

Kansas Administrative Regulations

State Department of Education

Article 38.—School Bus Transportation

91-38-6. School transportation driver qualifications.

(a) Driver's licensing and age requirements. Each person employed by a school district or by a school bus contractor who, at any time, will provide student transportation shall be licensed pursuant to K.S.A. 8-234b and amendments thereto, or the appropriate licensing statutes of the person's state of residence. Each person also shall meet the following requirements:

(1) Each driver of a school bus or activity bus with a gross weight of over 26,000 pounds shall maintain a commercial class A or B driver's license, with passenger and school bus endorsements.

(2) Each driver of a school bus or activity bus that has a gross weight of 26,000 pounds or less and is designed for transporting 16 passengers or more shall maintain a commercial class A, B, or C driver's license, with passenger and school bus endorsements.

(3) Each driver of a school passenger vehicle or a school bus or activity bus that has a gross weight of 26,000 pounds or less and is designed to transport fewer than 16 passengers shall maintain an appropriate noncommercial operator's license.

(4) Each driver's license shall be valid within the driver's state of residence.

(5) Each driver of an activity bus shall be 21 years of age or older.

(b) Criminal and driving records.

(1) Each prospective school transportation provider or other school employee who may transport students shall be required to sign a statement indicating whether that individual has been convicted in any state or federal court of any crime involving a child. A person who has been convicted of such a crime shall not be employed, or retained as an employee to provide student transportation.

(2) Each prospective driver shall be required to sign a statement indicating whether, within the past 10 years, that individual has been convicted in any state of any felony or any major traffic violations specified in subsection (c).

(3) For purposes of this regulation, a conviction shall mean entering a plea of guilty or nolo contendere, a finding of guilty by a court or jury, or forfeiture of bond.

(4) Each prospective school transportation provider shall give written authorization to the prospective employer to obtain the applicant's driving record through a local law enforcement agency or the Kansas department of revenue, division of vehicles, pursuant to K.S.A. 74-2012 and amendments thereto. The authorization also shall allow the prospective employer to obtain the applicant's driving record in states other than Kansas through a local law enforcement agency or the appropriate agency of the other state.

(c) Disqualification from employment.

(1) Except as otherwise provided in paragraph (c)(2), a governing body shall not employ or retain to transport students any person who discloses or whose driving record indicates that, within the past 10 years, the person has been convicted of any of the following major traffic violations:

(A) Hit-and-run driving;

(B) driving while under the influence of alcohol or drugs;

(C) vehicular homicide;

(D) reckless driving; or

(E) any offense for which the driver's license was suspended or revoked pursuant to K.S.A. 8-254 and 8-255, and amendments thereto.

(2) A governing body may waive the disqualification for employment by a unanimous vote of the full membership of the governing body.

(d) Driver experience and training requirements.

(1) Each driver who operates a school vehicle to transport students shall have at least one year's experience in operating a motor vehicle.

(2)(A) Each school bus driver shall be provided with at least 12 hours of bus driver training. The first six hours of training shall be completed without student passengers,

but the remaining hours may be completed with student passengers if the driver-trainer is on the bus. All driver training shall be supervised by the assigned driver-trainer.

(B) Except as otherwise provided in paragraph (d)(2)(C), each school transportation provider shall complete a first aid and cardiopulmonary resuscitation (CPR) course, approved by the state department of education, within 30 days after the first day the driver is allowed to transport students. Each driver completing any training session shall obtain a wallet card or other certificate attesting to that individual's completion of the training program and shall maintain this certification.

(C) A school transportation provider who is certified as an emergency medical service provider shall not be required to complete first aid and CPR training, if the emergency medical certification is maintained in valid status.

(e)(1) Each school transportation provider shall successfully complete a vehicle accident prevention course approved by the state department of education, within 30 days after the first day the driver transports students. The driver shall obtain a completion certificate or wallet card as evidence that the course requirements have been met.

(2) After completion of the initial accident prevention course, each driver shall be required to maintain certification by completion of an accident prevention course at least every three years.

(3) The transportation supervisor shall maintain documentation of driver training for school transportation providers for the duration of the driver's employment, and at least two years thereafter.

(f) Substitute and emergency school transportation providers.

(1) Substitute school transportation providers shall meet the requirements in this regulation, but these individuals may be allowed up to 30 days following employment to complete the first aid, CPR, and accident prevention course training requirements.

(2) Any person who holds a valid commercial driver's license with passenger and school bus endorsements and a current medical certificate may operate a school bus in an emergency situation. For purposes of this paragraph, an "emergency situation" shall mean a situation in which no qualified driver or substitute driver is available. A specific

driver shall not drive as an emergency driver for more than five days during a school year.

(g) Physical examination and health requirements.

(1) The physical qualification requirements for school transportation providers in Kansas shall be those in 49 C.F.R. 391.41, as in effect on January 14, 2014, which is hereby adopted by reference. The medical examiner's report form and the medical examiner's certificate that are approved by the state department of education shall be used to document the results of each examination.

(2) The physical examination shall be certified by a doctor of medicine, doctor of osteopathy, doctor of chiropractic, physician assistant, nurse practitioner, or any medical professional on the federal motor carrier safety administration's national registry of certified medical examiners, according to the following schedule:

- (A) Before beginning employment as a school transportation provider;
- (B) at least every two years after the date of the initial physical examination; and
- (C) at any time requested by the driver's employer, the school transportation supervisor, or the state department of education.

(3) A certified medical examiner's certificate required under this subsection shall not constitute the certification of health required by K.S.A. 72-5213, and amendments thereto.

(4) Each governing body shall keep on file a current medical examiner's certificate for each school transportation provider. If a provider leaves employment for any reason, the person's last medical examiner's certificate shall be kept for two years after the person leaves.

(h) Waiver of physical requirements.

(1)(A) Any person failing to meet the requirements of subsection (g) may be permitted to be a school transportation provider for a particular school district, if a waiver is granted by the governing board of that school district under this subsection. Each waiver shall meet the following requirements:

(i) The person seeking the waiver, the transportation supervisor for the school district, and the contract manager, if applicable, shall submit a joint application for a waiver to the local board of education.

(ii) Each application shall be accompanied by reports from two of the following, indicating their opinions regarding the person's ability to safely operate a school bus: doctor of medicine, doctor of osteopathy, doctor of chiropractic, physician assistant, or nurse practitioner.

(iii) The application shall contain a description of the type and size of the vehicle to be driven and any special equipment required to accommodate the driver to safely operate the vehicle, the general area and type of roads to be traveled, distances and time period contemplated, and the experience of the person in driving vehicles of the type to be driven.

(B) An application for a waiver shall be granted only by unanimous approval of the governing board.

(2)(A) A waiver as described in paragraph (h)(1) shall not be granted for a period longer than two years, but may be renewed by following the procedures in paragraph (h)(1).

(B) While on duty, the driver shall keep in the driver's possession the original document granting the waiver or a legible copy of this document.

(C) Each governing body shall retain the original document granting the waiver or a legible copy of the waiver in the driver's personnel file for as long as the driver is employed and for at least two years following termination of the driver's employment.

(D) A waiver may be revoked, for cause, by the governing body. Before revocation, the governing body shall perform the following:

(i) Suspend the driver from service;

(ii) provide notice of the proposed revocation to the driver, including the reason or reasons for the proposed revocation; and

(iii) allow the driver a reasonable opportunity to show cause, if any, why the revocation should not occur.

(i) Alcohol and drug testing requirements. Any governing body may develop a policy to include all drivers of any school motor vehicles in the alcohol and drug testing program required for drivers not holding commercial driver's licenses.

(Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003; amended July 7, 2017.)

***** Authenticated Kansas Administrative Regulation *****