

2017 Regular Session

HOUSE BILL NO. 243

BY REPRESENTATIVE HALL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/BUS DRIVERS: Changes "school bus driver" to "school bus operator" in Title 17

1 AN ACT

2 To amend and reenact R.S. 17:15(A)(1)(a), 16(G), 158(J), 158.6(A) and (B)(1), 160(Section
3 heading), 164.1(A)(1), 168, 416(A)(4)(a)(i)(aa), (ee), and (hh), 416.13(B)(2)(b) and
4 (D)(2)(c), 421.4, 422.6(B), 432.1(A), 439(B), 491(A), 493.1(D), 495, 496(A), (B),
5 (C), and (D), 497(Section heading), 497.2, 497.3, 498, 499, 499.1, 500.2(A)(2)(c)
6 and (D)(2), 1205, 2831, 3974, and 3991(E)(5)(a), relative to school employees; to
7 provide for technical changes with respect to the terms "school bus driver" and
8 "school bus operator" in Title 17 of the Louisiana Revised Statutes of 1950; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:15(A)(1)(a), 16(G), 158(J), 158.6(A) and (B)(1), 160(Section
12 heading), 164.1(A)(1), 168, 416(A)(4)(a)(i)(aa), (ee), and (hh), 416.13(B)(2)(b) and
13 (D)(2)(c), 421.4, 422.6(B), 432.1(A), 439(B), 491(A), 493.1(D), 495, 496(A), (B), (C), and
14 (D), 497(Section heading), 497.2, 497.3, 498, 499, 499.1, 500.2(A)(2)(c) and (D)(2), 1205,
15 2831, 3974, and 3991(E)(5)(a) are hereby amended and reenacted to read as follows:

16 §15. Criminal history review

17 A.(1)(a) No person who has been convicted of or has pled nolo contendere
18 to a crime listed in R.S. 15:587.1(C) shall be hired by any city, parish, or other local
19 public school board or any nonpublic school or school system as a teacher, substitute
20 teacher, bus ~~driver~~ operator, substitute bus ~~driver~~ operator, or janitor, or as a

1 temporary, part-time, or permanent school employee of any kind, unless approved
 2 in writing by a district judge of the parish and the district attorney or, if employed
 3 on an emergency basis, unless approved in writing by the superintendent of the
 4 school system. Any such statement of approval shall be kept on file at all times by
 5 the school and shall be produced upon request to any law enforcement officer. Also,
 6 not later than thirty days after its being placed on file by the school, the school
 7 principal shall submit a copy of any such statement of approval to the state
 8 superintendent of education.

9 * * *

10 §16. Reporting of certain arrests; school employees; requirements; failure to report

11 * * *

12 G. For the purposes of this Section, "school employee" means any employee
 13 of a city, parish, or other local public school board or other governing authority of
 14 a public elementary or secondary school, including a teacher, substitute teacher, bus
 15 ~~driver~~ operator, substitute bus ~~driver~~ operator, or janitor, and shall include all
 16 temporary, part-time, and permanent school employees.

17 * * *

18 §158. School buses for transportation of students; employment of bus operators;
 19 alternative means of transportation; improvement of school bus turnarounds;
 20 loading and unloading students

21 * * *

22 J. The governing authority of each public school shall adopt policies and
 23 procedures or shall make provision in its bus transportation service agreement to do
 24 all of the following:

25 (1) Prohibit a bus ~~driver~~ operator from loading or unloading students at
 26 school while the bus is in a traffic lane of any type of street as defined in R.S. 32:1
 27 and require that students be loaded or unloaded on a shoulder, in a school parking
 28 lot, or at other appropriate off-road location at the school as determined by the school
 29 governing authority. The requirements of this Paragraph shall not apply if the

1 shoulder of a municipal road is the only available alternative and the municipality
2 has not made the shoulder available by designating that area for loading and
3 unloading students during designated school zone hours.

4 (2) Prohibit a bus ~~driver~~ operator from loading or unloading students at or
5 near their homes while the bus is in a traffic lane of any type of street as defined in
6 R.S. 32:1 and require that students be loaded or unloaded on a shoulder unless the
7 governing authority determines that loading or unloading on a shoulder is less safe
8 for the student. However, if there is no shoulder or if the shoulder is determined to
9 be less safe, a bus ~~driver~~ operator may load and unload a student while the bus is in
10 a lane of traffic but only if the bus is in the lane farthest to the right side of the road
11 so that there is not a lane of traffic between the bus and the right-side curb or other
12 edge of the road.

13 (3) Prohibit a bus ~~driver~~ operator from loading or unloading a student in a
14 location on a divided highway such that a student, in order to walk between the bus
15 and his home or school, would be required to cross a roadway of the highway on
16 which traffic is not controlled by the visual signals on the school bus.

17 * * *

18 §158.6. School Bus Purchase Program; creation; purpose; administration

19 A. It is the purpose of this Section to assist city and parish school systems,
20 approved non-public schools, and contract school bus ~~drivers~~ operators in purchasing
21 new school buses by making low interest loans available and thereby protecting the
22 safety and welfare of the school children of this state by assuring they are riding in
23 safe vehicles. This purpose is hereby declared to be a public purpose.

24 B.(1) There is hereby established in the Department of Education the School
25 Bus Purchase Program solely for the purpose of making loans to city and parish
26 school boards, approved non-public schools, and contract school bus ~~drivers~~
27 operators for the purchase of new school buses.

28 * * *

1 §160. School bus ~~drivers~~ operators under eighteen years of age prohibited; penalty

2 * * *

3 §164.1. Additional regulations; crossing control device required; compliance

4 A.(1) In addition to any regulations adopted by the State Board of
5 Elementary and Secondary Education pursuant to the provisions of R.S. 17:164
6 relative to the construction, design, equipment, and operation of school buses used
7 in the transportation of students, the board also shall adopt rules and regulations in
8 accordance with the Administrative Procedure Act requiring that every bus used in
9 the transportation of students and acquired after January 1, 1996, shall be equipped
10 with a crossing control device actuated by the ~~driver~~ operator and operated in
11 conjunction with the stop arm. The crossing control device shall pivot out from the
12 right side of the front bumper to prevent persons from walking directly in front of the
13 bus.

14 * * *

15 §168. Cities or parishes with 300,000 or more population; extra duties of school bus
16 operators

17 No city or parish school board in cities or parishes with a population of
18 300,000 or more shall require any person employed as a ~~school bus driver~~ or school
19 bus operator to perform the duties of any other job unless the ~~driver~~ or operator
20 consents thereto and the board agrees to pay such operator ~~or driver~~ additional
21 compensation for performing any duties not within the scope of his employment as
22 a school bus operator ~~or school bus driver~~.

23 * * *

24 §416. Discipline of students; suspension; expulsion

25 A.

26 * * *

27 (4) The governing authority of each public elementary and secondary school
28 shall adopt such rules and regulations as it deems necessary to implement the

1 provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall
2 include but not be limited to the following provisions:

3 (a)

4 * * *

5 (i) The form for reporting a transportation-related incident shall provide for
6 the following information:

7 (aa) Bus number and name of ~~driver~~ operator.

8 * * *

9 (ee) A menu of check-off items to indicate the nature of the incident,
10 including fighting or bullying at the bus stop, fighting or bullying on the bus,
11 smoking on the bus, leaving the bus without permission, boarding the bus at the
12 incorrect stop, showing disrespect toward the ~~driver~~ operator, committing an
13 immoral or vicious act, throwing objects within the bus or out of bus windows or
14 doors, refusing to occupy an assigned seat, using profane language, showing willful
15 disobedience, defacing the bus, carrying objects or implements which can be used
16 as weapons, or committing some other undesignated violation.

17 * * *

18 (hh) A statement to be signed and dated by the bus ~~driver~~ operator or other
19 school employee, if applicable, that the named pupil is causing a discipline problem,
20 that disciplinary action against the pupil is recommended, and that the signatory
21 desires to be informed of action taken on the incident report or the reasons for not
22 taking action.

23 * * *

24 §416.13. Student code of conduct; requirement; bullying; prohibition; notice;
25 reporting; accountability

26 * * *

27 B. Bullying Policy.

28 * * *

1 (2) The governing authority of each public elementary and secondary school
2 shall:

3 * * *

4 (b) Create a program to provide a minimum of four hours of training for new
5 employees who have contact with students and two hours of training each year for
6 all school employees who have contact with students, including bus ~~drivers~~
7 operators, with respect to bullying. The training shall specifically include the
8 following:

9 * * *

10 D. The State Board of Elementary and Secondary Education, in collaboration
11 with the state Department of Education, shall develop and adopt rules and
12 regulations to implement the provisions of this Section relative to the procedures and
13 processes to be used to report and investigate bullying and which shall include but
14 not be limited to:

15 * * *

16 (2) Reporting.

17 * * *

18 (c) School personnel. Any teacher, counselor, bus ~~driver~~ operator, or other
19 school employee, whether full or part time, and any parent chaperoning or
20 supervising a school function or activity, who witnesses bullying or who learns of
21 bullying from a student pursuant to Subparagraph (b) of this Paragraph, shall report
22 the incident to a school official. A verbal report shall be submitted by the school
23 employee or the parent on the same day as the employee or parent witnessed or
24 otherwise learned of the bullying incident and a written report shall be filed no later
25 than two days thereafter.

26 * * *

27 §421.4. Salary increases, noninstructional school personnel

28 A. The salary increase funded by Act No. 12 of the 1991 Regular Session of
29 the Legislature for noninstructional school employees, including teacher aides and

1 paraprofessionals, school bus ~~drivers~~ operators, food service workers, including
2 school lunch employees provided a pay increase pursuant to Act No. 713 of the 1972
3 Regular Session of the Legislature, school nurses, clerical, custodial, and
4 maintenance personnel, and any other employees of a city or parish school board or
5 unclassified noninstructional employees of the Louisiana School for the Deaf, the
6 Louisiana School for the Visually Impaired, the Louisiana Special Education Center,
7 and the Special School District who are not required to hold a teacher's certificate as
8 a condition of employment, shall continue to be paid to such employees from year
9 to year. The legislature annually shall appropriate sufficient funds for this purpose
10 and shall make such funds available to the employing school boards.

11 B. Any increase in the expenditures of a city or parish school board or of the
12 State Board of Elementary and Secondary Education resulting from a state-mandated
13 increase in the salaries of noninstructional school personnel shall be fully funded by
14 the state. Such funds shall be made available to the respective school boards. For
15 purposes of this Subsection, noninstructional school personnel shall mean teacher
16 aides and paraprofessionals, school bus ~~drivers~~ operators, food service workers,
17 school nurses, clerical, custodial, and maintenance personnel, and any other
18 employee of a parish or city school board or unclassified noninstructional employee
19 of the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired,
20 the Louisiana Special Education Center, and the Special School District who is not
21 required to hold a teacher's certificate as a condition of employment.

22 * * *

23 §422.6. Hourly wages and salaries for school employees; reduction limitations;
24 definition

25 * * *

26 B. For purposes of this Section, the term "school employee" shall mean,
27 without limitation, a teacher aide, paraprofessional, school bus ~~driver~~ operator, food
28 service worker, clerical, custodial, and maintenance personnel, and any other
29 employee of a city or parish school board, of the Louisiana School for the Deaf, the

1 Louisiana School for the Visually Impaired, the Louisiana Special Education Center,
2 or of the Special School District who is not required to hold a teacher's certificate as
3 a condition of employment.

4 * * *

5 §432.1. Outstanding school support employee award; definition; selection;
6 recognition

7 A. For purposes of this Section, "school support employee" shall mean,
8 without limitation, teacher aides and paraprofessionals, school bus ~~drivers~~ operators,
9 food service workers, clerical, custodial, and maintenance personnel, and any other
10 employee of a city, parish, or other local public school board who is not required to
11 hold a teacher's certificate as a condition of employment.

12 * * *

13 §439. Limitation of liability; statements or actions; exceptions

14 * * *

15 B. As used in this Section, the terms "school employee" means any school
16 employee who has direct contact with students in the course and scope of the school
17 employee's duties as defined by the school board by which the school employee is
18 employed, and includes but is not limited to school-based administrators, classroom
19 teachers, coaches, librarians, counselors, teachers' aides, clerical employees,
20 lunchroom workers, custodial workers, school bus ~~drivers~~ operators, and school bus
21 ~~drivers'~~ operators' aides.

22 * * *

23 §491. Definitions

24 A. As used in this Subpart, the term "school bus operator" means any
25 employee of any city, parish, or other local public school board whose duty it is to
26 transport students in any board school bus or activity bus to and from any school of
27 suitable grade approved by the state Department of Education or to and from any
28 school-related activity. Such employee shall be certified to have participated in any
29 school bus ~~drivers~~ operators instructional program or in-service training provided by

1 the state Department of Education as provided for in R.S. 17:497.4, shall have
2 attained the age of twenty-one years, and shall be certified to have passed any
3 physical examination required by the department. It shall be unlawful for anyone not
4 certified as provided herein to transport school students to and from any such school.

5 * * *

6 §493.1. Filling route vacancies

7 * * *

8 D. Notwithstanding any provision of this Section to the contrary, whenever
9 a school bus operator owning his own bus retires, a route shall be offered first to any
10 person meeting the requirements of the school board who is willing to acquire the
11 bus of the retiring operator by a method which guarantees that the ~~driver~~ operator
12 receives full appraised value for his bus using regularly accepted appraisal methods
13 to determine fair market value. The provisions of this Subsection shall be applicable
14 only when the bus owned by the retiring operator has been manufactured within a
15 period of five years immediately prior to the operator's retirement and the operator
16 is retiring due to a documented physical disability.

17 * * *

18 §495. Establishment of minimum salary schedules

19 The Louisiana State Board of Education is hereby authorized and directed to
20 establish and maintain a minimum salary schedule to be paid school bus ~~drivers~~
21 operators in the public schools of the state of Louisiana and to maintain a minimum
22 rate of compensation to be paid for the operation of school busses in the public
23 school system of the state of Louisiana.

24 §496. Minimum salaries

25 A. Beginning July 1, 1982, all school bus ~~drivers~~ operators in the public
26 schools of the state of Louisiana driving buses fourteen feet or longer in length shall
27 receive minimum salaries on a nine-month basis of six thousand nine hundred sixty-
28 five dollars and sixty cents.

1 B. Beginning July 1, 1982, ~~drivers~~ operators of school buses having a length
2 of less than fourteen feet and drivers of station wagons or carryalls, which are used
3 to transport sixteen or more special education students, shall receive minimum
4 salaries on a nine-month basis of five thousand eight hundred fifty-three dollars and
5 eighty-six cents.

6 C. The salaries of ~~drivers~~ operators of vehicles used solely on feeder routes
7 shall not be governed by the provisions of this Subpart but shall be fixed by the
8 various school boards and the provisions of R.S. 17:497 shall not be applicable to
9 such operations.

10 D. These minimum rates shall not apply to salaries paid student ~~drivers~~
11 operators in those systems which in 1955-1956 or thereafter employed student
12 ~~drivers~~ operators. Any such systems shall receive actual expenses as reimbursement,
13 provided the base pay does not exceed the rates stipulated herein. The term "student
14 ~~driver~~ operator" means a ~~driver~~ operator of a school bus who is attending a public
15 school in the state of Louisiana, other than colleges, trade schools, and universities.

16 * * *

17 §497. School bus ~~drivers~~ operators; operational schedules

18 * * *

19 §497.2. Remuneration for participation in in-service training programs

20 Any school bus ~~drivers~~ operators who participate in the school bus ~~driver's~~
21 operator's instructional program provided through the state Department of Education
22 shall receive as remuneration the sum of six dollars for each hour of instruction in
23 such program, not to exceed forty-eight dollars per school year.

24 §497.3. In-service training; schedule

25 A. The State Board of Elementary and Secondary Education shall adopt a
26 policy effective no later than the beginning of the 1986-1987 school year providing
27 for the scheduling of in-service training for school bus ~~drivers~~ operators.

28 B. Beginning with the 1987-1988 school year, the schedule shall provide that
29 all school bus ~~drivers~~ operators, including any school board employee who drives a

1 bus on an occasional basis to transport students to and from school activities, shall
2 attend in-service training not more frequently than once every other school year.

3 C. A city or parish school board shall have authority to provide in-service
4 training for school bus ~~drivers~~ operators on a more frequent basis than established
5 by the policy of the State Board of Elementary and Secondary Education when such
6 training is at no expense to the state.

7 * * *

8 §498. Ownership of bus; determination of salary

9 Where the operator of a school bus is the owner thereof, he shall be paid by
10 voucher-check stating the amount of the minimum salary as set out in R.S. 17:496
11 and the full amount of reimbursement for operation as set out in R.S. 17:497. Where
12 the school bus is jointly owned by the ~~driver~~ operator and the school board, they
13 shall share in the ratio of their investment and expense to the amounts as set out in
14 the schedule in R.S. 17:497.

15 §499. Insufficiency of appropriation; effect

16 This schedule shall become effective only as sufficient funds are appropriated
17 by the Legislature to put it into effect; if the funds appropriated by the Legislature
18 are insufficient to fully comply with this Sub-part, the minimum compensation
19 herein provided shall be reduced proportionately; provided, however, that no school
20 bus operator ~~or driver~~ in the public school system of the State of Louisiana shall
21 receive or be paid less during 1964-1965 nor during any subsequent year while this
22 schedule is in effect than the amount paid to or received by him during the 1963-
23 1964 school year for nine months' work, except as to student ~~drivers~~ operators, and
24 also except where the length of the route of any such ~~driver~~ operator in 1964-1965
25 or any subsequent year is less than the length of the route of such ~~driver~~ operator
26 during 1963-1964, in which event the reduction in total compensation shall not
27 exceed the reduction in the amount to be reimbursed the school board, out of state
28 funds, for the operation of said route brought about by the reduction in the length of
29 the route.

1 §499.1. Minimum salaries; exceptions

2 No school bus operator ~~or driver~~ in the public school system of the State of
3 Louisiana shall receive or be paid less during 1964-65 nor during any subsequent
4 year, until otherwise provided by law, than the amount paid to or received by him
5 during the 1963-64 school year for nine months' work, except as to student ~~drivers~~
6 operators, and also except where the length of the route of any such ~~drivers~~ operators
7 in 1964-65 or any subsequent year is less than the length of the route of such ~~driver~~
8 operator during 1963-64, in which event the reduction in total compensation shall not
9 exceed the reduction in the amount to be reimbursed the school board, out of state
10 funds, for the operation of said route brought about by the reduction in the length of
11 the route.

12 * * *

13 §500.2. School bus operators; extended sick leave

14 A.

15 * * *

16 (2) As used in this Section, the following terms shall have the following
17 meanings:

18 * * *

19 (c) "Medical necessity" means the result of catastrophic illness or injury, a
20 life threatening condition, a chronic condition, or an incapacitating condition, as
21 certified by a physician, of a school bus ~~driver~~ operator or an immediate family
22 member.

23 * * *

24 D.

25 * * *

26 (2) Any violation of this prohibition may require the school bus operator to
27 return to the employer all compensation paid during any week of extended leave in
28 which the school bus ~~driver~~ operator worked more than twenty hours and to

1 reimburse the employer all related employment costs attributable to such period as
2 calculated by the employer, without any restoration of such days.

3 * * *

4 §1205. "Employee" defined

5 The term "employee" as used in R.S. 17:1206-17:1207 shall be construed to
6 be any person in the employ of any parish or city school board of the state of
7 Louisiana who is not a teacher or whose employment does not require the holding
8 of a teacher's certificate or who is not employed as a bus ~~driver~~ operator.

9 * * *

10 §2831. Salaries and wages

11 No teacher, school bus ~~driver~~ operator, school lunch worker, janitor or other
12 school personnel shall be employed by any educational cooperative established
13 pursuant to R.S. 17:2801-17:2828 at a salary or wage which is either less than or in
14 excess of any minimum salary schedule or law heretofore adopted by the legislature
15 to govern the salaries or wages of any school teachers, school bus ~~drivers~~ operators,
16 school lunch workers, janitors or any other school personnel.

17 * * *

18 §3974. Prohibitions; persons convicted of felony offenses

19 ~~B.~~ No person who has been convicted of or has pled nolo contendere to a
20 crime listed in R.S. 15:587.1(C) shall be hired by a charter school as a teacher,
21 substitute teacher, bus ~~driver~~ operator, substitute bus ~~driver~~ operator, or janitor, or
22 as a temporary, part-time, or permanent school employee of any kind.

23 * * *

24 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

25 * * *

26 E. A charter school shall not:

27 * * *

28 (5)(a) Hire a person who has been convicted of or has pled nolo contendere
29 to a crime listed in R.S. 15:587.1(C) as a teacher, substitute teacher, bus ~~driver~~

1 operator, substitute bus ~~driver~~ operator, janitor, or a school employee who might
 2 reasonably be expected to be placed in a position of supervisory or disciplinary
 3 authority over school children unless approved in writing by a district judge of the
 4 parish and the district attorney. This statement of approval shall be kept on file at
 5 all times by the school and shall be produced upon request to any law enforcement
 6 officer.

7 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 243 Original	2017 Regular Session	Hall
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Abstract: Provides for technical changes to Title 17 of the La. Revised Statutes of 1950.

Proposed law provides for technical changes with respect to the terms "school bus driver" and "school bus operator" to Title 17 of the La. Revised Statutes.

(Amends R.S. 17:15(A)(1)(a), 16(G), 158(J), 158.6(A) and (B)(1), 160(Section heading), 164.1(A)(1), 168, 416(A)(4)(a)(i)(aa), (ee), and (hh), 416.13(B)(2)(b) and (D)(2)(c), 421.4, 422.6(B), 432.1(A), 439(B), 491(A), 493.1(D), 495, 496(A), (B), (C), and (D), 497(Section heading), 497.2, 497.3, 498, 499, 499.1, 500.2(A)(2)(c) and (D)(2), 1205, 2831, 3974, and 3991(E)(5)(a))