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
CERTIFICATION STATEMENT:
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.

(702 KAR 005:060. 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; Crt eff. 6-9-2025.)