

Regular Session, 2012

HOUSE BILL NO. 716

BY REPRESENTATIVE HENRY

SCHOOLS/BUS DRIVERS: Limits applicability of laws relative to a school bus operator becoming a regular and permanent employee of the employing school board and provides relative to removal of certain operators

1 AN ACT

2 To amend and reenact R.S. 17:491 and 492, relative to tenure of school bus operators; to
3 provide relative to a school bus operator becoming a regular and permanent
4 employee of the employing school board; to provide definitions; to provide
5 applicability; to provide relative to the removal of certain operators; to provide an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:491 and 492 are hereby amended and reenacted to read as
9 follows:

10 §491. Definitions

11 A. As used in this Subpart, the term "school bus operator" means any
12 employee of any city, ~~or parish,~~ or other local public school board whose duty it is
13 to transport students in any ~~city or parish~~ board school bus or activity bus to and
14 from any school of suitable grade approved by the ~~state department~~ Department of
15 ~~education~~ Education or to and from any ~~school-related~~ school-related activity. Such
16 employee shall be certified to have participated in any school bus drivers
17 instructional program or in-service training provided by the ~~state department~~
18 Department of ~~education~~ Education as provided for in R.S. ~~17:497.2~~ 17:497.4, shall
19 have attained the age of twenty-one years, and shall be certified to have passed any

1 physical examination required by the department. It shall be unlawful for anyone not
2 certified as provided herein to transport school students to and from any such school.

3 B. Employees of ~~parish and city, parish, and other local public~~ school boards
4 who drive buses to colleges or universities may, at the discretion of the employing
5 school board, be exempted from the age requirements provided herein, but shall meet
6 those age requirements provided in R.S. 17:160.

7 * * *

8 §492. Probation and tenure of bus operators

9 A. Each school bus operator shall serve a probationary term of three years
10 reckoned from the date of his first employment in the city, parish, or other local
11 public school system in which the operator is serving his probation. During the
12 probationary term, the city, parish, or other local public school board may dismiss
13 or discharge any operator upon the written recommendation of the ~~parish local~~
14 superintendent of schools accompanied by valid reasons therefor.

15 B. ~~Any~~ Except as provided in Subsection D of this Section, any school bus
16 operator found unsatisfactory by the ~~parish~~ school board at the expiration of the
17 probationary term shall be notified in writing by the board that he has been
18 discharged or dismissed; in the absence of such notification such probationary school
19 bus operator shall automatically become a regular and permanent operator in the
20 employ of the school board of the parish school system in which he has successfully
21 served his probationary term, ~~provided that all school bus operators in the employ~~
22 ~~of any parish school board on July 26, 1944, and who have served satisfactorily as~~
23 ~~school bus operators for more than three consecutive years and who shall be~~
24 ~~employed for the school term of 1944-45, are declared to be regular and permanent~~
25 ~~school bus operators in the employ of the school board of that parish.~~

26 C. In order to acquire tenure under the provisions hereof, each school bus
27 operator shall personally operate and drive the school bus he is employed to operate;
28 no one shall acquire tenure in the operation of more than one school bus.

1 D.(1) The provisions of Subsection B of this Section, relative to a school bus
 2 operator becoming a regular and permanent operator, are not applicable to any
 3 school bus operator whose date of first employment with the school system is July
 4 1, 2012, or thereafter.

5 (2) After the expiration of the probationary term provided in Subsection A
 6 of this Section, a school bus operator whose date of first employment with a school
 7 system is July 1, 2012, or thereafter, may be removed from his position as provided
 8 by the personnel policy of the employing school board.

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

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)]

Henry

HB No. 716

Abstract: Provides that the provisions of state law relative to the acquisition of tenure by school bus operators (becoming permanent employees) shall not be applicable to any operator whose date of first employment with the school system is July 1, 2012, or thereafter. Also provides relative to removal of school bus operators first hired after this date.

Present law (R.S. 17:491) defines "school bus operator" (for purposes of certain laws including those relative to probation and tenure of bus operators) to mean any employee of any city or parish school board whose duty it is to transport students in any city or parish school bus or activity bus to and from any school of suitable grade approved by the state Dept. of Education or to and from any school-related activity.

Requires that such employee shall be certified to have participated in any school bus drivers instructional program or in-service training provided by the state Dept. of Education as provided by law, shall be at least 21 years old, and shall be certified to have passed any physical examination required by the department. Specifies that it shall be unlawful for anyone not so certified to transport school students to and from any such school.

Provides that employees of parish and city school boards who drive buses to colleges or universities, at the discretion of the employing school board, may be exempted for the specified age requirement but shall not be under age 18 (R.S. 17:160).

Proposed law retains present law except to make technical corrections.

Relative to probation and tenure of bus operators:

Present law (R.S. 17:492) provides that each school bus operator shall serve a probationary term of three years reckoned from the date of his first employment in the parish in which the operator is serving his probation. Provides that during the probationary term the parish school board may dismiss or discharge any operator upon the written recommendation of the parish superintendent of schools accompanied by valid reasons therefor.

Specifies that any school bus operator found unsatisfactory by the parish school board at the expiration of the probationary term shall be notified in writing by the board that he has been discharged or dismissed. Provides that in the absence of such notification the probationary school bus operator shall automatically become a regular and permanent operator in the employ of the school board of the parish in which he has successfully served his probationary term.

Provides that all school bus operators in the employ of any parish school board on July 26, 1944, and who have served satisfactorily as school bus operators for more than three consecutive years and who are employed for the school term of 1944-1945, are declared to be regular and permanent school bus operators in the employ of the school board of that parish.

Requires that in order to acquire tenure under present law, each school bus operator must personally operate and drive the school bus he is employed to operate and that no one shall acquire tenure in the operation of more than one school bus.

Proposed law retains present law with respect to persons hired prior to July 1, 2012, except to make technical corrections and to delete provisions relative to operators employed by a parish school board on July 26, 1944.

Proposed law additionally provides that present law provisions relative to an operator becoming a regular and permanent operator are not applicable to any school bus operator whose date of first employment with the school system is July 1, 2012, or thereafter. Relative to such an operator, proposed law provides that after the expiration of the probationary term provided by present law, the operator may be removed from his position as provided by the personnel policy of the employing school board.

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

(Amends R.S. 17:491 and 492)