

Kansas School Transportation Mandates

Below are student transportation mandates found in Kansas law. Applicable mandates shall be followed by all Kansas public school districts, contracted transportation providers, non-public schools and all drivers who transport Kansas students in an activity bus, school bus or school passenger vehicle. Additional information and mandates can be found on the School Transportation Safety Unit's web site.

ACTIVITY TRIP PROCEDURES: Prior to each activity trip in a school bus or activity bus, a brief explanation concerning emergency evacuation procedures and the location of emergency exits for the bus being used shall be given.

K.A.R. 91-38-9

ADULT SUPERVISION: Each school district shall ensure that there is adult supervision during all loading and unloading procedures at each school building, except at buildings utilized exclusively for senior high school students.

KAR 91-38-8

AGE: Each driver of an activity bus shall be 21 years of age or older. Route drivers shall be at least 18 years of age.

KAR 91-38-7

AMBER 8-WAY LIGHTS: School Bus Drivers shall activate amber 8-way lights at least 200 feet, but not more than 1,000 feet, before every stop prior to activating the red 8-way lights and stop arm.

KSA 8-1730

CDL (COMMERCIAL DRIVERS LICENSE) / DRIVERS LICENSE: CDL (Commercial Driver's License) class A or B license is required for all vehicles with a gross weight over 26,001 pounds and/or rated to transport 16 or more passengers. A CDL class A, B, or C license is required for vehicles with a gross weight rating of less than 26,000 pounds and/or rated for passenger capacity of 16 or more. All CDL's must have a "P" passenger and "S" school bus endorsement. Drivers of school passenger vehicles and buses rated less than 26,000 pounds, or for fewer than 16 passengers must maintain an appropriate non-commercial driver's license.

K.A.R. 91-38-6

CRIMINAL & DRIVING RECORD: A driver is disqualified from transporting students 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: Hit-and-run driving; driving while under the influence of alcohol or drugs; vehicular homicide; reckless driving; or any offense for which the driver's license was suspended or revoked pursuant to KSA 8-254 and 8-255, and amendments thereto. An individual who has been convicted of any crime involving a child is permanently disqualified from transporting students.

KAR 91-38-6

DISCLOSURE STATEMENT: Any driver who transports students shall sign a statement as to whether or not they have been convicted of any felony involving another person or any crime involving a child or any major traffic violations. The prospective driver shall also sign a statement authorizing the prospective employer to obtain his/her driving record for review. Form is available on our web site.

K.A.R. 91-38-6

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DOORS: Every Activity Bus and School Bus Driver shall ensure that all doors are closed before the vehicle is put into motion and remain closed while the vehicle is moving.

KAR 91-38-7

DRIVER TRAINING REQUIREMENTS: Each Activity Bus, School Bus and Primarily Hired School Passenger Vehicle Driver shall comply with the following requirements:

- Every driver who drives an activity or school bus shall be provided a minimum of 12 hours training in a school bus. Six hours of the training must be completed before the driver is allowed to transport students; however, the second six-hour block may be completed while transporting students, so long as the appointed driver-trainer accompanies the trainee on the bus route or activity trip. Note: A CLP (Commercial Learners Permit) holders are prohibited from operating a school bus with students under Federal Law 49 CFR 383.25
- Every Activity Bus, School Bus and Primarily Hired School Passenger Vehicle Driver shall complete an approved first aid and CPR course within 30 days after the first day the driver transports students, and certification shall be kept current. Drivers who are currently certified emergency medical service providers are not required provided their EMS certification remains current and a copy is provided to the employer.
- Every Activity Bus, School Bus and Primarily Hired School Passenger Vehicle Driver 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 and maintain certification by completion of an accident prevention course at least every three years.
- Every activity bus, school bus and primarily hired school passenger vehicle driver shall attend 10 safety meetings or the proportional number of meetings for the amount of time employed during the school year.

K.A.R. 91-38-6

DRUG & ALCOHOL CLEARINGHOUSE: Each school district, school bus contractor and non-public school, as an employer, is responsible for complying with the FMCSA (Federal Motor Carrier Safety Administration) drug and alcohol clearinghouse. These requirements include but are not limited to:

- Conducting annual limited queries for all CDL drivers through the clearinghouse
- Conducting full queries for all new driver applicants through the clearinghouse
- Obtaining digital consent from all new CDL employees for full queries through the clearinghouse

DRUG & ALCOHOL TESTING: Each school district, school bus contractor and nonpublic school, as an employer, is responsible for meeting all applicable requirements and procedures of the Federal DOT (Department of Transportation) agency regulations regarding alcohol and drug testing of any employee required to have a CDL (Commercial Driver's License). These requirements include but are not limited to:

- Files
- Written policy on drug and alcohol use
- Provide educational materials on regulations to employees
- Provide copies of districts drug & alcohol policy to employees
- Maintain a statement signed by each employee certifying receipt of all materials

- Reasonable Suspicion Training for Supervisors
- Pre-employment Testing
- Random Testing
- Post-Accident/Crash Testing

Note: Given the complexity of the DOT's drug and alcohol testing requirements, it is strongly recommended school districts hire a C/TPA (Consortium/Third-Party Administrator) to help manage their federally mandated CDL alcohol and drug testing program.

ELDT (Entry Level Driver Training): is a federal rule, which establishes minimum training requirements in two parts for individuals who are applying for a Class A or Class B CDL, an upgrade of their CDL or a hazardous material (H), passenger (P), or school bus (S) endorsement for their license for the first time.
49 CFR 380.609

EMERGENCY PROCEDURES: Each school district is tasked with development and adoption of a policy for procedures to be followed when an emergency situation arises while transporting students. All students who regularly ride the bus shall receive instruction in these procedures at least once each semester.
K.A.R. 91-38-9

EVACUATIONS: As a general rule, student safety and control are best maintained by keeping students on the bus during an emergency and/or impending crisis situation, if doing so does not expose them to unnecessary risk or injury. Remember, the decision to evacuate the bus must be a timely one. A decision to evacuate should include consideration of the following conditions:

- Is there a fire or danger of fire?
- Is there a smell of raw or leaking fuel?
- Is there a chance the bus could be hit by other vehicles?
- Is the bus in the path of a sighted tornado or rising waters?
- Are there downed power lines?
- Would removing students expose them to speeding traffic, severe weather, or a dangerous environment such as downed power lines?
- Would moving students complicate injuries such as neck and back injuries and fractures?
- Is there a hazardous spill involved? Sometimes, it may be safer to remain on the bus and not come in contact with the material.

Note: Students need to be familiar with service door operation in the event the driver becomes incapacitated.
CDL Manual 10.3.1

EVACUATION DRILLS: Each student riding a route bus is required to participate in an emergency evacuation of the school bus at least once each semester. Drills must be documented with the date, number of student participants, and names of supervisory personnel.
K.A.R. 91-38-9

EXPERIENCE: Every driver who operates an activity bus, school bus or school passenger vehicle to transport students shall have at least one years' experience in operating a motor vehicle.
KAR 91-38-6

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FUEL: If an activity bus, school bus or school passenger vehicle is refueled during any trip when passengers are being transported, the driver shall unload all passengers from the vehicle and turn off the vehicle's motor before beginning refueling procedures. Fuel shall not be transported in any manner, except in the vehicle's fuel tank.

KAR 91-38-7

HOURS: Every activity bus, school bus and primarily hired school passenger vehicle driver shall not drive a school vehicle for more than 10 consecutive hours or for more than a total of 10 hours in any 15-hour period.

KAR 91-38-7

KEYS: If an activity bus, school bus or school passenger vehicle leaves the driver's seat, the parking brake shall be set, the motor turned off, and the keys removed. However, drivers of specially equipped buses may leave the motor running to operate a power lift after setting the parking brake.

KAR 91-38-7

LOADING & UNLOADING ON SHOULDER: The school bus is designed to stop traffic with the 8-ways lights and stop arm. Kansas law prohibits stopping on the shoulder to load and unload with hazard lights. When buses stop on the shoulder it creates a situation where some motorists may stop and some may not which endangers the students you are loading or unloading.

KAR 91-38-8 KSA 8-1459

LUBRICATION, MAINTENANCE, AND REPAIR RECORDS: The transportation supervisor shall be responsible for all maintenance and repair records for vehicles used for student transportation. These records must be kept for as long as the school owns the vehicle, and for at least two years after the vehicle is sold or traded.

K.A.R. 91-38-3

MEDICAL SELF-CERTIFICATION: CDL holders should understand and know their medical self-certification category and check their status on-line at least annually. CDL holders can check their status and medical self-certification category for free on-line using the Kansas Department of Revenue's Kansas Driver's License Status Check. Category #2 drivers DO NOT send proof of their DOT physical into the KS Department of Revenue or provide proof at the DMV.

MIRRORS: School bus mirrors should be adjusted to comply and meet the requirements found in FMVSS 111.

MODIFICATIONS: Kansas law prohibits modifications to the school bus unless done and approved by the manufacturer. This includes but not limited to installing LED light bars, brush guards, mounted hand sanitizers, drilling holes in seat frames to install seatbelts, moving seats, installing protective barriers such as curtains or plexiglass shields.

KAR 91-38-4

OBSTRUCTIONS: Each activity and school bus driver shall ensure that openings for the service door, emergency exits, and aisles are kept clear of any obstructions (coolers, book bags, band instruments, school projects, sports equipment, etc.) at all times.

K.A.R. 91-38-7

PHYSICAL EXAMINATIONS: Every activity bus, school bus and primarily hired school passenger vehicle Driver is required to comply with physical qualification requirements of 49 C.F.R., Part 391.41 ("DOT physical").

K.A.R. 91-38-6

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PHYSICAL EXAMINATION CERTIFICATES: A copy of the current physical examination certificate shall be kept on file for every activity bus, school bus and primarily hired school passenger vehicle driver. When a school transportation provider terminates employment, the most recent physical examination certificate shall be kept for a minimum of two years following termination.

K.A.R. 91-38-6

POST-ACCIDENT/CRASH ALCOHOL TESTING: Drivers with a CDL may be required alcohol and or drug testing after an accident/crash in certain circumstances. See flow chart on Kansas School Transportation Safety Unit's webpage.

49 CFR 383.303

POST-TRIP INSPECTION: Following the completion of any trip, every activity bus, school bus and school passenger vehicle driver shall perform a walk-through inspection of the school bus or activity bus, or a visual check of the school passenger vehicle, that the driver was driving, to ensure that all passengers have disembarked.

KAR 91-38-7

PRE-TRIP INSPECTION: All school buses, activity buses and school passenger vehicles must have a pre-trip inspection completed by the driver before each trip and be documented prior to transporting students.

K.A.R. 91-38-7

RAILROAD CROSSINGS: Activity bus and school bus drivers shall stop the bus at every railroad crossing within 50 feet but not less than 15 feet from the nearest rail and while stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until such driver can do so safely. This law applies regardless of whether the bus is transporting students. Exception would include: the crossing is controlled by a police officer or flagman, controlled by a traffic signal, crossing which is marked by a sign as being abandoned or exempt. KSA 8-1553

RED 8-WAY LIGHTS: Every school bus driver shall activate the 8-way red lights and stop arm(s) anytime while loading and unloading students on the roadway.

KAR 91-38-9

REPORTING ACCIDENTS/COLLISIONS: A driver is required to report any accident/collision resulting in any injury or \$1000 worth of property damage to law enforcement.

KSA 8-1602

SAFETY EQUIPMENT REQUIRED IN ACTIVITY AND SCHOOL BUSES: All activity and school buses shall be equipped with a first-aid kit, body fluid clean-up kit, fire extinguisher, 3 reflectorized triangles and at least one seat belt cutter.

Note: Safety Equipment is Not Required in School Passenger Vehicles.

KAR 91-38-2

SAFETY HAZARDS: Every driver shall report to the transportation supervisor any condition encountered by the driver on a transportation route that appears to pose a safety hazard.

KAR 91-38-3

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SAFETY MEETINGS: The transportation supervisor is required to conduct at least 10 safety meetings per year for all activity bus, school bus and primarily hired school passenger vehicle drivers. Each of these drivers (including substitutes) shall attend. If a new driver is hired during the school year, he/she is required to attend meetings proportional to the amount of time employed during the school year. (example: employed for 6 months, attendance at 5 meetings would be required) The supervisor shall keep roster and agenda for these meetings on file for a period of two years.

K.A.R. 91-38-3

SCHOOL BUS COLOR, MARKINGS & 8- WAYS: It is illegal under Kansas law to use an any bus NOT painted school bus yellow, NOT equipped with "SCHOOL BUS" lettering on front and rear bulk head, NOT equipped with 8-way lights and stop arm to transport students home after and activity trip or to pick up students at their home on the way to an activity trip.

72-64,100

SCHOOL PASSENGER VEHICLES: The use of 12 and 15 passenger rated vans for student transportation is illegal. The passenger rating is determined by the vehicle manufacturer and cannot be changed by anyone other than a manufacturer. It is illegal for the school or anyone other than a manufacturer to remove seats from a van to meet the mandated passenger requirement for student transportation. This would apply to both a school and/or a dealership if the intention is to circumvent the mandated passenger rating for school transportation.

KSA 72-64,100, FMVSS 110

SCHOOL PASSENGER VEHICLE OCCUPANTS: School passenger vehicle drivers shall ensure that occupant restraint systems are provided for, and utilized by, all occupants of school passenger vehicles. Size-appropriate child safety restraining systems shall be utilized, pursuant to K.S.A. 8-1344.

KAR 91-38-2

SCHOOL VEHICLE MARKINGS: Kansas law requires ALL motor vehicles owned or leased by any school district in Kansas to bear the name of the district who owns or leases such vehicle to be plainly printed on both sides thereof.

KSA 8-305

SEAT BELTS: Every driver shall utilize the driver's safety belt at all times while the activity bus, school bus or school passenger vehicle is in motion.

KAR 91-38-7

SECOND STAGE MANUFACTURED VEHICLES (10-PASSENGER RATED VANS): A reputable second stage manufacturer takes a NEW VAN, still on a Manufacturers Certificate/Statement of Origin, which may or may not have a passenger rating. Altering the vehicle per ALL applicable Federal Motor Vehicle Safety Standards, Federal and State Laws necessary to produce a 10-passenger rated van. The second stage manufacturer then certifies the passenger rating and applies the appropriate Tire and Load sticker. A school SHALL NOT purchase or take possession of any van until the second stage manufacturer completes the work and applies the appropriate Tire and Load sticker with the 10-passenger rating. Please Note with NO Exceptions:

- The van SHALL be on the Manufacturers Certificate/Statement of Origin at the time of conversion
- The vehicle SHALL NOT be Used or Titled prior to the conversion
- The vehicle SHALL NOT have any attachment/access points and or tracks for additional passenger seats (excluding vans with attachment points designed for wheelchairs)

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SPEED LIMITS: The board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses

KSA 8-1558

STUDENTS CROSSING ROADWAY: Every school bus driver shall direct students who cross the roadway when loading or unloading from a school bus to cross only in front of the bus. The driver shall ensure that all traffic has stopped and shall instruct students to wait for a signal from the driver before crossing the roadway.

KAR 91-38-8

STUDENTS WITH SPECIAL NEEDS: Each school district shall, before transportation, notify the transportation supervisor of any student with special health care concerns, special needs for transportation, or an individualized education program requiring transportation. The supervisor shall ensure that all drivers, substitute drivers, and attendants are informed of these needs and receive any training that is necessary to safely transport the student or to accommodate the student's special needs.

KAR 91-38-3

SUBSTITUTE DRIVERS: Substitute activity and school bus drivers shall meet the same licensing and training requirements as regular route drivers.

K.A.R. 91-38-6

TRAILERS: A driver of a school bus or activity bus shall not tow any trailer or other vehicle with the bus, while any passenger is on the bus. It is permissible to use a school passenger vehicle to tow a trailer while transporting students.

KAR 91-38-7

VEHICLE CLEANLINESS: School buses, activity buses and school passenger vehicles should be kept clean. The interior should not present any health hazards to students or district employees (i.e. dirt, dust, mold discarded food items, etc.). All school vehicles represent the school district and should be considered an extension of the classroom with the same expectation for cleanliness.

WAIVER OF PHYSICAL REQUIREMENTS: An activity bus, school bus or primarily hired school passenger vehicle driver who does not meet the physical qualification requirements for any reason may apply for a waiver of those particular requirements by following the provisions found in K.A.R. 91-38-6.

WINDSHIELD/WINDOW & OTHER DECORATIONS: A driver shall not drive any school vehicle with any sign, poster or other nontransparent material (i.e. window chalk, shoe polish) upon the windshield, side windows or rear windows which substantially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway. A school vehicle shall NOT display any holiday lighting or other decorations while transporting students.

KSA 8-1741, KAR 91-38-4