



September 18, 2008

Honorable Don Walko
Pennsylvania House of Representatives
121 Irvis Office Building
Harrisburg, PA 17120-2020

Dear Representative Walko:

On behalf of the Pennsylvania School Bus Association (PSBA), I am providing testimony in support of House Bill 797, Printer's Number 916, amending Section 5704 of Title 18 of the Pennsylvania Consolidated Statutes allowing school buses and school vehicles an exemption to use audio surveillance.

The PSBA's membership is comprised of independent school bus contractors that provide student transportation to 85 percent of the 501 school districts in Pennsylvania. The purpose of the Pennsylvania School Bus Association is to promote and foster the highest degree of safety in the transportation of school children, and to strengthen the quality of this transportation through professional management.

Under PSBA's code of ethics each member of this association agrees to obey all Federal, State and Local laws and regulations governing school transportation, while reserving the right to act through appropriate channels to seek modification of such laws and regulations which are not in the best interest of the industry. Our members strive to be in compliance with all laws and regulations and a concern has risen with respect to the Pennsylvania Wiretapping and Electronic Surveillance Control Act.

For almost two decades, school districts have used video monitoring of school buses for student security and discipline purposes. This has been a valuable tool in resolving discipline action and has helped reduce violent acts on school buses because the students know that there is a camera on the bus. As technologies advanced in the video surveillance systems used in school buses audio capabilities were also incorporated. School districts also found that this enhanced

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capability enabled them to have a more accurate account of the situation and also helped in reducing verbal bullying. While ignorance of the law is no excuse, school districts were instructing their contractors not only to use video surveillance systems but to also use systems that can record audio. School districts and contractors were trying to increase the safety of the school bus environment; their thoughts were not about the right to privacy but to the safety of all the students and the school bus driver on a school bus.

Several years ago a class action lawsuit was filed in Berks County against the Twin Valley School District and the two contractors that provide the student transportation for the district, claiming that they violated the Pennsylvania wiretapping laws. This prompted school districts and contractors to investigate the law and to take measures to be in compliance with the law. School Districts and contractors, with the advice from school solicitors, developed measures to be what were thought to be in compliance with the law.

In March of 2006, in Allegheny County, 70 video cameras were seized by the Pennsylvania State Police from a school bus contractor. In this case the police were investigating an overcrowded bus complaint and while viewing recorded video tapes on the bus in question noticed that there was audio also. The State Police referred this potential criminal matter to the Allegheny County District Attorney. After reviewing the evidence provided and relevant cases governing oral-communications, the District Attorney did not find that there was any intent to violate the Act by the school district and/or the school bus contractor.

At the time of the incident in 2006, the PSBA reached out to its membership to contact their county District Attorney for an opinion on this matter. Many of our members contacted their county District Attorney to find out if with the proper notification via policies, notices to parents and signage on the vehicle, their company was in compliance with the law. Many of the county District Attorneys had the same opinion as Allegheny County, but there were some who did not. The safety of all children is our primary concern; however our members do not want to jeopardize their businesses and livelihoods by not complying with the laws. However, an opinion such as the Allegheny County District Attorney, only addresses criminal charges and does not eliminate any civil action that could be brought against a school district or private contractor.

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Passage of House Bill 797 will be another step to ensure that safety and security measures are being provided for students riding on school buses. It is important to the school transportation industry, and the students we transport, that every available resource be available to provide safe, secure and affordable transportation to and from school.

Again, we appreciate the opportunity to present testimony to you. If you have any questions, please contact me at 717-975-1951 or Kim Sokoloski, of Buchanan, Ingersoll and Rooney, at 717-237-4861.

Respectfully submitted,



Selina M. Pittenger
Executive Director