
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

SB 267 Engrossed

DIGEST
2018 Regular Session

Appel

Present law provides for the removal of a permanent school bus operator by the local school board if the bus operator is found guilty on written and signed charges of willful neglect of duty, incompetence, immorality, or drunkenness while on duty; failure to comply with the reporting requirements of R.S. 17:491.3 relative to being arrested for one or more of the specified offenses; physical disability to perform his duties; failure to keep his transfer equipment in a safe, comfortable, and practical operating condition; or of being a member of or contributing to any group, organization, movement, or corporation that is prohibited by law or injunction from operating in the state.

Present law provides procedures and time lines for the removal, including that the bus operator may request a hearing on the matter before the school board. Also provides the bus operator, within one year from the date of the finding of guilt by the school board, may petition a court of competent jurisdiction to affirm or reverse of the action of the school board.

Proposed law revises the procedures and time lines in present law and provides that the permanent school bus operator has ten calendar days from receipt of the written notice of charges to respond, either in person or in writing. Authorizes the superintendent to take interim disciplinary action, including placing the bus operator on interim leave without pay.

Proposed law provides that the permanent bus operator shall not be placed on interim leave without pay unless the bus operator has been arrested for certain violations, including any sexual offense affecting minors or any justified complaint of child abuse or neglect on file in the central registry.

Proposed law provides that if the bus operator fails to timely request a hearing, the interim disciplinary action becomes final.

Present law provides additional grounds for the removal of a permanent school bus operator including:

- (1) The abolition, discontinuance, or consolidation of routes if the local board finds, after a hearing, that it is in the best interest of the school system to abolish, discontinue, or consolidate the bus route or routes.
- (2) A conviction of or plea of nolo contendere to a violation of a parish or municipal ordinance for specific crimes related to operating a vehicle while intoxicated regardless of whether the violation occurred while the bus operator was performing an official duty or responsibility as a school bus operator at the time of the offense.

Proposed law retains present law, but designates the superintendent to determine the need to consolidate routes.

Proposed law additionally provides that upon notification that the bus operator has a conviction or plea of nolo contendere to any violation in proposed law, the superintendent shall immediately remove the bus operator from his position and notify the bus operator of such and that the termination is not subject to review.

Proposed law provides that upon the bus operator's request for a review hearing, the superintendent shall randomly appoint a hearing officer from a list of persons previously approved by the school board as "disciplinary hearing officers". Proposed law further provides how the list of hearing officers is to be maintained.

Proposed law provides such hearing may be private or public, at the option of the bus operator, and shall commence no sooner than ten calendar days nor later than thirty calendar days after receipt of the bus operator's request for such hearing.

Proposed law provides that the disciplinary hearing officer shall have the power to issue subpoenas. Further provides that the school board shall adopt and maintain procedures to govern the conduct of the hearing, including providing that the bus operator shall have the right to appear before the disciplinary hearing officer with witnesses on his behalf and with counsel of his selection.

Proposed law provides the disciplinary hearing officer shall review whether the interim decision of the superintendent was arbitrary or capricious and shall either affirm or reverse the action of the superintendent. Further provides that the disciplinary hearing officer shall notify the superintendent and the bus operator of his final determination, with written reasons, within ten days from the date of the hearing and if the superintendent's disciplinary action is affirmed, it shall become effective upon the bus operator's receipt of the decision of the disciplinary hearing officer. If the superintendent's disciplinary action is reversed, the bus operator shall be restored to duty.

Proposed law provides that the school board or the bus operator may petition a court of competent jurisdiction to review the matter as a summary proceeding pursuant to present law. Provides that the court shall determine whether the disciplinary hearing officer abused his discretion in deciding whether the action of the superintendent was arbitrary or capricious. If the action of the superintendent is reversed by the court and the bus operator is ordered reinstated and restored to duty, the bus operator shall be entitled to full pay for any loss of time or salary he may have sustained by reason of the action of the superintendent.

Proposed law provides that the time periods prescribed in proposed law may be extended by mutual agreement of the parties. Additionally provides that paid administrative leave shall not exceed fifty days from notice of the superintendent's interim decision.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:493)