

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Ashley Townsend Dept.: LA Department of Education
Board of Elementary &
Secondary Education

Phone: (225) 342-3446 Office: Governmental, Admin., and Public Affairs

Return Address: P. O. Box 94064
Baton Rouge, LA Rule Title: Part CXIII. *Bulletin 119 – Louisiana School Transportation Specifications and Procedures* (LAC 28: CXIII.903, 1701, and 2305)

Date Rule Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed rule revisions align BESE policy with Acts 449, 640, and 661 of the 2022 Regular Legislative Session regarding school bus equipment usage, the school bus operator salary compensation calculation, and definitions of school bus types. There will likely be an indeterminable increase in Local Funds expenditures for local school districts to provide for an increased operational pay rate to school bus operators and to provide for supplemental payments for certain equipment purchases. District costs will depend on the difference between the new compensation structure and districts' existing operational pay structures. Costs will vary based on the number of owner/operators, the size of school buses, and the supplemental payment system established by districts.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed rule revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule revisions may result in additional compensation for school bus owner/operators. This will depend on whether school districts with current supplemental payment systems in place continue offering those systems in addition to the increased compensation outlined in the revised statute.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions may improve the feasibility of owning and operating a school bus, possibly increasing the number of available owner/operators.



Signature of Agency Head or Designee



Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance

Typed Name and Title of Agency Head or Designee

11.7.22

Date of Signature

11/9/22

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule revisions align BESE policy with Acts 449, 640, and 661 of the 2022 Regular Legislative Session regarding school bus equipment usage, the school bus operator salary compensation calculation, and definitions of school bus types.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Acts 449, 640, and 661 enacted by the 2022 Regular Legislative Session made several changes to Title 17 of the Louisiana Revised Statutes regarding school bus equipment usage, the school bus operator salary compensation calculation, and definitions of school bus types. The revisions to Part CXIII. Bulletin 119 will bring BESE policy into alignment with statute.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

An increase in the expenditure of Local Funds is a likely result of the proposed rule. The actual amount of increase is indeterminable and dependent upon the difference between the new school bus operator compensation structure and districts' existing operational pay structures as well as upon the number of owner/operators and the size of school buses.

2. If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) X NO. If no, provide justification as to why this rule change should be published at this time.

Revisions are required due to legislation enacted following publication of the report prepared in response to HCR 20 of the 2020 Regular Legislative Session, that stated that school bus operational costs for owner/operators greatly exceed the state-mandated operational pay.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 23	FY 24	FY 25
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
TOTAL	0	0	0
POSITIONS (#)	0	0	

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed rule revisions will have no effect on costs or savings to state agencies.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 23	FY 24	FY 25
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated	0	0	0
Federal Funds	0	0	0
Other (Specify)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No funds are needed to implement these revisions

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There will likely be an increase in Local Funds expenditures for local school districts to provide for an increased operational pay rate to school bus operators and to provide for supplemental payments for certain equipment purchases. District costs will depend on the difference between the new compensation structure and districts' existing operational pay structures. Costs will vary based on the number of owner/operators, the size of school buses, and the supplemental payment system established by districts.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

The potential impact to local school districts will depend upon factors described above as well as district decisions regarding the continuation of existing supplemental pay systems.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 23	FY 24	FY 25
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule revisions will not have an effect on revenue collections of state or local governmental units.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule revisions may result in increased compensation for school bus owner/operators. Some school districts currently offer supplemental pay systems. If districts continue to offer these in addition to the mandated state increase, owner/operators could receive greater compensation to offset operational costs of school buses.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The revisions align BESE policy with Acts 449, 640, and 661 of the 2022 Regular Legislative Session regarding school bus equipment usage, the school bus operator salary compensation calculation, and definitions of school bus types. It is possible for the proposed rule revisions to lead to an increase of the financial feasibility of owning and operating a school bus, potentially increasing the number of school bus drivers.

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part CXIII. Bulletin 119—Louisiana School Transportation Specifications and Procedures
(LAC 28: CXIII.903, 1701, and 2305).

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXIII in *Bulletin 119 – Louisiana School Transportation Specifications and Procedures*. The aforementioned revisions align BESE policy with legislation enacted by the 2022 Regular Legislative Session regarding school bus equipment usage, salary compensation calculation, and definitions of school bus types.

TITLE 28

EDUCATION

Part CXIII. Bulletin 119—Louisiana School Transportation Specifications and Procedures

Chapter 9. Vehicle Operation

§903. Loading and Unloading

A. - 1. ...

2. Amber and red Eight-Light Flashing Warning System. For buses equipped with an amber and red eight-light flashing warning system, drivers must activate the amber flashing lights at least 100 feet but not more than 500 feet before coming to a stop. Red flashing warning lights, stop signal arms, and the crossing control device must be activated when the bus is stopped and lights must continue flashing while children board, alight, and/or cross roadways.

B. - 5. ...

C. Operations: Preparing to Safely Load or Unload Students

1. The bus driver must activate warning lights, stop signal arms, and the crossing control device after the bus has stopped and before students are permitted to board or alight from the bus. When traveling on undivided roadways, the Louisiana "School Bus Stop Law" (R.S. 32:80) requires drivers of vehicles meeting or overtaking school buses stopped on a highway for the purpose of loading or unloading students to stop the vehicle not less than 30 feet from the school bus when flashing warning lights and stop arms have been activated and to remain stopped until the signals have been deactivated and the bus has resumed motion. (Bus drivers must deactivate signals before resuming motion.)

2. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, R.S. 17:164-166, R.S. 32:80, and R.S. 32:318.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:835 (May 1999), amended LR 25:2169 (November 1999), LR 36:1470 (July 2010), LR 37:2123 (July 2011), LR 42:231 (February 2016), LR 48:

Chapter 17. Compensation of School Bus Drivers

§1701. Salary Compensation Based on School Bus Routes

A. The term *route* shall apply to the combined total daily trips (or "runs") regularly assigned to the bus driver.

B. Bus routes are measured in terms of "paid mileage." Paid mileage for contract drivers begins when the first student is picked up and ends when the final student discharge destination or school is reached.

C. When one-way mileage differs in the afternoon from that of the morning route, the one-way mileage for the morning and afternoon is totaled and divided by two. The result is the average one-way mileage for that particular route.

D. The rate of compensation is determined in accordance with R.S. 17:497.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, R.S. 17:164-166 and R.S. 17:497.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:633 (April 1999), amended LR 36:1475 (July 2010), LR 48:

§2305. Definitions and Descriptions of School Bus Types

A. School buses must meet both federal and state definitions.

1. Federal Definition. *School Bus*—a passenger motor vehicle designed to carry a driver and more than 10 passengers, which the Secretary of Transportation decides is likely to be used significantly to transport preprimary, primary, and secondary students to or from school or an event related to school.

2. State Definition *School Bus*—every motor vehicle that is used to transport students to and from school or in connection with school activities, but not including a charter bus or transit bus.

B. - 4. ...

5. *Multifunction school activity bus (MFSAB)*—school bus whose purposes do not include transporting students to and from home or school bus stops, as defined in 49 CFR 571.3. This subcategory of school bus meets all FMVSS for school buses except the traffic control requirements of alternately flashing signal and stop arm.

6. *Specially Equipped*—a school bus designed, equipped, or modified to accommodate students with special needs.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, and R.S. 17:164-166.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:644 (April 1999), amended LR 36:1478 (July 2010), LR 37:2125 (July 2011), LR 48:

COMPARISON DOCUMENT

TITLE 28

EDUCATION

Part CXIII. Bulletin 119—Louisiana School Transportation Specifications and Procedures

Chapter 9. Vehicle Operation

§903. Loading and Unloading

A. - 1. ...

2. Amber and red Eight-Light Flashing Warning System. For buses equipped with an amber and red eight-light flashing warning system, drivers must activate the amber flashing lights at least 100 feet but not more than 500 feet before coming to a stop. Red flashing warning lights, stop signal arms, and the crossing control device must be activated when the bus is stopped and lights must continue flashing while children board, alight, and/or cross roadways.

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C. Operations: Preparing to Safely Load or Unload Students

1. The bus driver must activate warning lights, stop signal arms, and the crossing control device after the bus has stopped and before students are permitted to board or alight from the bus. When traveling on undivided roadways, the Louisiana "School Bus Stop Law" (R.S. 32:80) requires drivers of vehicles meeting or overtaking school buses stopped on a highway for the purpose of loading or unloading students to stop the vehicle not less than 30 feet from the school bus when flashing warning lights and stop arms have been activated and to remain stopped until the signals have been deactivated and the bus has resumed motion. (Bus drivers must deactivate signals before resuming motion.)

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, R.S. 17:164-166, R.S. 32:80, and R.S. 32:318.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:835 (May 1999), amended LR 25:2169 (November 1999), LR 36:1470 (July 2010), LR 37:2123 (July 2011), LR 42:231 (February 2016), LR 48:

Chapter 17. Compensation of School Bus Drivers

§1701. Salary Compensation Based on School Bus Routes

A. The term *route* shall apply to the combined total daily trips (or "runs") regularly assigned to the bus driver.

B. Bus routes are measured in terms of "~~one-way~~ paid mileage." Paid ~~one-way~~ mileage for contract drivers begins when the first student ~~child~~ is picked up and ends when the final student ~~discharge~~ destination or school is reached.

C. When one-way mileage differs in the afternoon from that of the morning route, the one-way mileage for the morning and afternoon is totaled and divided by two. The result is the average one-way mileage for that particular route.

D. The rate of compensation is determined by ~~the length of the school bus for the first 6 miles, next 6 miles and over 12 miles as specified in accordance with~~ R.S. 17:497.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, R.S. 17:164-166 and R.S. 17:497.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:633 (April 1999), amended LR 36:1475 (July 2010), LR 48:

§2305. Definitions and Descriptions of School Bus Types

A. School buses must meet both federal and state definitions.

1. Federal Definition. *School Bus*—a passenger motor vehicle designed to carry a driver and more than 10 passengers, which the Secretary of Transportation decides is likely to be used significantly to transport preprimary, primary, and secondary students to or from school or an event related to school.

2. State Definition *School Bus*—every motor vehicle that ~~complies with the color, equipment, and identification requirements required by law and is used to transport~~ students ~~children~~ to and from school or in connection with school activities, but not including a charter bus or transit bus ~~buses operated by common carriers in urban transportation of school children.~~

B. - 4. ...

5. ~~*Specially Equipped*—a school bus designed, equipped, or modified to accommodate students with special needs. *Multifunction school activity bus (MFSAB)*—school bus whose purposes do not include transporting students to and from home or school bus stops, as defined in 49 CFR 571.3. This subcategory of school bus meets all FMVSS for school buses except the traffic control requirements of alternately flashing signal and stop arm.~~

6. ~~*Specially Equipped*—a school bus designed, equipped, or modified to accommodate students with special needs.~~

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:158, R.S. 17:160-161, and R.S. 17:164-166.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:644 (April 1999), amended LR 36:1478 (July 2010), LR 37:2125 (July 2011), LR 48:

**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
FAMILY IMPACT STATEMENT
(LA R.S. 49:953 and 972)**

Person Preparing Statement: Ashley Townsend
Phone: 225-342-3446
Division: Governmental, Administrative, and Public Affairs
Rule Title: Part CXIII. Bulletin 119 - Louisiana School Transportation Specifications and Procedures (LAC 28: CXIII.903, 1701, and 2305).

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine

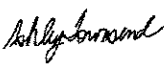
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?
 No
 Yes
 Lacks sufficient information to determine.

3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?
 No
 Yes
 Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?
 No
 Yes
 Lacks sufficient information to determine

6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?
 No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 10/14/2022

**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
POVERTY IMPACT STATEMENT
(LA R.S. 49:973)**

Person Preparing Statement: Ashley Townsend

Phone: 225-342-3446

Division: Governmental, Administrative, and Public Affairs

Rule Title: Part CXIII. Bulletin 119 - Louisiana School Transportation Specifications and Procedures (LAC 28: CXIII.903, 1701, and 2305).

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- No
- Yes
- Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- No
- Yes
- Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- No
- Yes
- Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- No
- Yes
- Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- No
- Yes
- Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 10/14/2022

Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, December 12, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director