

Supreme Court of Louisiana

FOR IMMEDIATE NEWS RELEASE

NEWS RELEASE #013

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 25th day of March, 2022 are as follows:

BY McCallum, J.:

2021-CA-00858

WILLIAM MELLOR, ET AL. VS. THE PARISH OF JEFFERSON (Parish of Jefferson)

AFFIRMED AND REMANDED. SEE OPINION.

Weimer, C.J., dissents and assigns reasons.

Crichton, J., dissents for the reasons assigned by Chief Justice Weimer.

SUPREME COURT OF LOUISIANA

No. 2021-CA-0858

WILLIAM MELLOR, ET AL.

VS.

THE PARISH OF JEFFERSON

On Appeal from the 24th Judicial District Court, Parish of Jefferson

McCALLUM, J.

Jefferson Parish directly appeals the trial court’s judgment finding that Jefferson Parish ordinance, Section 36-320, *et seq.*, titled, “School Bus Safety Enforcement Program for Detecting Violations of Overtaking and Passing School Buses” (“SBSEP”), is unconstitutional.¹ We affirm the judgment of the trial court, and find Section 36-320, *et seq.*, unconstitutional because it violates Article VI, Section 5(G) and Article VIII, Section 10(A) of the Louisiana Constitution.

FACTS AND PROCEDURAL HISTORY

After receiving notices of alleged violations of Section 36-320, *et seq.*, of the Jefferson Parish Code of Ordinances, petitioners filed a class action Petition for Damages and Declaratory Judgment. Petitioners sought a judgment declaring Section 36-320, *et seq.* unconstitutional and the return of the fines they paid pursuant to the violations. The Jefferson Parish Council adopted the SBSEP in 2008. Section 36-322 defines the proscribed conduct and the attendant civil fines:

The driver of a motor vehicle, upon any public roadway in Jefferson Parish, which proceeds to overtake or meet, from any direction, any school bus that has stopped for the purpose of, or is in the preparation of picking up or discharging passengers, shall stop the vehicle before reaching such school bus when the bus has in operation its visual signals, and the driver of the vehicle shall not proceed with, said vehicle

¹ See La. Const. art. V, § 5(D). “This court conducts *de novo* review of judgments declaring legislation to be unconstitutional.” See *Rand v. City of New Orleans*, 17-0596, p. 6 (La. 12/6/17), 235 So. 3d 1077, 1082.

until the bus resumes motion and the bus's visual signals are no longer activated. The failure of a driver of a vehicle to comply with these provisions shall cause the registered owner of the vehicle being operated by the driver at the time of the violation to be liable for a civil penalty of four hundred dollars (\$400.00) plus any additional costs assessed for the enforcement of this article, but in no event shall the total fine plus enforcement costs exceed five hundred dollars (\$500.00) per violation. ...

All penalties and fees collected from the imposition of civil liability under this article shall be first expended to defray all costs associated with the operation and enforcement of the school bus safety enforcement program in the following manner: twelve (12) percent to the Jefferson Parish Sheriff's Office and eighty-eight (88) percent to the Jefferson Parish Public School District.

The SBSEP establishes civil fines against vehicle owners whose vehicles overtake and pass a school bus with its visual signals activated.² It is enforced by the use of automated cameras affixed to the school buses to record the violating vehicles.³ Additionally, and important to our discussions, *infra*, Section 36-324(a), titled "Enforcement; procedures," provides the following:

The Jefferson Parish School Board, or its agent, is responsible for the administration of the system and for notification of the violation. The Jefferson Parish Sheriff's Office shall be responsible for the collection of the initial fines paid by the vehicle owner.

In 2007, prior to any formal adoption of the SBSEP, the Jefferson Parish School Board ("School Board") entered into a contract with ONGO Live, Inc. ("ONGO"). Under the contract, ONGO would administer the SBSEP on behalf of the School Board by providing and installing the necessary equipment to gather data relative to SBSEP violations. ONGO would then provide such data to the Sheriff's Office for review. The contract further vested the Jefferson Parish Sheriff's Office ("Sheriff's Office") with the sole authority to determine whether a violation notice should be issued.

² Interestingly, Section 36:322 of the SBSEP differs significantly from our extant Louisiana Revised Statute 32:80, titled, "Overtaking and passing school buses," which is criminal and more penal in nature.

³ See Section 36-320. See also Section 36-324 (mandating responsibility of administering this system to the Jefferson Parish School Board).

The School Board also entered into a Cooperative Endeavor Agreement with the Sheriff's Office. Under the terms of the agreement, the Sheriff's Office agreed to review, approve, or reject violations based on the evidence provided by ONGO, and to collect the associated fines. Additionally, the School Board authorized the Sheriff's Office to establish management and bookkeeping protocols with ONGO consistent with the terms of the School Board's contract with the company.

In 2019, petitioners moved for summary judgment as to the constitutionality of the SBSEP. They asserted multiple arguments against the SBSEP, including arguments based on violations of the Jefferson Parish Home Rule Charter and violations of Louisiana statutory law. Most importantly, for our considerations, petitioners argued that as a home rule charter government under La. Const. art. VI, § 5(G), Jefferson Parish is constitutionally forbidden from enacting ordinances that regulate the School Board.

The trial court granted summary judgment in favor of the petitioners. It found the SBSEP unconstitutional because the plain wording of the SBSEP, supported by Jefferson Parish's own admissions, charged the School Board with various duties in administering the SBSEP in violation of La. Const. art. VI, § 5(G). According to the judge, "Jefferson Parish, under its Home Rule Charter, cannot mandate that an independent arm of the State, in this case the Jefferson Parish School Board, assume Jefferson Parish's administrative or enforcement-related obligations under SBSEP." Thereafter, Jefferson Parish filed its direct appeal to this Court.

DISCUSSION

The only issue before this Court is the constitutionality of the SBSEP. "As with statutory interpretation, when interpreting a constitutional provision, the starting point is with the language of the provision." *Civ. Serv. Comm'n of City of New Orleans v. City of New Orleans*, 02-1812, p. 10 (La. 9/9/03), 854 So. 2d 322, 330 (internal quotation and citation omitted). "When a constitutional provision is

plain and unambiguous, its language must be given effect.” *Id.* As to statutory interpretation, “it is well established that statutes are presumed to be valid, and the constitutionality of a statute should be upheld whenever possible.” *State v. Thomas*, 04-0559, p. 3 (La. 1/19/05), 891 So. 2d 1233, 1235. “Because a state statute is presumed constitutional, the party challenging the statute bears the burden of proving its unconstitutionality.” *Id.* The principles for determining the constitutionality of a legislative enactment are equally applicable to determining the constitutionality of an ordinance; and, we interpret an ordinance using the same guidelines as those we use to construe a statute. *See Rand*, 17-0596, p. 7, 235 So. 3d at 1082.

Regarding the specific language of a statute, “it is presumed that every word, sentence, or provision in a law was intended to serve some useful purpose, that some effect is to be given to each such provision, and that no unnecessary words or provisions were employed.” *Louisiana Fed’n of Tchrs. v. State*, 13-0120, p. 39 (La. 5/7/13), 118 So. 3d 1033, 1057-58 (internal citations omitted). “As a result, courts are bound, if possible, to give effect to all parts of a law and to construe no sentence, clause or word as meaningless and surplusage if a construction giving force to, and preserving, all words can legitimately be found.” *Colvin v. Louisiana Patient’s Comp. Fund Oversight Bd.*, 06-1104 p. 6 (La. 1/17/07), 947 So. 2d 15, 19-20. Additionally, when judging a statute or ordinance to be unconstitutional, “it is necessary to rely on some particular constitutional provision that limits the power of the legislature to enact such a statute.” *Bd. Of Directors of Louisiana Recovery Dist. v. All Taxpayers, Prop. Owners, & citizens of State of La.*, 529 So. 2d 384, 387 (La. 1988).

Jefferson Parish asserts the division of responsibility between the School Board and the Sheriff’s Office in the SBSEP is consistent with the respective

entities' mandates as set forth in the Louisiana Constitution, La. R.S. 17:81 C⁴, La. R.S. 17:158⁵, and La. R.S. 13:5539 C⁶. Jefferson Parish contends the SBSEP relegates enforcement to the Sheriff's Office and administration to the School Board, and does not impermissibly usurp the enforcement power of the Sheriff's Office. Jefferson Parish further argues the School Board is the only entity that can administer the SBSEP because La. R.S. 17:158 requires the School Board to provide transportation services to students, and La. R.S. 17:81 C permits the School Board to make rules and regulations it may deem proper, as long as they are not inconsistent with law or the State Board of Elementary and Secondary Education ("BESE"). Particularly, Jefferson Parish contends the School Board is required by BESE, under La. Admin. Code. tit. 28, Pt CXXXVII, § 307 E, to provide for the physical and emotional safety of students as well as provide security for the students. Jefferson Parish further asserts the SBSEP is consistent with La. Const. art. VII § 14(C)⁷ and La. R.S. 33:1324⁸, as it merely codifies the legally permissible cooperative endeavor agreement between the parties.

⁴ Titled "General powers of local public school boards," La. R.S. 17:81 provides in subpart C, that "Each city or parish school board is authorized to make such rules and regulations for its own government, not inconsistent with law or with the regulations of the State Board of Elementary and Secondary Education, as it may deem proper."

⁵ Titled "School buses for transportation of students; employment of bus operators; alternative means of transportation; improvement of school bus turnarounds; loading and unloading students," La. R.S. 17:158 provides general mandates to local governments regarding student transportation.

⁶ Titled "Sheriffs; duties," La. R.S. 13:5539 provides the general duties of sheriffs.

⁷ Titled "Donation, Loan, or Pledge of Public Credit," La. Const. art. VII § 14 provides in subpart (C), the following:

"Cooperative Endeavors. For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual."

⁸ Titled "Grant of authority to parish, municipalities, police juries, harbor districts and terminal districts to act jointly," La. R.S. 33:1324 allows parishes, municipalities and political subdivisions of the state to make agreements between themselves, and it provides general guidelines on such.

This Court may begin its considerations with the Louisiana Constitution only when it is central to the outcome of the case.⁹ Jefferson Parish operates under a home rule charter adopted pursuant to Article VI, Section 5 of the Louisiana Constitution. La. Const. art. VI, § 5(E) provides:

[A home rule charter] shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, ***not denied by general law or inconsistent with this constitution.***

(Emphasis added).

La. Const. art. VI, § 5(G) provides:

No home rule charter or plan of government shall contain any provision ***affecting a school board*** or the offices of district attorney, sheriff, assessor, clerk of a district court, or coroner, which is inconsistent with the constitution or law.

(Emphasis added).

La. Const. art. VIII, § 10(A) provides:

Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

After *de novo* review, we are not persuaded by the arguments made by Jefferson Parish. The constitution ensures school boards are not subject to control by local governmental subdivisions.¹⁰ The constitutional provisions envision a

⁹ Louisiana’s civil tradition compels us to first look to the constitution and the laws of our state. This Court has recognized that “[t]he starting point of interpretation of constitutional provisions is the language of the constitution itself.” *Ocean Energy, Inc. v. Plaquemines Parish Government*, 04-0066 p. 6-7 (La. 7/6/04), 880 So. 2d 1, 7. Thus, we first look to the plain language of the constitutional provisions in interpreting their meaning.

¹⁰ Article VI, Section 7 of the Louisiana Constitution provides that even non-home rule charter local governmental subdivisions are similarly limited from regulating certain identified local offices, including school boards. *See* La. Const. art. VI, § 7. Although Article VI, Section 7 allows governing authorities without home rule charters to “exercise any power and perform any function necessary, requisite, or proper for the management of its affairs,” subpart (B) provides that “[n]othing in this Section shall affect the powers and functions of a school board” *Id.* Thus, our constitution is uniform and consistent with regard to the limitations of regulating school boards at the local level by both home rule charter governing authorities and non-home rule charter governing authorities.

separation of the local parish government and school board. The language of the Louisiana Constitution clearly prohibits Jefferson Parish from enacting regulations affecting the School Board.

Article VI, § 5(G) of our constitution expressly prohibits any provision in a home rule charter “affecting a school board.” An ordinance cannot conflict with the constitutional provision. Jefferson Parish may enact ordinances only from the powers granted by the home rule charter. The SBSEP not only outlines a system of cameras for tracking and notifying violators, but also specifically directs the School Board to administer the system. Indeed, the SBSEP expressly provides that the School Board “is responsible for the administration of the system and for notification of the violation.” In short, the SBSEP is a direct mandate imposed on the School Board. It “affect[s]” the School Board as contemplated by La. Const. art. VI, §5(G) by forcing it to take action to administer the system and notify the sheriff.

Moreover, that the School Board does not object to the SBSEP is of no consequence. The Louisiana Constitution makes clear that local governments cannot adopt laws affecting a school board, and their acquiescence has no curative properties for that which is constitutionally prohibited.

We further find no merit in the argument that the Sheriff’s Office is the only entity being charged with enforcement of the SBSEP. The SBSEP merely tasks the Sheriff’s Office with “collection of the initial fines paid by the vehicle owner.” Without the mandated obligation of the School Board to administer the system of cameras and provide notice of violations, the sheriff would have no function at all. It is clear that implementation of the SBSEP requires action by and “affects” the School Board.

In consideration of the above, we find the SBSEP is unconstitutional, and circumvents the constitutional limitations of the parish’s legislative authority. La.

Const. art. VI, §5(G) unambiguously limits legislative bodies of home rule charter parishes from controlling or affecting school boards.

DECREE

For the foregoing reasons, we affirm the trial court's judgment finding the SBSEP unconstitutional; and we remand the matter for further proceedings.

AFFIRMED and REMANDED.

SUPREME COURT OF LOUISIANA

No. 2021-CA-0858

WILLIAM MELLOR, ET AL.

VS.

THE PARISH OF JEFFERSON

On Appeal from the 24th Judicial District Court, Parish of Jefferson

WEIMER, C.J., dissenting.

I respectfully dissent, as I find the district court erred in holding Jefferson Parish Ordinance, Sec. 36-320, *et seq.*, (“SBSEP”) violates La. Const. art. VI, § 5(G). I believe the SBSEP aids and allows the School Board, in conjunction with the Parish and the Sheriff’s Office, to fulfill its obligation to protect school children from the illegal actions of drivers who ignore the statutory obligation not to pass a school bus with its visual signals activated.

Pursuant to Louisiana Constitution Article VI, a municipal authority governed by a home rule charter, such as Jefferson Parish, possesses powers in affairs of local concern within its jurisdiction that are as broad as those of the state, except when limited by the constitution, laws permitted by the constitution, or its own home rule charter. See La. Const. art. VI, §§ 4-5;¹ **Fransen v. City of New Orleans**, 08-0076,

¹ La. Const. art. VI, § 4 states:

Every home rule charter or plan of government existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions, and duties in effect when this constitution is adopted. If its charter permits, each of them also shall have the right to powers and functions granted to other local governmental subdivisions.

La. Const. art. VI, § 5 states in relevant part:

p. 10 (La. 7/1/08), 988 So.2d 225, 234. Implicated in this case is Article VI, § 5(G), which sets forth such a limitation on the broad powers of a home rule charter government. That constitutional provision specifically states that “no home rule charter or plan of government shall contain any provision affecting a school board ... which is inconsistent with the Constitution or law.” The district court ruled the SBSEP violates this constitutional provision because it “unconstitutionally charged the administration of the SBSEP Ordinance to an independent arm of the State over which Jefferson Parish had no control pursuant to its Home Rule Charter.” Likewise, the majority finds the SBSEP unconstitutional because “La. Const. art. VI, § 5(G) unambiguously limits legislative bodies of home rule charter parishes from controlling or affecting school boards.”

I acknowledge La. Const. art. VI, § 5(G) does limit the power of a home rule charter government to affect a school board. However, the language of Article VI, § 5(G) is not so broad as to prohibit *all* action by a home rule charter government that may affect a school board. “As with statutory interpretation, when interpreting a constitutional provision, the starting point is with the language of the provision.” **Civ. Serv. Comm’n of City of New Orleans v. City of New Orleans**, 02-1812, p. 10 (La. 9/9/03), 854 So.2d 322, 330. Further, it is a fundamental principle of constitutional construction that when a constitutional provision is plain and unambiguous, its language must be given effect. *Id.* Looking to the language of

(E) A home rule charter adopted under this Section shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with this constitution.

(F) Except as prohibited by its charter, a local governmental subdivision adopting a home rule charter under this Section shall have the additional powers and functions granted to local governmental subdivisions by other provisions of this constitution.

Article VI, § 5(G), the prohibition against affecting a school board only applies to the Charter (or plan of government) itself: “**no home rule charter or plan of government** shall contain a provision.” Here, the provision that is alleged to affect the School Board is not a Jefferson Parish Charter provision, but, rather, a Jefferson Parish Ordinance. The district court and the majority do not recognize this distinction. A home rule charter can be generally defined as a local government’s organizational plan or framework. BLACK’S LAW DICTIONARY 293 (11th ed. 2019). This definition is in accord with La. Const. art. VI, § 5(E), which states that “[a] home rule charter adopted under this Section shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with this constitution.” By contrast, an ordinance is defined as a municipal law or regulation. BLACK’S LAW DICTIONARY at 1325. “Municipal governments can pass ordinances on matters that the state government allows to be regulated at the local level.” *Id.* Thus, the Jefferson Parish Charter provides a blueprint of the structure of the parish government, whereas the Jefferson Parish Code of Ordinances sets forth the laws of the parish.

The Jefferson Parish Charter consists of six articles containing the following provisions: 1) the powers of the parish; 2) the powers and duties of the parish council; 3) the qualifications, powers and duties of the parish president; 4) the administrative organization of the parish; 5) empowering electors to petition the parish council for action on initiatives and to recall members of the council or the parish president; and 6) general provisions affecting elected parish officials and the effect of the Charter. The Charter contains no provision purporting to direct or charge the School Board

with any tasks related to the SBSEP, or otherwise. In fact, Section 6.03 of the Charter mandates that the School Board is exempt from its provisions. (“The Parish School Board and the public school system shall be exempt from the provisions of this Charter”) According to the generally prevailing meaning of the words of Article VI, § 5(G), the constitutional provision is clear and unambiguous; thus, this court is required to give effect to that language. See Louisiana Fed’n of Tchrs. v. State, 13-0120, p. 24 (La. 5/7/13), 118 So.3d 1033, 1049. Because the challenged ordinance is not a provision within the Jefferson Parish Charter, I would find the constitutional prohibition contained in La. Const. art. VI, § 5(G) is not applicable in this case.

Additionally, an examination of the language of the ordinance compels me to conclude that it does not *mandate* the School Board is responsible for administration of the SBSEP. The relevant language in Sec. 36-324(a) provides:

The Jefferson Parish School Board, or its agent, **is responsible for** the administration of the system and for notification of the violation. The Jefferson Parish Sheriff’s Office **shall be responsible for** the collection of the initial fines paid by the vehicle owner. [Emphasis added.]

The use of word “shall” indicates that the ordinance does charge the Sheriff’s Office with collection of the fines. Under well-established rules of interpretation, the word “shall” means “imperative” or “must” and excludes the possibility of being optional or subject to discretion. **Louisiana Fed’n of Tchrs.**, 13-0120 at 26, 118 So.3d at 1051; see also La. R.S. 1:3. “It is presumed that every word, sentence, or provision in a law was intended to serve some useful purpose, that some effect is to be given to each such provision, and that no unnecessary words or provisions were employed.” *Id.*, 13-0120 at 39, 118 So.3d at 1057-58 (internal citations omitted). “As a result, courts are bound, if possible, to give effect to all parts of a law and to construe no

sentence, clause or word as meaningless and surplusage if a construction giving force to, and preserving, all words can legitimately be found.” **Colvin v. Louisiana Patient’s Comp. Fund Oversight Bd.**, 06-1104, p. 6 (La. 1/17/07), 947 So.2d 15, 19-20. Following these principles, if one presumes the use of the word “shall” relative to the Sheriff’s responsibilities was intended to serve a useful purpose, then one must also presume that the failure to include the word “shall” relative to the School Board’s administrative responsibilities was not meaningless. I construe the language to mean the ordinance does not contain an equivalent mandate directed to the School Board and simply provides an opportunity for the School Board to participate in administration of the SBSEP. The School Board is under no obligation to accept that responsibility as there is no penalty imposed by the ordinance for its failure to do so. Further, this interpretation of the ordinance is supported by the fact that the School Board and Sheriff’s Office entered into contractual relationships in furtherance of operating the SBSEP prior to the Jefferson Parish Council’s adoption of Ordinance Sec. 36-320, *et seq.*, in 2008. The Parish, School Board, and Sheriff’s Office all mutually agree to the operational structure of the SBSEP, and the School Board is a willing participant. The School Board does not object to the ordinance, and the ordinance does not purport to impose any duty on the School Board that the School Board has not already chosen to perform itself. The SBSEP effectively recognizes the School Board’s action in taking responsibility for administration of the SBSEP and formally states that fact in the ordinance.

Finally, even assuming solely for the sake of argument that Article VI, § 5(G) is applicable and that the ordinance tasked the School Board with mandatory administrative responsibilities, I still find the ordinance is not unconstitutional as a violation of Article VI, § 5(G) because plaintiffs have not demonstrated the ordinance

is inconsistent with the constitution or law. The majority concludes that the ordinance is unconstitutional because it affects the School Board by forcing it to take action to administer the SBSEP. However, a violation of Article VI, § 5(G) requires more than tasking the School Board with a duty. There is no violation of the constitutional provision unless the imposition of the duty is “inconsistent with this constitution or law.” The majority does not explain how the SBSEP is inconsistent with the constitution or other law.

The majority opinion makes brief mention of Article VIII, § 10(A) but does not provide any analysis regarding how the SBSEP is inconsistent with this provision. Article VIII, § 10(A) states: “Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education **and the power of the legislature to enact laws affecting them.**” (Emphasis added.) I note that plaintiffs contended this constitutional provision establishes that only the Louisiana Legislature has the power to enact such laws, but I disagree. Starting with the language of the constitutional provision itself, it is clear that while Article VIII, § 10(A) empowers the legislature to enact laws affecting school boards, it does not restrict such power solely to the legislature. Pursuant to its power under this provision, the legislature has enacted laws delineating the powers, duties, and responsibilities of local school boards. See La. R.S. 17:81, *et seq.* Yet nothing in the language of Article VIII, § 10(A) prohibits a home rule charter government from also enacting an ordinance “affecting” its parish school board.

Because the School Board has voluntarily chosen and contracted to administer the SBSEP, it is also important to point out that a school board does not need specific legislative authority for every action it takes because school boards possess additional

implied powers that are necessarily and properly incident to the performance of their statutory duties. **Louisiana Associated Gen. Contractors, Inc. v. Calcasieu Par. Sch. Bd.**, 586 So.2d 1354, 1361 (La. 1991); **Shaw v. Caddo Par. Sch. Bd.**, 347 So.2d 39, 41 (La.App. 2 Cir. 1977). In addition to the general powers outlined in La. R.S. 17:81, school boards are required to provide school bus transportation to students and are empowered to employ bus drivers. La. R.S. 17:158. Common sense dictates that these powers and obligations encompass *safe* transportation of students. Numerous statutory and administrative rules and regulations are directed at school bus operational safety.² The SBSEP was enacted with the intent of protecting students and bus drivers and increasing public safety when school buses are in the process of loading and unloading students. Administering such a program is inherently related to the School Board's obligations involving student transportation. The SBSEP provides for the installation of a monitoring system on school buses to record violations of the ordinance. The School Board's participation in administering the SBSEP and installing these systems on its buses clearly aids the School Board in complying with its duties and obligations regarding safe transportation of students and is a valid exertion of power necessarily and implicitly granted to it by the legislature.³

² See, e.g., La. R.S. 17:158(J) (requiring local school boards to adopt policies and procedures relative to bus drivers loading and unloading students); La. R.S. 17:164 (requiring State Board of Education to establish and adopt regulations relative to school bus construction, design, equipment, and operation); La. R.S. 17:491(A) (school bus operators required to participate in Department of Education training); La. R.S. 32:318 (requiring school buses to be equipped with particular signs and signals); 28 LAC Part CXIII (setting forth Louisiana School Transportation Specifications and Procedures).

³ It should be noted that, separate from the ordinance, state traffic regulations also prohibit the passing of a school bus which is stopped with its visual signals activated. See La. R.S. 32:80(A)(1). Pursuant to this statutory regulation, school bus drivers are already authorized to notify law enforcement of any such violation on a form supplied by the school board. La. R.S. 32:80(A)(2). The School Board placing cameras on their school buses to document violation of the SBSEP is consistent with the power granted to bus drivers and school boards relative to reporting the exact same violation under La. R.S. 32:80(A)(1).

In determining the validity of an ordinance, the presumption is always in favor of its constitutionality. This is especially true for an ordinance enacted for a public purpose, like the SBSEP. See **Bd. of Comm’rs of N. Lafourche Conservation, Levee & Drainage Dist. v. Bd. of Comm’rs of Atchafalaya Basin Levee Dist.**, 95-1353, p. 4 (La. 1/16/96), 666 So.2d 636, 639. Every reasonable doubt must be resolved in favor of the statute or ordinance, not against it. See **State ex rel. Labauve v. Michel**, 121 La. 374, 380-81, 46 So.430, 432 (1908). A statute or ordinance will not be found invalid unless its violation of the constitution is “clear, complete, and unmistakable.” *Id.*, 121 La. at 381, 46 So. at 432 (internal citation omitted). In a case such as this, where the Parish, School Board, and Sheriff are cooperating in an effort to protect school children from the dangers posed by vehicle operators who fail to stop for school buses with activated lights, it is clear the ordinance does not reflect an effort by the Parish to assert unwanted control over the School Board. To the contrary, this ordinance aides the School Board in discharging its obligations relative to student safety. For the above reasons, I would reverse the ruling of the district court, finding the court erred in declaring the ordinance unconstitutional.⁴ Therefore, I must dissent.

⁴ Plaintiffs’ other challenges to the validity of the ordinance are not before the court on this direct appeal.