

**EDUCATION AND LABOR CABINET**  
**Kentucky Board of Education**  
**Department of Education**  
**(Amendment)**

**702 KAR 5:130. Non-school bus passenger vehicles.**

RELATES TO: KRS 156.153(3), 156.160, 156.990, 158.110, 158.148, 160.310, 160.380, 189.540, 189.550, 49 C.F.R. pt. 40

STATUTORY AUTHORITY: KRS 156.070, 156.153, 156.160, 189.540

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: 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. KRS 189.540 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; and minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student to and from school using a non-school bus passenger vehicle. This administrative regulation establishes the requirements relative to the transportation of students by local school districts in non-school bus passenger vehicles.

Section 1. Definition. "Non-school bus passenger vehicle" or "vehicle" means a vehicle owned, leased, or contracted by a school district that is designed and built by the manufacturer for passenger transportation of nine (9) or fewer passengers, including the driver, and used for transporting students to and from school and approved school activities under an alternative transportation plan approved by the Kentucky Department of Education.

Section 2. 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.

Section 3. Vehicle Requirements.

(1) A vehicle shall not be used to carry more students than the manufacturer's designed passenger capacity for that particular vehicle.

(2) A vehicle shall have occupant restraint systems equal in number to the manufacturer's designed passenger capacity and installed in accordance with the manufacturer's specifications.

(3) A vehicle shall display a sign in clear view in the rear of the vehicle stating:

- (a) "This vehicle is being used to transport school children"; and
- (b) "This vehicle stops at railroad crossings".

(4) A district shall remove all district identification lettering from a non-school bus passenger vehicle before transferring title to another party other than a Kentucky school district. A contract issued by the local board for a non-school bus passenger vehicle shall contain a clause requiring the contractor to remove all district identification lettering when the vehicle is no longer under contract to the local board of education.

(5) The vehicle shall be equipped with:

- (a) A fire extinguisher with a rating of A, B, and C;
- (b) A first aid kit;
- (c) A seatbelt cutter; and
- (d) A body fluid clean up kit.

#### Section 4. Route Safety Standards and Pick-up and Drop-off Protocols.

(1) The driver shall stop in a location that does not obstruct traffic while picking up or dropping off any student.

(2) Pursuant to KRS 156.153(3)(d)2, the driver shall not deposit a student at a location that would require the student to cross a road or intersection to reach the student's destination.

(3) The driver shall not use a personal communication device while operating a vehicle with students on board except during an emergency.

#### Section 5. Driver Qualifications.

(1) 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.

(2) A person shall not operate a non-school bus passenger vehicle if convicted within the past five (5) years of driving under the influence (DUI) or driving while intoxicated (DWI).

(3) A driver taking medication either by prescription or without prescription shall not drive if that medication affects the driver's ability to safely drive the vehicle or perform other driver responsibilities.

(4) A local board of education shall require a medical examination of each driver at least once every twenty-four (24) months. The medical examination shall be reported on the form Medical Examination of School Employees, KDESHS001, incorporated by reference in 702 KAR 1:160, Section 6(1)(a), or an electronic medical record that includes all of the data equivalent to that on the Medical Examination of School Employees form.

#### Section 6. Driver Drug Testing Requirements.

(1) Pursuant to KRS 156.153(3)(d)3 and KRS 160.380(6)(e)2, all drivers transporting any student in a non-school bus passenger vehicle shall submit to drug testing consistent with the requirements of 49 C.F.R. pt. 40.

(2) A driver shall be subject to the following:

- (a) Controlled substance testing prior to initially transporting students;
- (b) Post-accident testing for controlled substances and alcohol;
- (c) Random testing for controlled substances and alcohol; and
- (d) Reasonable suspicion testing for controlled substances and alcohol.

(3) A driver having a confirmed positive test for a controlled substance shall not be permitted to transport any student in a non-school bus passenger vehicle for five (5) years from the date of the positive test. A driver subject to this subsection shall undergo

controlled substance testing prior to operating a non-school bus passenger vehicle again and shall undergo a minimum of six (6) unannounced follow-up tests in the first twelve (12) months.

(4) A driver who tests at 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following operating a non-school bus passenger vehicle shall be relieved of these duties immediately and shall not be eligible to operate a non-school bus passenger vehicle for five (5) years. A driver subject to this subsection shall undergo controlled substance and alcohol use testing prior to operating a non-school bus passenger vehicle again and shall undergo a minimum of six (6) unannounced follow-up tests in the first twelve (12) months.

#### Section 7. Driver Training.

(1) A driver shall successfully complete an initial three (3) hour training curriculum developed by the Kentucky Department of Education and delivered by a school bus driver trainer certified in accordance with 702 KAR 5:080, Section 4(2).

(2) 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 the local board's transportation services policy and code of acceptable behavior and discipline.

(3) A driver shall successfully complete basic first aid and cardiopulmonary resuscitation training in accordance with 702 KAR 5:080, Section 5. A driver shall be subject to this training every two (2) years.

(4) A district shall not permit an individual to transport students until the individual has successfully completed the training in this section.

#### Section 8. Insurance.

(1) A local board of education shall obtain indemnity or liability insurance against negligence with a coverage limit of at least 1,500,000 dollars per occurrence for all non-school bus passenger vehicles owned or leased by the district.

(2) For vehicles contracted by the district, the local board shall require the contractor to carry indemnity or liability insurance against negligence with a coverage limit of at least 1,500,000 dollars per occurrence.

#### Section 9. Vehicle Inspections.

(1) The driver shall conduct and document a pre-trip inspection using the Non-school Bus Passenger Vehicle Pre-trip Inspection form prior to each time the vehicle is used to transport any student. If the driver determines that the vehicle is not safe to drive, the vehicle shall not be used to transport students until it is inspected and approved by a Kentucky Department of Education approved school bus or vehicle inspector, or a certified Automotive Service Excellence master technician.

(2) The safety inspection required by KRS 156.153(3)(b) shall be performed by a Kentucky Department of Education approved school bus or vehicle inspector, or a certified Automotive Service Excellence master technician. The Preventative Maintenance Inspection Report For Non-school Bus Passenger Vehicle form shall be used to perform the safety inspection. If the vehicle is found to be in an unsafe operating condition, it shall not be used to transport students until necessary repairs are made.

#### Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Non-school Bus Passenger Vehicle Pre-trip Inspection", April 2025; and

(b) "Preventative Maintenance Inspection Report For Non-school Bus Passenger Vehicle", April 2025.

(2) This material may be inspected copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, 300 Sower Blvd., Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be viewed at: <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

*DR. ROBBIE FLETCHER, Commissioner*  
*SHARON PORTER ROBINSON, Chair*

APPROVED BY AGENCY: June 10, 2025

FILED WITH LRC: June 11, 2025 at 3:39 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 27, 2025, at 10 a.m., in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person:

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email [regcomments@education.ky.gov](mailto:regcomments@education.ky.gov)