

# KENTUCKY PUPIL TRANSPORTATION REGULATIONS

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## **702 KAR 5:010. Pupil transportation: technical assistance and monitoring.**

RELATES TO: KRS 156.160, 157.370, 189.540

STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.370

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 and 189.540 require the Kentucky Board of Education to promulgate administrative regulations relating to the physical welfare and safety of public school children, the transportation of children to and from school, and the operation of school buses. KRS 157.370 establishes the method of calculating transportation costs for the state public school funding program. This administrative regulation establishes guidelines and procedures whereby the Department of Education may offer direct assistance to the school districts in these areas: service to the pupils, school bus safety, and economy of operation.

Section 1. The Department of Education may make safety inspections of school buses and special type vehicles either owned by the board or contracted to the board being used to transport pupils to and from school, held in reserve as substitutes for this purpose, or proposed for this purpose. If a school bus or special type vehicle is found to be in an unsafe condition, the department shall prohibit further use for the transportation of pupils until the conditions causing it to be unsafe have been corrected.

Section 2. The Department of Education may make inspections of bus driver training records. If a school bus driver training record is found to be out of compliance, the department may decertify a driver whose training records are out of compliance until proper corrections are made.

Section 3. All vehicles used for the transportation of pupils shall meet the minimum safety standards for Kentucky school buses of the same model year except as provided in 702 KAR 5:060, Section 6(2), or 702 KAR 5:130, Sections 1 and 2.

Section 4. The Department of Education may make a district pupil transportation system survey or audit in any school district providing transportation for its pupils, or that is planning to provide transportation for its pupils.

Section 5. The Department of Education may require the superintendent of a school district to prepare or cause to be prepared: pupil transportation maps, bus route descriptions, and reports necessary for calculating the district's entitlement under the Support Education Excellence in Kentucky Program.

Section 6. The Department of Education shall be responsible for the training and approval of state school bus inspectors in accordance with the requirements established in 702 KAR 5:030. (1 Ky.R. 1049; eff. 6-11-1975; 11 Ky.R. 1875; eff. 7-9-1985; 16 Ky.R. 197; 538; eff. 10-8-1989; 17 Ky.R. 431; eff. 10-14-1990; 2035; eff. 2-7-1991; 18 Ky.R. 3026; 3387; eff. 6-7-1992; 19 Ky.R. 1884; 2244; eff. 4-7-1993; 29 Ky.R. 1340; eff. 1-16-2003; 33 Ky.R. 895; 1320; eff. 12-1-2006; Crt eff. 11-16-2018.)

## **702 KAR 5:020. Program cost calculation.**

RELATES TO: KRS 156.031, 157.370

STATUTORY AUTHORITY: KRS 156.070, 157.320, 157.370

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.031 requires that administrative regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary, and resubmitted to the Legislative Research Commission prior to December 30, 1990; and KRS 157.370 sets forth the basic statutory framework by which local school districts are to be reimbursed from the Fund to Support Education Excellence in Kentucky for transportation costs. This administrative regulation implements and interprets, where necessary, those statutory provisions, in order to set out the method and steps for completion of the calculation of the districts' pupil transportation program costs.

Section 1. A county district's net transported pupil density shall be determined by dividing the district's net ADA for pupils transported one (1) mile or more to school by the number of square miles in this district's primarily served area.

Section 2. The net ADA for a county district's pupils transported one (1) mile or more to school shall be determined from the local superintendent's annual statistical report for the district.

Section 3. The number of square miles in the primarily served area of a county district shall be determined by deducting from the total square mile area of the county, the square mile area of any independent district located within the county, and by deducting the square mile area of any portion of the district located more than one (1) mile from one (1) of the district's pupil transportation vehicle routes.

Section 4. A county district's gross transported pupil density shall be used in constructing a graph required by KRS 157.370. This density shall be determined by dividing the district's gross ADA for all pupils transported as shown on the superintendent's annual statistical report for the district by the number of square miles in the district's primarily served area.

Section 5. An independent district's net transported pupil density shall be determined by dividing the district's net ADA for pupils transported one (1) mile or more to school by the number of square miles in this district's primarily served area.

Section 6. The net ADA for an independent district's pupils transported one (1) mile or more shall be determined from the local superintendent's annual statistical report for the district.

Section 7. The number of square miles in the primarily served area of an independent district shall be determined by deducting from the total square mile area of the district, the square mile area of any portions of the district that are located more than one (1) mile from one (1) of the district's pupil transportation vehicle routes.

Section 8. An independent district's gross transported pupil density shall be used in constructing the graph required by KRS 157.370. This density shall be determined by dividing the district's gross ADA for all pupils transported as shown on the local superintendent's annual statistical report for the district by the number of square miles in the district's primarily served area.

Section 9. In calculating the amount to be added each year to the district's pupil transportation

program cost for pupil transportation vehicle depreciation, only those wholly district-owned vehicles shown on the district's pupil transportation school bus inventory for each year as having a rated pupil seating capacity of ten (10) or more, as meeting the Kentucky Minimum Specifications for School Buses; Revised, for the model year in which the vehicles were manufactured, and as remaining within the applicable depreciation schedule, shall be included. School buses used exclusively for activity purposes or that are not properly equipped and maintained in safe and satisfactory condition for the transportation of pupils shall not be included in the district's pupil transportation vehicle depreciation schedule.

Section 10. In calculating the depreciation cost for a new school bus purchased by a district during any school year, the model year of the vehicle chassis shall be considered to be the model year of the vehicle with the exception that, for inventory and calculation purposes by the Division of Pupil Transportation, all school buses purchased new and shown by the district as having been added to its school bus inventory during the school year shall be considered to be of the same model year regardless of when said vehicles were delivered during that school year or manufacturer's model year designation. The model year of all said vehicles to be the same as the year shown on the cover of the booklet containing the Kentucky Minimum Specifications for School Buses; Revised, as referenced by 702 KAR 5:060, that were in effect during the first half of the school year in which said vehicle was added to the district's inventory.

Section 11. The annual depreciation cost for any school bus shown on the district's annual school bus inventory that is within the applicable depreciation schedule shall not be calculated unless said vehicle is maintained by the district in a safe and satisfactory condition, as evidenced by safety inspections performed pursuant to 702 KAR 5:030, for transporting pupils to and from school.

Section 12. The amount to be added each school year to the district's pupil transportation program cost for pupil transportation vehicle depreciation shall be determined by:

(1)(a) Multiplying the number of qualifying diesel powered vehicles of the same type and rating purchased new prior to the 1985 model year and gasoline powered vehicles of the same type and rating purchased new prior to the 1987 model year, and less than nine (9) model years old, by one-eighth (1/8) of the bid price of a school bus of the same type and rating purchased through the state bid price contract plan in the same school year. The annual depreciation amount for each school bus shall be calculated to the nearest whole dollar.

(b) Starting with the 1987 model year vehicles and including the 1985 and 1986 model year diesel powered vehicles, the amount calculated for annual depreciation on each vehicle of the same type and rating purchased new through the state bid price contract plan shall be determined by the following depreciation schedule:

YEARS	DEPRECIATION RATE
1 and 2	12% of the state bid price
3 through 8	10% of the state bid price
9 and 10	8% of the state bid price
11 through 14	6% of the state bid price

(c) A district that purchases a new school bus during any school year of a type and rating that was

not purchased through the state bid price contract plan during that same school year shall furnish the Division of Pupil Transportation with certain qualifying information including the price paid for said vehicle from which said division shall establish a reasonable price to be used for the purpose of calculating the annual depreciation on said vehicles based on the number of seats and other major cost factors.

(d) The amount calculated for the depreciation for all qualifying school buses on the district's inventory shall be determined in the manner prescribed in subsection (1) of this section. The model year of the vehicle chassis shall determine the number of years that these vehicles remain within the applicable depreciation schedule except where exceptions are shown in other sections of this administrative regulation.

(2) Whenever a district purchases a used school bus of a model year that would place it within the applicable depreciation schedule and which meets the safety requirements of the Kentucky Minimum Specifications for School Buses; Revised, for the model year in which the vehicle was manufactured, certain qualifying information and the price paid for said vehicle shall be reported to the Division of Pupil Transportation. Depreciation for said vehicle shall be calculated for each school year for which said vehicle remains within the applicable depreciation schedule on the same basis as a vehicle of the same type and rating purchased through the state bid price contract plan during that particular model year. In no case shall this amount exceed the annual amount of depreciation calculated for a vehicle of the same model year and rated pupil seating capacity category that was purchased new through the state bid price contract plan. For inventory and calculation purposes by the Division of Pupil Transportation, the model year of the older component, either chassis or body, shall be considered to be the model year of the vehicle and shall determine the number of years that said used vehicle remains within the applicable depreciation schedule.

(3) Whenever a district purchases a new school bus chassis and has its district-owned used school bus body installed thereon or purchases a new school bus body and has it installed on its district-owned used school bus chassis, certain qualifying information and the price paid for said new component shall be reported to the Division of Pupil Transportation. For inventory and calculation purposes by the Division of Pupil Transportation, the model year of such vehicle shall be considered to be the model year of the older component, chassis or body, and the depreciation shall be calculated for the number of years the vehicle remains within the applicable depreciation schedule on the same basis as a new vehicle of the same purchased through the state bid price contract plan during that particular model year.

(4) The amounts calculated for school bus depreciation under subsections (1), (2), and (3) of this section shall be added together to make up the district's annual cost for pupil transportation vehicle depreciation.

Section 13. The final step in the district's tentative cost calculation shall be made by multiplying the district's graph adjusted cost per pupil per day by the aggregate number of days attendance of the district's pupils transported one (1) mile or more to school.

Section 14. The graph adjusted pupil transportation cost per pupil per day shall be determined by applying the district's transported pupil density of the graph as provided in KRS 157.370.

Section 15. The aggregate number of days the district's pupils were transported one (1) mile or more to school shall be determined by multiplying the average daily attendance of these pupils by the number of days the district's schools were in session up to the number required under the Fund to Support Education Excellence in Kentucky.

Section 16. When the net average daily attendance of T-1 and T-5 transported pupils in any dis-

trict for the first two (2) months of the current school year is greater than it was for the first two (2) months of the previous school year, the district is eligible to apply for an adjustment for the current year increase.

Section 17. Application for an adjustment increase or a report on the absence of an increase shall be made by each district board prior to December 1.

Section 18. The net average daily attendance of the district's T-1 and T-5 transported pupils computed for the first two (2) months of the previous school year shall be compared with the same two (2) month period of the current school year and the percent of growth determined.

Section 19. The district's tentative formula adjusted cost for pupil transportation shall then be multiplied by the percent of growth to determine the additional cost to be added as a current year increase.

Section 20. The calculated amount for current year increase shall then be added to the district's tentative pupil transportation cost calculation to make up the district's final formula adjusted cost for pupil transportation for the current school year.

Section 21. During the school year in which any independent school district starts to provide pupil transportation when said district's schools open, the district's adjustment for current year growth shall be calculated by multiplying the district's net average daily attendance of T-1 and T-5 transported pupils for the first two (2) months that the district's schools are in session by the average calculated cost per pupil per year for all independent school districts as shown in the pupil transportation tentative cost calculations bulletin dated for that school year. The amount calculated for growth shall be the only pupil transportation program cost considered for program allotment purposes for that school year.

Section 22. During the school year in which any independent school district starts to provide pupil transportation after said district's schools have been in session for two (2) months or more, there shall be no adjustment calculated for current year growth for program allotment purposes for that school year.

Section 23. During any school year following the school year in which any independent school district started to provide pupil transportation that the average daily attendance for the first two (2) months that the district's schools were in session shows a growth in T-1 and T-5 transported pupils of 100 percent or less, the adjustment for current year growth shall be calculated as provided in Sections 16, 17, 18, 19, and 20 of this administrative regulation. If the district's growth in T-1 and T-5 transported pupils for the first two (2) months shows a growth of more than 100 percent, the adjustment for current year growth shall be calculated first as provided in Sections 16, 17, 18, 19, and 20 of this administrative regulation; and secondly, by multiplying the net increase in the average daily attendance of T-1 and T-5 transported pupils by the average calculated cost per pupil per year for all independent districts as shown in the pupil transportation tentative cost calculation bulletin dated for that school year. The lesser of the two (2) amounts shall then be added to the district's pupil transportation tentative cost calculation for allotment purposes. (1 Ky.R. 1049; 2 Ky.R. 242; eff. 10-8-1975; 9 Ky.R. 1306; eff. 7-6-1983; 10 Ky.R. 1176; eff. 6-28-1984; 12 Ky.R. 1854; eff. 7-2-1986; 17 Ky.R. 432; eff. 10-14-1990; Crt eff. 11-16-2018.)

## **702 KAR 5:030. Pupil transportation.**

RELATES TO: KRS 156.160, 189.540, 281.605, 49 C.F.R. 382.101-382.605

STATUTORY AUTHORITY: KRS 156.070, 156.160, 189.540, 49 C.F.R. 382.101-382.605

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 and 189.540 require the Kentucky Board of Education to promulgate administrative regulations relating to the safety of public school children, the transportation of children to and from school, and the operation of school buses. This administrative regulation provides the local board, the district superintendent, and principal with standards necessary to assist in administering the district's pupil transportation programs and to assure the safe operation of school buses and discipline.

Section 1. A school district superintendent shall be responsible for the safe operation and general supervision of the district's pupil transportation program. The superintendent may designate another employee or other employees of the board to assist in carrying out this responsibility.

Section 2. The superintendent shall require that a safety inspection be made on each school bus owned and operated by the board or contracted to the board at least once each month that the district's schools are in session. This inspection shall be made by a state approved inspector. If, upon inspection, a school bus is found to be in unsafe operating condition, the superintendent shall withhold the bus from operation until the required repairs are made. The superintendent shall keep the records of the bus safety inspections on file.

Section 3. The superintendent shall make reports annually to the Department of Education on all school bus accidents that occurred during the year. Accidents involving serious student injury or fatality or failure of safety equipment shall be reported to KDE immediately. KDE shall then distribute this information to all districts.

Section 4. The superintendent shall provide the required school bus driver training before a school bus driver shall begin the duties of transporting pupils to and from school or events related to schools. This training shall at least include the school bus driver course prescribed by the Kentucky Board of Education, in accordance with 702 KAR 5:080, Sections 7 and 8 and shall be conducted by a state approved instructor. Evidence that the driver has received this training shall be submitted to the Division of Pupil Transportation and a copy shall be retained by the district.

Section 5. The superintendent shall be responsible for providing the required in-service school bus driver training which each school bus driver shall complete annually for approval renewal, in accordance with 702 KAR 5:080, Section 8. The in-service training shall include at least eight (8) hours of required instruction relevant to the core curriculum conducted by an approved instructor. Evidence that each driver has received this training shall be submitted to the Division of Pupil Transportation and a copy shall be retained by the district.

Section 6. A superintendent shall require all drivers of school buses equipped with a crossing control arm to utilize the arm when loading or unloading students. The superintendent or designee, in consultation with the certified driver training instructor, shall have full authority as to the use of crossing control arms on school grounds.

Section 7. District school bus inspectors shall complete an annual four (4) hour update conducted by a state approved school bus inspector and instructor.

Section 8. The training required to be designated as a state approved inspector is provided in the "Pupil Transportation Management Manual", Chapter 6, as revised April 1998.

Section 9. A superintendent shall implement a controlled substance and alcohol use and testing program in accordance with Federal Motor Carrier Regulations 382, Section 101 through 605.

Section 10. A district shall provide the owner of any school bus or special type vehicle that is contracted to the board for the transportation of the district's pupils with a written contract each school year in which the responsibilities of the contractor are clearly established.

Section 11. A district shall require the owner of any school bus or special type vehicle contracted to the board to provide a performance bond each school year in the amount that the district deems necessary.

Section 12. In route planning and purchasing or contracting for school buses, a district shall work toward providing a sufficient number of school buses to allow each student a seated position that affords the occupant protected compartmentalization and complies with 702 KAR 5:080, Section 11.

Section 13. Before a district transfers title to a school bus to another party other than a Kentucky school district, the district shall:

(1) Remove all district identification from a board-owned school bus before transferring the title to the school bus to another party. A contract issued by the board to a school bus contractor shall contain a clause requiring the school bus contractor to remove all district identification lettering from the school bus when it is no longer under contract to the district; and

(2) Make the stop signal arm and the red flashing warning lights, strobe lights and crossing control arms inoperable by disconnection or removal.

Section 14. A district shall develop a plan providing all pupils instruction in school bus pupil safety each school year. The district shall conduct two (2) evacuations each semester with the first evacuation each semester being conducted within the first week in accordance with the Driver Training Instructor Manual, Chapter Eleven (11). The district shall retain documentation of emergency evacuation performance. Educational films, safety demonstrations or related information as approved by the Kentucky Department of Education, may supplement emergency evacuation drills.

Section 15. A district shall not permit a radio, tape, or communication system to be installed or operated on the school bus that is not under the direct control of the bus driver. Any installed radio, tape or communication system shall be per the original equipment manufacturer's specifications.

Section 16. A district shall designate a physician, physician's assistant, or an advanced registered nurse practitioner to perform the physical examination required for all school bus drivers. The district shall retain a current physical examination record or physical fitness certification for each school bus driver.

Section 17. A principal or designee shall be responsible for the organization and operation of a system of adequate supervision of the pupils as they enter and leave the school buses at the school.



Section 18. Each local board of education shall have a policy on responsibilities of pupils who are transported in district vehicles.

Section 19. A principal or designee shall be responsible for the discipline of pupils who ride school buses. The principal shall assist the school bus driver with school bus discipline problems when the school bus driver properly reports on the discipline problem either in person or in writing.

Section 20. A pupil who creates a serious safety or discipline problem or persists in creating serious discipline problems on the school bus shall be reported to the principal or designee to handle bus discipline problems. The principal or designee may suspend the pupil bus riding privileges until the problem is resolved. A student whose bus riding privileges have been suspended shall not be allowed on the bus again until the driver receives permission by the principal or his designee.

Section 21. A school bus driver shall maintain a current ridership list for all routes and trips.

Section 22. A local board of education that owns, operates, or contracts school buses that transport the district's pupils to and from school shall purchase liability or indemnity insurance for these school buses. The coverage limits shall be at least the amounts below:

Bodily injury/property damage	\$2,000,000 per occurrence combined or \$250,000/\$2,000,000 split
Uninsured/underinsured motorist coverage	\$500,000
"No fault" coverage	20,000 per passenger

Section 23. If there are pupils transported on school buses or other vehicles contracted to the board, the board shall enter into an agreement with the contractor to secure fleet rates for liability or indemnity insurance for these vehicles.

Section 24. The Kentucky Standard School Bus Endorsement, which is furnished by the Commissioner of Education to insurers that have been awarded school bus insurance coverage, shall be attached to and become part of the school bus insurance contract after having been signed by an official of the insuring company having the proper corporate authority to sign the document.

Section 25. The following federal administrative regulation is adopted without change: "Federal Motor Carrier Regulations 382, Section 101 through 605" last amended 1997.

Section 26. Incorporation by Reference. (1) The following documents are incorporated by reference:

- (a) "Pupil Transportation Management Manual", April 1998; and
- (b) "Driver Trainer Instructors Manual", July 9, 1995.

(2) These documents may be inspected, copied, or obtained, subject to applicable copyright law at the Office of District Support Services, Department of Education, 15th Floor, Capitol Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. (SBE 24.260; 1 Ky.R. 1051; eff. 6-11-1975; 11 Ky.R. 1876; eff. 7-9-1985; 13 Ky.R. 2092; eff. 7-2-1987; 15 Ky.R. 1557; eff. 2-3-1989; 16 Ky.R. 198; eff. 10-8-1989; 17 Ky.R. 435; 1354; eff. 10-14-1990; 2036; eff. 2-7-1991; 18 Ky.R. 477; eff. 11-8-1991; 3027; 3388; eff. 6-7-1992; 21 Ky.R. 1945; eff. 4-6-1995; 29 Ky.R. 1341; eff. 1-16-2003; Crt eff. 6-28-2019.)

## **702 KAR 5:060. Buses; specifications and purchases.**

RELATES TO: KRS 156.031, 156.152, 156.153, 156.154, 156.160

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.031 requires that administrative regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary, and resubmitted to the Legislative Research Commission prior to December 30, 1990; KRS 156.152 to 156.154 set forth methods and procedures for cooperative, centralized purchasing of school buses by local boards of education through contracts established through the Department of Education and the Finance Cabinet; and KRS 156.160 requires the State Board for Elementary and Secondary Education to adopt administrative regulations pertaining to the safety and transportation of school children. This administrative regulation implements that system and establishes procedures for the cooperative purchase of school buses by Kentucky's school districts, and it further prescribes vehicles designed for more than ten (10) passengers which can be used to transport school children.

Section 1. The chief state school officer through his Division of Pupil Transportation, Department of Education, shall prepare Kentucky minimum specifications for school buses for approval by the State Board for Elementary and Secondary Education and shall keep said specifications up-to-date by revision whenever experience, model changes, manufacturing techniques, and product improvement indicate that revision and updating is necessary.

Section 2. The State Board for Elementary and Secondary Education shall approve appropriate Kentucky Minimum Specifications for School Buses, Revised, as a separate document and as warranted. Copies of this document containing the detailed specifications for the separate parts of new school buses and the specifications that pertain to used school buses shall be kept on file in the Division of Pupil Transportation, Department of Education. This document shall be made available in reasonable numbers to those persons or firms that have need for same.

Section 3. All manufacturers, their agents or representatives that propose to sell new school bus chassis, school bus bodies, and complete school buses to be used in the Commonwealth of Kentucky for the transportation of pupils to and from school and for related uses shall file detailed specifications, test results, certifications, and advertising brochures on these chassis, bodies, and complete buses with the Division of Pupil Transportation, Department of Education, Frankfort, Kentucky. These shall be filed at least annually at a time and in the manner prescribed. The manufacturers, their agents or representatives shall keep these files up-to-date following model changes or modifications made between filing dates.

Section 4. Any new school bus chassis, new school bus body, or complete new school bus purchased by any district board of education, individual, company or corporation for use in transporting pupils to and from school and for related purposes shall meet the Kentucky Minimum Specifications for School Buses; Revised, that were in effect on the date of manufacture. Any such bus or component part shall not be used for the above stated purposes until it shall have been approved by the Division of Pupil Transportation as meeting these requirements.

Section 5. Any used school bus chassis, used school bus body, or complete used school bus purchased by any district board of education, individual, company or corporation for use in transporting pupils to and from school and for related uses shall not be used for such purposes until it shall have been approved by the Division of Pupil Transportation as meeting the Kentucky Minimum

Specifications for School Buses in effect on the date of its original purchase, and as meeting the used school bus mandatory safety equipment requirements in effect on the date the bus or component part was purchased in used condition.

Section 6. (1) No vehicle which was designed by the manufacturer to carry more than ten (10) passengers in addition to the driver shall be used to transport children to or from school or events related to such schools that does not meet Kentucky Minimum Specifications for School Buses; Revised, that were in effect on the date of manufacture, or does not meet Federal Motor Vehicle Safety Standards applicable to manufacturers of school buses, except as provided in subsection (2) of this section.

(2) School districts may, in their reasonable discretion and with due regard to the safety and required supervision of the school children to be transported, utilize appropriately certificated common carriers, in regular or charter service, to transport school children to or from school-related events, as long as the vehicles so utilized are not significantly used as school buses. Such use of common carrier service, in lieu of qualifying school buses, shall be on a case-by-case basis, and the reasons believed by the board to justify such use shall be cited in the board minutes. (SBE 24.225; 1 Ky.R. 1052; eff. 6-11-1975; 9 Ky.R. 1309; eff. 7-6-1983; 12 Ky.R. 1634; eff. 5-6-1986; 17 Ky.R. 436; eff. 10-14-1990; Crt eff. 11-16-2018.)

## **702 KAR 5:080. Bus drivers' qualifications, responsibilities, and training.**

RELATES TO: KRS 156.160, 161.011, 189.540, 281A.170 – 281A.175, 49 C.F.R. Parts 380, 382 and 391

STATUTORY AUTHORITY: KRS 156.160(1), 189.540

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1) requires the Kentucky Board of Education to promulgate administrative regulations relating to the transportation of children to and from school and to medical inspections and other matters deemed relevant to the protection of the physical welfare and safety of public school children. KRS 189.540 requires the board to promulgate administrative regulations governing the design and operation of school buses. This administrative regulation establishes the qualifications, training, and responsibilities of the school bus driver.

Section 1. Licensing Requirement. A school bus driver shall have a current, valid Commercial Driver's License with applicable endorsements and restrictions pursuant to KRS 281A.170 to 281A.175.

Section 2. Medical Fitness. (1) A local board of education shall require an annual medical examination that complies with KRS 281A.175 for each school bus driver.

(2) A person shall not drive a school bus unless physically and mentally able to operate a school bus safely and in accordance with the requirements of this administrative regulation.

(3) If there is limitation of motion in joints, neck, back, arms, legs, or other body parts, due to injury or disease that may limit the driver's ability to safely perform the task of driving a school bus or performing other driver responsibilities, the person shall not be employed as a school bus driver.

(4) A temporarily-injured or ill bus driver may be assigned duties other than driving until the employee regains the ability to safely perform school bus driver duties.

(5) An otherwise medically and physically eligible school bus driver with diabetes mellitus, may be employed as a school bus driver, if the driver possesses a valid federal Medical Examiner's Certificate as required under 49 C.F.R. Part 391.41.

(6) A driver taking medication either by prescription or without prescription shall report the medication to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.

(7)(a) To ensure student safety, a district may require a school bus driver to pass a medical examination or a special type medical examination more often than annually at the district's expense.

(b) The medical examination shall include risk assessment and appropriate follow-through, as established in 702 KAR 1:160, Section 1, for tuberculosis upon initial employment.

(c) The medical examination shall be documented on the same form required by the Kentucky Department of Transportation to obtain a commercial driver's license and retained by the district.

Section 3. Criminal Records Check, Driving History, and Drug Testing. (1)(a) A criminal records and driving history check shall be performed by a local district on school bus drivers prior to initial employment and prior to reemployment following a break in employment.

(b)1. Employment shall be contingent upon meeting the requirements of paragraph (a) of this subsection.

2. A local board of education shall adopt policies outlining employment qualifications for school bus drivers as related to these criminal records and driving history checks.

(c) A school bus driver shall immediately report to the local superintendent or the superintendent's designee a:

1. Revocation of the driver's license;
2. Conviction for driving under the influence (DUI) or driving while intoxicated (DWI);
3. Conviction for reckless driving; or
4. Citation for a moving motor vehicle violation, including:
  - a. Driving under the influence (DUI) or driving while intoxicated (DWI);
  - b. Reckless driving; or
  - c. A violation of state or local law governing motor vehicle traffic control, other than a parking violation.

(2)(a) Controlled substance and alcohol use testing shall be a condition of employment for anyone in a safety sensitive pupil transportation position, including:

1. School bus drivers;
2. School bus mechanics; and
3. Other safety-sensitive jobs requiring a Commercial Drivers License (CDL) license.

(b) The controlled substance and alcohol use testing program shall include the following tests:

1. Preemployment testing (controlled substance only);
2. Postaccident testing;
3. Random testing; and
4. Reasonable suspicion testing.

(c) Prospective employees who have tested positive for a controlled substance within the last five (5) years shall not be considered for employment to drive a school bus or the performance of safety-sensitive services related to pupil transportation.

(d) A school bus driver, school bus mechanic, or anyone performing safety-sensitive pupil transportation duties having a confirmed positive test for a controlled substance shall be relieved of those duties immediately and not be eligible for reemployment for five (5) years.

(e) A school bus driver, school bus mechanic, or anyone performing safety-sensitive pupil transportation duties who tests at 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately and not be eligible for reemployment in a safety-sensitive pupil transportation position for five (5) years.

(f) A person shall not be employed as a school bus driver if convicted within the past five (5) years of driving under the influence (DUI) or driving while intoxicated (DWI).

Section 4. Training Requirements. (1)(a) Minimum training requirements to become a school bus driver shall consist of the successful completion of the twenty-one (21) hour initial training course and follow-up reviews as set forth in the Kentucky School Bus Driver Trainer Manual.

(b) Prior to the beginning of each school year, a bus driver shall successfully complete a district specific eight (8) hour update training.

(c) Each district shall annually provide the eight (8) hour update training, which shall be aligned with the Kentucky School Bus Driver Trainer Manual, address the needs of the district's school bus drivers, and be conducted by a driver trainer certified in accordance with subsection two (2) of this section.

(d) The eight (8) hour update training shall be provided after the district's last student attendance day of the school year, but prior to opening day of the proceeding school year.

(e) If a district employs a school bus driver, after the eight (8) hour annual update training was provided to bus drivers, the district shall provide the driver with the update training prior to allowing the driver to transport students.

(f) If a school bus driver leaves the employment of a school district as a bus driver, and is subsequently reemployed in the district as a driver, the driver shall complete the eight (8) hour update training within twelve (12) months following the driver's last date of employment in the district as a bus driver.

(g) A driver who does not timely complete the annual eight (8) hour update training and recertification pursuant to this section shall be required to complete the twenty-one (21) hour initial training course.

(2)(a) A driver trainer shall satisfactorily complete the thirty-three (33) hour classroom and driving curriculum developed by the department and delivered by a state approved driver trainer instructor in accordance with the Kentucky School Bus Driver Trainer Manual.

(b) A driver trainer shall annually complete a minimum of six (6) hours of training developed by the Department and delivered by a state approved driver trainer in accordance with the Kentucky School Bus Driver Trainer Manual.

Section 5. First Aid and Cardiopulmonary Resuscitation (CPR). All school bus drivers, pupil transportation technicians, and employees that transport students shall, at a minimum, receive basic first aid and CPR training by a person with:

- (1) A valid certificate in first-aid training, including CPR, from the American Red Cross; or
- (2) Equivalent training that can be verified by documentary evidence.

Section 6. Emergency Operation. (1) If an emergency makes it necessary for the driver to leave the bus while pupils are on board, the driver shall follow local board policy.

(2) A driver shall not permit a pupil to operate the entrance handle or any other bus control except in case of an emergency.

Section 7. Transport of Items on School Bus. (1) A local board of education shall develop a policy regarding the transport of persons and items on a school bus.

(2) To ensure student safety, the policy shall include:

(a) A prohibition on firearms or weapons, either operative or ceremonial, except that the policy may permit archery bows, used in connection with a school archery team, to be transported inside the passenger compartment and arrows transported in the underneath storage compartment;

(b) A prohibition on fireworks or other explosive materials of any type;

(c) A prohibition on live animals, except for a service animal necessary for the student to attend school;

(d) A prohibition on glass objects or helium balloons; and

(e) A prohibition on any object that may block the bus aisle or exits or otherwise impede exiting the bus.

(3) The policy may additionally address issues related to the safe transport of students, including eating and drinking on the school bus.

Section 8. Student Assignment. (1) A driver shall transport only those pupils officially assigned to a bus trip unless an unassigned pupil presents the driver with a written permit to ride the bus trip that has been signed by the school principal or designee.

(2) A driver shall not permit an assigned pupil to leave the bus at a stop other than the pupil's regular stop unless presented with written permission signed by the principal or a designee.

(3) A driver shall not transport a person who is not a student, including adult employees of the board, unless provided with written permission from the district superintendent or a designee.

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Section 9. Student Seating. (1) A driver shall supervise the seating of the pupils on the bus and may assign a pupil to a specific seat on the bus.

(2)(a) The driver shall make certain the seating capability of the bus has been fully utilized before any pupil is permitted to stand in the bus aisle.

(b) A driver shall not permit pupils to stand in the stepwell or landing area if:

1. The pupil would likely fall out of the bus if the emergency door were opened; or
2. The driver's view directly in front of the bus or to either side of the front of the bus would be obscured.

(3) A driver shall report to the superintendent or a designee an overcrowded condition on the bus as soon as practicable and in accordance with local district policies.

Section 10. Loading and Unloading. (1) A driver shall activate the flashing amber signal lights at least 200 feet, if available, or a sufficient distance from a bus stop to warn motorists of the intended stop.

(2) Once the bus comes to a complete stop, the driver shall follow the loading and unloading procedure outlined in the Kentucky School Bus Driver Trainer Manual.

(3) A stop signal arm and flashing warning lights shall be in operation anytime pupils are boarding or leaving the bus, including on school property.

(4) A driver shall signal pupils to board or exit only after determining that any visible approaching traffic has come to a complete stop and is not beginning to move or attempting to pass the bus.

(5) A driver of a school bus shall be on the bus at all times students are loading or unloading.

Section 11. Fueling. For safety reasons, a driver shall not permit fueling of the bus while pupils are on board the bus.

Section 12. Student Conduct. (1) Local boards of education shall adopt policies related to student conduct on school buses.

(2) If a pupil's conduct on the bus makes it unsafe for the bus to continue on its route, the driver shall follow local district policy. Ejecting a pupil from the bus shall be done only in the most extreme circumstances.

(b) If a student has been ejected from a bus the driver shall notify the immediate supervisor who shall notify the appropriate district authorities, who shall subsequently notify the student's parent or legal guardian according to local board policy.

Section 13. Railroad. A school bus driver shall stop the bus at all places where the roadway crosses a railroad track or tracks at the grade level. The stop shall be made not less than fifteen (15) feet and not more than fifty (50) feet from the nearest track.

(1) After making the stop, the driver shall:

- (a) Set the parking brake;
- (b) Shift to neutral;
- (c) Activate the noise abatement switch;
- (d) Open the service door and driver side window; and
- (e) Carefully look in each direction and listen for approaching trains before proceeding.

(2) If visibility is impaired at a crossing, after stopping the driver may allow the vehicle to roll forward to gain required visibility before proceeding.



(3) When a driver has ascertained that it is safe for the bus to cross the railroad tracks or tracks at the grade level, the driver shall:

- (a) Close the bus entrance door;
- (b) Shift the bus into the lowest gear;
- (c) Release the parking brake;
- (d) Proceed immediately to cross the railroad tracks or tracks at the grade level; and
- (e) Turn the noise abatement switch off when safe to do so.

Section 14. Driver Inspection. (1) A driver shall perform and document a pretrip inspection of the bus safety and operating equipment each time that the bus is taken out for the transportation of pupils.

(2) A school bus driver shall inspect the school bus at the completion of each bus run to ensure that no students remain in the bus.

Section 15. Road Conditions. A driver shall not drive the school bus on any roadway if the conditions of the roadway, weather conditions, or other extenuating circumstances may make it unsafe.

Section 16. Driver Seat Belt. A driver shall wear the driver's seat belt at all times that the bus is operated.

Section 17. Tobacco. A driver shall not use tobacco products on the school bus and shall not permit pupils to use tobacco products on the school bus.

Section 18. Drug and Alcohol. (1) A driver shall not operate a school bus while under the influence of alcoholic beverages or any illegal drug or other drug.

(2) A driver found under the influence of alcohol or any illegal drug while on duty or with remaining driving responsibilities shall, that same day, be dismissed from employment.

Section 19. Incorporation by Reference. (1) The "Kentucky School Bus Driver Trainer Manual, October 2019, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Pupil Transportation Branch, Department of Education, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (24 Ky.R. 1431; 1879; eff. 3-16-1998; 1932; 5-18-1998; 25 Ky.R. 1463; eff. 2-18-1999; 26 Ky.R. 173; eff. 9-16-1999; 1590; eff. 4-12-2000; 27 Ky.R. 222; eff. 9-11-2000; 1069; eff. 12-21-2000; 1864; 2436; eff. 3-19-2001; 3155; 28 Ky.R. 80; eff. 7-16-2001; 455; 861; eff. 10-15-2001; 1192; eff. 1-14-2002; 1916; 2202; eff. 4-15-2002; 2726; 29 Ky.R. 705; eff. 9-16-2002; 1093; 1775; 2156; eff. 1-16-2003; 2156; 2465; eff. 4-11-2003; 2984; eff. 8-13-2003; 30 Ky.R. 2107; eff. 5-24-2004; 31 Ky.R. 1442; 1657; eff. 4-22-2005; 32 Ky.R. 125; 481; eff. 10-7-2005; 1332; 1614; eff. 3-31-2006; 33 Ky.R. 227; 760; eff. 10-6-2006; 2135; 2942; eff. 4-6-2007; 34 Ky.R. 624; 1418; eff. 1-4-2008; Crt eff. 11-16-2018; 46 Ky.R. 2132, 2796, 2925; eff. 9-1-2020.)

## **702 KAR 5:100. Handicapped, reimbursement for.**

RELATES TO: KRS 156.031, 156.160, 157.370

STATUTORY AUTHORITY: KRS 156.070, 157.320

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.031 requires that administrative regulations relating to statutes amended by the 1990 Kentucky Education Reform Act be reviewed, amended if necessary, and resubmitted to the Legislative Research Commission prior to December 30, 1990; KRS 157.370 provides that the State Board for Elementary and Secondary Education shall determine the type of handicapped pupil who qualifies for special type transportation; and KRS 156.160 requires that the State Board for Elementary and Secondary Education regulate the transportation of children to and from school. This administrative regulation implements those duties relative to special type transportation.

Section 1. When a student is handicapped as recognized by the categories of exceptionality set forth in KRS 157.200(1) and to the extent that transportation needs require special arrangements, special equipment, or a special vehicle, the school district's admissions and release committee shall qualify the student for special transportation.

Section 2. No school district shall certify the attendance of any qualifying handicapped pupil for weighted attendance as described in Section 1 and KRS 157.370(9) unless special transportation is provided for the pupil and is paid for from local district funds.

Section 3. The driver of a school bus who transports qualifying handicapped pupils to and from school shall meet the same requirements as the district's drivers who transport nonqualifying pupils to the district's public schools. (SBE 54-180(2); 1 Ky.R. 1053; eff. 6-11-1975; 7 Ky.R. 405; eff. 12-3-1980; 17 Ky.R. 438; eff. 10-14-1990; Crt eff. 11-16-2018.)

## **702 KAR 5:110. Vocational pupils, reimbursement for.**

RELATES TO: KRS 157.370

STATUTORY AUTHORITY: KRS 156.070, 157.370(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.370(8) requires a local board of education to be reimbursed separately for the cost of transporting pupils from a parent school to a vocational-technical school or to a vocational education center, and requires the Board of Education to promulgate an administrative regulation establishing the reimbursement amount. This administrative regulation establishes the reimbursement requirements and limitations for those districts that transport secondary school pupils.

Section 1. Definition. "Vocational school" means a state vocational-technical school, an area vocational education center, or a vocational training site.

Section 2. A local district may provide bus transportation for the district's secondary school pupils from their parent school to a vocational school where an integral part of the basic vocational instructional program is being provided.

Section 3. A district providing transportation to a vocational school shall submit a request for reimbursement by submitting a completed Form VT-2, District's Annual Claim to Receive Reimbursement for Pupil Transportation Vocational Schools, annually on or before June 30 of the current school year to the Office of District Support Services in the Department of Education.

Section 4. Funding in the current year shall be based upon information submitted on district applications based on the actual transportation provided.

Section 5. A local district that transports pupils to a vocational school on buses owned and operated by the district shall be reimbursed for these expenditures as follows:

(1) Bus mileage at a rate not to exceed the average cost per bus mile for county school districts, exclusive of driver's cost, as calculated by the Office of District Support Services for the previous school year; and

(2) The vocational school bus driver's cost at an hourly rate not to exceed the hourly rate paid by the district to a driver in the district's regular transportation program with similar qualifications.

Section 6. If a district's pupils are transported to a vocational school over a toll road as the nearest or best route, either on a board-owned bus or a bus contracted to the board, the district shall be reimbursed for the toll road fee in addition to mileage and driver's cost.

Section 7. (1) A district that contracts for the transportation of its pupils to a vocational school shall be reimbursed an amount not to exceed the total amount that would result if:

(a) The vocational school bus mileage is multiplied by the average cost per bus mile for county districts exclusive of driver's cost; and

(b) The driver's total hours are multiplied by the average hourly rate paid by county school districts plus necessary toll road fees.

(2) The average mileage cost and average hourly rate shall be those calculated by the Office of District Support Services for the previous school year.

Section 8. (1) Bus mileage shall be calculated from the parent school to the vocational school over the nearest and best route. If the same bus is used to transport pupils to a vocational school

from more than one (1) school within the same district, bus mileage shall be calculated from the school located farthest from the vocational school over the nearest and best route as the bus serves the other schools en route to the vocational school.

(2) A bus round trip shall be considered the transportation of the student to and from a vocational school.

(a) A bus driver transporting students on a bus from a high school to a vocational school and returning back without the students to the high school shall be considered to have made half of a round trip.

(b) A bus driver departing from the high school without the students, going to the vocational school and returning back to the high school with the students shall be considered to have made half of a round trip.

Section 9. (1) The total hours of a driver's pay per day that shall be reimbursed for transporting pupils to a vocational school shall be calculated on the basis of what the driver does while the pupils are in class at the vocational school as follows:

(a) If the driver waits at the vocational school for the full time that the pupils are in class, the driver's time shall start when the bus leaves the parent school farthest from which pupils are transported to the vocational school and shall stop when the pupils are returned to the farthest parent school; or

(b) If the driver unloads the pupils at the vocational school, then takes the bus to another location and returns to pick up the pupils when the classes are finished, the first half of the driver's time shall start when the bus leaves the parent school farthest from the vocational school and shall end when the driver reaches the point where the bus is parked until time to make the bus trip to the vocational school to return the pupils to their parent school. The second half of the driver's time shall start when the bus leaves the point where the bus was parked and shall end when the bus reaches the parent school farthest from the vocational school.

(2) The district shall pay the bus driver by the method that results in the least cost when the driver's time and the required bus mileage are considered in combination.

Section 10. The driver of the bus that transports pupils to a vocational school shall meet the same requirements as the district's bus drivers that transport pupils to the district's public schools.

Section 11. A school district shall be reimbursed for the cost of vocational school transportation for the actual number of days that pupils were transported to the vocational school not to exceed the number of instructional days in the school district's approved amended calendar.

Section 12. (1) One (1) district may make a contract with another district to transport the other district's pupils to a vocational school on the same bus with the transporting district's pupils or on a separate bus.

(2) If one (1) district contracts to provide a bus or buses to transport another district's pupils to a vocational school, the district providing the bus or buses shall claim additional reimbursement only for the extra bus miles required and the extra hours of bus driver time required to provide this service for the other district.

Section 13. A district shall make maximum use of the bus that transports pupils to a vocational school through planning and routing. The use of more than one (1) bus for transporting pupils from any school or group of schools to a vocational school shall be approved only if the length of time required for one (1) bus to pick up and transport the pupils would be impractical or the num-

ber of pupils on one (1) bus would exceed seating capacity.

Section 14. A district shall not be reimbursed for:

(1) The transportation of vocational school pupils on field trips, excursions, competitions, or recreational trips; or

(2) The vocational transportation from the parent school to the vocational school if the vocational school is on the same grounds or on adjacent grounds to the parent school or within one-half (1/2) mile of the parent school.

Section 15. Incorporation by Reference. (1) "Form VT-2, District's Annual Claim to Receive Reimbursement for Pupil Transportation Vocational Schools", November 2010, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of District Support Services, Department of Education, 15th Floor, Capitol Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (SBE 76.200(3); 1 Ky.R. 1054; eff. 6-11-1975; 9 Ky.R. 1311; eff. 7-6-1983; 12 Ky.R. 1859; eff. 7-2-1986; 17 Ky.R. 439; 1355; eff. 10-14-1990; 31 Ky.R. 1583; 1813; eff. 5-26-2005; 37 Ky.R. 135; 1430; eff. 1-3-2011; Crt eff. 6-28-2019.)

## **702 KAR 5:120. Blind and deaf pupils, reimbursement for.**

RELATES TO: KRS 156.031, 157.280

STATUTORY AUTHORITY: KRS 156.070, 157.220

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.280 requires each local school district to provide for weekly transportation for its resident pupils at the Kentucky Schools for the Blind and Deaf except those whose residence is more than 200 miles one way from either school shall not be required to go home more than twice each month. Transportation shall be provided in a manner approved by the State Board for Elementary and Secondary Education. KRS 157.280 also mandates reimbursement of local districts, at the same rate per trip as for resident pupils, but from the Transportation Fund of the Fund to Support Education Excellence in Kentucky, for transportation, as approved by the State Board, which may be provided to and from such schools for day pupils. This administrative regulation establishes the rate of reimbursement for providing home-to-school transportation for such pupils enrolled at the Kentucky School for the Blind and the Kentucky School for the Deaf.

Section 1. (1) The chief state school officer shall determine the number of:

(a) Pupils residing in each school district of the state who are resident pupils at the Kentucky School for the Blind in Louisville, Kentucky or the Kentucky School for the Deaf in Danville, Kentucky; and

(b) Miles the county seat of the district in which the pupil resides is from Louisville or Danville.

(2) He shall then determine the aggregate number of pupil miles which would result in each child enrolled in either the School for the Blind at Louisville, or the School for the Deaf in Danville, making weekly trips home each year.

(3) The aggregate number of pupil miles determined will be divided into the total appropriation made for this program in order to establish a tentative value per pupil mile.

Section 2. On or before October 15 of each year, the chief state school officer shall provide each school district with a "tentative allotment report" which contains the number of resident children in each program in each school district and the tentative allotment to that school district for the weekly transportation of resident children.

Section 3. (1) On or before May 31 of each year each school district shall certify to the chief state school officer the number of:

(a) Children; and

(b) Trips each child was provided home, not to exceed one (1) round trip each week the child was enrolled in either of the schools.

(2) Distances used to generate pupil miles shall not exceed the distance provided in the tentative allocation which is the distance from the cities of Louisville or Danville to the county seat of the district in which the pupil is a resident.

Section 4. (1) On or before May 31 of each year, the superintendent of a local school district qualifying for reimbursement for transportation by reason of this administrative regulation shall certify to the chief state school officer the aggregate pupil miles for resident pupils for which reimbursement is sought.

(2) Based upon the certification of the local school district, the chief state school officer shall, on or before June 30 of each year, determine the final value of the pupil mile.

(3) The final value of the pupil mile shall be determined by dividing the aggregate pupil miles certified into the appropriation contained in the executive budget.

(4) The chief state school officer shall calculate a final allotment for each school district having children enrolled in the Kentucky School for the Blind and the Kentucky School for the Deaf as resident pupils.

Section 5. (1) The chief state school officer shall determine the number of pupils enrolled in each school district as day school pupils that are provided daily transportation to the Kentucky School for the Blind in Louisville and the Kentucky School for the Deaf in Danville.

(2) He shall determine the number of miles by the most direct route from the child's residence to the school that they attend in either Danville or Louisville.

(3) He shall then determine the aggregate number of pupil miles from each pupil's home to school and back home again, making a maximum of 175 trips per year.

Section 6. (1) On or before May 31 of each year, the superintendent of a local school district qualifying for reimbursement for transportation by reason of Section 5 of this administrative regulation shall certify to the chief state school officer the aggregate pupil miles for which reimbursement is sought.

(2) The chief state school officer, based upon the certification of the local school district, shall calculate a final allotment for reimbursement purposes for each school district having children enrolled as day school pupils in the Kentucky School for the Blind and the Kentucky School for the Deaf.

(3) The reimbursement rate to be paid from the Transportation Fund of the Fund to Support Education Excellence in Kentucky shall be the same rate per pupil mile as calculated in Section 4 of this administrative regulation for resident pupils. (3 Ky.R. 463; eff. 1-5-1977; 9 Ky.R. 733; eff. 1-6-1983; 17 Ky.R. 441; eff. 10-14-1990; 19 Ky.R. 513; 904; eff. 10-1-1992; Crt eff. 11-16-2018.)

## 702 KAR 5:130. Vehicles designed to carry nine (9) passengers or less, standards for.

RELATES TO: KRS 156.153(3), 156.160, 189.540

STATUTORY AUTHORITY: KRS 156.070, 156.160, 189.540

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the transportation of children to and from school and those deemed necessary or advisable for the protection of the physical welfare and safety of public school children. KRS 189.540 requires the Kentucky Board of Education to promulgate an administrative regulation to govern the operation of district-owned passenger vehicles designed to carry nine (9) passengers or less, including the driver, and used for approved school activities under KRS 156.153(3). This administrative regulation establishes the requirements relative to the transportation of pupils by local school districts in vehicles designed to carry nine (9) passengers or less and which are not classified as school buses.

Section 1. Definition. "Vehicle" means a vehicle owned by a school board or contracted to the board which is significantly used to transport pupils to and from school and which is designed by the manufacturer to carry fewer than ten (10) passengers.

Section 2. (1) A vehicle may be used for the transportation of pupils:

- (a) From areas not accessible by a regular school bus to the nearest road available for the safe transfer of pupils to a regular school bus or vice versa;
  - (b) For emergency transportation of students;
  - (c) For approved school activities; or
  - (d) For qualified special needs pupils.
- (2) A vehicle driver shall be a school district employee or a person contracted by the district.

Section 3. A vehicle shall not be used to carry more pupils than the manufacturer's designed passenger capacity for that particular vehicle.

Section 4. A vehicle shall have occupant restraint systems equal in number to the manufacturer's designed passenger capacity and installed in accordance with the original equipment manufacturer's specifications.

Section 5. Liability or indemnity insurance shall be purchased for each vehicle. The coverage limits shall be at least these amounts:

Bodily injury/Property Damage	\$1,000,000 per occurrence combined or \$250,000/\$1,000,000 split
Uninsured/Underinsured Motorist Coverage	\$500,000
"No-Fault" Coverage	\$20,000 per passenger

Section 6. Before a vehicle is initially used to transport pupils, a safety inspection shall be made on the vehicle by an approved school bus inspector to certify the vehicle is in safe operating condition. If the vehicle is found to be in unsafe operating condition, it shall not be used to transport pupils



until necessary repairs are made.

Section 7. A vehicle shall be inspected at least once each month that the vehicle is used to transport pupils, utilizing the same criteria for inspection as for school buses on the "Preventive Management Inspection" Form as found in the "Pupil Transportation Management Manual, April 1998".

Section 8. If being used to transport pupils, a vehicle shall display a sign in clear view in the rear of the vehicle stating: "This vehicle is being used to transport school children."

Section 9. Incorporation by Reference. (1) "Pupil Transportation Management Manual", April 1998, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of District Support Services, Department of Education, 15th Floor, Capitol Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. (11 Ky.R. 1551; 1781; eff. 6-4-1985; 17 Ky.R. 442; eff. 10-14-1990; 23 Ky.R. 1431; 2471; eff. 12-5-1996; 29 Ky.R. 1346; 1791; eff. 1-16-2003; Crt eff. 11-16-2018.)

## **702 KAR 5:150. Transportation of preschool children.**

RELATES TO: KRS 156.160, 157.226, 157.3175, 189.540

STATUTORY AUTHORITY: KRS 156.160, 189.540

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.150 requires the Kentucky Board of Education (KBE) to promulgate administrative regulations regarding the transportation of children to and from school. KRS 189.540 requires the KBE to promulgate administrative regulations to govern the design and operation of Kentucky school buses. This administrative regulation provides school districts with guidelines necessary to provide transportation for preschool children.

Section 1. (1) A local board of education shall require each school bus transporting three (3) and four (4) year old children to be staffed with a minimum of one (1) driver assistant who is qualified and trained to assist in the transportation of three (3) and four (4) year old children by a certified local board of education school bus driver training instructor. If the driver assistant is not a volunteer and is to receive pay or other remuneration for serving as a driver assistant or school bus monitor, the employed driver assistant shall be at least sixteen (16) years of age.

(2) The driver training instructor shall qualify the driver assistant with training in student entrance of bus, student exiting from bus, safety rules of transportation, first aid as it pertains to emergency and immediate care, emergency evacuation, and student management as it relates to seated positions and seat occupancy.

(3) The Division of Pupil Transportation of the Department of Education shall provide the curriculum for driver assistant training.

(4) The number of assistants required for any one (1) school bus shall be recommended to the superintendent by the driver training instructor or the transportation director.

(5) Liability insurance shall be provided for the driver assistant as a named insured.

Section 2. It shall be the responsibility of the parent, guardian, or person authorized by the parent of a preschool child to provide safe supervision to and from the bus stop and delivery to and receipt from the driver assistant.

Section 3. (1) A driver assistant shall be responsible to deliver and receive the child safely to and from the parent, guardian or person authorized by the parent in writing. Three (3) and four (4) year old children who cross a roadway shall be escorted by the driver assistant.

(2) A three (3) or four (4) year old child shall not be left unattended at the time of delivery.

(3) If the parent, guardian or a person authorized by the parent to accept the child is not present upon delivery, the child shall be taken to a prearranged location. (17 Ky.R. 693; eff. 12-7-1990; 18 Ky.R. 481; eff. 10-6-1991; 20 Ky.R. 2361; eff. 3-23-1994; 23 Ky.R. 2268; 2821; eff. 2-6-1997; 29 Ky.R. 1348; 1792; eff. 1-16-2003; Crt eff. 11-16-2018.)