



Proposed law retains present law, but designates the superintendent to determine the need to consolidate routes.

Proposed law additionally provides that upon notification that the bus operator has a conviction or plea of nolo contendere to any violation in proposed law, the superintendent shall immediately remove the bus operator from his position and notify the bus operator of such and that the termination is not subject to review.

Proposed law provides that upon the bus operator's request for a review hearing, the superintendent shall randomly appoint a hearing officer from a list of persons previously approved by the school board as "disciplinary hearing officers". Proposed law further provides how the list of hearing officers is to be maintained.

Proposed law provides such hearing may be private or public, at the option of the bus operator, and shall commence no sooner than ten calendar days nor later than thirty calendar days after receipt of the bus operator's request for such hearing.

Proposed law provides that the disciplinary hearing officer shall have the power to issue subpoenas. Further provides that the school board shall adopt and maintain procedures to govern the conduct of the hearing, including providing that the bus operator shall have the right to appear before the disciplinary hearing officer with witnesses on his behalf and with counsel of his selection.

Proposed law provides the disciplinary hearing officer shall review whether the interim decision of the superintendent was arbitrary or capricious and shall either affirm or reverse the action of the superintendent. Further provides that the disciplinary hearing officer shall notify the superintendent and the bus operator of his final determination, with written reasons, within ten days from the date of the hearing and if the superintendent's disciplinary action is affirmed, it shall become effective upon the bus operator's receipt of the decision of the disciplinary hearing officer. If the superintendent's disciplinary action is reversed, the bus operator shall be restored to duty.

Proposed law provides that the school board or the bus operator may petition a court of competent jurisdiction to review the matter as a summary proceeding pursuant to present law. Provides that the court shall determine whether the disciplinary hearing officer abused his discretion in deciding whether the action of the superintendent was arbitrary or capricious. If the action of the superintendent is reversed by the court and the bus operator is ordered reinstated and restored to duty, the bus operator shall be entitled to full pay for any loss of time or salary he may have sustained by reason of the action of the superintendent.

Proposed law provides that the time periods prescribed in proposed law may be extended by mutual agreement of the parties. Additionally provides that paid administrative leave shall not exceed fifty days from notice of the superintendent's interim decision.

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

(Amends R.S. 17:493)