

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 school 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 school bus 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 student 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 student transportation.
- (d) A school bus driver, school bus mechanic, or anyone performing safety-sensitive student transportation duties having a confirmed positive test for a controlled substance shall be relieved of those duties immediately and not be eligible for reemployment in a safety-sensitive student transportation position for five (5) years.
- (e) A school bus driver, school bus mechanic, or anyone performing safety-sensitive student 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 student 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 Kentucky Department of Education and delivered by a Kentucky Department of Education 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 Kentucky Department of Education and delivered by a Kentucky Department of Education 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, student 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 students are on board, the driver shall follow local board policy.

(2) A driver shall not permit a student 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 school bus driver shall transport only those students officially assigned to a bus trip unless an unassigned student presents the driver with written permission, which has been signed by the school principal or a designee, granting the student permission to ride the bus trip.
- (2) A school bus driver shall not permit an assigned student to leave the bus at a stop other than the student's regular stop unless presented with written permission signed by the school principal or a designee.
- (3) A school bus 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.

Section 9. Student Seating.

- (1) A school bus driver shall supervise the seating of the students on the bus and may assign a student to a specific seat on the bus.
- (2)
 - (a) The school bus driver shall make certain the seating capability of the bus has been fully utilized before any student is permitted to stand in the bus aisle.
 - (b) A school bus driver shall not permit students to stand in the stepwell or landing area if:
 - 1. The student 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 school bus 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 school bus 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 school bus 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 students are boarding or leaving the bus, including on school property.
- (4) A school bus driver shall signal students 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 students are on board the bus.

Section 12. Student Conduct.

- (1) A local board of education shall develop a policy regarding student conduct on school buses.
- (2) If a student's conduct on the bus makes it unsafe for the bus to continue on its route, the school bus driver shall follow local district policy. Ejecting a student from the bus may be done only in the most extreme circumstances.

- (3) If a student has been ejected from a bus the school bus 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 service 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 school bus 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 students.
- (2) A school bus driver shall inspect the school bus at the completion of each bus trip to ensure that no students remain in the bus.

Section 15. Road Conditions. A school bus 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 school bus driver shall wear the driver's seat belt at all times that the bus is operated.

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

Section 18. Drug and Alcohol.

- (1) A school bus 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 that day shall be dismissed from employment.

Section 19. Incorporation by Reference.

- (1) The "Kentucky School Bus Driver Trainer Manual, November 2020, 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.
- (1 Ky.R. 6-11-1975; 7 Ky.R. 26; eff 9-30-1980; 663; eff. 4-1-1981; 9 Ky.R. 1309; eff. 8-3-1983; 11 Ky.R. 1877; eff. 7-9-1985; 12 Ky.R. 1857; eff. 7-2-1986; 13 Ky.R. 304; eff. 9-4-

1986; 2093; eff. 7-2-1987; 15 Ky.R. 1558; 2-3-1989; 16 Ky.R. 200; eff. 10-8-1989; 17 Ky.R.; eff. 3-13-1991; 18 Ky.R. 478; 1133; eff. 11-8-1991; 19 Ky.R. 990; eff. 1371; eff. 12-9-1992; 21 Ky.R. 1948; eff. 4-6-1995; 22 Ky.R. 2056; 23 Ky.R. 132; eff. 7-5-1996; 29 Ky.R. 1343; 1789; eff. 1-16-2003; 32 Ky.R. 127; 485; eff. 10-7-2005; 34 Ky.R. 624; 1418; eff. 1-4-2008; Crt eff. 11-16-2018; 46 Ky.R. 2132, 2796, 2925; eff. 9-1-2020; 1454, 1957; eff. 7-6-2021.)