

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2703

5 By: Representative Chesterfield
6
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For An Act To Be Entitled

9 AN ACT TO ENSURE THE SAFETY OF SCHOOL CHILDREN
10 WHO ARE TRANSPORTED ON SCHOOL BUSES; TO PROHIBIT
11 SCHOOL DISTRICTS AND SCHOOL DISTRICT BOARDS OF
12 DIRECTORS FROM HIRING TEMPORARY, SUBSTITUTE, OR
13 PERMANENT SCHOOL BUS DRIVERS WHO DO NOT HAVE THE
14 REQUIRED CRIMINAL RECORDS CHECK, DRIVING RECORD
15 BACKGROUND CHECK, OR CERTIFICATION; AND FOR OTHER
16 PURPOSES.

Subtitle

18 TO ENSURE THE SAFETY OF SCHOOL CHILDREN
19 WHO ARE TRANSPORTED ON SCHOOL BUSES.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 6-17-415 is amended to read as follows:

26 6-17-415. Criminal records check for existing noncertified employees.

27 (a) Except as provided in subsection (c) of this section, ~~It~~ it is the
28 clear intent of the General Assembly to authorize each public school district
29 at its discretion to require criminal background checks of existing
30 noncertified employees in the same manner and subject to the same terms and
31 conditions as set forth in this act for newly hired noncertified applicants.

32 (b) Any school district which by a vote of its local school board of
33 directors requires criminal background checks for existing noncertified
34 employees shall pay the full cost of the criminal background checks.

35 (c) If a school district transfers an existing noncertified employee
36 to a position as a school bus driver, then the school district shall treat



1 the existing noncertified employee as an applicant for initial employment for
2 the purposes of conducting criminal background checks, driving background
3 record checks, and certification.

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5 SECTION 2. Arkansas Code § 6-17-416 is amended to read as follows:

6 6-17-416. Criminal records check of employees of more than one
7 district.

8 (a) Except as provided in subsection (b) of this section, Employees
9 employees, whether new or existing, who have a contract with or work for more
10 than one (1) school district in one (1) year shall be required to have only
11 one (1) criminal background check to satisfy the requirements of all
12 employing school districts for that year.

13 (b) If a school district that has a shortage of school bus drivers in
14 the district offers employment to or employs an existing noncertified
15 employee of another school district, then the school district that is seeking
16 to fill the school bus driver position with an employee of another school
17 district shall treat the noncertified employee as an applicant for initial
18 employment for the purposes of conducting criminal background checks, driving
19 background record checks, and certification.

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21 SECTION 3. Arkansas Code § 6-19-107(c), regarding the application for
22 employment and driving records for school bus drivers, is amended to read as
23 follows:

24 (c)(1) The applicant's driving record shall be evaluated according to
25 guidelines established by the Department of Education prior to permanent
26 employment. ~~The school district may hire an applicant as a bus driver on a~~
27 ~~temporary basis until official verification of the driving record is received~~
28 ~~and evaluated.~~

29 (2) The school district shall review and maintain a file of
30 semiannual reports on the driving records of school bus drivers.

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32 SECTION 4. Arkansas Code § 6-19-107, regarding the application for
33 employment and driving records for school bus drivers, is amended to add an
34 additional subsection to read as follows:

35 (d)(1) Except as provided in subdivision (d)(2) of this section, the
36 school district may hire an applicant as a bus driver on a temporary basis

1 until official verification of the driving record is received and evaluated.

2 (2) If a school district employs a person as a temporary,
3 substitute, or permanent school bus driver for the purpose of filling a
4 position that is open, then the school district shall not hire an applicant
5 whose driving record has not been officially verified under this section.

7 SECTION 5. Arkansas Code § 6-19-108(e), regarding the certification of
8 school bus drivers, is amended to read as follows:

9 (e)(1) Except as provided in subdivision (e)(2) of this subsection
10 (e), ~~In~~ in the event that a qualified school bus operator as prescribed in
11 this subchapter shall die, resign, or be ill, disabled, or otherwise not
12 available to operate a school bus and the school district board of directors
13 is not able to obtain a qualified bus operator with the certificate required
14 in this section, the school district board of directors may provide a
15 substitute driver to operate such school bus on a temporary basis without a
16 certificate until the next regularly scheduled school bus operator's
17 examination is held in the locality.

18 (2) If a school district employs a person as a temporary or
19 substitute school bus driver for the purpose of filling a position that is
20 open, then the school district board of directors shall not provide a
21 temporary, substitute, or permanent school bus driver to operate the school
22 bus on a temporary or permanent basis without a certificate under this
23 section.

25 SECTION 6. Arkansas Code Title 6, Chapter 19, Subchapter 1 is amended
26 to add additional sections to read as follows:

27 6-19-121. Privatization of school busing.

28 Before a school district or a school district board of directors can
29 request bids for a contract for school busing or otherwise obtain the
30 services of a private company for school bus driving services, the school
31 district or the school district board of directors shall have a public
32 hearing and shall give a minimum notice of thirty (30) days to the public to
33 prepare for and attend the hearing.

35 6-19-122. Requirements applicable to private contractors of school
36 busing.

1 The requirements for a school bus driver to undergo a criminal records
2 check under §§ 6-17-414, 6-17-415, and 6-17-416; a driving record
3 verification under § 6-19-107; and certification under § 6-19-108 shall apply
4 to private contractors who provide school busing services to school
5 districts.

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7 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that the law has specific
9 requirements regarding criminal background checks, driving record background
10 checks, and certification of school bus drivers to ensure the safety of
11 public school children who ride on school buses; that these requirements can
12 be avoided in school districts where bus drivers go on strike due to a
13 loophole in the law that allows school districts to employ temporary or
14 provisional employees; and that this act is immediately necessary to close
15 the loophole in the law that jeopardizes the safety of public school children
16 who ride on buses to school. Therefore, an emergency is declared to exist
17 and this act being immediately necessary for the preservation of the public
18 peace, health, and safety shall become effective on:

19 (1) The date of its approval by the Governor;

20 (2) If the bill is neither approved nor vetoed by the Governor,
21 the expiration of the period of time during which the Governor may veto the
22 bill; or

23 (3) If the bill is vetoed by the Governor and the veto is
24 overridden, the date the last house overrides the veto.

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