

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

A Bill

HOUSE BILL 2843

4
5 By: Representatives Dobbins, Chesterfield
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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.
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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 of 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 of 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 section, ~~In~~ in
 10 the event that a qualified school bus operator as prescribed in this
 11 subchapter shall die, resign, or be ill, disabled, or otherwise not available
 12 to operate a school bus and the school district board of directors is not
 13 able to obtain a qualified bus operator with the certificate required in this
 14 section, the school district board of directors may provide a substitute
 15 driver to operate such school bus on a temporary basis without a certificate
 16 until the next regularly scheduled school bus operator's examination is held
 17 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 a school bus
 22 on a temporary or permanent basis without a certificate under this section.

24 SECTION 6. Arkansas Code Title 6, Chapter 19, Subchapter 1 is amended
 25 to add two (2) additional sections to read as follows:

26 6-19-121. Privatization of school busing.

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

34 6-19-122. Requirements applicable to private contractors of school
 35 busing.

36 The requirements for a school bus driver for a criminal records check

1 under §§ 6-17-414, 6-17-415, and 6-17-416, a driving record verification
2 under § 6-19-107, and certification under § 6-19-108 shall apply to private
3 contractors who provide school busing services to school districts.
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5 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that the law has specific
7 requirements regarding criminal background checks, driving record background
8 checks, and certification of school bus drivers to ensure the safety of
9 public school children who ride on school buses; that these requirements can
10 be avoided in school districts where bus drivers go on strike due to a
11 loophole in the law that allows school districts to employ temporary or
12 provisional employees; and this act is immediately necessary to close the
13 loophole in the law that jeopardizes the safety of public school children who
14 ride on buses to school. Therefore, an emergency is declared to exist and
15 this act being immediately necessary for the preservation of the public
16 peace, health, and safety shall become effective on:

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

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

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