

ACT No. 335

2017 Regular Session

HOUSE BILL NO. 243

BY REPRESENTATIVE HALL

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),
4 416.13(B)(2)(b)(introductory paragraph) and (D)(2)(c), 421.4, 422.6(B), 432.1(A),
5 439(B), 491(A), 493.1(D), 495, 496(A), (B), (C), and (D), 497(Section heading),
6 497.2, 497.3, 498, 499, 499.1, 500.2(A)(2)(c) and (D)(2), 1205, 2831, 3974, and
7 3991(E)(5)(a), relative to school employees; to provide for technical changes with
8 respect to the terms "school bus driver" and "school bus operator" in Title 17 of the
9 Louisiana Revised Statutes of 1950; to remove exceptions relative to hiring persons
10 with certain criminal history; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

18 §15. Criminal history review

19 A.(1)(a) No person who has been convicted of or has pled nolo contendere
20 to a crime listed in R.S. 15:587.1(C) shall be hired by any city, parish, or other local
21 public school board or any nonpublic school or school system as a teacher, substitute
22 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
- 30 shoulder of a municipal road is the only available alternative and the municipality

1 has not made the shoulder available by designating that area for loading and
2 unloading students during designated school zone hours.

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

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

16 * * *

17 §158.6. School Bus Purchase Program; creation; purpose; administration

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

28 * * *

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

30 * * *

1 §164.1. Additional regulations; crossing control device required; compliance

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

12 * * *

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

15 No city or parish school board in cities or parishes with a population of
16 300,000 or more shall require any person employed as a ~~school bus driver~~ or school
17 bus operator to perform the duties of any other job unless the ~~driver~~ or operator
18 consents thereto and the board agrees to pay such operator ~~or driver~~ additional
19 compensation for performing any duties not within the scope of his employment as
20 a school bus operator ~~or school bus driver~~.

21 * * *

22 §416. Discipline of students; suspension; expulsion

23 A.

24 * * *

25 (4) The governing authority of each public elementary and secondary school
26 shall adopt such rules and regulations as it deems necessary to implement the
27 provisions of this Subsection and of R.S. 17:416.13. Such rules and regulations shall
28 include but not be limited to the following provisions:

29 (a)

30 * * *

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

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

4 * * *

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

13 * * *

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

19 * * *

20 §416.13. Student code of conduct; requirement; bullying; prohibition; notice;
21 reporting; accountability

22 * * *

23 B. Bullying Policy.

24 * * *

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

27 * * *

28 (b) Create a program to provide a minimum of four hours of training for new
29 employees who have contact with students and two hours of training each year for
30 all school employees who have contact with students, including bus ~~drivers~~

1 operators, with respect to bullying. The training shall specifically include the
2 following:

3 * * *

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

9 * * *

10 (2) Reporting.

11 * * *

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

20 * * *

21 §421.4. Salary increases, noninstructional school personnel

22 A. The salary increase funded by Act No. 12 of the 1991 Regular Session of
23 the Legislature for noninstructional school employees, including teacher aides and
24 paraprofessionals, school bus ~~drivers~~ operators, food service workers, including
25 school lunch employees provided a pay increase pursuant to Act No. 713 of the 1972
26 Regular Session of the Legislature, school nurses, clerical, custodial, and
27 maintenance personnel, and any other employees of a city or parish school board or
28 unclassified noninstructional employees of the Louisiana School for the Deaf, the
29 Louisiana School for the Visually Impaired, the Louisiana Special Education Center,
30 and the Special School District who are not required to hold a teacher's certificate as

1 a condition of employment, shall continue to be paid to such employees from year
2 to year. The legislature annually shall appropriate sufficient funds for this purpose
3 and shall make such funds available to the employing school boards.

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

15 * * *

16 §422.6. Hourly wages and salaries for school employees; reduction limitations;
17 definition

18 * * *

19 B. For purposes of this Section, the term "school employee" shall mean,
20 without limitation, a teacher aide, paraprofessional, school bus ~~driver~~ operator, food
21 service worker, clerical, custodial, and maintenance personnel, and any other
22 employee of a city or parish school board, of the Louisiana School for the Deaf, the
23 Louisiana School for the Visually Impaired, the Louisiana Special Education Center,
24 or of the Special School District who is not required to hold a teacher's certificate as
25 a condition of employment.

26 * * *

27 §432.1. Outstanding school support employee award; definition; selection;
28 recognition

29 A. For purposes of this Section, "school support employee" shall mean,
30 without limitation, teacher aides and paraprofessionals, school bus ~~drivers~~ operators,

1 food service workers, clerical, custodial, and maintenance personnel, and any other
2 employee of a city, parish, or other local public school board who is not required to
3 hold a teacher's certificate as a condition of employment.

4 * * *

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

6 * * *

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

14 * * *

15 §491. Definitions

16 A. As used in this Subpart, the term "school bus operator" means any
17 employee of any city, parish, or other local public school board whose duty it is to
18 transport students in any board school bus or activity bus to and from any school of
19 suitable grade approved by the state Department of Education or to and from any
20 school-related activity. Such employee shall be certified to have participated in any
21 school bus ~~drivers~~ operators instructional program or in-service training provided by
22 the state Department of Education as provided for in R.S. 17:497.4, shall have
23 attained the age of twenty-one years, and shall be certified to have passed any
24 physical examination required by the department. It shall be unlawful for anyone not
25 certified as provided ~~herein~~ in this Subsection to transport school students to and
26 from any such school.

27 * * *

1 §493.1. Filling route vacancies

2 * * *

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

12 * * *

13 §495. Establishment of minimum salary schedules

14 The ~~Louisiana State Board of~~ State Board of Elementary and Secondary
15 Education is hereby authorized and directed to establish and maintain a minimum
16 salary schedule to be paid school bus ~~drivers~~ operators in the public schools of the
17 state of Louisiana and to maintain a minimum rate of compensation to be paid for the
18 operation of school busses in the public school system of the state of Louisiana.

19 §496. Minimum salaries

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

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

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

5 * * *

6 §498. Ownership of bus; determination of salary

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

13 §499. Insufficiency of appropriation; effect

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

28 §499.1. Minimum salaries; exceptions

29 No school bus operator ~~or driver~~ in the public school system of the ~~State~~ state
 30 of Louisiana shall receive or be paid less during 1964-65 nor during any subsequent

1 year, until otherwise provided by law, than the amount paid to or received by him
 2 during the 1963-64 school year for nine months' work, except as to student ~~drivers~~
 3 operators, and also except where the length of the route of any such ~~drivers~~ operators
 4 in 1964-65 or any subsequent year is less than the length of the route of such ~~driver~~
 5 operator during 1963-64, in which event the reduction in total compensation shall not
 6 exceed the reduction in the amount to be reimbursed the school board, out of state
 7 funds, for the operation of said route brought about by the reduction in the length of
 8 the route.

9 * * *

10 §500.2. School bus operators; extended sick leave

11 A.

12 * * *

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

15 * * *

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

20 * * *

21 D.

22 * * *

23 (2) Any violation of this prohibition may require the school bus operator to
 24 return to the employer all compensation paid during any week of extended leave in
 25 which the school bus ~~driver~~ operator worked more than twenty hours and to
 26 reimburse the employer all related employment costs attributable to such period as
 27 calculated by the employer, without any restoration of such days.

28 * * *

1 §1205. "Employee" defined

2 The term "employee" as used in R.S. ~~17:1206-17:1207~~ 17:1206 through
3 1206.2 shall be construed to be any person in the employ of any parish or city school
4 board of the state of Louisiana who is not a teacher or whose employment does not
5 require the holding of a teacher's certificate or who is not employed as a bus ~~driver~~
6 operator.

7 * * *

8 §2831. Salaries and wages

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

16 * * *

17 §3974. Prohibitions; persons convicted of felony offenses

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

22 * * *

23 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

24 * * *

25 E. A charter school shall not:

26 * * *

27 (5)(a) Hire a person who has been convicted of or has pled nolo contendere
28 to a crime listed in R.S. 15:587.1(C) as a teacher, substitute teacher, bus ~~driver~~
29 operator, substitute bus ~~driver~~ operator, janitor, or a school employee who might
30 reasonably be expected to be placed in a position of supervisory or disciplinary

1 authority over school children ~~unless approved in writing by a district judge of the~~
 2 ~~parish and the district attorney.~~ This statement of approval shall be kept on file at
 3 all times by the school and shall be produced upon request to any law enforcement
 4 officer.

5 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____