Technical Amendment
November 18, 2022
DEPARTMENT OF EDUCATION
(Technical Amendment)

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

CERTIFICATION STATEMENT:

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, 300 Sower Blvd., 5th Floor, 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; TAm eff. 11-18-2022; Crt eff. 4-9-2026.)

FILED WITH LRC: November 18, 2022