LOUISIANA DEPARTMENT OF EDUCATION

Offenses Requiring Certification Sanction

Louisiana educator credentials, even if expired, can be sanctioned or denied for:

- a conviction of certain criminal offenses,
- the submission of fraudulent documentation,
- any professional license censure,
- failure to meet the standards for effectiveness, or
- participation in cheating.

This reference document presents the circumstances that result in sanction, and the criteria under which reinstatement or issuance may be obtained as directed in Bulletin 746.

The identity of any person whose educator credential has been denied, suspended, revoked, or reinstated is made publicly available on www.teachlouisiana.net.

Criminal History Reporting

The Louisiana Department of Education (LDOE) will review information from state and federal criminal background checks and other relevant documents. Arrests resulting in criminal **convictions** are considered for credentialing. Even if someone wasn't formally "convicted" but accepted a plea deal or entered a "no contest" (nolo contendere) plea (meaning they didn't admit guilt but didn't fight the charges), those outcomes will still be taken into account.

Court dispositions set aside under Articles 893 or 894 of the Louisiana Code of Criminal Procedure, expunged, or first offenders pardon, will be treated as convictions for Louisiana certification sanction.

Sanction regarding a credential applies for:

- any **felony conviction**; and

- any **misdemeanor or felony conviction for LA R.S. 15:587.1(C) offenses** otherwise known as "prohibited convictions" or "never-evers" for which reinstatement can never be considered. LA R.S. 15:587.1(C) convictions for attempt or conspiracy to commit any of the following offenses:

Criminal Code Provisions - Title 14:

- **Murder and Homicide:**
  - 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
- **Sex Offenses:**
  - R.S. 14:42 – First Degree Rape
  - R.S. 14:42.1 – Second Degree Rape
  - R.S. 14:43 – Third Degree Rape
  - R.S. 14:43.1 – Sexual Battery
  - R.S. 14:43.2 – Second Degree Sexual Battery
  - R.S. 14:43.3 – Oral Sexual Battery
  - R.S. 14:43.4 – Female Genital Mutilation
  - R.S. 14:46.4 – Human Trafficking
- **Other Crimes Against Persons:**
  - R.S. 14:74 – Criminal Neglect of Family
  - R.S. 14:78 – Incest
  - R.S. 14:78.1 – Aggravated Incest
  - R.S. 14:79.1 – Criminal Abandonment
- **Crimes Related to Sexual Conduct:**
  - R.S. 14:80 – Felony Carnal Knowledge of a Juvenile

- R.S. 14:81 – Indecent Behavior with Juveniles
- 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. 14:82 – Prostitution
- R.S. 14:83 – Soliciting for Prostitutes
- 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

- **Other Violations:**
  - 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 – Second Degree Cruelty to Juveniles
  - 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 Minors

Crimes of Violence - LA R.S. 14:2(B):

- Solicitation for murder
- First degree murder
- Second degree murder
- Manslaughter
- Aggravated battery
- Second degree battery
- Aggravated assault
- Aggravated kidnapping of a child
- Aggravated or first degree rape
- Forcible or second degree rape
- Simple or third degree rape
- Sexual battery
- Second degree sexual battery
- Intentional exposure to AIDS virus
- Aggravated kidnapping
- Second degree kidnapping
- Simple kidnapping
- Aggravated arson
- Aggravated criminal damage to property
- Aggravated burglary
- Armed robbery
- First degree robbery
- Simple robbery
- Purse snatching
- False imprisonment; offender armed with dangerous weapon
- Assault by drive-by shooting
- Aggravated crime against nature
- Carjacking
- Molestation of a juvenile or a person with a physical or mental disability
- Terrorism
- Aggravated second degree battery
- Aggravated assault upon a peace officer
- Aggravated assault with a firearm
- Armed robbery; use of firearm; additional penalty
- Second degree robbery
- Disarming of a peace officer
- Stalking
- Second degree cruelty to juveniles
- Aggravated flight from an officer
- Sexual battery of persons with infirmities
- Battery of a police officer

- Trafficking of children for sexual purposes
- Human trafficking
- Home invasion
- Domestic abuse aggravated assault
- Vehicular homicide, when the operator's blood alcohol concentration exceeds
- 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood.
- Aggravated assault upon a dating partner
- Domestic abuse battery punishable under R.S. 14:35.3(L) - involving strangulation
- Domestic abuse battery punishable under R.S. 14:35.3(M)(2) - involving burning
- Domestic abuse battery punishable under R.S. 14:35.3(N) - offender intentionally inflicts serious bodily injury
- Domestic abuse battery punishable under R.S. 14:35.3(O) or (P) - violence with a dangerous weapon
- Battery of a dating partner punishable under R.S. 14:34.9(L) - involving strangulation
- Battery of a dating partner punishable under R.S. 14:35.3(M)(2) - involving burning
- Battery of a dating partner punishable under R.S. 14:35.3(N) - offender intentionally inflicts serious bodily injury
- Battery of a dating partner punishable under R.S. 14:35.3(O) or (P) - violence with a dangerous weapon
- Violation of a protective order punishable under R.S. 14:79(C)
- Criminal abortion
- First degree feticide
- Second degree feticide
- Third degree feticide
- Aggravated abortion by dismemberment
- Battery of emergency room personnel, emergency services personnel, or a healthcare professional.
- Possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies in violation of R.S. 14:95.1(D)
- Distribution of fentanyl or carfentanil punishable under R.S. 40:967(B)(4)(f)
- Distribution of heroin punishable under R.S. 40:966(B)(3)(b)
- Simple burglary of an inhabited dwelling when a person is present in the dwelling, house, apartment, or other structure
- Illegal use of weapons or dangerous instrumentalities
- First degree vehicular negligent injuring, when the operator's blood alcohol concentration exceeds 0.20 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood

Drug Offenses (Controlled Substances) - Title 40:

- R.S. 40:966(A) – Distribution or Possession with Intent to Distribute Schedule I Narcotics
- R.S. 40:967(A) – Distribution or Possession with Intent to Distribute Schedule II Narcotics
- R.S. 40:968(A) – Distribution or Possession with Intent to Distribute Schedule III Narcotics
- R.S. 40:969(A) – Distribution or Possession with Intent to Distribute Schedule IV Narcotics
- R.S. 40:970(A) – Distribution or Possession with Intent to Distribute Schedule V Narcotics

Sex Offenses (R.S. 15:541):

- First Degree Rape (R.S. 14:42):
  - Rape involving force, threats, or victims under 13.
- Second Degree Rape (R.S. 14:42.1):
  - Rape involving the inability of the victim to resist due to physical or mental incapacitation.
- Third Degree Rape (R.S. 14:43):
  - Rape where consent is lacking due to coercion, fraud, or intoxication.
- Sexual Battery (R.S. 14:43.1):
  - Intentional and non-consensual touching of intimate body parts.
- Second Degree Sexual Battery (R.S. 14:43.2):
  - Sexual battery causing severe physical harm.
- Oral Sexual Battery (R.S. 14:43.3):
  - Oral-genital contact under coercive or non-consensual circumstances.
- Molestation of a Juvenile or Person with Disability (R.S. 14:81.2):
  - Lewd acts with a juvenile or disabled individual using influence or authority.
- Indecent Behavior with Juveniles (R.S. 14:81):
  - Lewd or sexual behavior aimed at arousing sexual desire in the presence of a juvenile.

- Pornography Involving Juveniles (R.S. 14:81.1):
  - Possession, creation, or distribution of sexually explicit material involving minors.
- Child Prostitution (R.S. 14:82.1):
  - Engaging minors in acts of prostitution.
- Aggravated Incest (R.S. 14:78.1):
  - Sexual acts with family members under coercive or abusive circumstances.
- Crime Against Nature (R.S. 14:89):
  - Certain prohibited sexual acts, including with minors or animals.
- Human Trafficking (R.S. 14:46.2):
  - Recruiting, harboring, or transporting people for forced sexual exploitation.
- Obscenity (R.S. 14:106):
  - Creation or distribution of obscene materials or acts.
- Video Voyeurism (R.S. 14:283):
  - Recording or observing someone in a private setting for sexual gratification without consent.
- Voyeurism (R.S. 14:283.1):
  - Observing someone without consent for sexual purposes.
- Sale of Minors (R.S. 14:286):
  - Selling or buying minors for exploitation.

Records Review (Appeal)

The Board of Elementary and Secondary Education (BESE) may consider an eligible request for a records review and documentation provided. BESE is not required to conduct an issuance or reinstatement records review and may summarily deny a request.

Except for prohibited convictions listed in R.S. 15:587.1, BESE records review eligibility may be considered under the following conditions:

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 sentencing requirements, including but not limited to probation or parole, have been successfully completed.

The BESE administrative office may consider **provisional issuance or reinstatement** of credentials for 90 days pending ratification by the board via a records review appeal contingent on the following criteria:

1. In criminal cases, the felony conviction occurred more than 10 years 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 on criteria that would not invalidate a Louisiana educator credential. The censure does not involve violence, sex, children, or any crime outlined in R.S. 15.587.1.

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 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 LDOE to validate educator qualifications including but not limited to certification, authorization, permit, or license.

Convicted* or *Conviction - any proceedings in which the accused pleads guilty or no contest, and those proceedings that are tried and result in a judgment of guilt. Convictions also include matters that have been granted expungement or deferred disposition under Louisiana CCP Article 893 or 894.

Fraudulent Documentation - 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.

Offense* or *Crime - those listed in R.S. 15.587.1(C) and any felony offense whatsoever.

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

Sanction — action or censure imposed upon educator credentials by the LDOE and/or BESE including but not limited to denial, suspension, revocation, reprimand, investigation, or monitoring.

Questions

Please contact EducatorClearance@la.gov with questions.