

## KENTUCKY DEPARTMENT OF EDUCATION (KDE) STAFF NOTE

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

**Date:** June 2026

**Action Requested:** Review Action/Consent Action/Discussion

**Held In:** Full Board State Schools United We Learn

### SYNOPSIS OF WHAT YOU WILL BE SHARING:

To take action on the proposed agency amendment to 702 KAR 5:130, Vehicles designed to carry nine (9) passengers or less, standards for.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the Kentucky Board of Education (KBE) approve the proposed agency amendment to 702 KAR 5:130.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.070, 156.153, 156.160, and 189.540.

### BACKGROUND:

#### *Existing Policy:*

The KBE initially approved amendments to 702 KAR 5:130 at its June 2025 meeting. As a result of public comments received, the KBE approved a Statement of Consideration and revised amendments to 702 KAR 5:130 at its October 2025 meeting. KDE requested that the Administrative Regulation Review Subcommittee defer review of the proposed regulation amendment while the General Assembly was in session. The General Assembly passed Senate Bill (SB) 46 (2026) which is emergency legislation that amends KRS 156.153 and KRS 160.380. The proposed agency amendment incorporates changes to 702 KAR 5:130 due to SB 46.

#### *Summary of Issue:*

SB 46 amends KRS 156.153 to update the capacity of non-school bus passenger vehicles to ten (10) or fewer passengers including the driver and deletes the requirement for an alternative transportation plan. SB 46 also amends KRS 156.153 and KRS 160.380 to distinguish between drivers transporting students to and from school along a regular bus route and drivers transporting students to and from approved school activities. KRS 156.153 was amended to require the KBE to promulgate administrative regulations to establish minimum route safety standards and pick-up and drop-off protocols for transporting students to and from school along a regular bus route. In addition, KRS 156.153 was amended to require the KBE to establish the minimum requirements for drivers transporting students to and from approved school activities and for drivers transporting students along a regular bus route to include: requiring a valid driver's license and identifying any moving violations that would disqualify an individual from being authorized to transport any student in a non-school bus passenger vehicle; an initial three hour training and a basic first aid and cardiopulmonary resuscitation training; and drug testing requirements that shall require an individual to submit to drug testing consistent, to the greatest extent practicable, with the requirements of 49 C.F.R. pt. 40. KRS 156.153 was also amended to provide that for drivers transporting students along a regular bus route the KBE may include additional requirements deemed necessary.

The proposed agency amendment conforms to SB 46. Notable changes to the regulation include: adding language to establish the moving violations that disqualify drivers; updated requirements for route safety standards and pick-up and drop-off protocols; updated driver qualifications which includes drivers transporting students to and from approved activities not being subject to the medical examination requirement; requiring a school district to provide a copy to each driver of the local board's transportation services policy and code of acceptable behavior and discipline; updated the exempt regulatory provisions for emergency transportation; providing that the transportation of a student pursuant to an agreement between a school district and a parent to reimburse the parent for arranging transportation of his or her own child to and from school or approved school activities is not subject to the requirements of the regulation; deleting the requirement for district specific training, local boards to adopt a policy that establishes the qualifications for drivers, and that drivers complete the basic first aid and cardiopulmonary resuscitation training every two years.

*Budget Impact:*


There will be minimal cost to KDE to implement this administrative regulation.

*Groups Consulted and a Brief Summary of Responses:*

The proposed agency amendment will go before the Local Superintendents Advisory Council at its May meeting.

**CONTACT PERSON(S):**

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**Commissioner of Education**

**GOALS/PRIORITIES: Indicate all applicable options.**

<input type="checkbox"/> Foster Educational Innovation Through Vibrant Learning Experiences
<input type="checkbox"/> Advance Educational Excellence Through Continuous Professional Improvement
<input type="checkbox"/> Cultivate Collaborative Partnerships
<input checked="" type="checkbox"/> Legislation
<input checked="" type="checkbox"/> Commissioner's Management