
DIGEST

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Hollis

HB No. 224

Abstract: Requires the immediate removal of a nontenured school bus operator who is convicted for certain offenses relative to operating a vehicle while intoxicated whether such violation occurred on duty or off duty and adds such a conviction as grounds for removal of a tenured school bus operator.

Present law (R.S. 17:492(A)) provides that school bus operators shall serve a probationary term of three years. Authorizes local school boards to dismiss any operator during his probationary term upon the written recommendation of the local superintendent accompanied by valid reasons. Provides that at the end of the probationary term, a school bus operator employed prior to July 1, 2012, shall get tenure unless found unsatisfactory by the school board. Provides that a school bus operator hired on or after July 1, 2012, shall not be eligible for tenure and may be removed from his position as provided by the personnel policy of the employing school board. Proposed law retains present law and additionally requires:

- (1) The immediate dismissal of a probationary school bus operator who is convicted for a violation of a local ordinance that prohibits operating a vehicle while intoxicated or any of the following present law offenses regardless of whether the violation occurred while the operator was performing an official duty or responsibility as a school bus operator at the time of the offense:
 - (a) R.S. 14:98, operating a vehicle while intoxicated.
 - (b) R.S. 14:32.1, vehicular homicide.
 - (c) R.S. 14:32.8(A)(2), third degree feticide.
 - (d) R.S. 14:39.1, vehicular negligent injuring.
 - (e) R.S. 14:39.2, first degree vehicular negligent injuring.

- (2) The immediate termination of school bus operator hired on or after July 1, 2012, who is convicted for a violation of a local ordinance that prohibits operating a vehicle while intoxicated or any of the following present law offenses regardless of whether the violation occurred while the operator was performing an official duty or responsibility as a school bus operator at the time of the offense:
 - (a) R.S. 14:98, operating a vehicle while intoxicated.
 - (b) R.S. 14:32.1, vehicular homicide.
 - (c) R.S. 14:32.8(A)(2), third degree feticide.
 - (d) R.S. 14:39.1, vehicular negligent injuring.

(e) R.S. 14:39.2, first degree vehicular negligent injuring.

Present law (R.S. 17:493(A)) provides that a tenured school bus operator shall not be removed from his position except upon written and signed charges of willful neglect of duty, or incompetence, or immorality, or drunkenness while on duty, or physical disability to perform his duties, or 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, and then only if found guilty after a hearing by the employing school board. Provides that additional grounds for removal shall be the abolition, discontinuance, or consolidation of routes under specified circumstances.

Present law (R.S. 17:493(C)) further provides that if a tenured school bus operator is found guilty by a school board on any charge specified above and ordered removed or disciplined by the board, the superintendent (with approval of the board) shall furnish to the school bus operator a written statement of recommendation of removal or discipline, including the exact reason, offense, or instance upon which the recommendation is based. Provides that the operator may petition a court of competent jurisdiction for a hearing to review the school board's action and that the court shall have jurisdiction to affirm or reverse such action. Specifies that if the school board's finding is reversed and the operator is ordered reinstated, the operator shall be entitled to full pay for any loss of time or salary.

Proposed law retains present law and adds as a grounds for removal, a conviction for a violation of a local ordinance that prohibits operating a vehicle while intoxicated or present law (R.S. 14:98, 32.1, 32.8(A)(2), 39.1, and 39.2), relative to operating a vehicle while intoxicated, regardless of whether the violation occurred while the operator was performing an official duty or responsibility as a school bus operator at the time of the offense.

Proposed law does not apply to convictions occurring prior to July 1, 2013.

Effective July 1, 2013.

(Amends R.S. 17:492(A) and (D)(2) and 493(A) and (C))