

KSDE School Bus Safety Unit gets questions on a fairly regular basis. While we are able to get timely responses to most who ask, there are some recurring questions that will be addressed in this section. Many of the answers are from the Kansas Administrative Regulations (K.A.R.s) or Kansas Statutes Annotated (K.S.A.s), but there are some that will be found in the Kansas Commercial Drivers' License Handbook, Federal Motor Carrier Safety Administration Regulations, and other sources. We will do our best to provide you with references which can be found on the School Bus Safety Unit web site. We hope that this will provide a quick, ready reference from some of your common questions.

Pressing the Ctrl key + the F key will bring up a search box in the top right corner of the screen. This will enable you to do a key word search of this document.

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GENERAL OPERATIONS

1. It is legal to back a school or activity bus?

YES. Due to the number of blind spots on a school bus, the practice of backing is normally discouraged. Some districts have their own districts policies prohibiting backing the school bus.
KSA 8-1574

2. Is it legal for a school bus to make a right turn on red?

YES, unless there is a sign prohibiting it. Some school districts prohibit this practice by addressing it in school district policy.
KSA 8-1508

3. Can I wear ear buds and listen to music while I drive a bus?

At present there is not any law or regulation which prohibits this but this practice is strongly discouraged for safety reasons and should be addressed by school policy.

4. Can a driver of a school passenger vehicle or activity/school bus text while driving?

NO. Kansas law prohibits all drivers from texting and driving.
KSA 8-15,111

5. Are school buses required to be operated with a dome light(s) on while transporting students at night?

NO. This would need to be addressed by school district policy.

6. Are activity and school buses required to stop at railroad crossings even when not transporting students?

YES. Activity and School Buses are always required to stop whether transporting students or not.
KSA 8-1553, KAR 36-26-1

7. Is a school bus driver required to open the entry door of a school bus prior to crossing railroad tracks?

NO. There is no legal requirement to do so. However, CDL examiners normally require it when conducting the CDL skills test. Schools may address this in school district policy. Security of the students and the driver should be a concern when the practice of opening the door is done. Opening the bus drivers window to listen at a railroad crossing should be done when not opening the door.

8. Do school passenger vehicles transporting students have to stop prior to crossing railroad tracks?

NO. There is no legal requirement for school passenger vehicles to do so. The law only applies to buses.
KSA 8-1553, KAR 36-26-1

9. When is the strobe light on the school bus required to be operated?

The strobe light should be operated at any time the headlights are required. Bear in mind the strobe light is on the bus for the safety of the students.
KSA 8-1703

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10. Is talking on a cell phone illegal while driving an Activity/School Bus or School Passenger Vehicle?

NO. Provided the Activity/School Bus does not have a DOT number. It is not uncommon for this to be addressed in School District Policy.

49 CFR 390.3

11. Are school buses required to stop at commercial vehicle weigh stations?

Per the Kansas Highway Patrol, a school bus is not required to stop at a weigh station unless it is required to have a "DOT" number on it. These buses would be those belonging to contractor operations such as Durham, First Student, etc. Buses owned and operated by a school district or private school would be exempt from this requirement.

Keep in mind this is ONLY for Kansas. Even though school buses are somewhat exempt Federal Motor Carrier Safety Regulations, most states do not exempt buses on weight restrictions. If you are traveling to or through another state for an activity or event, contact that state's school transportation officials for further information.

12. Can a school bus or school passenger vehicle be parked in designated handicapped parking?

YES, provided the bus or school passenger vehicle is transporting a handicapped student and the vehicle is marked with at least one International Symbol of Accessibility below the window line. Such emblems shall be white on blue or black background, shall not exceed 12 inches square in size and shall be of a high-intensity retro reflective material

13. Is there a law on what age a student can be left off the bus with no parents at home?

NO. This is left up to school district policy

14. What is the difference between rated capacity vs usable capacity on a school bus.

Rated capacity is determined by the manufacturer based on FMVSS 222. A 39 inch seat is rated for 3 students. Usable capacity is the number of students you can safely place entirely on a seat based on their size. Compartmentalization will only work if the student is completely on the seat facing forward.

15. Is there a time limit on how long a student can ride the school bus to school or back home?

NO. A general guideline is no more than an hour but this is not always possible.

16. Is there a time limit on how long a special needs student can ride the school bus?

This is school policy decision. For students with special needs, the length of time for the bus ride should be addressed in the student's Individualized Education Plan (IEP). The Transportation Director should be consulted during the IEP process.

17. Can students eat or drink on the bus?

This is left up to school district policy.

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18. Who has to attend the mandated safety meetings?

Anyone and everyone who drives an activity bus or school bus, plus anyone who is primarily hired to provide transportation in a school passenger vehicle.

19. Can sports equipment, band instruments, coolers, etc., be transported on the bus with students?

YES, provided the district does not have a policy prohibiting it. If allowed, the openings for the service door, emergency exits, and aisles shall be kept clear. The item has to fit in an area (in or under a bus seat or in under-carriage storage) to allow all passengers a safe ride. If that's not possible, a separate vehicle for equipment would be the best option.

KAR 91-38-7

20. How long are school districts required to keep transportation records?

See our quick reference document for file retention on our website.

21. Do we have to transport a student who is registered sex offender on the school bus?

Contact the School Bus Safety Unit for guidance.

22. Does a school district have to test school bus drivers more than once for tuberculosis?

NO. Tuberculosis testing is normally a onetime test unless there would be an event which would require an additional test.

KSA 72-6266

23. During occasional tuberculin shortages some school bus drivers and other school employees were tested for tuberculosis using a doctor questionnaire. Is this questionnaire valid?

YES. This is an accepted practice during shortages and meets the requirement of tuberculosis testing for a time period specifically designated by the Kansas Department of Health and Environment. This does not preclude the school district from retesting after the shortage of tuberculin is resolved.

24. When is a school required to transport a student according to the 2.5-mile rule?

Kansas law sets out the three situations where students must be transported.

1. School is located outside the corporate limits of a city and it's 2.5 miles or more from the residence of the student.

2. School is located inside the corporate limits of a city and the residence is outside the corporate limits and it's 2.5 miles or more to the school.

3. Residence is located in one city, school is in another city and it's 2.5 miles or more from residence.

Every school district receives funding based on a formula for each student who lives more than 2.5 miles from their attendance center. The distance is measured by KSDE (Kansas State Department of Education) Auditors from the front door of residence to front door of school using the most direct route. There is no rounding when measuring. If the district receives transportation funding for a student, transportation shall be provided regardless of the 3 items listed above. Paying parents to transport meets this requirement.

KSA 72-6487, KSA 72-5148

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25. Is the district required to transport Pre-K students?

The district is required to provide transportation for at risk pre-K students who live more than 2.5 miles from their attendance center. At risk pre-K students generate transportation weighting/funding for the district. At risk pre-K students who live less than 2.5 miles may be transported, if the district chooses, and the district may charge a fee, if they choose. Same rules as K-12 students.

NON-at-risk pre-k students are not funded. Districts can provide transportation if they choose, and may charge a fee if they choose, regardless of the distance.

KSA 72-5151

26. Are activity/school bus drivers regulated on how many hours they can drive?

YES. No more than 10 hours in a 15 hour period.

See the School/Activity Bus and School Passenger Vehicle Driving Hour Guidance Document on our website for more information.

KAR 91-38-7

27. When does transportation have to be included in an IEP?

Transportation must be included in an IEP when the IEP team determines it is needed in order for the child to benefit from his/her education. So, if a child needs specialized transportation unavailable to the parents, such as a vehicle with a lift, that would be a time to put that specialized transportation in the IEP. But, transportation can be needed for a variety of reasons, including reasons that have nothing to with the student's disability. For example, if the student's parents do not have a vehicle or they are working and cannot get the student to and from school, those would be circumstances under which transportation would normally be added to the IEP.

In short, transportation should be in an IEP when it is needed by the student (as opposed to "wanted").

28. What are the duties and qualifications for an Aid or Monitor on the school bus?

Aids and Monitors assist school bus driver in ensuring the safety of the students and help in maintaining discipline while bus is in operation. They assist the bus driver in the event of an emergency, maintaining proper records and documentation as required for the transportation of students and assist in student loading, unloading and seating.

It is recommended they have same training as bus driver with the exception of CDL, however it is not required. An Aid or monitor may be required by an IEP and the IEP may stipulate the training. HeadStart operations require a monitor on the bus.

29. Can a school district owned bus be used to transport a church group, boy scouts or other group on a trip?

MAYBE. The district shall have a policy in place for this. The group being transported shall meet the requirements found in KSA 72-6498. The district may charge the group to offset, totally or in part, the costs incurred for the use of school buses under KSA 72-6498. Recommend the district supply the driver and consult with the district's insurance carrier.

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30. What are the requirements for a mechanic to conduct and sign off on Part I of the School/Activity Bus & School Passenger Vehicle Inspection?

The mechanic shall sign a mechanic's letter certifying the individual has at least one year's experience as a mechanic and meets the following criteria:

1. Understands the inspection criteria set forth in 49 CFR Part 393 and Appendix A and can identify defective components
2. Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection
3. Is capable of performing an inspection by reason of experience, training, or both, and qualifies in one or more of the following categories

The mechanic letter can be found on the School Bus Safety website. Optional training is offered annual by the School Bus Safety Unit and Kansas Highway Patrol.

31. Can a school bus tire be patched or repaired?

MAYBE. If the repair meets U.S. Tire Manufacturers Association and the tire manufacturer's recommended puncture and repair procedures.

https://www.ksde.org/Portals/0/School%20Bus/Bus-Inspection/Puncture_repair_handout_17_2.pdf?ver=2024-05-13-100303-007

32. Do school vehicle tires have to be replaced based on the age of the tire?

Tires do age and the age does affect the integrity of the tire, however there is not any Kansas law or regulation which requires tires to be replaced at a certain age. It should also be noted there are a number of factors which affect the aging process of tires and not all tires age the same. NHTSA (National Highway Traffic Safety Administration) state some tire manufacturers RECOMMEND replacing tires after 6-10 years regardless of tread wear. Ultimately tire replacement based solely on the age of the tire would be a district decision.

<https://www.ksde.org/Portals/0/School%20Bus/Bus-Inspection/NHTSA%20Tire%20Doc.pdf?ver=2024-05-13-100303-333>

33. Do LED stop lamps or turn signals need to be replaced on our vehicles when a diode burns out?

PROBABLY NOT. The light has to meet Kansas state law on visibility requirements for that particular light. i.e. Stop signals must be visible from a distance of not less than 300 feet in normal sunlight. Turn signals from a distance of not less than 500 feet in normal sunlight.

KSA 8-1721

PRE-TRIP AND POST TRIP

34. Are bus drivers required by law to check the bus for students at the end of a trip?

YES. This is usually referred to as the Post Trip Inspection.

KAR 91-38-7

35. Are School Bus Drivers required to do a pre-trip inspection of the bus prior to operating it?

YES.

KAR 91-38-7

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36. Are teachers, coaches and other school personnel required to do a pre-trip inspection of a school passenger vehicle prior to operating it?

YES. If the driver will be transporting students
KAR 91-38-7

37. How often does a pre-trip need to be performed on an activity/school bus?

Kansas regulation state a bus driver shall inspect the bus "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 pre-trip inspection is required to be documented in writing. As a rule of thumb, if the bus driver is out of the driver's seat of the bus for more than one and a half (1 ½) hours a new pre-trip needs to be done on the bus.

KAR 91-38-7

38. How often does a pre-trip inspection need to be performed on a school passenger vehicle?

Before each trip and before each return trip when transporting students.

SCHOOL PASSENGER VEHICLES & 10, 12 & 15 PASSENGER RATED VANS

39. Can a public or private school use a 12 or 15 passenger rated van to transport students?

NO. Only Passenger vehicles designed and rated for no more than 10 passengers plus the driver can be used to transport students.

KSA 72-64,100

40. Can the school, booster club or other school organization rent a 12 or 15 passenger rated van to transport students to an event?

NO. Only Passenger vehicles designed and rated for no more than 10 passengers plus the driver can be used to transport students.

KSA 72-64,100

41. Can the school use a 10 passenger rated van for student transportation?

YES. A 10 passenger rated van can be used for home to school and school to home transportation in addition to activity trips.

42. Our minibus is titled as a van. What is the difference between a van and a bus?

A van will have a sliding or cargo style door for additional passenger entry. A bus will have a service door and a stepwell for passenger entry. Buses are rated for more than 10 passengers in addition to the driver. See our website for more information and pictures. Contact the School Bus Safety Unit for more clarification.

43. Do School Passenger Vehicles need to be marked and identified?

YES. Kansas law requires ALL MOTOR VEHICLES owned or leased by any political subdivision of the state of to bear the name of the political subdivision owning or leasing such vehicle plainly printed on both sides REGARDLESS of whether the vehicle is being used for student transportation.

KSA 8-305

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44. How can the district purchase a 10 passenger rated van to be used as a school passenger vehicle?

Currently no new vehicle manufacture is producing a gas powered, 10 passenger rated van. An available option for schools to purchase a 10 passenger rated van is by using a reputable, licensed, second stage manufacturer.

The 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. The 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.

Bear in mind, federal and state laws pertaining to the passenger rating necessary for legal and safe transportation of students. The requirement for a reputable second stage manufacture is paramount in the event the vehicle is involved in a crash.

45. Is Safety Equipment (Fire Extinguisher, First Aid Kit, Triangles, Seatbelt Cutter & Body Fluid Clean Up Kit) required in a school passenger vehicle?

NO. This optional and up to the school and or contractor to decide if they wish to equip their school passenger vehicles with this equipment.

46. Can we pull a trailer with a school passenger vehicle while transporting students?

YES. However, pulling a trailer with any bus while transporting students is prohibited.

47. Our Insurance Company totaled out our suburban due to a collision involving a deer. Can we keep the suburban, repair the damage and continue to use the suburban to transport students?

YES. You will need to work with the insurance company let them know your intentions and ask for an owner retained salvage title. After making repairs you will need to apply and complete the steps for a rebuilt salvage title through your local county treasurer. The repaired vehicle must meet all applicable Federal Motor Vehicle Safety Standards (this includes airbags), Kansas law and pass the Kansas State Department of Education's Part I & II inspection process prior to transporting students. Contact the School Bus Safety Unit with any questions.

KSA 8-198

CDL (Commercial Driver's License)

48. Do I need to have a CDL to drive a School Bus?

DEPENDS. If the bus is rated for 14 passengers or less plus the driver and the gross vehicle weight rating (GVWR) of less than 26,001 pounds the answer is NO.

A class "A" or "B", CDL is required for school buses with a gross vehicle weight rating of 26,001 pounds or more and/or rated for passenger capacity of 16 or more, including the driver.

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49. What endorsements do I need on my CDL to operate a school bus?

You need both the P and S endorsement. You will also need the air brake restriction removed if the bus is equipped with air brakes.

50. I am a school administrator, am I exempt a CDL?

NO. Anyone who drives a school bus and or activity bus with a passenger rating of 16 or more including the driver and or a GVWR (Gross Vehicle Weight Rating) of 26,001 pounds or more, per federal and state law, is required CDL with a P & S endorsement. NO one is exempt this requirement regardless of their position or title within the district.

51. If I am a mechanic and only test drive the bus, do I need a CDL and a P & S endorsement?

NO you do not need the "P" and "S" endorsement if you never transport students.

A class "A" or "B", CDL is required for school buses with a gross vehicle weight rating of 26,001 pounds or more and/or rated for passenger capacity of 16 or more, including the driver
FMCSA 383.93 Guidance

52. If I already have a "P" endorsement, what will I need to obtain the S endorsement?

You will need to take the written and skills test for the S endorsement.

53. If I only drive an activity bus for a school do I need the S endorsement?

YES. You need the S endorsement due to the fact you are transporting students.

54. Can I use a coach style activity bus to take the CDL skills test for the S endorsement?

NO.

55. Can I drive a school bus with hydraulic brakes but equipped with an air assisted parking brake if my CDL is restricted to vehicles without air brakes?

YES.

FMCSA 383.95 Guidance

56. Can I legally drive out of state with a school bus if I select category #2 on my medical self-certification?

YES.

57. I am formerly a Nebraska resident and have a Nebraska CDL. I just moved to Kansas and became a Kansas resident and started driving a school bus in Kansas. How long do I have to get a Kansas CDL?

30 days for a CDL. 90 days on a regular driver's license.

Note: Nebraska is just being used as an example. This would apply to Missouri, Oklahoma etc.

KSA 8- 2,134, KSA 8-234a

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57. Are school bus drivers, who are CDL holders, eligible for a diversion if they receive a traffic citation while driving their personal passenger vehicle?

NO. CDL holders are not eligible for a diversion regardless of what type of vehicle they are driving when they receive the traffic citation.

KSA 8-2,150

58. Is there a waiting period for taking a CDL skills test after passing the written CDL test?

YES. 14 days. This applies to the CLP (Commercial Learners Permit) and any endorsement or restriction modification on a CDL.

49 CFR 383.25

59. Can I obtain a CDL and drive a school/activity bus if I have a past DUI conviction?

MAYBE. Kansas regulations state you cannot drive a school/activity bus if you have had a DUI conviction within the past 10 years. A school board may waive this disqualification with a unanimous vote of the full board. However, an individual is disqualified for life from obtaining a CDL after a second DUI conviction under Kansas law and this disqualification cannot be waived. An individual with a DUI arrest/conviction, may also need to complete a SAP (Substance Abuse Program) under Federal DOT regulations prior to driving a school/activity bus. Please contact the School Bus Safety Unit for more guidance.

KAR 91-38-6, 49 CRF Part 40

60. Is there a minimum age requirement to become a school bus driver?

YES. 18 years of age for any motor vehicle. The minimum age requirement for a CLP is 18. If an individual can pass CDL testing and meet all other legal criteria, he or she would be eligible to drive a school bus on a route at age 18. However, Kansas School Bus Regulations require the driver of an activity bus to be 21 years of age. CDL holders between the age of 18 and 21 years of age must be a Kansas resident and would not be allowed to drive out of the state of Kansas. You should check with your insurance carrier, which may also have age requirements.

KAR 91-38-6, 49 CFR 383.25, KSA 8-238

61. Can I drive a Kansas School Bus if I live in Oklahoma and have a valid Oklahoma CDL with a P and S endorsement and a current DOT physical?

YES. CDL holders are required by law to be licensed in the state in which they reside. As long as the driver maintains residency in Oklahoma, the driver is required to have an Oklahoma CDL and can legally drive a Kansas school bus.

Note: This would apply to any of the bordering states such as Colorado, Missouri and Nebraska also.

62. How many times can I fail the CDL written test?

After failing the written test four times, there is a waiting period of 6 months from the last failure date to retake the test.

KSA 8-240

63. What medications disqualify a CMV or Activity/ School Bus driver?

A driver cannot take a controlled substance or prescription medication without a prescription from a licensed practitioner. If a driver uses a drug identified in 21 CFR 1308.11 or any other substance such as amphetamine, a narcotic, or any other habit-forming drug, the driver is medically unqualified. There is an exception: the prescribing doctor can write that the driver is safe to be a commercial driver while taking the medication. In this case, the Medical Examiner may, but does not have to certify the driver. Any anti-seizure medication used for the prevention of seizures is disqualifying. Methadone use is disqualifying.

The Medical Examiner has 2 ways to determine if any medication a driver uses will adversely affect safe operation of a CMV: (1.) Review each medication - prescription, non-prescription and supplement. (2.) Request a letter from the prescribing doctor.
FMCSA website, 21 CFR 1308.11

64. Are there any school bus drivers grandfathered in or exempt from the "S" endorsement?

NO. The "P" endorsement has been required since the inception of the Commercial Driver's License in 1986. Kansas adopted the Federal Law in 1989. The "S" endorsement was adopted and written to the law in 2003. Before implementation of the commercial driver's license (CDL) Program in 1986, licensing requirements for driving larger vehicles and buses varied from state to state. The "P" endorsement has been required for driving buses since the inception of the CDL.

The "S" endorsement was not required along with the "P" endorsement until 2003. The "grandfather clause" which we occasionally hear about is referring to the "S" endorsement. Back in 2003, drivers who already had a "P" endorsement were allowed to go in to the DMV and get the "S" endorsement without testing. This non-testing period lasted approximately 1 year. After 2004 any driver with a "P" endorsement who did not take advantage of the non-testing opportunity must complete the written and the skills test to get their "S" endorsement.

The S endorsement is required for the operation of not only school buses in the state of Kansas but also all activity buses regardless of color, make or model.
KSA 8- 2,149

65. What is an emergency school bus driver required?

An emergency school bus driver shall have an appropriate CDL with a P & S endorsement. A CDL would not be required if the bus is rated for 14 passengers or less plus the driver and the gross vehicle weight rating (GVWR) of the bus is 26,000 pounds or less. The emergency CDL driver shall be enrolled in a company random controlled substance and alcohol testing program. Every emergency driver shall be medically qualified and certified with a valid DOT physical. An emergency school bus driver can only drive 5 days in a school year. The emergency school bus driver is only exempt the accident prevention course, first aid/cpr and safety meeting attendance.
KAR 91-38-6

FIRST AID, CPR & ACCIDENT PREVENTION COURSE (Defensive Driving)

66. What course providers are accepted for the First Aid /CPR requirement for school bus drivers?

Medic First Aid, American Safety & Health Institute (ASHI), American Red Cross, American Heart Association, and National Safety Council (NSC) First Aid. Remember that training requires ALL drivers to demonstrate and perform compressions, for a certified instructor, on a traditional responsive CPR manikin.

67. How often do drivers have to complete a First Aid /CPR course?

Drivers must maintain their certification, and all accepted providers require certification every 2 years.
KAR 91-38-6

68. Can a bus driver take an online course for First Aid/CPR requirement?

NO, not in its entirety. The First Aid portion can be done online, provided it is all the same curriculum from one of our accepted providers. You cannot mix and match curriculum or providers. The curriculum shall be done in accordance with the curriculum's parameters. If the instructor is not present while the online portion of the training is being administered there shall be individual documentation for each student completing the online portion (this is to prevent the student from taking the training at home, pressing the play button, and going outside to mow the lawn). Be aware if the instructor is not present for the online portion of the training there is an additional cost for the documentation and will most likely double or even triple the cost of the training. As a final thought remember these individuals are transporting students and we want them adequately and professionally trained in the event a student has a medical emergency.

The compressions MUST be demonstrated in the presence of a certified instructor on a traditional responsive CPR manikin. There are no exceptions to this!

69. What course providers are accepted for the Accident Prevention Course requirement?

American Auto Association (AAA), National Safety Council (NSC), Smith System, AARP Driver Safety Program, 3-D Hartford, Coaching Systems.

70. Can the mandated Accident Prevention Course (Defensive Driving) be completed online?

NO. Online Courses are not accepted for this legally mandated requirement. A certified instructor must be in the classroom while the training is being administered and the class must meet the minimum 4-hour requirement. The class CANNOT be administered remotely, virtually, via zoom, etc.

71. How often do drivers have to complete an accident prevention course?

Every 3 years.
KAR 91-38-6

72. I was primarily hired as a coach, however I also drive an activity/school bus and transport students on routes and or athletic events. Do I need First Aid CPR, Accident Prevention Course and attend Safety Meetings?

YES. There are no exceptions for anybody who drives a school bus.

73. I was primarily hired as a coach/teacher, I only drive a school passenger vehicle and transport students to sport activities. Do I need First Aid/CPR an Accident Prevention Course and attend Safety Meetings?

NO legal requirement. Only individuals primarily hired to provide transportation are required. This does not prevent a school district from establishing their own policies requiring it however.

CDL, DRUG / ALCOHOL TESTING, MEDICAL SELF-CERTIFICATION & DOT PHYSICAL

74. What Medical Self-Certification Category should I choose?

If you are employed by a school district and only drive a bus for the school district you should choose category #2 on your medical self-certification. This category allows you to drive interstate (out of state) and does not require your physical be sent into the Kansas Department of Revenue. The DOT physical is still required under Kansas Department of Education Regulations governing school buses and school bus drivers and a medical examiners certificate must be kept on file with the district/employer.

KAR 91-38-6

75. Do I need to carry a copy of medical examiners certificate on my person when driving a school bus?

NO. However, the school is required to have a copy of your medical examiners certificate in their files.

76. Do I need to show the CDL examiner my DOT Physical Card when applying for or renewing my CDL?

NO, provided you are a category 2 or 4 driver on your medical self-certification category. Other categories - maybe.

77. Do I need to send a copy of my DOT Physical into the state's driver control?

NO, provided you are a category 2 or 4 on your medical self-certification category.

If you are a category #1 or #3 driver, YES.

78. I drive a 14-passenger rated school bus, which does not require a CDL, do I still need a DOT physical?

YES.

KAR 91-38-6

79. Do I need a DOT physical if I am a category #2 driver on my medical self-certification?

YES. Anyone who drives an activity bus or school bus needs a DOT physical regardless of the individual's medical self-certification category.

Note: The physical requirement comes from Kansas school bus regulations and not FMCSA (Federal Motor Carrier Safety Administration) regulations.

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80. I only transport students in school passenger vehicle, do I need a DOT physical?

YES. If you were primarily hired to provide transportation.
KAR 91-38-6

81 I am insulin dependent can I obtain a DOT physical?

Maybe. Insulin dependency is a disqualifier for the physical. So once the driver starts taking Insulin their current physical becomes null and void. There are two option which may or may not allow the driver to obtain a DOT physical and drive a bus.

1. FMCSA has a process by which the doctor who is prescribing insulin can fill out a form if the driver meets certain conditions. This form then goes to the medical examiner who makes the final decision on whether or not the driver can drive for 12 months.
<https://www.fmcsa.dot.gov/regulations/medical/insulin-treated-diabetes-mellitus-assessment-form-mcsa-5870> KSDE will accept this form and process. Bear in mind, even if the doctor treating the diabetes and prescribing the insulin fills out the form, the medical examiner who does the physical, may not agree and approve it. This form is valid for one year.
2. If you are using KSDE forms for the physical the driver would be able to apply for a waiver under our process. Here is link to our forms and process
<https://www.ksde.org/Portals/0/School%20Bus/Physical/Waiver%202020.pdf?ver=2020-01-09-122258-637>

82. I occasionally drive an activity/school bus for the school, I was hired as a teacher and coach. Do I need a DOT Physical?

YES. Anyone who drives an activity/school bus must have a DOT Physical regardless of what the individual was primarily hired for. There are not any exceptions for anybody who drives a school bus.

83. Do all school district personnel who drive school vehicles need to be in the school's alcohol and drug testing pool?

No. Only those employees who have CDL's and drive vehicles which require CDL's. Non CDL holders/drivers if tested under school policy would have to be in a separate alcohol and drug testing pool. See our website for more information on Drug & Alcohol Information testing
FMCSA requirement

84. Does a bus mechanic employed by the school have to be in the drug and alcohol testing pool?

Yes, if the mechanic has a CDL and test drives the buses on any public road, street or highway. See our website for more information on Drug & Alcohol Information testing
FMCSA requirement

85. Do I need a DOT physical even though I don't have a CDL?

Yes. Anyone driving an activity bus or a school bus is required a DOT physical. A bus is a bus and a you are required a physical when driving Non CDL bus. You are also required a DOT physical if you were primarily hired to provide transportation in a school passenger vehicle
KAR 91-38-1, KAR 91-38-6

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86. Where can I obtain Human Trafficking Training for my CDL requirement?

This training along with a certificate for CDL holders can be obtained from the Truckers Against Trafficking website <https://education.truckersagainstrafficking.org/>

87. The school has an old bus NO longer used to transport students repurposed for our Food Service. Can we remove the seats and would a CDL be required to drive the bus?

If the bus is no longer used for student transportation the seats may be removed and the bus repurposed. If ALL seats are removed with the exception of the drivers seat and the GVWR is 26,000 pounds or less a CDL would not be required.

FMCSA Guidance

TEACHERS & COACHES

88. I was primarily hired as a coach/teacher, however I also drive a school passenger vehicle and transport students to sport activities. Do I need First Aid/CPR an Accident Prevention Course and attend Safety Meetings?

No. Provided you only drive school passenger vehicles. If you get behind the wheel of any bus the answer is Yes.

89. I was primarily hired as a coach, however I also drive a school bus and transport students to athletic events and activities. Do I need First Aid CPR, Accident Prevention Course and attend Safety Meetings?

Yes. There are not any exceptions for anybody who drives a school bus.

90. I was primarily hired as a coach/teacher, however I also drive a school passenger vehicle and transport students to sport activities. Do I need a DOT physical?

No legal requirement. Only individuals primarily hired to provide transportation are required. This does not prevent a school district from establishing their own policies requiring it however.

91. Are teachers, coaches and other school personnel required to do a pre-trip inspection of a school passenger vehicle prior to operating it?

YES. If transporting students, the teacher, coach or other school employee is required to inspect the vehicle before each trip and each return trip.

SCHOOL BUS AND SCHOOL BUS OPERATIONS

92. Does the school district need registration tags/license plates on a school bus?

NO. However if the bus is an activity style bus the answer would be yes.

KSA 8-128

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93. Will the school district need to put registration tags/license plates on their school buses for cashless tolling on the Kansas Turnpike?

NO. School buses are exempt registration tags/license plates on their school buses. However, the school does need to obtain a KTAG for any bus or other school vehicle traveling on the Kansas Turnpike. The KTAG themselves are free. For more information visit the Kansas Turnpike Website <https://www.ksturnpike.com/cashless-tolling>

94. Do I need to go through the RFP bid process if I am leasing a bus?

If it is a lease/purchase agreement, then yes. Kansas Law requires any purchase over \$20,000 use an RFP (Request for Proposal) bid process. A Lease with an option to buy is considered a purchase. If your lease is a straight lease with no option to buy, no bids are needed. Please note there are very few straight leases which do not have the option to buy at the end.

KSA 72-1151

95. Can the school or school bus owner take out and remove seats from a school bus used to transport students?

NO. All modifications are prohibited unless done and approved by the manufacturer. Also seat modifications in particular can affect the compartmentalization features of the school bus.

KAR 91-38-4

96. Can the school or school bus owner install mounted hand sanitizers or protective barriers such as curtains or plexiglass shields on the bus?

No. These are considered a modification to the bus and are illegal under Kansas law.

KAR 91-38-4

97. Can a school district use dyed diesel or ruby red diesel in a school bus?

YES. Provided the school bus does not have a license plate on it.

More fuel tax information is available on our website.

98. Can an oxygen cylinder be transported in a school bus?

Yes. Provided:

- Cylinder doesn't exceed 220 lbs (should be no larger than 38 cubic feet per National Standards)
- Cylinder is properly secured
- Cylinder is marked with the UN ID number
- Cylinder is labeled with the oxygen placard

Note: Securement devices are available for use with track seating
Materials of Trade (MOT) §177.870, § 173.6, National Standards

99. Can an activity bus be used to pick up a special needs child at their home?

Only a yellow school bus can be used to transport students home to school and school to home.

100. Can a school district lease its school buses to a contractor?

NO. Kansas law prohibits a school district from becoming a lessor of school buses.

KSA 72-1149

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- 101. Can I use a school bus which is not painted school bus yellow to transport students from home to school or school to home**
NO. Only school buses painted school bus yellow can be used to transport students from home to school or school to home.

Note: Color does not apply to school passenger vehicles such as a suburban or a van rated for no more than 10 plus the driver.
KAR 91-38-4
- 102. Can we decorate our school bus, activity bus or school passenger vehicles?**
NO. School vehicle windows cannot be painted, written on, or covered in any way. The school bus markings and equipment cannot be covered or altered in any way. Nothing can interfere with the safe operation of the school vehicle, inside or out. No Christmas or other holiday lighting. No vanity/custom tags on a school bus. Yes, we understand parents, students and staff wanting to show school spirit. Yes, we understand numerous individuals disobey the law and do this. Bear in mind, in addition to being a violation of Kansas law, these school vehicles are transporting students, and these vehicles are held to a high standard for compliance with state law.
KSA 8-1741, KAR 91-38-4, National Standards
- 103. How is the 25-year age requirement for school buses determined?**
The 25-year requirement is based on the date of manufacture of the bus body, which can be found on the manufacturer's identification sticker/plate along with the VIN (Vehicle Identification Number). The model year of the bus is NOT used to determine the 25-year age requirement. For example: If you have 2000 model year bus with a chassis date of November 1998 and a body date of March 1999, the last day the district could use the bus on a route would be March 31, 2024
8-2009a
- 104. Can our bus that exceeds the 25-year age limit be used as an activity bus?**
YES. The 25-year age limit only applies to route buses. If you elect to keep an old yellow route bus and use it for an activity bus, you will need to remove the stop arm and change the eight-way light lenses to all amber lenses in the front and all red lenses to the rear. You will also need to remove the "School Bus" lettering from the front and back bulkhead.
KSA 8-2009a, KSA 72-6486
- 105. The school district is selling a bus. Do we need to repaint the bus and remove the stop arm?**
NO. We recommend removing your School District Decals by utilizing a heat gun and peeling off the decals, but it is the buyer's responsibility to make the necessary modifications to the bus.
KSA 72-6496
- 106. Can we use a seatbelt extender for a school bus driver?**
YES. The extender is normally manufacturer specific. When using the extender, the male and female buckle parts must match the seat belt buckles you plan on using the extender on.

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- 107. We have a driver who cannot reach the pedals on the school bus. Are pedal extenders allowed on the school bus?**
YES, provided they are a commercially and specifically made for the purpose of extending the distance of the pedals. Must be properly installed per the manufacturer's recommendations and instructions. No blocks of wood or homemade extenders allowed.
- 108. Where can I find COVID-19 information for Kansas school transportation?**
The KSDE School Bus Safety Unit has a webpage dedicated COVID-19 school transportation information. <https://www.ksde.org/Agency/Fiscal-and-Administrative-Services/School-Finance/School-Bus-Safety/School-Bus-COVID-19>
- 109. Our Insurance Company totaled out our bus due to hail damage. Can we keep the bus, repair the damage and continue to operate the bus?**
YES. You will need to work with the insurance company let them know your intentions and ask for an owner retained salvage title. After making repairs you will need to apply and complete the steps for a rebuilt salvage title through your local county treasurer. The repaired vehicle must meet all applicable Federal Motor Vehicle Safety Standards, National School Bus Standards, Kansas law and pass the school bus inspection process prior to transporting students. Contact the School Bus Safety Unit with any questions.
KSA 8-198
- 110. Our District would like to sell one of our vehicles. What is the process?**
School buildings and other school properties no longer needed by the school district may be disposed of by the board upon the affirmative recorded vote of not less than a majority of the members of the board at a regular meeting. The board may dispose of the property in such manner and upon such terms and conditions as the board deems to be in the best interest of the school district. Purple Wave and on-line auction using the state contract is recommended.
https://supplier.sok.ks.gov/psp/sokfsprdsup/SUPPLIER/ERP/c/KS_SUPPLIER_MENU.KS_PROCR_CNTRCT.GBL
KSA 72-3216
- 111. Can we purchase a vehicle off an online auction service?**
Maybe. If the purchase is over \$20,000, an RFP process becomes problematic.
KSA 72-1151
- 112. Our District is renting a vehicle for a couple of weeks while one is being repaired. Does the vehicle need to be inspected?**
Maybe. With input from the Kansas Highway Patrol, the School Bus Safety Unit has adopted the policy if the vehicle is being rented or leased for LESS than 30 days the Part I and Part II inspection is not required. If more than 30 days, the Part I and Part II inspection would be required.

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113. Can our district transport guns/weapons in a school vehicle for students participating in school sponsored clay target shooting competitions?

YES. Provided the following conditions are met:

- Superintendent writes a letter specifically authorizing the weapons per the statute requirement
- The unloaded weapons and ammunition are NOT transported in the passenger compartment of the vehicle (outside luggage compartment on bus is acceptable)
- If the vehicle is not equipped with a separate compartment, transport weapons and ammunition should be transported in a separate vehicle

KSA 72-6132

SEAT BELTS AND CHILD RESTRAINTS

114. If seat belts are installed on the bus do they have to be used?

Use of seat belts on a school bus are not required by Kansas law.

115. When are school buses required to be manufactured with seat belts?

School buses are required to be manufactured with seat belts when the GVWR (Gross Vehicle Weight Rating) is under 10,000 lbs. Buses manufactured BEFORE October 21, 2011 are required to have Type 1 (lap belts) and buses manufactured AFTER October 21, 2011 are required to have Type 2 (lap/shoulder belts).

49 C.F.R., Part 571

116. Why don't we have seat belts on school buses?

Compartmentalization. The seats on the school bus are placed a certain distance apart from each other and have high backs that are very padded. As a result, in an accident the student would be propelled forward a very short distance into a padded seatback that in a way is like an early version of an airbag. In addition, occupants of a bus have a higher ride height so most impacts would occur lower and be absorbed by the frame below. For compartmentalization to work, a student has to be old enough to sit up straight in the seat with his/her legs facing forward on their own.

117. Do small children need to be transported in a child safety seat on the school bus?

It depends if the child can utilize the compartmentalization features of the seat. A child has to be old enough to sit up straight in the seat with his/her legs facing forward on their own for compartmentalization to work. HeadStart regulations require the use of child safety restraints.

NHTSA has a program titled, "Child Passenger Safety Seats on the School Bus" that can be presented to your school transportation personnel by a certified Child Passenger Safety Technician, to provide your drivers and attendants with better information when transporting students/children child safety restraint systems. It should also be noted that there are now seats readily available that are designed specifically for school buses, but only for forward-facing configuration.

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119. Can I Transport an Infant on a school bus?

YES, but only if the bus is manufactured with seatbelts or a LATCH system. You must be able to properly secure a rear-facing Child Safety seat. The child seat must not come in contact with the seat in front of the installation location. Transportation of infants is subject to school district policy.

120. We purchased a school bus with seat belts. Can they be removed completely from the bus?

YES, provided the gross vehicle weight rating is more than 10,000 lbs.

121. When transporting students in a school passenger vehicle, do the students need child seats or are seat belts sufficient?

School Passenger Vehicles are required to have seatbelts and or child restraints for every student being transported in a vehicle rated for no more than 10 passengers plus the driver, with the following requirements:

- (1) For a child under the age of four years an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213;
- (2) for a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or
- (3) for a child eight years of age but under the age of 14 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.

K.S.A. 8-1344

PRIVATE SCHOOLS

122. Are Private School Vehicles and Drivers required to comply with KSDE School Bus Regulations?

YES. Private Schools which transport K-12 are required to comply with all KSDE School Bus Regulations and state law regarding school transportation which includes having vehicles pass the annual KSDE inspection process

KAR 91-38-1

123. Are Private School Buses subject to FMCSA (Federal Motor Carrier Safety Administration) Regulations?

Depends. School Bus Operations defined as home to school or school to home are exempt most FMCSA regulations with a few exceptions. However, Activity Trips are NOT considered a school bus operation and therefore are NOT exempt FMCSA regulations.

49 CFR 390.3

124. Are Private Schools exempt Federal CDL Drug and Alcohol Testing?

NO. Public and Private schools are NOT exempt Federal CDL Drug and Alcohol Testing if driving a vehicle requiring a CDL.

49 CFR Part 40

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ELDT (ENTRY LEVEL DRIVER TRAINING)

125. Can a school district provide ELDT?

YES. in most cases if the school district trained new drivers in the past you can continue to do so and comply with ELDT if:

1. The district has a trainer (someone who has had a valid CDL with a P & S endorsement for at least 2 years)
2. The district sets up an account in the TPR (Training Provider Registry)
3. The district trainer administers the Theory portion of ELDT
4. The district trainer documents the Behind the Wheel training

126. Are school bus drivers required ELDT?

Yes. Any driver who is applying for a Class B CDL, or any driver adding the passenger (P), and or school bus (S) endorsement to their license for the FIRST TIME and HAS NEVER HAD A CDL OR A P AND OR S ENDORSEMENT ON THEIR CURRENT CDL.

127. What is ELDT?

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. Effective February 7, 2022

128. What are the two parts of ELDT?

ELDT contains two parts:

1. Theory training
2. BTW (Behind The Wheel) training
 - Range
 - Public Road

129. Does a driver need to take both Theory and BTW?

YES. If a driver is required ELDT they will need to do both Theory and BTW.

130. Do we have to do both BTW Range and Public Road?

Yes. Public Road is the training which is done on a public street, road or highway. Range is the training you conduct in your parking lot.

131. Does Theory training require a test?

Yes and the driver must score a minimum of an 80%.

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132. What happens if the driver does not pass the written Theory test?

There is no limit on the number of attempts the driver can take to successfully pass the test.

133. Does ELDT Theory test replace the CDL written test?

NO. A new driver who is applying for a new CDL or only adding the P and or S endorsement to an existing CDL will still need to take the applicable written CDL test and obtain a CLP (Commercial Learners Permit) prior to doing BTW training on a public road.

134. How will the school conduct/obtain Theory training?

A number of vendors have an on-line version of Theory training. Free PowerPoints. Contact the KSDE School Bus Safety Unit for more information.

*** KSDE does not endorse any Theory Training ***

135. Where do we get the Theory test?

The Theory trainings will include the test.

136. Can the driver do the ELDT Theory at home?

NO. ELDT theory needs to be administered by a trainer in a classroom type setting.

137. Is there a mandatory sequence that the specific theory and behind-the-wheel (BTW) training must be taken in?

There is no mandatory order in which the theory, behind-the-wheel (BTW)-range, and BTW-public road training must be administered, nor does the rule require that theory training must be completed before obtaining a commercial learner's permit (CLP). ELDT must be completed and entered into the TPR prior to the driver taking the CDL skills/driving test

138. How do I certify to become an ELDT trainer?

There is not a formal process to certify as an ELDT trainer. Anyone who has a valid CDL with P & S endorsement for at least 2 years can train a new driver. When a new driver is entered into the TPR (Training Provider Registry) the training provider/school district is self-certifying that the trainer and training was done in compliance with the federal rule. The TPR does not ask for the trainers name.

139. How does the district document the BTW training?

You will find complimentary BTW documentation forms on the KSDE School Bus Safety website <https://www.ksde.org/Agency/Fiscal-and-Administrative-Services/School-Finance/School-Bus-Safety/Entry-Level-Driver-Training>

140. What kind of bus should be used for BTW training?

BTW training should be done in a yellow school bus with a minimum GVWR (Gross Vehicle Weight Rating) of 26,001 pounds or more.

141. Can theory and behind-the-wheel (BTW) training be provided by separate training providers?

YES. Theory (knowledge) and behind-the-wheel (BTW) training may be delivered by separate training providers. Both training providers must be listed in the Training Provider Registry (TPR), and both would be responsible for entering the training they provided.

Please note: If the training is completed for a new driver, by separate providers, the provider will only see the training which they entered. They will not see training provided by another provider. KDOR (Kansas Department of Revenue) CDL examiners will be able to see both when the driver schedules and comes in to take the CDL skills/driving test.

143. Does BTW require a written test?

No. However the driver must pass the CDL skills test administered by a CDL Examiner.

143. What is the TPR (Training Provider Registry)

The TPR is a FMCSA (Federal Motor Carrier Safety Administration) online database where a new CDL driver's (who is subject to ELDT) employer or organization who supplied the ELDT training, enters the Theory test score, and BTW range and public road training completion.

144. Does the District need to set up a TPR?

YES, if the district trains any new drivers.

145. How do we set up a TPR for the district?

Step by step instructions are on the KSDE School Bus Safety website <https://www.ksde.org/Agency/Fiscal-and-Administrative-Services/School-Finance/School-Bus-Safety/Entry-Level-Driver-Training> we recommended more than one individual have access to the district's TPR.

146. What do we do with the Theory Test and BTW documentation?

Documentation will need to be kept in a district file for at least 3 years.

147. Does the driver need to take any ELDT documentation to the CDL examiner?

NO. The CDL examiner will access the TRP to verify the driver has completed the ELDT requirements.

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148. What is involved with entering someone into the TPR who has never had a CDL?

When entering individuals into the TPR for someone who has never had a CDL you end up entering the ELDT information 9 times for the new driver.

1. Class B CDL Theory
2. Passenger Endorsement Theory
3. School Bus Endorsement Theory
4. Class B Behind the Wheel Range
5. Passenger Endorsement Range
6. School Bus Endorsement Range
7. Class B Behind the Wheel Public Road
8. Passenger Endorsement Public Road
9. School Bus Endorsement Public Road

149. What is involved with entering someone into the TPR who has a CDL but not the P and S endorsement?

When entering individuals into the TPR for someone who has a CDL but not the P and S endorsement you end up entering the ELDT information 6 times for the new driver.

1. Passenger Endorsement Theory
2. School Bus Endorsement Theory
3. Passenger Endorsement Range
4. School Bus Endorsement Range
5. Passenger Endorsement Public Road
6. School Bus Endorsement Public Road

150. What is involved with entering someone into the TPR who has a CDL with the P endorsement but not the S endorsement?

When entering individuals into the TPR for someone who has a CDL with the P endorsement but not the S endorsement you enter the ELDT information 3 times for the new driver?

1. School Bus Endorsement Theory
2. School Bus Endorsement Range
3. School Bus Endorsement Public Road

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