

KANSAS STATE BOARD OF EDUCATION

Notice of Public Hearing on Proposed Administrative Regulations

February 21, 2017

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m., or as soon thereafter as possible, on Tuesday, May 9, 2017 in the Board Room of the Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas, to consider the adoption of proposed rules and regulations of the Kansas State Board of Education on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of the Kansas State Board of Education at the below addresses or by email to plhill@ksde.org. The address for the Kansas State Board of Education is Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas 66612. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. The hearing shall be conducted in compliance with the public hearing procedures of the Kansas State Board of Education.

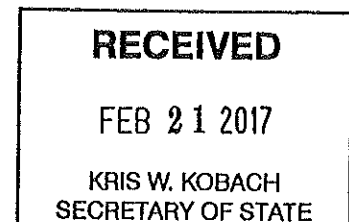
Any individual with a disability may request an accommodation in order to participate in the public hearing, and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Wendy Fritz at (785) 296-5363 (or TDD 785-296-8172) or by e-mail to wfritz@ksde.org. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

A summary of the proposed regulations and economic impact follows.

A copy of the proposed regulations and economic impact statement may be obtained by contacting the Office of General Counsel at the address above prior to the date of the hearing or by email to ogc@ksde.org.

91-38-1

The definitions of activity bus and of school bus are modified to provide clarity and give schools more options as to the type of vehicle which may be used to transport students for specific purposes. These definitions better conform to current practices.



91-38-2

This amendment clarifies language and adds a requirement that each school bus shall be equipped with at least one emergency seat belt cutter.

91-38-3

This amendment adds a requirement that in addition to conducting 10 safety meetings per year, transportation supervisors must also attend those safety meetings.

91-38-4

This amendment clarifies language without materially changing any requirements.

91-38-5

This amendment will require school districts and bus companies to keep the results of mandatory inspections as part of each vehicle's maintenance record.

91-38-6

This amendment now requires each driver of a school or an activity bus to maintain a commercial driver's license with passenger as well as school bus endorsements.

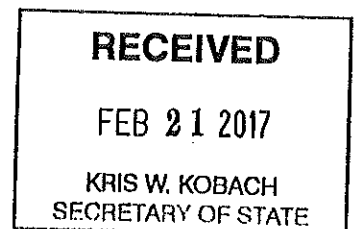
91-38-7

The regulation is amended to update and correct its statutory authority.

91-38-8

Students are currently not required to cross any divided highway in order to board a bus or to reach their homes upon departing the bus. The amendment adds a prohibition against students crossing any roadway consisting of more than one lane of traffic traveling in the same direction.

The Kansas State Board of Education does not anticipate any significant financial or economic impact to this agency, other state agencies, or to the public as a result of these regulations.



Proposed

91-38-1. Definitions. (a) "Activity bus" means any ~~over the road, commercial type~~ bus utilized by a governing body only to transport students to and from school activities as authorized by K.S.A. 72-8301 (c)(3), and amendments thereto. An activity bus may be a color other than school bus yellow.

(b) "Bus" means any motor vehicle, ~~as defined in K.S.A. 8-1406 and amendments thereto~~, that is designed for transporting more than 10 passengers in addition to the driver.

(c) "Driver-trainer" means any person who is assigned by a transportation supervisor to provide instruction and training to other school transportation providers, including knowledge of vehicles used to provide student transportation, safe driving practices, emergency procedures, and passenger control. The driver-trainer shall maintain current licensure to operate the largest vehicle about which the driver-trainer is to provide instruction and shall have experience as a school bus driver.

(d) "Governing body" means the local board of education or other entity having authority over a school district.

(e) "Multipurpose passenger vehicle" means a motor vehicle, as defined in K.S.A. 8-126 and amendments thereto, that is designed to transport 10 or fewer persons, including in addition to the driver, and that is constructed on a truck chassis.

(f) "School bus" means any school bus ~~designed primarily for the transportation of students or school personnel either to or from school or to or from school-related functions or activities as defined in K.S.A. 72-8301, and amendments thereto~~. A school bus may be owned by a school district, a private school, or a private company. The term shall include any van or other vehicle rated by the manufacturer, or having a door label, as a bus.

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(g) "School bus driver" means any person employed by a school district or school bus contractor to drive a school bus or activity bus.

(h) "School district" means any unified school district or private school.

(i) "School passenger vehicle" means any passenger car or multipurpose passenger vehicle that is owned or leased by a school district or private individual and is used regularly to provide student transportation on behalf of a school district.

(j) "School passenger vehicle driver" means any person employed by a school district primarily to provide transportation for students in a school passenger vehicle.

(k) "School transportation provider" means either a school bus driver or a school passenger vehicle driver.

(l) "School vehicle" means any activity bus, school bus, or school passenger vehicle.

(m) "Short-term leased ~~vehicles~~ vehicle" means any school vehicle that is leased by a school district for a period of 30 or fewer days.

(n) "Substitute driver" means any person who is not assigned to a regular route but is employed to serve as a school transportation provider when necessary due to driver absences or emergencies.

(o) "Transportation supervisor" means a person designated by a governing body to be responsible for transportation activities within a school district. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003; amended P-_____.)

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91-38-2. General limitations and requirements. (a) No governing body shall have a school bus in service after July 1, 1992, unless the school bus was manufactured after April 1, 1977 and either is no more than ~~20~~ 25 years old or has been modified to meet current standards. Each school bus shall meet the standards specified by law and this article of the department's regulations.

(b) The owner's name shall be displayed on each side of any school bus.

(c) Activity buses shall not be utilized to provide student transportation ~~to and from school~~ from any student's home to school or from school to any student's home.

(d) Each school bus, activity bus, and school passenger vehicle shall be equipped with a two-way communication system.

(e)(1) Each bus shall contain the following emergency supplies:

(A) At least one 2A-10BC fire extinguisher;

(B) at least one readily identifiable first-aid kit in a removable, waterproof, and dustproof container;

(C) at least one readily identifiable body fluid clean-up kit in a removable, waterproof, and dustproof container; ~~and~~

(D) ~~a minimum of~~ at least three reflectorized triangle warning devices, securely stored but in an accessible location; and

(E) at least one emergency seat belt cutter.

(2) The first-aid kit, body fluid clean-up kit, ~~and~~ fire extinguisher, and seat belt cutter shall be mounted in full view of, and readily accessible to, the driver.

(f) Each governing body shall ensure that occupant restraint systems are provided for, and utilized by, all occupants of school passenger vehicles. When providing transportation for

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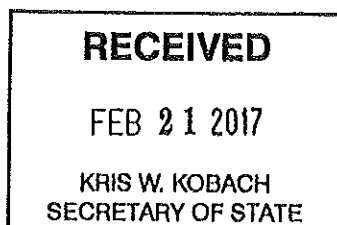
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infants and preschool children in school passenger vehicles, age- and size-appropriate child safety restraining systems shall be utilized, ~~in accordance with the provisions of~~ pursuant to K.S.A. 8-1344; and amendments thereto. (Authorized by K.S.A. 8-2009; implementing K.S.A. 8-2009, K.S.A. 2015 Supp. 8-2009a; effective July 1, 2000; amended March 28, 2003; amended P- _____.)



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91-38-3. School transportation supervisor; duties and responsibilities. (a) Appointment and general responsibilities.

(1) ~~Appointment.~~ Each governing body shall designate an employee to be the transportation supervisor.

(2) ~~General responsibilities.~~

(A) The transportation supervisor shall be responsible for supervision and maintenance of the school district's transportation system.

(B) The transportation supervisor shall act as liaison between the school district and any contracted bus transportation service.

(b) School transportation routes and stops.

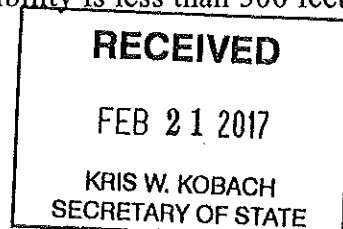
(1) The transportation supervisor shall be responsible for establishing all regular transportation routes and stops for the loading and unloading of students along those routes. The supervisor shall keep a current map on file for each regular transportation route, with all stops noted and a current map of the school district showing each attendance center.

(2) The transportation supervisor shall not establish stops on any interstate highway, state toll road, or other limited-access highway.

(3) The transportation supervisor shall give special consideration to road conditions and safety concerns when planning the regular transportation routes. If a safety hazard is encountered, the appropriate authorities shall be contacted about eliminating or correcting the hazard, if possible.

(4) Each driver shall report to the transportation supervisor any condition encountered by the driver on a transportation route that appears to pose a safety hazard.

(5) If visibility is less than 500 feet when approaching an established school bus stop



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from any direction, the transportation supervisor shall contact state, county, or township road authorities and request that warning signs be posted for the school bus stop. Whenever practicable, stops shall be established only at points where visibility is at least 500 feet for all motorists.

(c) Driver training meetings.

(1) Each transportation supervisor shall conduct at least 10 safety meetings per year for all school transportation providers employed by the school district.

(2) Attendance at each meeting shall be documented with a sign-in sheet or similar document. The record of attendance and the agenda shall be retained by the supervisor for at least two years.

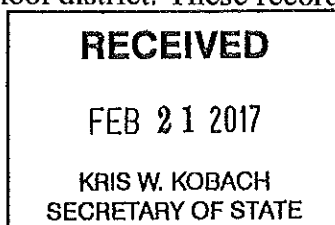
(3) Safety meeting topics shall include school transportation safety concerns from drivers regarding route safety, changes in laws or regulations, and other safety issues as determined appropriate by the transportation supervisor.

(4) Safety meetings may be electronically recorded so that drivers who are unable to attend a particular meeting ~~may~~ can view the program at another time.

(5) Each school transportation provider shall attend at least 10 safety meetings per year. Newly hired drivers shall be required to attend only those meetings held following their employment.

(d) Records retention.

(1) The transportation supervisor shall be responsible for maintenance and repair records for all school buses, activity buses, and school passenger vehicles used for student transportation, except short-term leased vehicles, that are either owned or leased and are operated by the school district. These records shall include information on scheduled



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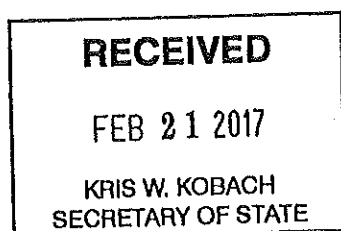
maintenance, lubrication records, repair orders, and other maintenance.

(2) The maintenance record for each vehicle shall be kept as long as the school owns or leases the vehicle, and for at least two years following disposition of the vehicle.

(3) Maintenance records shall be available for inspection by the Kansas highway patrol, other law enforcement agencies, and Kansas state department of education officials.

(e) Contracts for bus transportation services. Each school district that contracts for bus transportation services shall ensure that each contract for those services includes a provision requiring the contractor to meet the requirements of subsections (c) and (d) of ~~this~~ regulation.

(f) Students with special needs. Each ~~board~~ school district shall, before transportation, notify the transportation supervisor of any student with special health care concerns ~~or~~, 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. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003; amended P-_____.)



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91-38-4. Compliance with chassis and body construction standards. (a) Except as otherwise provided in subsection (c) of this regulation, a governing body shall not allow students to be transported on any school bus acquired or leased after the effective date of this regulation until the governing body has on file a verified statement, as prescribed by the state board, from the seller or lessor of the school bus attesting that the school bus meets the following requirements:

(1) The school bus chassis and body construction standards promulgated by the United States department of transportation that apply to the particular bus; and

(2) the bus chassis and body construction standards, including standards for specially equipped school buses, if applicable, prescribed in the national standards for school transportation specifications adopted by the national congress on school transportation.

(b) A governing body shall not alter, change, or otherwise modify any school bus used to transport students in any manner that results in nullification of the statement required in subsection (a) of this regulation or that results in the failure of the school bus to comply with standards applicable to it under K.S.A. 1998-Supp. 8-2009a, and amendments thereto.

(c) If a governing body is acquiring a school bus from another governing body, the governing body acquiring the school bus shall obtain the following statements from the governing body that is disposing of the school bus:

(1) The verified statement obtained by the governing body under subsection (a) of this regulation; and

(2) a verified statement from the governing body that is disposing of the school bus attesting to the fact that the governing body has not altered, changed, or otherwise modified the school bus in any manner that results in nullification of the statement required in subsection

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(a) ~~of this regulation~~ or that results in the failure of the school bus to comply with the standards applicable to it under K.S.A. 1998-Supp. 8-2009a, and amendments thereto.

~~This regulation shall be effective on and after July 1, 2000.~~ (Authorized by K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998-Supp. 8-2009, K.S.A. 2015 Supp. 8-2009a; effective July 1, 2000; amended P- _____.)

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91-38-5. Annual inspection of school vehicles. (a)(1) Each governing body that either owns or leases and that operates any school bus or activity bus shall have each of those buses inspected annually in accordance with this regulation.

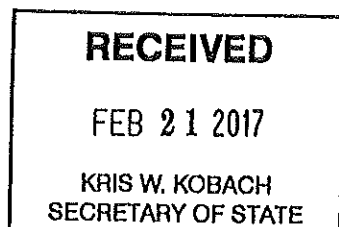
(2) Each person or entity that contracts with any governing body to provide bus transportation services to students shall have each school bus or activity bus used to transport students inspected annually in accordance with this regulation.

(3) Except for new buses, which shall be inspected upon delivery and before being used to transport students, the inspection process shall be conducted between June 1 and September 30. No school bus or activity bus shall be used to transport students until the inspection process has been completed and the bus is in proper working order.

(b)(1) Each governing body and each bus transportation contractor shall have each school bus and each activity bus that is operated by the governing body or the contractor inspected by a mechanic who is knowledgeable about the mechanical systems of school buses. In addition, each governing body shall have each school passenger vehicle that is used to transport students inspected annually by a mechanic. The mechanic shall inspect each bus and each school passenger vehicle to determine whether the mechanical system is in proper working order.

(2) Each mechanic shall indicate the results of the inspection on the form provided by the state department of education and shall return the form to the governing body or bus transportation contractor.

(c)(1) After the inspection prescribed in subsection (b) is completed, each school vehicle shall be inspected by the Kansas highway patrol to determine whether the school vehicle is equipped with the appropriate safety devices and those devices are in proper



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working order.

(2) The results of the inspection shall be indicated by the highway patrol officer on the form provided by the state department of education. Following completion of this form, it shall be returned to the governing body or bus transportation contractor and shall become a maintenance record.

(d) Upon successful completion of the inspection process specified in subsections (b) and (c), a school vehicle inspection sticker issued by the Kansas highway patrol shall be placed on the school vehicle's windshield in a location that will not impair the driver's vision.

(e)(1) If any school vehicle fails either the mechanical or safety inspection specified in this regulation, that school vehicle shall not be used for student transportation until all defects have been corrected and the school vehicle has been approved.

(2) If repairs or other corrections are required for a school vehicle to pass the inspection and these repairs or corrections are completed within 10 days after the initial inspection, then only the defective items shall be reexamined. If the repairs or corrections are not made within 10 days following the initial inspection, the school vehicle shall be completely reinspected.

(f) At any time, spot inspections of any school vehicle used for student transportation may be conducted by the Kansas highway patrol.

(g) Each school bus, activity bus, and school passenger vehicle that is purchased at any time following the required annual inspection for school vehicles shall pass the inspections required by this regulation before being used to transport students. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003; amended P-

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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 ~~in accordance with~~ 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 listed below:

(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 endorsement 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-endorsement and school bus endorsements.

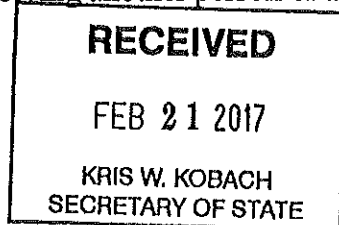
(3) Each driver of a school passenger vehicle or a school bus or activity bus that has a gross weight of 26,000 pounds or less and is designed to transport fewer than 16 passengers shall maintain an appropriate noncommercial operator's license.

(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 ~~within the past 10 years~~ in any state or federal court of any ~~felony involving another person or any~~ crime involving a child. A person who has been



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convicted of such a crime within the past 10 years shall not be employed, ~~re-employed~~
reemployed, 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) ~~of this regulation~~.

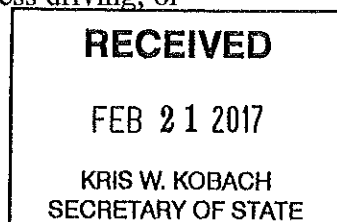
(3) For purposes of this regulation, a conviction means shall mean entering a plea of guilty or nolo contendere, a finding of guilty by a court or jury, or forfeiture of bond.

(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, ~~in accordance with~~ 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) ~~of this subsection~~, 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



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(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 drivers driver shall be provided ~~a minimum of~~ 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) ~~of this subsection~~, each school transportation provider shall complete a first aid and cardiopulmonary resuscitation (CPR) course, approved by the state department of education, before 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. ~~As used in this paragraph, "emergency medical service provider" means first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, or~~

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~~mobile intensive care technician.~~

(e)(1) Each school transportation provider shall successfully complete a vehicle accident prevention course approved by the state department of education, before 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 ~~either of the following:~~

(A) completion of an accident prevention course at least every three years; ~~or~~

(B) ~~annual attendance at a workshop provided for school transportation personnel by the state department of education.~~

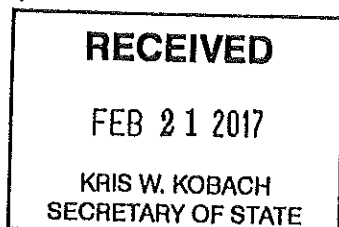
(3) The transportation supervisor shall maintain documentation of driver training for school transportation providers for the duration of the driver's employment, and a ~~minimum of at least~~ two years thereafter.

(f) Substitute and emergency school transportation providers.

(1) Substitute school transportation providers shall meet the requirements in this regulation, but they 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.



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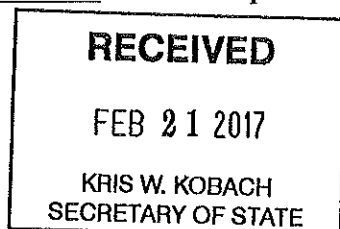
(1) The physical qualification requirements for school transportation providers in Kansas shall be those in 49 C.F.R. 391.41, as in effect on ~~October 1, 2001~~ January 14, 2014, which is hereby adopted by reference. ~~The physical examination form that is prescribed by the federal highway administration, office of motor carriers, and that is available from the state department of education shall be utilized to document the results of each examination.~~ 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 person licensed to practice ~~medicine and surgery, and shall be required~~ 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 ~~properly certified physical examination report~~ 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 ~~physical examination report~~ medical examiner's certificate for each school transportation provider. If a provider leaves employment for any reason, the person's last ~~physical examination report~~ medical examiner's certificate shall be kept for two years after the person leaves.



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(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 sub-section. 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 ~~physicians licensed to practice medicine and surgery~~ 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.

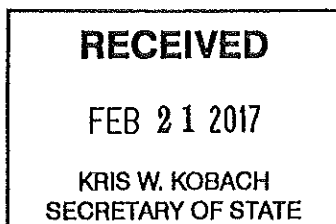
(iii) The application shall contain a description of the type and size of the vehicle to be driven and any special equipment required to accommodate the driver to safely operate the vehicle, the general area and type of roads to be traveled, distances and time period contemplated, and the experience 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) ~~Restrictions of the waiver as approved by the governing body.~~

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

(B) While on duty, the driver shall keep in the driver's possession the original



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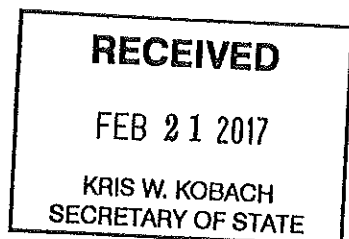
document granting the waiver or a legible copy of it this document.

(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 ~~a period of~~ 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. Each 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 P-_____.)



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91-38-7. Driver's duties and responsibilities. (a) Each school transportation provider shall inspect a school vehicle before its use to ascertain that the vehicle is in a safe condition and equipped as required by law, and that all required equipment is in working order. The school transportation provider shall document each inspection.

(b) If any defect is discovered, students shall not be transported in the vehicle until the defect is corrected.

(c) Documentation of the inspections of each school vehicle shall be kept on file for ~~a minimum of~~ at least one year following the vehicle inspection.

(d) A school transportation provider 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.

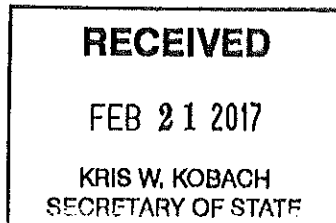
(e) Each school transportation provider shall ensure that all doors are closed before the vehicle is put into motion and remain closed while the vehicle is moving.

(f) Each school transportation provider shall ensure that openings for the service door, emergency exits, and aisles are kept clear of any obstructions.

(g) Each school transportation provider shall utilize the driver's safety belt at all times while the vehicle is in motion.

(h) If the school transportation provider 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.

(i) If a school vehicle is refueled during any trip when passengers are being transported, the school transportation provider shall unload all passengers from the vehicle and turn off the vehicle's motor before beginning refueling procedures. Fuel shall not be



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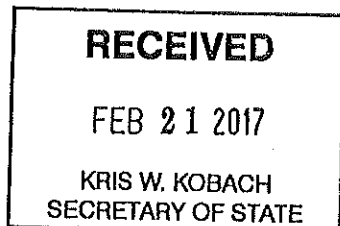
91-38-7
Pg. 2

transported in any manner, except in the vehicle's fuel tank.

(j) Following the completion of any trip, each school transportation provider shall perform a walk-through inspection of the school bus or activity bus, or a visual check of the school passenger vehicle, that the provider was driving, to ensure that all passengers have disembarked.

(k) 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. (Authorized by and implementing K.S.A. 8-2009 and ~~8-2009a~~; effective July 1, 2000; amended March 28, 2003; amended P-

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91-38-8. Loading and unloading procedures. (a) On routes.

(1) Each school bus driver shall activate the alternately flashing warning lights as required by K.S.A. 8-1556 and amendments thereto, at any time that the loading or unloading of students occurs on the traveled portion of any roadway.

(2) Each governing body shall adopt procedures for the loading and unloading of students, consistent with the requirements of this article of the department's regulations.

The procedures shall include the following:

(A) Each school bus driver shall load and unload students off the roadway whenever adequate space is provided, unless parking the bus off the roadway would threaten the safety or stability of the bus or safety of the students.

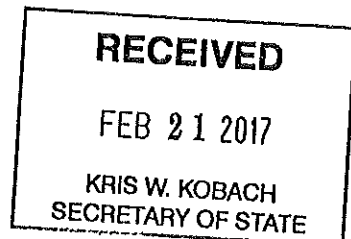
(B) Each school bus driver shall direct students who cross the roadway when loading or unloading from a school bus to cross only in front of the bus. The driver shall ensure that all traffic has stopped and shall instruct students to wait for a signal from the driver before crossing the roadway.

(C) Students shall not be required to cross any divided highway, as defined in K.S.A. 8-1414 and amendments thereto, or any roadway consisting of more than one lane of traffic traveling in the same direction excluding turn lanes in order to board the bus or to reach the students' destination upon unloading from the bus.

(D) When the loading or unloading of students takes place on a roadway, the bus shall stop in the far right-hand lane of the roadway.


(E) Each driver shall ensure that all students who have unloaded from the bus have moved a safe distance away from the bus before the driver moves the bus.

(b) At school.



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(1) Whenever possible, each governing body shall provide bus parking so that the loading or unloading of students is conducted in an area away from vehicular traffic and off the roadway.

(2) Before each school's dismissal time, and where adequate space is available, the bus drivers shall park the buses in single file.

(3) If the loading or unloading of students is conducted on the traveled portion of a roadway, each bus driver shall park the bus on the side of the roadway nearest to the school, with the entry door opening away from the traveled portion of the roadway. Buses shall be parked adjacent to curbing, if present. If there is no curbing, the buses shall be parked as far to the right of the roadway as possible without threatening the stability of the bus.

(4) Each board shall ensure that there is adult supervision during loading and unloading procedures at each school building, except at buildings utilized exclusively for senior high school students.

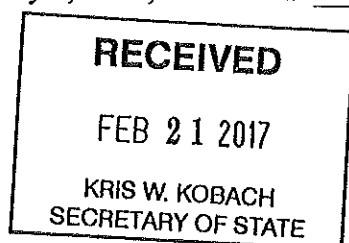
(c) On activity trips.

(1) Whenever possible, each bus driver shall park the bus so that the loading or unloading of students takes place in an area away from other vehicular traffic.

(2) The transportation supervisor shall designate, in advance, stops for the loading and unloading of buses along each activity trip route.

(d) In school passenger vehicles. Each driver of a school passenger vehicle shall park the vehicle in a location so that students are loaded or unloaded in an area off the roadway.

~~This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998 Supp. 8-1556, 8-2009; effective July 1, 2000; amended P-~~_____.)



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**KANSAS STATE BOARD OF EDUCATION
ECONOMIC IMPACT STATEMENT**

K.A.R. 91-38-1, 91-38-2, 91-38-3, 91-38-4, 91-38-5, 91-38-6, 91-38-7, 91-38-8,

I. Summary of Proposed Regulation, Including Its Purpose.

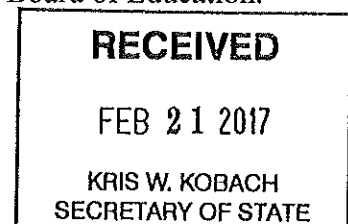
This set of regulations, referred to as the School Bus Safety regulations, sets out the requirements vehicles owned by or operated on behalf of schools for the transportation of children as well as requirements for drivers of said vehicles. The regulations are now amended to reflect actual current practices as well as to add requirements such as the inclusion of an emergency seat belt cutter in every school bus emergency equipment inventory.

II. Reason or Reasons the Proposed Regulations Are Required, Including Whether or Not Required by Federal Law.

Amendments to these regulations are necessary to reflect actual current practices as well put in line with state statutes. K.A.R. 91-38-2 is amended to extend the life of a bus from twenty (20) to twenty five (25) years. K.A.R. 91-38-2 also now requires seat belt cutters on every bus. K.A.R. 91-38-3 now requires transportation directors to conduct as well as attend safety meetings. K.A.R. 91-38-4 is updated to reflect the current title of the publication by the National Congress on Transportation. K.A.R. 91-38-5 now requires all annual inspections to be maintained as part of the maintenance record. K.A.R. 91-38-6 is amended so as to match driver qualifications to the federal qualifications for certain commercial drivers' license endorsements. K.A.R. 91-38-8 extends a prohibition of children crossing highways to include a prohibition against children crossing any road with more than one lane traveling in the same direction.

III. Anticipated Economic Impact upon the Kansas State Board of Education.

There is no anticipated economic impact upon the Kansas State Board of Education.



IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.

Proposed

The impact on any school district or transportation-providing contractor will be minimal. At a cost of five (\$5) dollars per seat belt cutter, the Kansas State Department of Education estimates that between 1000 and 1200 school buses still need cutters. Buses purchased since 2005 should already have seat belt cutters.

V. Anticipated Economic Impact upon School Districts.

See above. At most, schools will be required to buy seat belt cutters for each school bus purchased before 2005.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection. N/A

