

Legal *focus*

Unauthorized School Bus Entry is a Crime

In June of 2013, a gunman boarded a bus in Alabama and fatally shot the bus driver. In November 2013, two parents in Pennsylvania illegally entered a school bus and proceeded to yell at a student who had allegedly bullied their child. In March 2014, a parent in Pennsylvania entered a school bus and assaulted the driver over a student discipline matter involving their child. Unauthorized school bus entry is a crime in Pennsylvania. Understanding your rights will help keep your drivers, aides and students safe. This article will provide an overview of Pennsylvania's unauthorized bus entry statute, 18 Pa. C.S. § 5571, and will provide practical guidance you can share with your drivers.

Statutes and Penalties Associated with Unauthorized School Bus Entry

The dangers of an unknown or unauthorized person on the school bus are obvious. The safety of students, drivers, and aides is at risk. Your drivers cannot know every parent or relative of the students on their bus;

therefore it is important to help your drivers enforce unbiased and objective safety regulations regarding entry on the school bus. Educating your staff, drivers, and aides of the penalties for unauthorized school bus entry and giving them the information they need to receive the protection of the Pennsylvania Statutes will enforce a safe school bus environment. Pennsylvania Consolidated Statutes, 18 Pa. C.S. §5517, *Unauthorized school bus entry* states:



“A person who enters a school bus without prior authorization of the driver or a school official with intent to commit a crime or disrupt or interfere with the driver or a person who enters a school bus without prior authorization of the driver or a school official who refuses to disembark after being ordered to do

so by the driver commits a misdemeanor of the third degree.”

Simply put, the school bus driver is the captain of their ship. Only those people who are authorized by the driver are permitted to be on the school bus. On a day to day basis, it is up to the driver to assure that only eligible pupils of the school district, authorized school personnel, or individuals who have proper authorization are allowed to board the school bus. Those individuals that choose not to follow these state laws would be subject to criminal charges, fines, and imprisonment, and the driver has the power and authority of state law as their enforcement tool.

What you as a Contractor Should Do

A big component of maintaining



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safety on the school bus is awareness. Many parents and relatives may not know it is against the law to board a school bus. Further, many drivers may not know exactly what to do if someone enters the bus without authorization. Whether the intent is innocent or malicious, it is important to know the laws and know how to make sure that any violators will be punished to the fullest extent of the law. Section 5517(b) explicitly permits you to post a notice at the entrance of the school bus warning potential violators that unauthorized school bus entry is a crime in Pennsylvania. You should do this.

UNAUTHORIZED ENTRY ILLEGAL

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Pennsylvania Consolidated Statutes, 18 Pa. C.S. § 5517, Unauthorized school bus entry

You should also inform your drivers that they must clearly order the unauthorized person to leave the bus. Your driver can simply tell the unauthorized person to leave the bus and that "you can be arrested and fined by the police if you do not leave the bus right now". Share this article with your drivers and consider posting signs warning against unauthorized school bus entry on the school bus. You can

also share this information with your school district and ask them to send out a reminder to parents about the laws against unauthorized school bus entry.

Sometimes a parent may board a bus to "protect" their child against bullies or for other reasons that may seem innocent. But tempers can escalate quickly and their presence is a threat. Make sure the students on your bus know that they are in a 'bully free zones' and make sure your drivers are properly trained each year on how to report an incident. All parents should also be informed that these situations should be addressed with the school district officials, NOT on a bus full of children.

If there seems to be turmoil from a particular route, intervene before the problem escalates and consider all options. Involve the school administrators and parents as appropriate and be sure to let your driver know that you are concerned for their safety and well-being.

Have a question about a specific situation on your bus routes? Interested in more information about this topic or others? Contact RC Kelly Law Associates at 215-896-3846 or help@rckelly.com

How to Prevent Bullying on the School Bus

- Establish positive atmosphere on the bus. Make sure your rules are fair and consistent for every student.
- Get to know all the students on your bus and treat them the way you would like to be treated.
- Use positive non-verbal interactions. This includes smiling, nodding, thumbs up, high five etc.
- When a student does something positive or kind recognize the good deed and make sure the other students hear your praise.
- Post signs declaring the bus as a bully free zone

How to Intervene When Problems Arise

- When you see something, do something. Be assertive and calm.
- When a problem occurs use verbal warnings first using the names of the students involved.
- Know your companies/ districts policies on reporting incidents. When necessary, report the incident.
- Maintain control of yourself and your tone towards any and all students

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