

New School Bus Safety Requirements

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The 2019 Indiana General Assembly passed a law addressing transportation of students specifically concerning school bus routes. The law is Senate Enrolled Act 2 (Public Law 144-2019) and requires specific actions to be taken with regard to school bus routes. The Act added a new section to the school bus safety chapter, specifically IC 20-27-10-0.5. It requires every school corporation that provides transportation to its students to review its bus routes and school bus safety policies and procedures to improve the safety of its students. The review must be completed before September 1 of every year beginning with 2019. This new law also requires the state school bus committee to develop and post on its website best practices and school bus safety guidelines. These best practices and guidelines are a resource for the school corporations to use in its review to improve the local school bus safety policies, procedures, and bus routes. These guidelines are to include best procedures to ensure students do not cross or enter a roadway until traffic has come to a complete stop. While the law does not specifically require the school board to do the review, it is best practice to have the school board receive a report on the review so it may take the actions necessary to improve the safety of transporting students.

When doing the review of its bus routes, the school corporation should consider the new requirements for school bus routes the Act also mandates. A new section to the chapter concerning bus routes requires when a school bus is operated on a U.S. route or a state route outside of a city or town, students cannot be loaded or unloaded at a location requiring a student to cross the roadway unless there is no other safe alternative available on the bus route. If the latter is the case when elementary school students are being loaded or unloaded on the bus, the new law requires the superintendent to take the route to the school board for its approval. This law also provides when a street or highway other than a U.S. or state route is on the bus route, the students must be loaded and unloaded as close to the right-hand curb or edge of the road as practicable. The new statutes are IC 20-27-12-20 and IC 20-27-12-20.5 and are effective July 1, 2019.

The Act also provides if a school corporation purchases, installs, and operates a stop arm camera in compliance with the rules of the state school bus committee, with the approval of the school board, the school corporation may petition the county council or the township board, whichever is applicable, to receive reimbursement for the total cost of the stop arm camera. The school corporation is required to provide documentation of the total cost of the stop arm camera in order to be eligible to receive reimbursement. While the statute is silent, it can be implied the total costs would include installation and labor costs incurred by the school corporation in order for the camera to meet the requirements of the state school bus committee rules. The statute is IC 9-21-12-21. The school bus committee rule is 575 IAC 1-9-14.

The Act also amends statutes addressing who can use school buses with the written authorization of the school board to include adults with developmental or physical disabilities and any nonprofit corporation who has transportation needs.

Changes to the Public Access Laws

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During this past legislative session, the General Assembly amended both the Open Door Law and the Access to Public Records Act. These amendments impact school corporations. A summary of the amendments follows. All of these laws go into effect July 1, 2019.

Open Door Law

One change was made to the executive session section that impacts school boards. Currently the law allows a school board to meet in executive session to discuss strategy related to the "purchase or lease of real property...up to the time a contract or option to purchase or lease is executed by the parties." See IC 5-14-1.5-6.1(b)(2)(D). In HEA 1116 (P.L. 164-2019), the General Assembly expanded the law to allow a school board to discuss strategy relating to the purchase, lease as a lessor, lease as a lessee, transfer, exchange, or sale of real property up to the time a contract or option is executed by the parties. School boards must still adhere to provisions in Title 36 regarding leasing and/or disposing of real property.

Access to Public Records Act

Two changes were made to the law affecting public records maintained by a school corporation. First, HEA 1398 (P.L. 255-2019) will allow law enforcement agencies to share investigatory records with school corporations, charter schools, and nonpublic schools for the purpose of enhancing the safety or security of a student or a school building. Additionally, in cases where the law enforcement agency chooses to share these records, the agency does not lose its discretion to keep the investigatory records confidential from other persons or entities who request the same records. This bill was sponsored by Rep. Tony Cook in an effort to increase the safety of students.

Secondly, school boards will be allowed to charge fees for searching for public records in limited circumstances. In HEA 1629 (P.L. 249-2019), the General Assembly added language allowing a fee for searching for records that are in an electronic format if the search exceeds five hours. The fee would be limited to the lesser of the hourly rate of the person making the search or \$20 per hour. A school corporation may not charge for "computer processing time," which is defined as "the amount of time a computer takes to process a command or script to extract or copy electronically stored data that is the subject of a public records request." The new language also requires the school corporation to make a good faith effort to complete a search for records that are in an electronic format within a reasonable time in order to minimize the amount of a search fee. This bill was authored by Rep. Bob Behning, and likely in response to patrons' requests for emails to and from school officials that were generating thousands of public records.

Additionally, while the law does not specifically state this, ISBA would suggest that if a search fee is charged, school officials should charge the fee on a uniform basis.