



**STATE BOARD of ELEMENTARY and SECONDARY EDUCATION**  
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Executive Director

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May 11, 2022

MEMORANDUM

TO: Senator Patrick Page Cortez, Senate President  
Representative Clay Schexnayder, Speaker of the House  
Senator Cleo Fields, Chair, Senate Committee on Education  
Representative Lance Harris, Chair, House Committee on Education

FROM: Shan N. Davis, Executive Director *Shan N. Davis*  
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 April 20, 2022, Notice of Intent that was promulgated on pages 1151-1158 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 July 20, 2022, issue of the *Louisiana Register*.

The following document is attached:

1. A copy of the Notice of Intent.

Please contact Shannon Rawson at (225) 342-5849 if the Board may be of any assistance to you concerning this Rule.

SND:slr

Attachment (1)

- c: Shalyric Self, Secretary, Senate Committee on Education  
Cheryl Serrett, Analyst, Senate Committee on Education  
Elizabeth Borne, Legislative Analyst, House Committee on Education  
Lisa Lovello, Legislative Analyst, House Committee on Education  
Ashley Townsend, Policy Director, Louisiana Department of Education  
Shan N. Davis, Executive Director, BESE  
Kevin Calbert, Communications Manager, BESE

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)

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

Beth Scioneaux  
Deputy Superintendent  
22074#059

Alaa M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 746—Louisiana Standards for State  
Certification of School Personnel  
(LAC 28:CXXXI.525, 536 and Chapters 9 and 19)

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:

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

**§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.

**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:

### **§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

Prohibited Criminal Offenses	
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

Criminal Offenses	
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:

#### **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 a 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? No.

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

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

#### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, 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 the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. 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



**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Bulletin 746—Louisiana Standards for  
State Certification of School Personnel**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT 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  
NONGOVERNMENTAL 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.

Beth Scioneaux  
Deputy Superintendent  
2204#054

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 996—Standards for Approval of Teacher and/or  
Educational Leader Preparation Programs  
(LAC 28:XLV.303, 743, and 745)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XLV in Bulletin 996—*Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The aforementioned revisions are in response to legislative Acts of the 2021 Regular Legislative Session related to literacy. R.S.17:249 requires revisions to foundational literacy skills standards in all educator preparation programs for candidates seeking certification to teach students in kindergarten through third grade as well as setting the minimum number of credit hours in the teaching of reading and literacy. The required courses or training shall develop and assess candidates' mastery of applicable literacy competencies. Revisions also include technical updates regarding approval for programs offering add-on

endorsement coursework and residents in Type III Early Learning Centers.

**Title 28  
EDUCATION**

**Part XLV. Bulletin 996—Standards for Approval of  
Teacher and/or Educational Leader Preparation  
Programs**

**Chapter 3. Initial State Approval for Teacher or  
Educational Leader Preparation  
Programs**

**§303. Initial Approval  
[Formerly §203]**

A. Initial approval is granted upon approval by BESE and, when applicable, BOR, through submission of a proposal to the LDE.

B. University and non-university providers seeking approval to offer a teacher preparation program, educational leader preparation program, or add-on certification program shall demonstrate eligibility by providing, at a minimum:

1. official declaration of intent in the form of a letter from the head of the institution or organization;

2. evidence of regional accreditation status (e.g., Southern Association of Colleges and Schools) for universities only;

3. evidence that the faculty who teach courses or provide direct coaching to teacher or educational leader candidates possess sufficient knowledge, skills, training, and expertise;

4. evidence to show that the governing structure of the institution or organization endorses and financially supports a teacher preparation program, educational leader preparation, or add-on programs (e.g., full budget report for the implementation of programs, including internal and external sources of funding, and including both hard and soft monies);

5. - 7. ...

C. In order to be recommended for BESE approval, teacher preparation programs must, at minimum:

1. be designed to develop and ensure candidates' mastery of the teacher preparation competencies, educational leader competencies, and/or requirements for existing certificate endorsements required for certification. The program design must center on courses and practice experiences that integrate content, theory, and practice; expressly treat current Louisiana student standards and instructional resources; and require candidates to demonstrate mastery of required competencies or requirements through a series of performance assessments and tasks:

a. in undergraduate programs offered by university providers, descriptions of coursework must include evidence of ample opportunity to develop content area mastery, instruments for assessing candidates' content knowledge, and procedures for remediation, if necessary. For the purposes of initial approval, an academic major in the content area for secondary certification areas may be considered evidence of ample opportunity;

b. in post-baccalaureate programs offered by university and non-university providers, descriptions of coursework or contact hours must include instruments for assessing candidates' content knowledge for teaching and/or leading, and procedures for remediation, if necessary;