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Chapter 1. Teaching Authorizations

§101. Introduction

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

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

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

§103. Teaching Authorizations

A. In accordance with Act 634 of the 2018 Regular Legislative Session, 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 denied to anyone who has:

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

C. Eligibility Guideline

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

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

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

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

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

H. Offenses of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in Subsection A of this Section, and provisions listed under the federal criminal code having analogous elements of criminal and moral turpitude will be considered for the purpose of teaching authorization eligibility. (Federal criminal code provisions are in title 18 of U.S.C.A., *Crimes and Criminal Procedure*.)

I. Convictions that are set aside pursuant to articles 893 or 894 of the *Louisiana Code of Criminal Procedure*, expunged, or which are pardoned subject to Louisiana first offender pardon laws nonetheless, will be treated as convictions for the purpose of denial, suspension, or revocation.

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

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

§104. Issuance of a Denied Teaching Authorization

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

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

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

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

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

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

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

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

F. Board of Elementary and Secondary Education Responsibilities

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

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

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

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

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

- a. failed to disclose prior criminal convictions or expungements;
- b. falsified academic records;

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

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

e. has had professional license/certificate censure.

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

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

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

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

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

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

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

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

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

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

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

1. departmental staff shall attempt to contact the educator to inform him/her that the department has

information regarding a criminal conviction and is proceeding under this policy to suspend the teaching authorization;

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

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

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

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

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

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

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

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

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

A. A Louisiana teaching authorization shall be suspended and revoked if the individual holding the teaching authorization has been found by the LDE to have participated in cheating, as defined in LAC 28:CXXXI.903. If the Louisiana teaching authorization of an individual has expired, and the individual has been found to have participated in cheating, this information shall be reported to the National Association of State Directors of Teacher

Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

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

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

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

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

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

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

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

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

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

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

A. A Louisiana teaching authorization shall be suspended or revoked if an educator presents fraudulent documentation pertaining to his/her teaching authorization to the board or the LDE. If the Louisiana teaching authorization of an individual is expired, and the individual has submitted fraudulent documents pertaining to authorization, this information shall be reported to the National Association of State Directors of Teacher Education and Certification

(NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

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

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

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

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

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

§111. Reinstatement of Teaching Authorizations

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

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

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

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

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

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

D. Applicant Responsibilities

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

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

E. State Board Responsibilities

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

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

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

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

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

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

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

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

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

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

G. Candidates meeting criteria for provisional issuance will be issued a TA valid for 90 days from the date of issuance. The provisional issuance is subject to ratification

of the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, the TA will be suspended and revoked.

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

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