

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 08-12-10
Rule ID(s): 4813
File Date: 08/13/2010
Effective Date: 01/29/2011

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission:	State Board of Education
Division:	
Contact Person:	Rich Haglund
Address:	9 th Floor, 710 James Robertson Pkwy, Nashville, TN
Zip:	37243
Phone:	615-253-5707
Email:	Rich.haglund@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0520-01-05	Pupil Transportation
Rule Number	Rule Title
0520-01-05-.01	Operation of School Buses
0520-01-05-.02	Minimum Standards for School Buses
0520-01-05-.03	Commercial Advertising on School Buses

Chapter Number	Chapter Title
Rule Number	Rule Title

Rule 0520-01-05-.01 Operation of School Buses is amended by deleting the present language in its entirety and replacing it with the following:

- (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.

- (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 and 55-8-151.

Subparagraph (a) of paragraph (1) of Rule 0520-01-05-.02 Minimum Standards for School Buses is amended by deleting the present language in its entirety.

Authority: T.C.A. §§ 49-1-302, 49-6-2102 and 49-6-2115.

Rule 0520-01-05-.03 Repealed is amended by inserting the following:

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.
- (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. § 49-6-2109.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Jim Ayers	X				
Flavius Barker				X	
Vernita Justice	X				
Carolyn Pearre	X				
Richard Ray	X				
Jean Anne Rogers	X				
Fielding Rolston	X				
Theresa Sloyan	X				
Melvin Wright	X				
Katie McMillan	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the State Board of Education on 4/16/10, and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 4-29-10

Signature: Gary L. Nixon

Name of Officer: Gary L. Nixon

Title of Officer: Executive Director



Subscribed and sworn to before me on: 6/30/10

Notary Public Signature: Phyllis E. Childress

My commission expires on: _____

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
 Attorney General and Reporter
8-4-10
 Date

Department of State Use Only

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 2010 AUG 13 AM 10:08
 SECRETARY OF STATE
 PUBLICATIONS

Filed with the Department of State on: 8/13/10

Effective on: 1/29/11

Tre Hargett by Ryan Hart, POA
 Tre Hargett
 Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)



Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rule will not have a projected financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed rule incorporates bus regulation changes based on the passage of Public Chapters 436 and 38 of the 106th General Assembly.

In compliance with Public Chapter 436, the proposed rule authorizes the Commissioner of Safety to approve additional years of service of up to 17 years and up to 200,000 miles for conventional buses.

In compliance with Public Chapter 38, the proposed rule restricts the type of commercial advertising allowed, in compliance with existing regulations for the sale of vending food items in grades pre-kindergarten through grade eight.

The proposed rule also clarifies language related to the reporting of school bus accidents to align with rules already promulgated by the Department of Safety.

The proposed rule deletes outdated language related to Type C and D transit buses and deletes language on the operation of van types, no longer allowable due to federal guidelines.

All rule changes were made in consultation with the Department of Education, Department of Safety, and Tennessee Association of Pupil Transportation.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. §§ 49-6-2109.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Local education agencies.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Art Fuller
State Board of Education
9th Floor, 710 James Robertson Pkwy
Nashville TN 37243
(615) 741-2966

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Art Fuller

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Art Fuller
State Board of Education
9th Floor, 710 James Robertson Pkwy
Nashville TN 37243
(615) 741-2966

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

RULES OF THE STATE BOARD OF EDUCATION

CHAPTER 0520-1-5 PUPIL TRANSPORTATION

TABLE OF CONTENTS

0520-1-5-.01 Operation of School Buses 0520-1-5-.04
0520-1-5-.02 Minimum Standards for School Buses through
0520-1-5-.03 Repealed 0520-1-4-.10 Repealed

0520-1-5-.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).

Minimum liability and property damage coverage shall be not less than the amount specified in the table below:

Table with 4 columns: 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). Row: 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

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Deleted: (a).

(Rule 0520-1-5-.01, continued)

pool or if the board of education or governmental entity elects to self insure, then the greater limits above apply.

(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 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) 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.

(9)

(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

Deleted: (b) 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 24 hours of the accident; by written report within 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.¶

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Deleted: C conventional buses remanufactured not later than the 10th nor earlier than the 7th year

Deleted: (g) Type D transit buses remanufactured not later than the 15th nor earlier than the 12th year with 20 or less years of service.¶

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Deleted: (8) 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.¶
- ¶

... [1]

Deleted: The State Department of Education shall report annually on school bus accidents to the State Board of Education and to the § ... [2]

(Rule 0520-1-5-.01, continued)

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.

0520-1-5-.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. §§49-1-302; 49-6-2102 and 49-6-2115

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.
- (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.

Deleted: (a) Van type equipment may be used to transport not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. Such van type equipment may be owned and operated by the local education agency or may be operated by or for the local education agency under a rental or for hire arrangement entered into by the agency with respect to the specific activity in connection with which such transportation is to be furnished.¶

¶
1. Any van type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons that is owned or rented by the school system and used to transport students must be in apparent safe operating condition (as referenced in (a)3(i) of this rule), insured to comport to the minimum requirements of T.C.A. §29-20-101 et seq., and driven by a properly licensed employee of the school system.¶

¶
2. Any van type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons operated for the local education agency under a for hire arrangement (both van and driver are arranged) to transport students must be in apparent safe operating condition (as referenced in (a)3(i) of this rule), insured to comport to the minimum requirements of T.C.A. §29-20-101 et seq., and driven by a properly licensed driver.¶

¶
3. Van type equipment designed to transport not fewer than eleven (11) nor more than sixteen (16) persons can be used to transport up to fifteen (15) students. When transporting students, all drivers of such van type vehicles shall possess an appropriate school bus endorsed commercial driver's license issued by the Tennessee Department of Safety. Such van type equipment must be inspected by the Tennessee Department of Safety prior to its use. The inspections will be made at sites determined and scheduled by the Department of Safety. Local education agencies shall furnish evidence of insurance to the inspector of the van type vehicle at the time of inspection with limits which comport to the minimum requirements of T.C.A. §29-20-101 et seq. A sticker evidencing approval for operation shall be issued to the owner of the vehicle and shall be affixed to the vehicle at the time of completion of the inspection. The approval shall be effective for a one year period. The inspection shall include the following areas:¶

¶
(i) The van-type equipment is in safe, operating condition including an inspection of brakes, tires, glass, and seat belts and an inspection for fluid leaks;¶

¶
(ii) The drive shaft is restrained by drive shaft loop hangers, except for front wheel drive ... [3]

Deleted: 0520-1-5-.03 REPEALED.¶

Authority: T.C.A. §§ 49-1-302 and 49-6-2102.

- (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. § 49-6-2109.

- (8) 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.
 - (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 black lettering on a white background.
 - (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.

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) Van type equipment may be used to transport not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. Such van type equipment may be owned and operated by the local education agency or may be operated by or for the local education agency under a rental or for hire arrangement entered into by the agency with respect to the specific activity in connection with which such transportation is to be furnished.
 - 1. Any van type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons that is owned or rented by the school system and used to transport students must be in apparent safe operating condition (as referenced in (a)3(i) of this rule), insured to comport to the minimum requirements of T.C.A.

2. Any van type equipment designed to transport not fewer than seven (7) nor more than ten (10) persons operated for the local education agency under a for hire arrangement (both van and driver are arranged) to transport students must be in apparent safe operating condition (as referenced in (a)3(i) of this rule), insured to comport to the minimum requirements of T.C.A. §29-20-101 et seq., and driven by a properly licensed driver.
3. Van type equipment designed to transport not fewer than eleven (11) nor more than sixteen (16) persons can be used to transport up to fifteen (15) students. When transporting students, all drivers of such van type vehicles shall possess an appropriate school bus endorsed commercial driver's license issued by the Tennessee Department of Safety. Such van type equipment must be inspected by the Tennessee Department of Safety prior to its use. The inspections will be made at sites determined and scheduled by the Department of Safety. Local education agencies shall furnish evidence of insurance to the inspector of the van type vehicle at the time of inspection with limits which comport to the minimum requirements of T.C.A. §29-20-101 et seq. A sticker evidencing approval for operation shall be issued to the owner of the vehicle and shall be affixed to the vehicle at the time of completion of the inspection. The approval shall be effective for a one year period. The inspection shall include the following areas:
 - (i) The van-type equipment is in safe, operating condition including an inspection of brakes, tires, glass, and seat belts and an inspection for fluid leaks;
 - (ii) The drive shaft is restrained by drive shaft loop hangers, except for front wheel drive vans;
 - (iii) The van contains a fire extinguisher, first aid kit and a body fluid kit; and
 - (iv) The van has in place an internal release latch for all doors.
4. No waivers shall be issued by any agency or department for the rules pertaining to the use of van type equipment.
5. Notwithstanding any part of this rule to the contrary, any van type equipment designed to transport (11) or more persons purchased by a local education agency after the effective date of this rule shall conform to all applicable Federal Motor Vehicle Safety Standards (FMVSS) if used for pupil transportation.