictions or offenses considered, and sanctions that can be imposed upon educator credentials, and updates and aligns the three bulletins regarding actions and the issuance and sanction of Louisiana educator credentials. Additionally, language from Bulletin 745, Louisiana Teaching Authorizations of School Personnel, which was approved for repeal at the March 2022 BESE meeting, is re-established as a section in Bulletin 746.

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

The aforementioned revisions are in response to a request by the Board at the October 2019 meeting directing BESE staff to work with the Louisiana Department of Education (LDE) staff to recommend policy revisions to Bulletins allowing for certification notations and/or possible license censure options.

- 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.

The proposed revisions repeal Chapter 9 and re-establish the policy as Chapter 19 in the newly re-established Bulletin 746. BESE policy requires sanctions on an educator credential for certain criminal offenses, submission of fraudulent documentation, professional license censure, participation in cheating, and/or failure to meet the standards of effectiveness. Further, the updates clarify definitions, convictions or offenses considered, and sanctions that can be imposed upon educator credentials, and updates and aligns the three bulletins regarding actions and the issuance and sanction of Louisiana educator credentials. Additionally, language from Bulletin 745, Louisiana Teaching Authorizations of School Personnel, which was approved for repeal at the March 2022 BESE meeting, is re-established as a section in Bulletin 746.

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

*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 CXXXI. Bulletin 746 – Louisiana Standards for State Certification of School Personnel (LAC CXXXI.525, 536, 1901, 1903, 1905, 1907, 1909, 1911, 1913, 1915, 1917, 1919).

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: 3/16/2022

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 CXXXI, Bulletin 746 – Louisiana Standards for State Certification of School Personnel (LAC CXXXI 525, 536, 1901, 1903, 1905, 1907, 1909, 1911, 1913, 1915, 1917, 1919).

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: 3/16/2022

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