

Andy Beshear  
Governor



Jamie Link  
Secretary  
Education and Labor Cabinet

Dr. Robbie Fletcher  
Commissioner of Education

**KENTUCKY DEPARTMENT OF EDUCATION**

300 Sower Boulevard · Frankfort, Kentucky 40601  
Phone: (502) 564-3141 · [www.education.ky.gov](http://www.education.ky.gov)

April 15, 2026

Senator Stephen West  
Representative Derek Lewis  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Annex  
Frankfort, KY 40601

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

Dear Administrative Regulation Review Subcommittee Co-Chairs:

Following consideration of the issues raised by the above-referenced administrative regulation, the Kentucky Board of Education proposes the attached agency amendment to the Amended After Comments version of this ordinary administrative regulation.

Sincerely,

Todd G. Allen  
Deputy Commissioner & General Counsel

Agency Amendment  
(ARRS – June 2026)

EDUCATION AND LABOR CABINET  
Kentucky Board of Education  
Department of Education

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

Page 1  
RELATES TO  
Line 8

After “189.550,” insert “281A.010(24)”.

Page 2  
NECESSITY, FUNCTION, AND CONFORMITY  
Line 2

After “protocols”, insert the following:  
for transporting students to and from school along a regular bus route using non-school bus passenger vehicles

Page 2  
NECESSITY, FUNCTION, AND CONFORMITY  
Line 3

Delete “to and from school”.

Page 2  
Section 1  
Line 8

After “Section 1.”, insert “Definitions. (1)”.  
Delete “Definition.”.

Page 2  
Section 1  
Line 10

After “of”, insert “ten (10)”.  
Delete “nine (9)”.

Page 2  
Section 1  
Line 12

After “from school”, insert “along regular bus routes”.

Page 2  
Section 1  
Line 13-14

Delete “under an alternative transportation plan approved by the Kentucky Department of Education”.

Page 2  
Section 1  
Line 15

After “.”, insert the following:

(2) “Motor vehicle” is defined by KRS 281A.010(24).

(3) “Serious traffic violation” means a conviction when operating a motor vehicle of:

(a) Excessive speeding, involving a single charge of any speed fifteen (15) miles per hour or more, above the specified speed limit;

(b) Reckless driving including conviction of driving a motor vehicle in willful or wanton disregard for the safety of persons or property;

(c) Improper or erratic traffic lane changes; or

(d) Following the motor vehicle ahead too closely.

Page 2  
Section 2  
Line 16-21

Delete the following:

Alternative transportation plan. (1) A district shall submit an alternative transportation plan to the Kentucky Department of Education for approval each school year prior to transporting any student in a non-school bus passenger vehicle.

(2) The alternative transportation plan shall include:

(a) The number of vehicles being used to transport students; and

(b) Information regarding why a school bus is not being used.

Page 3  
Section 3  
Line 8

Delete “Section 3”.

Page 4  
Section 4  
Line 4

After “Section”, insert “3”.

Delete “4”.

Page 4  
Section 4(1)  
Line 5

After “(1)”, insert the following:

Subsections (2) and (3) of this section shall apply to drivers transporting students to and from school along a regular bus route using a non-school bus passenger vehicle.

(2)

Page 4  
Section 4(2)

Line 7

Insert "(3)" prior to the "(2) Pursuant to".  
Delete "(2)".

Page 4

Section 4(3)

Line 10

Insert "(4)" prior to "(3) The driver shall".  
Delete "(3)".

Page 4

Section 5

Line 12

After "Section", insert "4".

Delete "5".

After "(1)", insert the following:

Pursuant to KRS 156.153 and KRS 189.540, a driver shall have a current valid Class D operator's license.

(2) An individual shall be disqualified from transporting any student in a non-passenger vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations or one hundred twenty (120) days consecutively if convicted of three (3) serious traffic violations committed in a motor vehicle arising from separate incidents occurring within a three (3) year period.

(3) An individual shall be disqualified from transporting any student in a non-passenger vehicle for a period of one (1) year for refusing to submit to drug testing required by KRS 160.380 and this administrative regulation.

(4) An individual shall be disqualified from transporting any student in a non-passenger vehicle for five (5) years if convicted of:

(a) Driving or being in physical control of a motor vehicle under the influence of alcohol or a controlled substance; or

(b) A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident.

Page 4

Section 5

Line 12-19

Delete the following:

A local board of education operating under an approved alternative transportation plan shall adopt a policy that establishes the qualifications for drivers regarding:

(a) Drug test results;

(b) Driving history record;

(c) Convictions for a violation under KRS Chapter 189 for which penalty points are assessed; and

(d) Any citation or arrest for a violation of any provision of KRS Chapter 189A.

Page 4

Section 5(2)

Line 20

After “(”, insert “5”.  
Delete “2”.  
After “(5)”, insert “An individual”.  
Delete “A person”.

Page 4  
Section 5(2)  
Line 21

After “:”, insert the following:  
(6) An individual shall not drive a non-school bus passenger vehicle while having any measurable or detectable amount of alcohol or other controlled substances in their system.

Page 5  
Section 5(3)  
Line 1

After “(”, insert “7”.  
Delete “3”.

Page 5  
Section 5(4)  
Line 4

After “(”, insert “8”.  
Delete “4”.  
Delete “of each driver”.

Page 5  
Section 5(4)  
Line 5

After “months”, insert the following:  
of each driver transporting students to and from school along a regular bus route

Page 5  
Section 5(4)  
Line 8

After “on the”, insert “Medical”.  
Delete “Medial”.

Page 5  
Section 6  
Line 11

After “Section”, insert “5”.  
Delete “6”.

Page 5  
Section 6(1)  
Line 13

After “consistent”, insert the following:

, to the greatest extent practicable,

Page 6  
Section 6(4)  
Line 17

After “.”, insert the following:

(5) A district may adopt a policy establishing the frequency of random drug testing for all drivers of non-school bus passenger vehicles. The drug testing requirements a district sets for drivers transporting students along regular bus routes shall meet or exceed the drug testing requirements a district sets for drivers transporting students to and from approved school activities.

Page 6  
Section 7  
Line 18

After “Section”, insert “6”.  
Delete “7”.

Page 6  
Section 7(2)  
Line 22

After “(2)”, insert the following:  
A school district shall provide to each driver a copy of

Page 6-7  
Section 7(2)  
Line 22-Line 2

Delete the following:

A driver shall successfully complete a district specific minimum three (3) hour training each school year delivered by a school bus driver trainer certified in accordance with 702 KAR 5:080, Section 4(2). The minimum three (3) hour training shall include information on

Page 7  
Section 7(2)  
Line 3

After “discipline”, insert “annually and upon revision”.

Page 7  
Section 7  
Line 5-6

Delete the following:

A driver shall be subject to this training every two (2) years.

Page 7  
Section 8  
Line 12

After “Section”, insert “7”.

Delete "8".

Page 7

Section 9

Line 20

After "Section", insert "8".

Delete "9".

Page 8

Section 10

Line 10

After "Section", insert "9".

Delete "10".

Page 8

Section 10

Line 12

After "Section 3(5)", insert "2(5)".

Delete "3(5), Section 7(2) and (4),".

After "Section 9(1)", insert "8(1)".

Delete "9(1)".

Page 8

Section 10

Line 14

After "transportation.", insert the following:

Section 10. 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 shall not be subject to any requirement imposed pursuant to this administrative regulation.