

1 KENTUCKY BOARD OF EDUCATION

2 Department of Education

3 Office of District Support Services

4 (Amendment)

5 702 KAR 5:080. Bus drivers' qualifications, responsibilities, and training.

6 RELATES TO: KRS 156.160, 161.011, 189.540, 281A.170 – 281A.175, 49 C.F.R.

7 Parts 380, 382 and 391

8 STATUTORY AUTHORITY: KRS 156.160(1), 189.540

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1) requires the  
10 Kentucky Board of Education to promulgate administrative regulations relating to the  
11 transportation of children to and from school and to medical inspections and other matters  
12 deemed relevant to the protection of the physical welfare and safety of public school  
13 children. KRS 189.540 requires the board to promulgate administrative regulations  
14 governing the design and operation of school buses. This administrative regulation  
15 establishes the qualifications, training, and responsibilities of the school bus driver.

16 Section 1. Licensing Requirement. A school bus driver shall have a current, valid  
17 Commercial Driver's License with applicable endorsements and restrictions pursuant to  
18 KRS 281A.170 to 281A.175.

19 Section 2. Medical Fitness. (1) A local board of education shall require an annual  
20 medical examination that complies with KRS 281A.175 for each school bus driver.

21 (2) A person shall not drive a school bus unless physically and mentally able to operate

1 a school bus safely and in accordance with the requirements of this administrative  
2 regulation.

3 (3) If there is limitation of motion in joints, neck, back, arms, legs, or other body parts,  
4 due to injury or disease that may limit the driver's ability to safely perform the task of  
5 driving a school bus or performing other driver responsibilities, the person shall not be  
6 employed as a school bus driver.

7 (4) A temporarily-injured or ill school bus driver may be assigned duties other than  
8 driving until the employee regains the ability to safely perform school bus driver duties.

9 (5) An otherwise medically and physically eligible school bus driver with diabetes  
10 mellitus, may be employed as a school bus driver, if the driver possesses a valid federal  
11 Medical Examiner's Certificate as required under 49 C.F.R. Part 391.41.

12 (6) A school bus driver taking medication either by prescription or without prescription  
13 shall report the medication to the immediate supervisor and shall not drive if that  
14 medication may affect the driver's ability to safely drive a school bus or perform other  
15 driver responsibilities.

16 (7)(a) To ensure student safety, a district may require a school bus driver to pass a  
17 medical examination or a special type medical examination more often than annually at  
18 the district's expense.

19 (b) The medical examination shall include risk assessment and appropriate follow-  
20 through, as established in 702 KAR 1:160, Section 1, for tuberculosis upon initial  
21 employment.

22 (c) The medical examination shall be documented on the same form required by the  
23 Kentucky Department of Transportation to obtain a commercial driver's license and

1 retained by the district.

2 Section 3. Criminal Records Check, Driving History, and Drug Testing. (1)(a) A criminal  
3 records and driving history check shall be performed by a local district on school bus  
4 drivers prior to initial employment and prior to reemployment following a break in  
5 employment.

6 (b)1. Employment shall be contingent upon meeting the requirements of paragraph (a)  
7 of this subsection.

8 2. A local board of education shall adopt policies outlining employment qualifications  
9 for school bus drivers as related to these criminal records and driving history checks.

10 (c) A school bus driver shall immediately report to the local superintendent or the  
11 superintendent's designee a:

12 1. Revocation of the driver's license;

13 2. Conviction for driving under the influence (DUI) or driving while intoxicated (DWI);

14 3. Conviction for reckless driving; or

15 4. Citation for a moving motor vehicle violation, including:

16 a. Driving under the influence (DUI) or driving while intoxicated (DWI);

17 b. Reckless driving; or

18 c. A violation of state or local law governing motor vehicle traffic control, other than a  
19 parking violation.

20 (2)(a) Controlled substance and alcohol use testing shall be a condition of employment  
21 for anyone in a safety sensitive student[pupil] transportation position, including:

22 1. School bus drivers;

23 2. School bus mechanics; and

1 3. Other safety-sensitive jobs requiring a Commercial Drivers License (CDL) license.

2 (b) The controlled substance and alcohol use testing program shall include the  
3 following tests:

4 1. Preemployment testing (controlled substance only);

5 2. Postaccident testing;

6 3. Random testing; and

7 4. Reasonable suspicion testing.

8 (c) Prospective employees who have tested positive for a controlled substance within  
9 the last five (5) years shall not be considered for employment to drive a school bus or the  
10 performance of safety-sensitive services related to student[pupil] transportation.

11 (d) A school bus driver, school bus mechanic, or anyone performing safety-sensitive  
12 student[pupil] transportation duties having a confirmed positive test for a controlled  
13 substance shall be relieved of those duties immediately and not be eligible for  
14 reemployment in a safety-sensitive student transportation position for five (5) years.

15 (e) A school bus driver, school bus mechanic, or anyone performing safety-sensitive  
16 student[pupil] transportation duties who tests at 0.02 percent or higher on the confirmation  
17 alcohol test immediately before, during, or immediately following the performance of these  
18 duties shall be relieved of these duties immediately and not be eligible for reemployment  
19 in a safety-sensitive student[pupil] transportation position for five (5) years.

20 (f) A person shall not be employed as a school bus driver if convicted within the past  
21 five (5) years of driving under the influence (DUI) or driving while intoxicated (DWI).

22 Section 4. Training Requirements. (1)(a) Minimum training requirements to become a  
23 school bus driver shall consist of the successful completion of the twenty-one (21) hour

1 initial training course and follow-up reviews as set forth in the Kentucky School Bus Driver  
2 Trainer Manual.

3 (b) Prior to the beginning of each school year, a bus driver shall successfully complete  
4 a district specific eight (8) hour update training.

5 (c) Each district shall annually provide the eight (8) hour update training, which shall  
6 be aligned with the Kentucky School Bus Driver Trainer Manual, address the needs of the  
7 district's school bus drivers, and be conducted by a driver trainer certified in accordance  
8 with subsection two (2) of this section.

9 (d) The eight (8) hour update training shall be provided after the district's last student  
10 attendance day of the school year, but prior to opening day of the proceeding school year.

11 (e) If a district employs a school bus driver, after the eight (8) hour annual update  
12 training was provided to bus drivers, the district shall provide the driver with the update  
13 training prior to allowing the driver to transport students.

14 (f) If a school bus driver leaves the employment of a school district as a bus driver, and  
15 is subsequently reemployed in the district as a driver, the driver shall complete the eight  
16 (8) hour update training within twelve (12) months following the driver's last date of  
17 employment in the district as a bus driver.

18 (g) A driver who does not timely complete the annual eight (8) hour update training and  
19 recertification pursuant to this section shall be required to complete the twenty-one (21)  
20 hour initial training course.

21 (2)(a) A driver trainer shall satisfactorily complete the thirty-three (33) hour classroom  
22 and driving curriculum developed by the Kentucky Department of Education~~[department]~~  
23 and delivered by a Kentucky Department of Education approved~~[state approved]~~ driver

1 trainer instructor in accordance with the Kentucky School Bus Driver Trainer Manual.

2 (b) A driver trainer shall annually complete a minimum of six (6) hours of training  
3 developed by the Kentucky Department of Education~~[Department]~~ and delivered by a  
4 Kentucky Department of Education~~[state]~~ approved driver trainer in accordance with the  
5 Kentucky School Bus Driver Trainer Manual.

6 Section 5. First Aid and Cardiopulmonary Resuscitation (CPR). All school bus drivers,  
7 student~~[pupil]~~ transportation technicians, and employees that transport students shall, at  
8 a minimum, receive basic first aid and CPR training by a person with:

9 (1) A valid certificate in first-aid training, including CPR, from the American Red Cross;

10 or

11 (2) Equivalent training that can be verified by documentary evidence.

12 Section 6. Emergency Operation. (1) If an emergency makes it necessary for the driver  
13 to leave the bus while students~~[pupils]~~ are on board, the driver shall follow local board  
14 policy.

15 (2) A driver shall not permit a student~~[pupil]~~ to operate the entrance handle or any other  
16 bus control except in case of an emergency.

17 Section 7. Transport of Items on School Bus. (1) A local board of education shall  
18 develop a policy regarding the transport of persons and items on a school bus.

19 (2) To ensure student safety, the policy shall include:

20 (a) A prohibition on firearms or weapons, either operative or ceremonial, except that  
21 the policy may permit archery bows, used in connection with a school archery team, to  
22 be transported inside the passenger compartment and arrows transported in the  
23 underneath storage compartment;

1 (b) A prohibition on fireworks or other explosive materials of any type;

2 (c) A prohibition on live animals, except for a service animal necessary for the student  
3 to attend school;

4 (d) A prohibition on glass objects or helium balloons; and

5 (e) A prohibition on any object that may block the bus aisle or exits or otherwise impede  
6 exiting the bus.

7 (3) The policy may additionally address issues related to the safe transport of students,  
8 including eating and drinking on the school bus.

9 Section 8. Student Assignment. (1) A school bus driver shall transport only those  
10 students~~[pupils]~~ officially assigned to a bus trip unless an unassigned student~~[pupil]~~  
11 presents the driver with written permission~~[a written permit]~~ to ride the bus trip that has  
12 been signed by the school principal or a designee.

13 (2) A school bus driver shall not permit an assigned student~~[pupil]~~ to leave the bus at  
14 a stop other than the student's~~[pupil's]~~ regular stop unless presented with written  
15 permission signed by the school principal or a designee.

16 (3) A school bus driver shall not transport a person who is not a student, including adult  
17 employees of the board, unless provided with written permission from the district  
18 superintendent or a designee.

19 Section 9. Student Seating. (1) A school bus driver shall supervise the seating of the  
20 students~~[pupils]~~ on the bus and may assign a student~~[pupil]~~ to a specific seat on the bus.

21 (2)(a) The school bus driver shall make certain the seating capability of the bus has  
22 been fully utilized before any student~~[pupil]~~ is permitted to stand in the bus aisle.

23 (b) A school bus driver shall not permit students~~[pupils]~~ to stand in the stepwell or

1 landing area if:

2 1. The student[~~pupil~~] would likely fall out of the bus if the emergency door were opened;

3 or

4 2. The driver's view directly in front of the bus or to either side of the front of the bus  
5 would be obscured.

6 (3) A school bus driver shall report to the superintendent or a designee an overcrowded  
7 condition on the bus as soon as practicable and in accordance with local district policies.

8 Section 10. Loading and Unloading. (1) A school bus driver shall activate the flashing  
9 amber signal lights at least 200 feet, if available, or a sufficient distance from a bus stop  
10 to warn motorists of the intended stop.

11 (2) Once the bus comes to a complete stop, the school bus driver shall follow the  
12 loading and unloading procedure outlined in the Kentucky School Bus Driver Trainer  
13 Manual.

14 (3) A stop signal arm and flashing warning lights shall be in operation anytime  
15 students[~~pupils~~] are boarding or leaving the bus, including on school property.

16 (4) A school bus driver shall signal students[~~pupils~~] to board or exit only after  
17 determining that any visible approaching traffic has come to a complete stop and is not  
18 beginning to move or attempting to pass the bus.

19 (5) A driver of a school bus shall be on the bus at all times students are loading or  
20 unloading.

21 Section 11. Fueling. For safety reasons, a driver shall not permit fueling of the bus  
22 while students[~~pupils~~] are on board the bus.

23 Section 12. Student Conduct. (1) A local board of education shall develop a policy



1 ~~regarding~~~~[Local boards of education shall adopt policies related to]~~ student conduct on  
2 school buses.

3 (2) If a student's~~[pupil's]~~ conduct on the bus makes it unsafe for the bus to continue on  
4 its route, the school bus driver shall follow local district policy. Ejecting a student~~[pupil]~~  
5 from the bus shall be done only in the most extreme circumstances.

6 (b) If a student has been ejected from a bus the school bus driver shall notify the  
7 immediate supervisor who shall notify the appropriate district authorities, who shall  
8 subsequently notify the student's parent or legal guardian according to local board policy.

9 Section 13. Railroad. A school bus driver shall stop the bus at all places where the  
10 roadway crosses a railroad track or tracks at the grade level. The stop shall be made not  
11 less than fifteen (15) feet and not more than fifty (50) feet from the nearest track.

12 (1) After making the stop, the driver shall:

13 (a) Set the parking brake;

14 (b) Shift to neutral;

15 (c) Activate the noise abatement switch;

16 (d) Open the service door and driver side window; and

17 (e) Carefully look in each direction and listen for approaching trains before proceeding.

18 (2) If visibility is impaired at a crossing, after stopping the driver may allow the vehicle  
19 to roll forward to gain required visibility before proceeding.

20 (3) When a driver has ascertained that it is safe for the bus to cross the railroad tracks  
21 or tracks at the grade level, the driver shall:

22 (a) Close the bus service~~[entrance]~~ door;

23 (b) Shift the bus into the lowest gear;

1 (c) Release the parking brake;

2 (d) Proceed immediately to cross the railroad tracks or tracks at the grade level; and

3 (e) Turn the noise abatement switch off when safe to do so.

4 Section 14. Driver Inspection. (1) A school bus driver shall perform and document a  
5 pretrip inspection of the bus safety and operating equipment each time that the bus is  
6 taken out for the transportation of students~~[pupils]~~.

7 (2) A school bus driver shall inspect the school bus at the completion of each bus  
8 trip~~[bus run]~~ to ensure that no students remain in the bus.

9 Section 15. Road Conditions. A school bus driver shall not drive the school bus on any  
10 roadway if the conditions of the roadway, weather conditions, or other extenuating  
11 circumstances may make it unsafe.

12 Section 16. Driver Seat Belt. A school bus driver shall wear the driver's seat belt at all  
13 times that the bus is operated.

14 Section 17. Tobacco. A school bus driver shall not use tobacco products on the school  
15 bus and shall not permit students~~[pupils]~~ to use tobacco products on the school bus.

16 Section 18. Drug and Alcohol. (1) A school bus driver shall not operate a school bus  
17 while under the influence of alcoholic beverages or any illegal drug or other drug.

18 (2) A driver found under the influence of alcohol or any illegal drug while on duty or  
19 with remaining driving responsibilities that day shall~~[shall, that same day,]~~ be dismissed  
20 from employment.

21 Section 19. Incorporation by Reference. (1) The "Kentucky School Bus Driver Trainer  
22 Manual, November 2020~~[October 2019]~~, is incorporated by reference.

23 (2) This material may be inspected, copied, or obtained, subject to applicable copyright

- 1 law, at the Pupil Transportation Branch, Department of Education, 300 Sower Boulevard,
- 2 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Jason E. Glass, Ed.D.  
Commissioner & Chief Learner

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Lu Young, Chair  
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on XXXXXXXX, at XX. in the State Board Room, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 XXXXXX, XX, 2020.

CONTACT PERSON: Todd G. Allen, Interim 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).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

702 KAR 5:080

Contact Person: Todd G. Allen, Todd.allen@education.ky.gov

Phone Number: 502-564-4474

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation sets forth the training requirements for school bus drivers, and includes the policies and procedures for the safe operation of school buses and transportation of students. The regulation was recently amended becoming effective September 1, 2020. This amendment is necessary to correct and clarify language around the termination of a bus driver found to be under the influence while on duty. There are additional minor language cleanup changes to the regulation and material incorporated by reference for consistency and clarity.

(b) The necessity of this administrative regulation:

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 Kentucky Board of Education 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.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

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 Kentucky Board of Education 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.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

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 Kentucky Board of Education 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.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment is necessary to correct and clarify language around the termination of a bus driver found to be under the influence while on duty. Specifically, the language is clarified that an on-duty driver or a driver with remaining driving duties that day shall be terminated. The recently

amended language incorrectly inserted commas that resulted in a requirement that the driver be terminated the very day they are found under the influence. This was identified as problematic because district termination policies may take more than one day to accomplish. At any rate, a driver found in such condition shall not be allowed to drive, and under the amended language, the district shall begin the termination process.

(b) The necessity of the amendment to this administrative regulation:  
The amendment is necessary to allow districts to uniformly implement their termination policies.

(c) How the amendment conforms to the content of the authorizing statutes:  
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 Kentucky Board of Education to promulgate administrative regulations governing the design and operation of school buses. This administrative regulation is applicable to the safe operation of school buses and clarifies the process for termination of school bus drivers found under the influence.

(d) How the amendment will assist in the effective administration of the statutes:  
KRS 156.160(1) requires the KBE 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 Kentucky Board of Education to promulgate administrative regulations governing the design and operation of school buses. This administrative regulation is applicable to the safe operation of school buses and clarifies the process for termination of school bus drivers found under the influence.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:  
This regulation is applicable to Kentucky's 170 school districts and their bus drivers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

This amendment corrects a mistake from a recent amendment that unintentionally created an administrative burden on districts. This amendment relieves districts of that burden and allows them to implement their ordinary termination policy rather than having to create a new policy.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There should be no additional cost resulting from the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):  
School districts will not have to create a new policy relating to the termination of school bus

drivers.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially:

No new costs are anticipated from this amendment.

(b) On a continuing basis:

No additional costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

General Funds

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment:

No increases are anticipated.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:

No.

(9) TIERING: Is tiering applied? **Explain why tiering was or was not used.**

Tiering was not applied. The regulation applies to all school districts uniformly.



FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

702 KAR 5:080

Contact Person: Todd G. Allen, Todd.allen@education.ky.gov

Phone Number: 502-564-4474

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?  
School Districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.  
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 Kentucky Board of Education to promulgate administrative regulations governing the design and operation of school buses. This administrative regulation is applicable to the safe operation of school buses and clarifies the process for termination of school bus drivers found under the influence.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.  
There should be minimal impact. No new costs are anticipated from this amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?  
No revenue is anticipated from this amendment.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?  
No revenue is anticipated from this amendment.

(c) How much will it cost to administer this program for the first year?  
Minimal to nil costs associated with this amendment.

(d) How much will it cost to administer this program for subsequent years?  
Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A.

Expenditures (+/-): N/A.

Other Explanation:

## SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

- 1) List a summary of each item amended in the material incorporated by reference. [KRS 13A.224-13A.2267]
- 2) Continue listing items until summary is complete.
- 3) Include total number of pages incorporated.