

# Legal *focus* on **School Bus**

Welcome to the RC Kelly Law Associates' **Legal Focus...on School Bus** Keyword Index.

The following keywords may be used to find articles and information relevant to the student transportation industry. Under each keyword, articles are organized by their edition number and date of publication and have appeared in various state School Bus Industry Forums. If you are interested in obtaining a copy of an article or would like permission to re-print an article in your publication, you may **contact RC Kelly Law Associates at 215-896-3846 or [help@rckelly.com](mailto:help@rckelly.com)**.

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- 5.0 December 2011- Assuring Fair Process in Pennsylvania – Open Meetings, Right to Know, and Conflicts of Interest

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- 27.0 February 2011- EEOC Reports Retaliation Claims Surpass Race Discrimination Claims in 2010
- 74.0 July 2016 – OSHA Issues Final Rule on Reporting Workplace Injuries and Illnesses
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- 93.0 June 2017 – Social Media and School Bus Drivers

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- 52.0 January 2015 - NLRB Issues “Ambush Election” Rules

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- 9.0 March 2012 - PSBA Supports SB 1117, PN 1376 (Alloway) Proposed Changes to the Pennsylvania Wiretap Law
- 9.1 March 2013 - Pennsylvania Wiretap Law Update - SB 57 of 2013

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- 17.0 September 2012 - Pennsylvania Employer’s Worker’s Compensation Obligations

#### **Workplace Injuries and Illnesses, Reporting**

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- 79.0 August 2016 – Avoiding OSHA Violations for School Bus Violence

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- 79.0 August 2016 – Avoiding OSHA Violations for School Bus Violence

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# Statutes and Cases

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- 3.0 January 2011 - Background Check Changes in Pennsylvania

18 PA C S 5571 (Unauthorized school bus entry)

- 40.0 July 2014 - Unauthorized School Bus Entry is a Crime

18 PA C S 9125 (criminal background checks)

31.0 May 2011 - Driver Disqualification for Criminal Conduct – What is the Law?

22 PA Code 23.4 (school district responsibility in transportation contracts)

- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids

23 PA C S 6301(criminal background checks)

- 48.0 December 2014 - Volunteer Background Clearances Required by HB 435/Act 153

23 Pa C.S. 6344 (background certifications, disqualifying applicants)

- 60.0 July 2015 - HB 1276 (2015 Act 15) CPSL Curative Amendment Passed
- 48.0 December 2014- Volunteer Background Clearances Required by HB 435/Act 153

24 PA C S 12-1205.6 (Act 126 training)

- 55.0 April 2015 - Mandatory Reporting Issues Under Pennsylvania’s Child Protective Services Law

24 PA C S 15-1546

- see “Pennsylvania Release Time Statute”

24 P.S. 1-111 (criminal background checks, list of crimes)

- 3.0 January 2011- Background Check Changes in Pennsylvania
- 22.0 April 2013 - Questions from the road...
- 31.0 May 2011 - Driver Disqualification for Criminal Conduct – What is the Law?

24 P.S. 8-807.1 (district purchase of school supplies)

- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids

24 P.S. 12-1205.6 (Act 126 reporting and recognition training)

- 20.0 June 2015 - Act 126 for School Bus Drivers Update

24 P.S. 14-1414.2 (school administration of EpiPens)

- 65.0 December 2015 - Evolving Rules Involving Epinephrine Auto-Injectors (Epi Pens)

25 Pa. Code §245.411

- 91.1 June 2017 – Underground Storage Tanks: Assure Compliance to Avoid Penalties

25 Pa. Code § 245.432

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- 91.1 June 2017 – Underground Storage Tanks: Assure Compliance to Avoid Penalties

25 Pa. Code §245.513

- 91.0 May 2017 - Small Above-Ground Storage Tank Inspections

25 Pa. Code §245.534

- 91.0 May 2017 - Small Above-Ground Storage Tank Inspections

28 PA Code 23.81 (Exemptions to measles immunization)

- 54.0 March 2015 - Measles Outbreak Could Cause Business Interruption

35 P.S. 780-101

- See, Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act

35 P.S. § 6021.1307

- 91.0 May 2017 - Small Above-Ground Storage Tank Inspections
- 91.1 June 2017 – Underground Storage Tanks: Assure Compliance to Avoid Penalties

35 P.S. § 6021.1310

- 91.0 May 2017 - Small Above-Ground Storage Tank Inspections

35 P.S. § 6021.1306

- 91.1 June 2017 – Underground Storage Tanks: Assure Compliance to Avoid Penalties

42 PA C S 8337.1 (Civil immunity for emergency care)

- 65.0 December 2015 - Evolving Rules Involving Epinephrine Auto-Injectors (Epi Pens)

42 PA C S 8340.1 (Immunity or employer disclosures)

- 63.0 November 2015 - Pennsylvania's Employer Disclosures Immunity Law: The Truth Will Set You Free

42 USC 2000 (Use of conviction and arrest records)

- 31.0 May 2011 - Driver Disqualification for Criminal Conduct – What is the Law?
- 25.0 July 2013 - Pennsylvania Background Check Updates

21 CFR 1308.11 (Schedule 1 Substances)

- 73.1 – January 2017 - State Laws Legalizing Medical Marijuana: What Does it Mean for School Bus Contractors?

34 C.F.R. § 99.31(a)(1)(i)(B) (FERPA)

- 84.0 March 2017 – Special Needs Challenges: Handling Aggressive Behavior on the School Bus

49 CFR Part 40, at 40.151 (e) (Department of Transportation’s Drug and Alcohol Testing Regulation)

- 73.1 January 2017 - State Laws Legalizing Medical Marijuana: What Does it Mean for School Bus Contractors?

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49 CFR 390.3, 390.5 (Definition of school bus and exemptions)

- 41.0 May 2014 - Complying with Hours of Service Regulations on Activity Runs

49 CFR 392.4(c) (Drugs and other substances)

- 73.1 January 2017 - State Laws Legalizing Medical Marijuana: What Does it Mean for School Bus Contractors?
- 73.2 July 2017 - New York’s Medical Marijuana Law: What Does it Mean for School Bus Contractors

49 CFR 395.8 (RODS log)

- 41.0 May 2014 - Complying with Hours of Service Regulations on Activity Runs

8 NYCRR §156.3

- 94.0 April 2017 – NY Driver Fitness Testing

55 PA Code 3490

- See Pennsylvania Child Protective Services Law (CPSL)

61 PA Code 31.1 (29) (School bus tax exclusions)

- 61.0 August 2015 - School Bus Sales and Use Tax Exemption Upheld

65 P.S. 67.101, 67.708, 67.305, 67.703, 67.705, 67.1101, 67.1304, 67.1305, 67.1701, 67.1702 (Sunshine Act, Right to Know Law, ethics, open meetings)

- 5.0 December 2011 - Assuring Fair Process in Pennsylvania – Open Meetings, Right to Know, and Conflicts of Interest

65 P.S. § 67.708 (Pa. Right to Know Law)

- 77.0 September 2016 – Access to School Bus Video

65 PA CS 701, 707, 708, 713, 714, 714.1, 1101, 1103, 1108, 1109, 1110 (Sunshine Act, Right to Know Law, ethics, open meetings)

- 5.0 December 2011 - Assuring Fair Process in Pennsylvania – Open Meetings, Right to Know, and Conflicts of Interest

66 PA CS 102 (Limit of PUC authority)

- 61.0 August 2015 - School Bus Sales and Use Tax Exemption Upheld

67 PA Code 73.2 (driver's license issuance)

- 92.0 February 2017 - Religious Headwear and Driver's License Photos

67 PA Code 171 (equipment and safety requirements for school buses)

- 67.0 January 2016 - Are Religious Non-Profits Exempt from school bus Regulations?

67 PA Code 229 (Hours of Service)

- 41.0 May 2014 - Complying with Hours of Service Regulations on Activity Runs

67 PA Code 447.1 (safety of walking routes)

- 66.0 January 2015 - The Bus Stops Here: Evaluating Walking Routes to Bus Stops

75 PA C S 1509 (Annual physical exam requirements)

- 45.0 November 2014 - The Cost of Compliance with Annual Physicals and Proposed Statutory Changes

75 PA C S 3345 (Approaching a stopped school bus)

- 34.0 September 2013 - House Bill 1580 Proposes Automated Enforcement for Illegally Passing a School Bus

75 PA C S 4551(Penn Dot authority over vehicle types)

- 67.0 January 2016 - Are Religious Non-Profits Exempt from School bus regulations?

75 PA C S 4552 (general requirements of school buses)

- 67.0 January 2016 - Are Religious Non-Profits Exempt from school bus Regulations?

75 PA C S 4553 (general requirements for other vehicles transporting school children)

- 67.0 January 2016 - Are Religious Non-Profits Exempt from school bus Regulations?

75 PA C. S. 6103 (Hours of service, RODS)

- 41.0 May 2014 - Complying with Hours of Service Regulations on Activity Runs

77 PS Pennsylvania Worker's Compensation Act

- 17.0 September 2012 - Pennsylvania Employer's Worker's Compensation Obligations

21 U.S.C. § 811

- 73.2 July 2017 - New York's Medical Marijuana Law: What Does it Mean for School Bus Contractors

29 U.S.C. 29 U.S.C. § 654 (Title 29 Employer/Employee Duties)

- 84.0 March 2017 – Special Needs Challenges: Handling Aggressive Behavior on the School Bus

42 U.S.C. §7401 (Clean Air Act)

- 95.0 March 2017 – Diesel Emissions Reduction Incentives

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- 55.0 April 2015 - Mandatory Reporting Issues Under Pennsylvania's Child Protective Services Law

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- See, Pennsylvania Child Protective Services Law (CPSL)

Americans with Disabilities Act (ADA) and ADA AAA

- 2.0 September 2011 – The ABC's of the ADA – American Disability Act

CBM Ministries of S Cent Pa, Inc. v. Pa. DOT

- 67.0 January 2016 - Are Religious Non-Profits Exempt from School Bus Regulations?

Central Dauphin School District v. Sneeringer and PA Office of Open Records, CCP Dauphin Co. Doc. No. 2016 CV 440 MP (6/9/16)

- 77.0 September 2016 – Access to School Bus Video

Child Protective Services Law (CPSL)

- See Pennsylvania Child Protective Services Law

Cleveland Bros v. Worker's Comp. Appeal Bd. (Hazlett), 2012 Pa. Commw. Unpub. LEXIS 649 (Pa. Commw. Ct. 2012)

- 17.0 September 2012 Pennsylvania Employer's Worker's Compensation Obligations

Commonwealth v. Petroll, 558 PA 565

- 41.0 May 2014 - Complying with Hours of Service Regulations on Activity Runs

Component Bar Products, Inc., and James Stout (Case 14-CA-145064)

- 57.0 October 2015 - Look Who's Talking: NLRB Limits Management Control of Employee Speech

Controlled Substances Act P.L. 91-513

- 73.0 May 2016 - Pennsylvania's New Medical Marijuana Law: What Does it Mean for School Bus Contractors?

Costco Wholesale Corp., No. 34-CA-012421

- 93.0 June 2017 – Social Media and School Bus Drivers

Curry v. Miller Coors, Inc., No. 12-cv-02471-JLK, 2013 WL 4494307 D. Colo. August 21, 2013

- 73.0 May 2016 - Pennsylvania's New Medical Marijuana Law: What Does it Mean for School Bus Contractors?
- 73.1 – January 2017 - State Laws Legalizing Medical Marijuana: What Does it Mean for School Bus Contractors?
- 73.2 July 2017 - New York's Medical Marijuana Law: What Does it Mean for School Bus Contractors

Dukane Precast, Inc. v. Perez, 785 F. 3d 252, 256 (7<sup>th</sup> Cir. 2015) - 79.0 August 2016 – Avoiding OSHA Violations for School Bus Violence

EEOC notice 915.061 (Use of convictions and arrest records)

- 3.0 January 2011- Background Check Changes in Pennsylvania
- 25.0 July 2013 - Pennsylvania Background Check Updates

Fair Credit Reporting Act

- 19.0 December 2012 - Personnel Files – Too Small...Too Big...or Just Right?

Fair Labor Standards Act (FLSA)

- 71.0 May 2016 – Changes to the Fair Labor Standards Act Salary Threshold: Exempt (salary) or Non-Exempt (hourly)? That is the Question

Family Education Right and Privacy Act (FERPA), 20 U.S.C. § 1232g

- 77.0 September 2016 – Access to School Bus Videos

Furnival State Machinery/Transamerica Ins. Group v. Worker's Compensation Appeal Bd. (Slye), 757 A. 2d 433 (Pa. Commw. Ct. 2000)

- 17.0 September 2012 - Pennsylvania Employer's Worker's Compensation Obligations

Garcia v. Tractor Supply Company, No. cv 15-00735 WJ/WDL New Mexico, January 7, 2016

- 73.0 May 2016 - Pennsylvania's New Medical Marijuana Law: What Does it Mean for School Bus Contractors?
- 73.0 – January 2017 - State Laws Legalizing Medical Marijuana: What Does it Mean for School Bus Contractors?
- 73.2 July 2017 - New York's Medical Marijuana Law: What Does it Mean for School Bus Contractors

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- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids

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- 77.0 September 2016 – Access to School Bus Videos

- 83.0 January 2017 - Legal Updates for School Bus Contractors – The 2016 Year in Review

PA House Bill 1276

- See “Pennsylvania Child Protective Services”

PA House Bill 2274

- 83.0 January 2017 - Legal Updates for School Bus Contractors – The 2016 Year in Review
- 80.0 September 2016 – Proposed Bill’s Significant Impact on All School Transportation Contracts

Hurst v. First Student Inc., 2016 U.S. Dist. LEXIS 52631

- 83.0 January 2017 - Legal Updates for School Bus Contractors – The 2016 Year in Review

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- 82.0 September 2016 – U.S. Treasury Department Proposes New Regulations that Would Impact Transfers of Family Controlled Companies

I.R. v. Peirce et. al., 2011 U.S. Dist. LEXIS 725 (M.D. Pa. Jan. 5, 2011)

- 30.0 June 2011 - School District Exempted from Negligence Claim In Evacuation Drill Injury Lawsuit

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- 77.0 September 2016 – Access to School Bus Videos

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- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids

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- 70.0 April 2016 – Heightened Standard of Care for Special Needs Students

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- 77.0 September 2016 – Access to School Bus Videos

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National Labor Relations Act Section 7

- 57.0 October 2015 - Look Who’s Talking: NLRB Limits Management Control of Employee Speech
- 93.0 June 2017 – Social Media and School Bus Drivers

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- 83.0 January 2017 - Legal Updates for School Bus Contractors – The 2016 Year in Review



NY PUB HEALTH § 3361

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- 73.2 July 2017 - New York's Medical Marijuana Law: What Does it Mean for School Bus Contractors

Otto v Pennsylvania State Police, Dkt. AP 2013-2323 (January 3, 2013)

- 77.0 September 2016 – Access to School Bus Videos

Pennsylvania Child Protective Services Law (CPSL), 55 PA Code 3490

- 55.0 April 2015 - Mandatory Reporting Issues Under Pennsylvania's Child Protective Services Law
- 60.0 July 2015 - HB 1276 (2015 Act 153) CPSL Curative Amendment Passed
- 48.0 December 2014 - Volunteer Background Clearances Required by HB 435/Act 153

Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. 780-101

- 48.0 December 2014 - Volunteer Background Clearances Required by HB 435/Act 153

Pennsylvania Public School Code of 1949, 24 P.S. 12

- 30.0 June 2011 - School District Exempted from Negligence Claim In Evacuation Drill Injury Lawsuit
- 20.0 June 2015 - Act 126 for School Bus Drivers Update

Pennsylvania Public Official and Employee Ethics Law, 65 PA C S 1101

- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids

Pennsylvania Release Time Statute, 24 PA C S 15-1546

- 67.0 January 2016 - Legal Focus - Are Religious Non-Profits Exempt from School bus regulations?

Pennsylvania Right to Know Law, 65 C S 67.101

- 5.0 December 2011 - Assuring Fair Process in Pennsylvania – Open Meetings, Right to Know, and Conflicts of Interest
- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids

PA Senate Bill 3 – Medical Marijuana Legalization Bill

- 73.0 May 2016 - Pennsylvania's New Medical Marijuana Law: What Does it Mean for School Bus Contractors?

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- 77.0 September 2016 – Access to School Bus Videos

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- 5.0 December 2011 - Assuring Fair Process in Pennsylvania – Open Meetings, Right to Know, and Conflicts of Interest
- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids

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- See, “Pennsylvania Worker’s Compensation Act”

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- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids

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- 73.0 May 2016 - Pennsylvania’s New Medical Marijuana Law: What Does it Mean for School Bus Contractors?
- 73.1 – January 2017 - State Laws Legalizing Medical Marijuana: What Does it Mean for School Bus Contractors?
- 73.2 July 2017 - New York’s Medical Marijuana Law: What Does it Mean for School Bus Contractors

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- 3.0 January 2011 - Background Check Changes in Pennsylvania
- 26.0 August 2013 - Supreme Court Clarifies Specifications of Supervisors under Title VII

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- 36.0 December 2013 - U.S. Supreme Court Invalidates EEOC Guidance Allowing Summary Dismissal of Retaliation Claims

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- 26.0 August 2013 - Supreme Court Clarifies Specifications of Supervisors under Title VII

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- 38.0 March 2014 - School District Challenges Multiple Bus Stop Locations

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- 15.0 August 2012 - Pennsylvania Laws Regarding Student Transportation Contract Bids