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KENTUCKY DEPARTMENT OF EDUCATION
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June 3, 2026

Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capitol Annex
Frankfort, KY 40601

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

Dear Administrative Regulation Review Subcommittee Co-Chairs:

Following consideration of the issues raised by the above-referenced administrative regulation, the Kentucky Board of Education proposes the attached agency amendment to the Amended After Comments version of 702 KAR 5:130.

Sincerely,

Todd G. Allen

Todd G. Allen
Deputy Commissioner & General Counsel

SUMMARY OF CHANGES

SB 46 amends KRS 156.153 to update the capacity of non-school bus passenger vehicles to ten (10) or fewer passengers including the driver and deletes the requirement for an alternative transportation plan. SB 46 also amends KRS 156.153 and KRS 160.380 to distinguish between drivers transporting students to and from school along a regular bus route and drivers transporting students to and from approved school activities. KRS 156.153 was amended to require the KBE to promulgate administrative regulations to establish minimum route safety standards and pick-up and drop-off protocols for transporting students to and from school along a regular bus route. In addition, KRS 156.153 was amended to require the KBE to establish the minimum requirements for drivers transporting students to and from approved school activities and for drivers transporting students along a regular bus route to include: requiring a valid driver's license and identifying any moving violations that would disqualify an individual from being authorized to transport any student in a non-school bus passenger vehicle; an initial three hour training and a basic first aid and cardiopulmonary resuscitation training; and drug testing requirements that shall require an individual to submit to drug testing consistent, to the greatest extent practicable, with the requirements of 49 C.F.R. pt. 40. KRS 156.153 was also amended to provide that for drivers transporting students along a regular bus route the KBE may include additional requirements deemed necessary.

The proposed agency amendment conforms to SB 46. Notable changes to the regulation include: adding language to establish the moving violations that disqualify drivers; updated requirements for route safety standards and pick-up and drop-off protocols; updated driver qualifications which includes drivers transporting students to and from approved activities not being subject to the medical examination requirement; requiring a school district to provide a copy to each driver of the local board's transportation services policy and code of acceptable behavior and discipline; updated the exempt regulatory provisions for emergency transportation; providing that the transportation of a student pursuant to an agreement between a school district and a parent to reimburse the parent for arranging transportation of his or her own child to and from school or approved school activities is not subject to the requirements of the regulation; deleting the requirement for district specific training, local boards to adopt a policy that establishes the qualifications for drivers, and that drivers complete the basic first aid and cardiopulmonary resuscitation training every two years.

FISCAL IMPACT STATEMENT

702 KAR 5:130

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(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070, 156.153, 156.160, and 189.540.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070 authorizes the Kentucky Board of Education to have the management and control of the common schools and all programs operated in those schools. 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. See KRS 156.160(1)(h) and (k). KRS 189.540(1)(a) requires the Kentucky Board of Education to promulgate an administrative regulation to govern the operation of passenger vehicles owned, leased, or privately contracted by the district that transport students under KRS 156.153(3). KRS 156.153(3)(d) requires the Kentucky Board of Education to promulgate administrative regulations establishing the minimum standards and specifications for non-school bus passenger vehicles; minimum route safety standards and pick-up and drop-off protocols for transporting students to and from school along a regular bus route using non-school bus passenger vehicles; and minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student using a non-school bus passenger vehicle.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: Any expenditures are expected to be minimal.

For subsequent years: Any expenditures are expected to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: The cost to local school districts is unknown and dependent upon the extent a district chooses to utilize non-school bus passenger vehicles to transport students. Local school districts will receive state transportation funding for transporting students to and from school.

For subsequent years: The cost to local school districts in subsequent years is unknown and dependent upon the extent a district chooses to utilize non-school bus passenger vehicles to transport students. Local school districts will receive state transportation funding for transporting students to and from school.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: For the Kentucky Department of Education, any expenditures are expected to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated.

For local school districts, the cost is unknown and dependent upon the extent a district chooses to utilize non-school bus passenger vehicles to transport students. Local school districts will receive state transportation funding for transporting students to and from school. The regulation is not expected to generate revenue and no cost savings are anticipated.

(b) Methodology and resources used to reach this conclusion: For the Kentucky Department of Education and local school districts, the estimates herein are based on prior program operations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(14): The administrative regulation is not expected to have a major economic impact on the Kentucky Department of Education or local school districts. Local school districts may choose whether to utilize non-school bus passenger vehicles to transport students.

(b) The methodology and resources used to reach this conclusion: For the Kentucky Department of Education and local school districts, the estimates herein are based on prior program operations and the fact that districts are not required to utilize non-school bus passenger vehicles to transport students.

Agency Amendment
(ARRS – June 2026)

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education

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

Page 1
RELATES TO
Line 8

After "189.550,", insert "281A.010(24)".

Page 2
NECESSITY, FUNCTION, AND CONFORMITY
Line 2

After "protocols", insert the following:
for transporting students to and from school along a regular bus route using non-school bus passenger vehicles

Page 2
NECESSITY, FUNCTION, AND CONFORMITY
Line 3

Delete "to and from school".

Page 2
Section 1
Line 8

After "Section 1.", insert "Definitions. (1)".
Delete "Definition".

Page 2
Section 1
Line 10

After "of", insert "ten (10)".
Delete "nine (9)".

Page 2
Section 1
Line 12

After "from school", insert "along regular bus routes".

Page 2
Section 1
Line 13-14

Delete "under an alternative transportation plan approved by the Kentucky Department of Education".

Page 2
Section 1
Line 15

After ":", insert the following:

(2) "Motor vehicle" is defined by KRS 281A.010(24).

(3) "Serious traffic violation" means a conviction when operating a motor vehicle of:

(a) Excessive speeding, involving a single charge of any speed fifteen (15) miles per hour or more, above the specified speed limit;

(b) Reckless driving including conviction of driving a motor vehicle in willful or wanton disregard for the safety of persons or property;

(c) Improper or erratic traffic lane changes; or

(d) Following the motor vehicle ahead too closely.

Page 2
Section 2
Line 16-21

Delete the following:

Alternative transportation plan. (1) A district shall submit an alternative transportation plan to the Kentucky Department of Education for approval each school year prior to transporting any student in a non-school bus passenger vehicle.

(2) The alternative transportation plan shall include:

(a) The number of vehicles being used to transport students; and

(b) Information regarding why a school bus is not being used.

Page 3
Section 3
Line 8

Delete "Section 3".

Page 4
Section 4
Line 4

After "Section", insert "3".

Delete "4".

Page 4
Section 4(1)
Line 5

After "(1)", insert the following:

Subsections (2) and (3) of this section shall apply to drivers transporting students to and from school along a regular bus route using a non-school bus passenger vehicle.

(2)

Page 4
Section 4(2)
Line 7

Insert "(3)" prior to the "(2) Pursuant to".
Delete "(2)".

Page 4
Section 4(3)
Line 10

Insert "(4)" prior to "(3) The driver shall".
Delete "(3)".

Page 4
Section 5
Line 12

After "Section", insert "4".
Delete "5".

After "(1)", insert the following:

Pursuant to KRS 156.153 and KRS 189.540, a driver shall have a current valid Class D operator's license.

(2) An individual shall be disqualified from transporting any student in a non-passenger vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations or one hundred twenty (120) days consecutively if convicted of three (3) serious traffic violations committed in a motor vehicle arising from separate incidents occurring within a three (3) year period.

(3) An individual shall be disqualified from transporting any student in a non-passenger vehicle for a period of one (1) year for refusing to submit to drug testing required by KRS 160.380 and this administrative regulation.

(4) An individual shall be disqualified from transporting any student in a non-passenger vehicle for five (5) years if convicted of:

(a) Driving or being in physical control of a motor vehicle under the influence of alcohol or a controlled substance; or

(b) A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident.

Page 4
Section 5
Line 12-19

Delete the following:

A local board of education operating under an approved alternative transportation plan shall adopt a policy that establishes the qualifications for drivers regarding:

(a) Drug test results;

(b) Driving history record;

(c) Convictions for a violation under KRS Chapter 189 for which penalty points are assessed; and

(d) Any citation or arrest for a violation of any provision of KRS Chapter 189A.

Page 4

Section 5(2)

Line 20

After “(”, insert “5”.

Delete “2”.

After “(5)”, insert “An individual”.

Delete “A person”.

Page 4

Section 5(2)

Line 21

After “.”, insert the following:

(6) An individual shall not drive a non-school bus passenger vehicle while having any measurable or detectable amount of alcohol or other controlled substances in their system.

Page 5

Section 5(3)

Line 1

After “(”, insert “7”.

Delete “3”.

Page 5

Section 5(4)

Line 4

After “(”, insert “8”.

Delete “4”.

Delete “of each driver”.

Page 5

Section 5(4)

Line 5

After “months”, insert the following:

of each driver transporting students to and from school along a regular bus route

Page 5

Section 5(4)

Line 8

After “on the”, insert “Medical”.

Delete “Medial”.

Page 5

Section 6

Line 11

After “Section”, insert “5”.

Delete “6”.

Page 5
Section 6(1)
Line 13

After "consistent", insert the following:
, to the greatest extent practicable,

Page 6
Section 6(4)
Line 17

After ":", insert the following:
(5) A district may adopt a policy establishing the frequency of random drug testing for all drivers of non-school bus passenger vehicles. The drug testing requirements a district sets for drivers transporting students along regular bus routes shall meet or exceed the drug testing requirements a district sets for drivers transporting students to and from approved school activities.

Page 6
Section 7
Line 18

After "Section", insert "6".
Delete "7".

Page 6
Section 7(2)
Line 22

After "(2)", insert the following:
A school district shall provide to each driver a copy of

Page 6-7
Section 7(2)
Line 22-Line 2

Delete the following:
A driver shall successfully complete a district specific minimum three (3) hour training each school year delivered by a school bus driver trainer certified in accordance with 702 KAR 5:080, Section 4(2). The minimum three (3) hour training shall include information on

Page 7
Section 7(2)
Line 3

After "discipline", insert "annually and upon revision".

Page 7
Section 7
Line 5-6

Delete the following:
A driver shall be subject to this training every two (2) years.

Page 7
Section 8
Line 12

After "Section", insert "7".
Delete "8".

Page 7
Section 9
Line 20

After "Section", insert "8".
Delete "9".

Page 8
Section 10
Line 10

After "Section", insert "9".
Delete "10".

Page 8
Section 10
Line 12

After "Section 3(5)", insert "2(5)".
Delete "3(5), Section 7(2) and (4),".
After "Section 9(1)", insert "8(1)".
Delete "9(1)".

Page 8
Section 10
Line 14

After "transportation.", insert the following:

Section 10. The transportation of a student pursuant to an agreement between a school district and a parent to reimburse the parent for arranging transportation of his or her own child to and from school or approved school activities shall not be subject to any requirement imposed pursuant to this administrative regulation.