

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools—Teaching Authorizations
(LAC 28:CXXXIX.2107, 2903, and 2905)

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 has amended LAC 28:CXXXIX, Bulletin 126—*Charter Schools*. The revisions align current state policy with recently-enacted legislation of the 2018 Louisiana Legislature related to teaching authorizations of school personnel. This emergency action is necessary in order to provide for the implementation of newly-enacted legislation contained in R.S. 17:7(6) and 17:15, from the 2018 Regular Session of the Legislature. If this action is not taken, then the provisions contained in this legislation, which pertain to criminal background checks of teachers and the issuance of Louisiana teaching authorizations, will not be in effect in a timely manner for the 2018-2019 school year, putting the wellbeing of all students in the state of Louisiana in possible jeopardy. By taking emergency action, this will help to ensure a safe environment for all children attending school in Louisiana. This Declaration of Emergency, adopted on December 12, 2018, is in effect for a period of 120 days from adoption, or until adopted as a final Rule.

Title 28

EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 21. Charter School Governance

§2107. Prohibitions

A. - I. ...

J. A charter school shall not hire anyone:

1. as an administrator, teacher, substitute teacher, bus operator, substitute bus operator, janitor, or other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1(C) unless approved in writing by a district judge of the parish and the district attorney. This statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer;

2. as an administrator, teacher, or substitute teacher if any of the following apply to anyone who has been:

a. convicted or has pled *nolo contendere* to any other felony offense even if adjudication was withheld or a pardon or expungement was granted;

b. found to have submitted fraudulent documentation to the board or department as part of an application for a Louisiana teaching certificate or other teaching authorization; or

c. found to have facilitated cheating on any state assessment as determined by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 44:241 (February 2018), LR 45:

Chapter 29. Charter School Staff

§2903. Teaching Authorizations

A. This Section provides for the 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.

B. Teaching authorizations shall be issued in accordance with LAC 28:CLXXI, Bulletin 745.

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:

§2905. Criminal History Review

A. - A.2. ...

3. Repealed.

B. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 39:3068 (November 2013), LR 44:245 (February 2018), LR 45:

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President

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