

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

As Engrossed: H3/25/05

A Bill

HOUSE BILL 2703

5 By: Representative Chesterfield
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For An Act To Be Entitled

9 AN ACT TO ENSURE THE SAFETY OF SCHOOL
10 CHILDREN WHO ARE TRANSPORTED ON SCHOOL BUSES
11 OPERATED BY PRIVATE COMPANIES AND FROM
12 INDEPENDENT CONTRACTORS WITH ACCESS TO SCHOOL
13 CHILDREN; AND FOR OTHER PURPOSES.
14

Subtitle

15 TO ENSURE THE SAFETY OF SCHOOL CHILDREN.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 6, Chapter 19, Subchapter 1 is amended
22 to add additional sections to read as follows:

23 6-19-121. Privatization of school busing.

24 Before a school district or a school district board of directors can
25 request bids for a contract for school busing or otherwise obtain the
26 services of a private company for school bus driving services, the school
27 district or the school district board of directors shall have a public
28 hearing and shall give a minimum notice of thirty (30) days to the public to
29 prepare for and attend the hearing.
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31 6-19-122. Requirements applicable to private contractors of school
32 busing.

33 (a) No school district may contract with a private contractor or other
34 entity, excluding school districts, for services to be provided for or at a
35 public school or school district, including, but not limited to, school
36 busing, maintenance, vending, landscaping, or cleaning, unless the private



1 contractor or other entity contractually agrees:

2 (1)(A) To require as any employee or subcontractor who may have
3 access to children in relation to the performance of duties under the
4 contract to apply to the Bureau of Identification and Information for
5 statewide and nationwide criminal records check, the latter to be conducted
6 by the Federal Bureau of Investigation.

7 (B) The checks shall conform to the applicable federal
8 standards and shall include the taking of fingerprints.

9 (C) The contractor, subcontractors, or employees of the
10 contractor who may have access to children in relation to the performance of
11 duties under the contract shall sign a release of information to the
12 Department of Education.

13 (D) The contractor or applicant shall be responsible to the
14 Arkansas State Police for the payment of any fee associated with the criminal
15 records check; and

16 (2) To not employ or subcontract with any person who has pleaded
17 guilty or nolo contendere to or has been found guilty of any of the offenses
18 listed in § 6-17-414(b)(1) by any court in the State of Arkansas or of any
19 similar offense by a court in another state or of any similar offense by a
20 federal court.

21 (b) In addition to the criminal background checks required under
22 subsection (a) of this section, any person employed by or subcontracting with
23 a private contractor or other entity, excluding school districts, who provide
24 school busing services to school districts shall have a driving record
25 verification under § 6-19-107 and a certification under § 6-19-108.

26 (c) Any private contractor or other entity that fails to comply with
27 the provisions of this section shall be liable for any damages resulting from
28 its failure to comply with the criminal background checks, driving record
29 verification, or certification requirements of this section.

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31 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly of the State of Arkansas that the law has specific
33 requirements regarding criminal background checks, driving record background
34 checks, and certification of school bus drivers to ensure the safety of
35 public school children who ride on school buses; that these requirements can
36 be avoided in school districts where bus drivers go on strike due to a

1 loophole in the law that allows school districts to employ temporary or
2 provisional employees; and that this act is immediately necessary to close
3 the loophole in the law that jeopardizes the safety of public school children
4 who ride on buses to school. Therefore, an emergency is declared to exist
5 and this act being immediately necessary for the preservation of the public
6 peace, health, and safety shall become effective on:

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

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

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

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14 /s/ Chesterfield
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