



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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October 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 September 20, 2026, Notice of Intent that was promulgated on pages 1572-1573 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 December 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

Tavares A. Walker
Executive Director

Dr. Cade Brunley
State Superintendent

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certification Appeal Process
(LAC 28:CXXXI.1701 and 1705)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:961 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 proposed revisions implement Act 281 of the 2026 Regular Legislative Session, which authorizes BESE to override the Teacher Certification Appeals Council's denial of an appellant's appeal if the denial was based on circumstances beyond the appellant's control, and prohibits an override if the board determines that certification of the appellant would conflict with state or federal law. The revisions establish the eligibility criteria and filing deadlines for requesting a board override, provide the submission address and the means of obtaining the request form, require a written determination within 30 days of receipt of a completed request, and authorize the board president to act when the board is not in regular or special session, subject to ratification at the next convening board meeting. Consistent with Section 2 of the act, the override authority applies to denials issued by the council on or after January 1, 2025.

Title 28

EDUCATION

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

Chapter 17. Certification Appeal Process

§1701. Overview

A. The certification appeal process is available to an individual who has applied for certification and has been denied the requested certification due to the absence of certification requirements. The process provides such an individual the opportunity to have the appeal evaluated by the Teacher Certification Appeals Council (TCAC). TCAC will evaluate all appeals and submit a written report of decisions to BESE. The decision of the TCAC is final, except as provided in §1705 of this Chapter.

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:3902, and R.S. 17:8.8.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:474 (March 2022), repromulgated LR 48:1082 (April 2022), LR 50:31 (January 2024), LR 52:

§1705. BESE Appeal Request

A. The Board of Elementary and Secondary Education (BESE) may override the council's denial of an appellant's appeal if the denial was based on circumstances beyond the appellant's control as determined by the state board. Applications for appeals are retroactive to January 1, 2025.

1. BESE will not consider an appeal if the board determines that the certification of the appellant would conflict with state or federal law.

2. Only an individual who has been denied certification by TCAC is eligible to file an appeal to be considered by BESE.

3. Appeals of a denied certification through TCAC from January 1, 2025 to December 1, 2026, shall be submitted within six months of the effective date of this policy. All other appeals shall be submitted within 90 calendar days of the denial of a certification through TCAC.

4. Circumstances beyond the appellant's control are an event, condition, or action that the appellant could not reasonably foresee, prevent, or remedy through the exercise of ordinary diligence. Such circumstances shall not include an appellant's negligence, lack of diligence, misunderstanding of applicable requirements, or voluntary acts or omissions by the appellant.

5. Requests for an appeal shall be submitted by certified mail and addressed to:

Board of Elementary and Secondary Education
Attn: Executive Director
P.O. Box 94064, Capital Station
Baton Rouge, LA 70804

6. A copy of the form to request an appeal can be obtained;

- a. from the BESE website;
- b. by requesting a copy sent through the U.S. Mail;

or

- c. by means of facsimile.

B. Within 30 days of receipt of the completed appeal request, either BESE or the board president shall notify the petitioner in writing of a final determination.

1. The BESE president is authorized to make ad hoc decisions for the board, when the board is not in regular or special session, on any request that would exceed the 30-day timeframe.

2. All ad hoc decisions of the BESE president shall be presented at the next convening BESE meeting for ratification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), and R.S. 17:8.8.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 52:

Family Impact Statement

In accordance with Section 972 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.

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 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.

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, October 12, 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 Appeal Process

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

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change amends LAC 28:CXXXI in Bulletin 746—Louisiana Standards for State Certification of School Personnel to implement Act 281 of the 2026 Regular Session, which authorizes the Board of Elementary and Secondary Education (BESE) to override the Teacher Certification Appeals Council's denial of an appeal where the denial was based on circumstances beyond the appellant's control. Board consideration of override requests will be conducted within existing BESE and Louisiana Department of Education staff workload and at regularly scheduled board meetings, using positions and funding already appropriated. The rule permits, but does not require, BESE to call a special meeting; the board already possesses that authority under LAC 28:I.703.D, and any per diem or travel associated with a special meeting is payable from the existing board budget.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

Applicants who have been denied certification by the Teacher Certification Appeals Council (TCAC) are directly affected. The proposed rule change may result in economic benefits to those applicants by establishing a second level of review that was not previously available. An applicant whose denial was based on circumstances beyond the applicant's control may request that BESE override the denial and, if the request is granted, may obtain the credential necessary for employment as an educator. Because the authority applies to denials issued on or after January 1, 2025, applicants denied during that period may also request review. Costs to an appellant are limited to preparing the request form and postage for certified mail delivery, estimated at less than \$10 per request. The number of requests cannot be projected reliably because it depends on the number of denials attributable to circumstances beyond an appellant's control.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may have a positive effect on employment by allowing certain applicants who were denied certification to obtain an educator credential following a successful board override. Any resulting increase in the number of certified educators available to Louisiana schools is expected to be small. There is no anticipated effect on competition in the public or private sectors.

Beth Scioneaux
Deputy Superintendent
2609#076

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office