

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Amendment to 702 KAR 5:130, Vehicles designed to carry nine (9) passengers or less, standards for

Date: June 2025

Action Requested: ☐ Review ☐ Action/Consent ☒ Action/Discussion

Held In: ☒ Full Board ☐ State Schools ☐ United We Learn

SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the proposed amendment to 702 KAR 5:130, Vehicles designed to carry nine (9) passengers or less, standards for. The proposed regulation amendment updates the definition for non-school bus passenger vehicle; establishes the requirements for an alternative transportation plan; deletes language regarding the type of transportation the non-school bus passenger vehicle may be used for; updates vehicle requirements; inserts route safety standards and pick-up and drop-off protocols, driver qualifications, driver drug testing requirements, and driver training requirements; and updates the requirements for insurance and vehicle inspections.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the Kentucky Board of Education approve the proposed amendments to 702 KAR 5:130.

APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 156.153, 156.160, and 189.540.

BACKGROUND:

Existing Policy:

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 administrative regulations 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. 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. This administrative regulation establishes the requirements relative to the transportation of students by local school districts in non-school bus passenger vehicles.

Summary of Issue:

KRS 156.153 was amended in 2024 to require the Kentucky Board of Education (KBE) 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. KRS 189.540 was amended in 2025 to require the KBE to promulgate administrative regulations to govern the operation of passenger vehicles owned, leased, or privately contracted by the district that transport students under KRS 156.153(3). The proposed amendment complies with these statutory requirements.

Budget Impact:

There will be minimal cost to the Kentucky Department of Education to implement this administrative regulation.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES: The regulation will go before the Local Superintendents Advisory Council at its May meeting.

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Commissioner of Education

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