

**RULES
OF
THE STATE BOARD OF EDUCATION**

**CHAPTER 0520-01-05
PUPIL TRANSPORTATION**

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0520-01-05-.01 OPERATION OF SCHOOL BUSES.

- (1) Records and Reports - The superintendent of schools shall keep records of transportation costs and the number of pupils transported on a monthly basis, and make such reports as required by the Commissioner of Education.
- (2) The State Department of Education shall report annually on school bus accidents to the State Board of Education and to the State Department of Safety, Pupil Transportation Division.
 - (a) School bus accidents shall be reported to the Department of Education, in the following manner:
 - 1. Pupil injury and/or fatality accidents: By telephone within twenty-four (24) hours of the accident; by written report within ten (10) days on the department provided School Bus Accident Report Form.
 - 2. Property damage accidents: At the end of the school year on the Annual Pupil Transportation Report.
 - (b) School bus accidents shall also be reported to the Department of Safety pursuant to rule 1340-03-03-.03(1)(h).
- (3) Liability Insurance (T.C.A. § 49-6-2111).
 - (a) Minimum liability and property damage coverage shall be not less than the amount specified in the table below:

Kind of equipment passenger equipment (seating capacity)	Limit for bodily injuries to, or death of, one person	Limit of bodily injuries to, or death of, all persons injured or killed in any one accident (subject to maximum of \$100,000 for bodily injuries to, or death of, one person)	Limit for loss or damage in any one accident to property of others (including occupants)
All Capacities	\$100,000	\$300,000	\$50,000

In the event that the local board of education (or the governmental entity with liability under the Governmental Tort Liability Act of 1973, as amended, T.C.A. § 29-20-101 et. seq.) is unable to purchase insurance to cover its obligations hereunder except through an assigned risk pool, then the limits of liability in the three preceding categories shall be \$20,000/\$40,000/\$10,000. If insurance is not purchased through an assigned risk pool or if the board of education or governmental entity elects to self insure, then the greater limits above apply.

(Rule 0520-01-05-.01, continued)

- (4) Allocation of Funds - The allocation of minimum program funds for pupil transportation shall be based on a formula for the distribution of available funds.
- (5) Pre-titled school buses shall meet additional requirements pursuant to T.C.A. § 49-6-2109(b)(1)(G) and (H).
- (6) Approved buses are identified as:
 - (a) Type C conventional buses with seventeen (17) years or less of service. After twelve (12) years of service, year to year approval is required from the Commissioner of Safety.
 - (b) Type D transit buses with seventeen (17) or less years of service.
 - (c) Type C or D transit buses with two hundred thousand (200,000) miles or less of recorded travel and a maximum of seventeen (17) years in service.
 - (d) Type A buses with single rear wheels and ten (10) years or less of service.
 - (e) Type A buses with dual rear wheels and twelve (12) years or less of service.
 - (f) Type B buses with fifteen (15) year or less years of service.
- (7) School bus drivers shall meet the following requirements:
 - (a) School bus drivers shall have an appropriate commercial driver license issued by the State Department of Safety and shall meet all other rules and regulations of the State Department of Safety as set forth in Chapter 1340-3-3.
 - (b) All school bus drivers shall be required to pass annually a physical and mental examination for commercial drivers as prescribed by the United States Department of Transportation.
 - (c) No person shall be issued a certificate by a local board of education until an investigation has been made to determine whether or not such person has been found guilty of any criminal offense and such criminal records, if any, made a part of his or her permanent file.
- (8) Local school systems shall adopt policies providing for the safe operation of school buses.
- (9) For Cross References to Pupil Transportation Laws see T.C.A. §§ 49-3-1006, 49-6--2101 et seq., 49-6-3104, 55-7-106, and 55-8-151.
- (10) A school bus shall not transport more students than the manufacturer's rated capacity. In order to allow for periods of adjustment, the Commissioner of Education may issue temporary permits of no more than thirty (30) school days in accordance with T.C.A § 49-6-2110. When applying for a permit, the local board of education shall submit a plan stating how it will achieve compliance with the manufacturer's rated capacity. The Department of Education and the Department of Safety will work collaboratively to ensure that buses are brought into compliance.

Authority: T.C.A. §§49-1-302; 49-6-2101 et seq., 46-6-2108, 49-6-2109, 55-7-106 and 55-8-151.
Administrative History: Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 15, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed October 15, 1979; effective January 8, 1980. Amendment filed November 3, 1981; effective March 16,

(Rule 0520-01-05-.01, continued)

1982. Amendment filed June 4, 1982; effective July 19, 1982. Amendment filed January 10, 1984; effective April 15, 1984. Amendment filed June 27, 1984; effective July 27, 1984. Amendment filed May 28, 1986; effective June 27, 1986. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed April 27, 1998; effective August 28, 1998. Amendment filed November 18, 1999; effective March 30, 1999. Amendment filed December 19, 2002; effective April 30, 2003. Amendment filed May 19, 2005; effective September 28, 2005. Repeal and new rule filed August 13, 2010; effective January 29, 2011.

0520-01-05-.02 MINIMUM STANDARDS FOR SCHOOL BUSES.

- (1) All school buses purchased by a county, local school system, or private contractor shall meet the *Tennessee Minimum School Bus Standards* approved by the State Board of Education and all applicable federal motor vehicle safety standards.
- (2) Vehicles constructed for transporting children with disabilities shall comply generally with the Tennessee Minimum School Bus Standards approved by the State Board of Education but, because of special equipment, appropriate modifications shall be made for children with disabilities.

Authority: T.C.A. §§49-1-30; 49-6-2102 and 49-6-2115. **Administrative History:** Original rule certified June 10, 1974. Amendment filed July 15, 1976; effective August 16, 1976. Amendment filed February 28, 1978; effective March 30, 1978. Amendment filed January 9, 1979; effective February 23, 1979. Amendment filed April 14, 1980; effective May 28, 1980. Amendment filed November 13, 1981; effective March 16, 1982. Amendment filed September 28, 1982; effective December 15, 1982. Amendment filed April 15, 1983; effective May 16, 1983. Amendment filed May 28, 1986; effective June 27, 1986. Amendment filed January 15, 1987; effective April 29, 1987. Repeal and new rule filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Amendment to rule filed August 13, 2010; effective January 29, 2011.

0520-01-05-.03 COMMERCIAL ADVERTISING ON SCHOOL BUSES.

- (1) Commercial advertising may be displayed on school buses as follows:
 - (a) The local board of education shall adopt a policy to regulate commercial advertising on school buses. Such policy shall address the following minimum standards:
 1. Cost of the commercial advertising.
 2. Designation of the individual(s) with the authority to sell and approve commercial advertising.
 3. Definition of appropriate commercial advertising.
 4. Specification of how the advertising will be attached, if not painted on the school bus.
 5. Issues relating to contracts with independent contractors.
 - (i) All contracts for commercial advertising must comply with board policy.
 - (ii) Contracts with independent bus owners must indicate how the revenue from the commercial advertising will be allocated.
 - (b) Commercial advertising shall be permitted only on the rear quarter panels of the school bus; no more than two (2) advertisements per rear quarter panel shall be permitted.

(Rule 0520-01-05-.03, continued)

- (c) The size of commercial advertising per quarter panel shall not exceed sixteen (16") inches in height and sixty (60") inches in length, including any border or framing.
- (d) The commercial advertising shall consist of lettering on a background color.
- (e) No commercial advertising of tobacco or alcohol products shall be permitted. Political campaign advertising shall be expressly prohibited.
- (f) Commercial advertising shall not cover any structural or sheet metal damage or alteration.
- (g) No commercial advertising of food items that pursuant to T.C.A. § 49-6-2307 cannot be sold or offered for sale to pupils in grade pre-kindergarten through eight (pre-K-8) through vending machines.

Authority: T.C.A. §§49-1-302 and 49-6-2102. **Administrative History:** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992. Amendment filed May 28, 1999; effective September 28, 1999. Amendment filed August 13, 2010; effective January 29, 2011.

0520-01-05-.04 THROUGH 0520-01-05-.10 REPEALED.

Authority: T.C.A. §§49-1-302 and 49-6-2102. **Administrative History:** (For history prior to June, 1992, see pages iii-ix). Repeal filed March 16, 1992; effective June 29, 1992.