



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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Tavares A. Walker
Executive Director

Dr. Cade Brumley
State Superintendent

March 12, 2026

MEMORANDUM

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

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

RE: Summary Report on Board of Elementary and Secondary Education Proposed Rulemaking

Pursuant to R.S. 49:968(D)(1)(b), the Board of Elementary and Secondary Education hereby submits to you this summary report and announces its plan to proceed with rulemaking by finalizing the February 20, 2026, Notice of Intent that was promulgated on pages 249-252 of the *Louisiana Register*.

The Board has received no public comments and has not conducted a hearing pursuant to R.S. 49:953(A)(2)(a).

The Board has made no change to the proposed Rule.

Subject to legislative oversight by either the House Committee on Education or Senate Committee on Education, the Board anticipates adopting the Notice of Intent as a final Rule in the May 20, 2026, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Max Dupuy at (225) 342-5841 if the Board may be of any assistance to you concerning this Rule.

TAW:med

Attachment (1)

c: Caroline Tyler, Secretary, Senate Committee on Education
Elizabeth Borne, Legislative Analyst, House Committee on Education
Lisa Lovello, Legislative Analyst, House Committee on Education
Ashley Townsend, Assistant Superintendent, Louisiana Department of Education
Max Dupuy, Records Management Administrator, BESE

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

~~This proposed rule is not anticipated to provide economic cost or benefit to small businesses; however, the Louisiana Pregnancy and Baby Care Initiative will assist pregnant women and their families in the form of services and material items, and eligible nonprofit organizations (i.e., non-governmental groups) as general contractors and subcontractors to manage the program and provide services.~~

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

~~This proposed rule is not anticipated to have a significant impact on competition. The PBCI provides funding exclusively to eligible nonprofit organizations, and participation in the program may provide a competitive advantage to the selected general contractor and subcontractor, limited to nonprofit organizations offering similar services.~~

~~The proposed rule is not anticipated to have a significant impact on employment levels statewide. Program funding may support the continuation or modest expansion of employment within the nonprofit organizations, including counselors, case managers, and administrative staff. Additionally, program services may indirectly support workforce participation among recipients by reducing barriers related to pregnancy and parenting.~~

~~Christopher B. Bahm
Undersecretary
2602#019~~

~~Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office~~

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certification Endorsement (LAC 28:CXXXI.547, 1901, 1903, 1904, 1909, 1911, 1913, and 2103)

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 revisions update the appeal process for issuance or reinstatement and clarifies criminal background check, rap back monitoring, fraud, and definitions. Further changes remove a redundant certification requirement for JROTC instructors and expand access to currently serving members of the U.S. Armed Forces, update paraprofessional ETS assessments, and provide for technical edits.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 5. Teaching Credentials, Licenses and Certifications**

**Subchapter C. Ancillary Teaching Certificates
§547. Junior Reserve Officers Training Corps Instructor (ROTC)**

A. Effective June 1, 2026, a retiree, retired grade, non-retired/currently serving Guard/Reserve, or honorably discharged veteran who holds a current, valid JROTC

certification and recommendation issued by the appropriate branch of the U.S. Armed Forces is considered certified by BESE.

B. - B.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:441 (March 2022), repromulgated LR 48:1045 (April 2022), amended LR 50:663 (May 2024), LR 52:

**Subchapter D. All Other Supervisory Endorsements
Chapter 19. Actions and Sanctions to Louisiana Educator Credentials**

§1901. Overview

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

B. - B.1. ...

2. The person has been found to have submitted or used fraudulent documents.

B.3. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022), amended LR 50:1448 (October 2024), LR 52:

§1903. Definitions

Cheating—as determined by the LDOE 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.

Clear Credential—designation on an educator certification record signifying the educator was fingerprinted for certification under the LDOE Originating Agency Identifier for the purposes of credentialing/licensing. The criminal background check (CBC) provided was free of disqualifying conviction, or the educator was cleared by BESE in accordance with records review provisions in accordance with §1919 of this Chapter.

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.

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

Criminal Background Check (CBC)—bureau of criminal identification and information criminal history records and identification files, including Federal Bureau of Investigation

(FBI) information from other jurisdictions, used to ascertain whether a person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

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 or that is used to falsely represent or signify that the holder of the credential has certification which has not been issued or is not valid.

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

Rap Back—record of arrest and prosecution background FBI service that notifies authorized agencies when new criminal history information is added to the criminal background check of an individual.

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

Teaching Authorization (TA)—Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1750 (July 2022), amended LR 50:1448 (October 2024), LR 52:

§1904. Criminal History Review for Certification

A. - B. ...

C. Effective January 1, 2025, an application for certification renewal, advancement, or modification shall require state and federal criminal history checks for individuals for whom LDOE records do not include a state and federal criminal history check.

D. ...

E. Upon receipt of a CBC conducted through LDOE, the department shall determine eligibility for certification as follows:

1. An applicant with no disqualifying convictions shall be cleared for certification, with the "Clear Credential" notation placed on the certification record.

2. The certification of an applicant with a felony conviction shall be sanctioned. Eligibility for records review and appeal to BESE shall be in accordance with §1909 and §1919 of this Chapter for felony convictions other than those felonies enumerated in R.S. 15:587.1.

3. An applicant with a felony or misdemeanor conviction enumerated in R.S. 15:587.1 shall receive a permanent denial or revocation of certification. An appeal to BESE is prohibited.

F. Credentials issued by LDOE are subject to continuing rap back monitoring.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 50:1449 (October 2024), LR 52:

§1909. Sanctions for Criminal Convictions

A. - D.2. ...

E. Misdemeanor and felony criminal convictions, or plea of nolo contendere, for an offense listed in R.S. 15:587.1 shall be a prohibited conviction for which denial, suspension,

and/or revocation is mandated and issuance or reinstatement shall never be considered.

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

1. - 3. ...

G. Rap Back Monitoring and Appeals.

1. If an applicant's appeal is filed within ninety days of issuance of the letter of suspension or letter of denial, the applicant will not have to undergo a new criminal history record check.

2. If an applicant's appeal is filed after ninety days have passed since issuance of the letter of suspension or letter of denial, the applicant shall undergo a new criminal history check.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1752 (July 2022), LR 50:31 (January 2024), LR 50:1449 (October 2024), LR 52:

§1911. Fraudulent Documents

A. A Louisiana teaching credential will be sanctioned in accordance with §1903 of this Chapter if an educator uses or submits fraudulent documents.

B. Repealed.

C. - D.3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), amended LR 50:1449 (October 2024), LR 52:

§1913. Professional License Censure

A. - B. ...

C. An existing credential, even if expired, for which license censure has been reported and verified may be suspended by the LDOE and referred to BESE for review.

D. - E.3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:1753 (July 2022), amended LR 50:1449 (October 2024), LR 52:

Chapter 21. State Guidelines Related to Qualifications for Paraprofessionals

§2103. Paraprofessional Qualifications

A. - D. ...

1. State Test. A paraprofessional who passes the Educational Testing Service (ETS) ParaPro or ParaPathways assessment will meet state and federal requirements to be classified as a highly qualified paraprofessional. A paraprofessional who is not new to the profession, passes the ACT work keys assessment, and has successful observations will meet state and federal requirements to be classified as a highly qualified paraprofessional.

D.2. - F.1. ...

a. passed the ETS ParaPro or ParaPathways assessment;

F.1.b. - F.2. ...

a. passed the ETS ParaPro or ParaPathways assessment;

F.2.b. - F.2.d. ...

G. Curriculum-based Pathways for Paraprofessionals. General education and teacher preparation coursework must address the K-12 state content standards, Louisiana components of effective Teaching, National Council for the Accreditation of Teacher Education (NCATE) standards, and Praxis expectations. In addition to the ETS ParaPro or ParaPathways assessment, the state specified three curriculum-based pathways for paraprofessionals to meet federal requirements, as follows:

G.1. - G.3.b.iii.(b). ...

H. ETS Paraprofessional Assessments.

1. ParaPro (1755); prior to August 31, 2026; score 450.

2. ParaPathways (5758 and 5759); effective June 1, 2026.

a. Reading and Writing (5758); score 332; and

b. Mathematics (5759); score 334.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 3902, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1083 (April 2022), LR 52:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? No.

3. Will the proposed Rule affect employment and workforce development? Yes.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

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

Provider Impact Statement

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

1. the 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, March 10, 2026, to Tavares Walker, 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 Tavares Walker, 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.

Tavares A. Walker
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certification Endorsement

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

There are no anticipated implementation costs to state or local governmental units as a result of the proposed rule change. The proposed change amends LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel* to update the appeal process for issuance or reinstatement of teacher certifications and clarifies criminal background check and rap back monitoring requirements.

Further changes remove the ancillary certification requirement for Junior Reserve Officers' Training Corps (JROTC) instructors and expands eligibility to become an instructor beyond JROTC retirees to include non-retired/currently serving Guard/Reserve or honorably discharged

veterans who hold a current, valid certification and recommendation issued by the appropriate branch of the U.S. Armed Forces. Under the proposed rule change, these eligible individuals are considered certified as a JROTC instructor by the Board of Elementary and Secondary Education (BESE), eliminating the need for an additional certification issued by the Louisiana Department of Education (LDOE). Additional changes include updates to paraprofessional Education Testing Services (ETS) assessments, transitioning from use of the ParaPro assessment to the ParaPathways assessment to determine classification as a "highly qualified paraprofessional."

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

The proposed rule change is anticipated to minimally decrease self-generated revenue collections of LDOE. Historically, the department has received very few applications for JROTC instructor certifications; therefore, any decrease in revenues due to the elimination of the separate JROTC certification and its associated \$50 application fee is not anticipated to be significant.

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

There are anticipated economic savings to persons, small businesses, or non-governmental groups as a result of the proposed rule change. The cost of the ETS paraprofessional test will decrease from \$85 to \$75 with the transition from the ParaPro exam to the ParaPathways exam. Further, the repeal of the duplicate certification requirement for JROTC instructors will result in a savings of the \$50 application fee for applicants seeking certification by BESE.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may increase competition and employment as currently serving members of the U.S. Armed Forces may now be eligible to teach JROTC courses instead of limiting access to retirees.

Beth Scioncaux
Deputy Superintendent
2602#042

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Solid Waste and Waste Tire Public Notice Revision
(LAC 33:VII.509, 513, and 10513)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.509, 513, and 10513 (SW078).

This proposed Rule modernizes the public notice requirements for solid waste and waste tires to make the department's website the official location of public notices for draft permit decisions and public hearings. In addition, the proposed Rule allows the department to supplement web publication with other noticing methods at the discretion of the department.

Currently, the public notices for solid waste and waste tire draft permit decisions and public hearings are published on

the department's website and are published one time as a single classified advertisement in the official state journal and a major local newspaper. This proposed Rule will streamline the public notice process for solid waste and waste tires by removing the duplicate publishing effort, removing the cost of publication in the state journal and newspaper, and providing quicker publishing of the notices through the department's website. The proposed Rule also provides that the public notice be published on the department's website for the duration of the public comment period.

The basis and rationale for this proposed Rule are to modernize the solid waste and waste tire regulations regarding the public notice requirements for draft permit decisions and public hearings. The department's website, as the official location of these public notices, provides a centralized approach for the public to be informed of a draft permit decision and a public hearing, access material associated with a draft permit, and provide comments on a draft permit during the public comment period. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations
Chapter 5. Solid Waste Management System
Subchapter B. Permit Administration
§509. Permit System
[Formerly §511, §315.E and F, and §513.F.5-7]**

A. - E.4. ...

5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the draft decision on the department's website (LAC 33:VII.513.G.3), request that the administrative authority consider whether a public hearing is necessary. If the administrative authority determines that the requests warrant it, a public hearing will be scheduled. If the administrative authority determines that the requests do not raise genuine and pertinent issues, the Office of Environmental Services shall send the person(s) requesting the hearing written notification of the determination. The request for a hearing shall be in writing and shall contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, notice shall be published at least 20 days before a fact-finding hearing on the department's website. Those persons on the Office of Environmental Services mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing.

E.7. -G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2518, 2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR