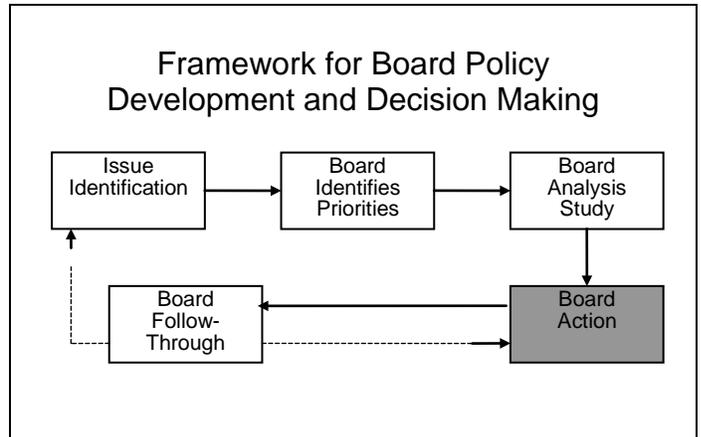


Iowa State Board of Education

Executive Summary

November 14, 2012



Agenda Item: Rules: Chapter 43 – Pupil Transportation (Adopt)

Iowa Goal: All PK-12 students will achieve at a high level.

State Board Role/ Authority: Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under chapter 17A.

Presenter: None (consent agenda)

Attachments: 1

Recommendation: It is recommended that the State Board adopt these amendments to Chapter 43.

Background: Senate File 2221 was signed into law this spring by Governor Branstad after unanimous approval by the Iowa General Assembly. In that law and these rules, two major changes in the hiring process of school bus drivers take place. First, school districts, or their contracted transportation service, must at the point of hiring or relicensing check the Iowa court information system for the driving background of a current or potential driver. They must maintain those records and determine locally how that information should be used. Second, the district must check the statewide registries of child abuse, dependent adult abuse or sexual abuse. They are prohibited from hiring any such applicant or driver should they appear on any of those lists. Those listed on a registry may appeal, but only about being wrongfully named on a list and are immediately suspended. There were no public comments received on this item.

EDUCATION DEPARTMENT[281]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 256.7(5) and 321.376(1), the State Board of Education hereby amends Chapter 43, “Pupil Transportation,” Iowa Administrative Code.

Recent legislation requires that local school districts examine the driving record of all current school bus drivers pursuing recertification and all school bus driver applicants on the Iowa court information system available to the general public. In addition, any driver or applicant who is listed on the state sex offender registry, dependent adult abuse registry or child abuse registry is prohibited from being employed by any Iowa school district as a bus driver. These proposed amendments comply with that new legislation.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the October 3, 2012, Iowa Administrative Bulletin as ARC #388C. Public comments were allowed until October 23, 2012. A public hearing was held on that date at which no person appeared. No written or oral comments were received on this.

The amendment is identical to that published under Notice.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment shall become effective January 16, 2013.

These amendments are intended to implement 2012 Iowa Acts, Senate File 2221, sections 3 and 4.

The following amendments are adopted.

ITEM 1. Amend rule 281—43.21(285) as follows:

281—43.21(285) Experience, traffic law knowledge and driving record. No driver applicant shall be employed or allowed to transport students until the board determines that the applicant has an acceptable driving record, demonstrates the ability to safely operate the vehicle(s) representative of the vehicle(s) required to be operated during employment and is knowledgeable of traffic laws and regulations pertaining to the operation of a school bus. Each local district, or the district's contracted transportation service, must, at a minimum, check the driving record of each applicant or renewing driver on the Iowa court information system available to the general public. The local district shall determine what an acceptable driving record is based upon the district's review and must maintain records of the review of each driver. Nothing in this rule precludes the district from examining other records to determine whether the driver has an acceptable driving record nor does it restrict the district to such examinations only at the time of hiring and renewal.

ITEM 2. Amend rule 281—43.24(321) as follows:

281—43.24(321) Authorization denials and revocations. A person who believes that a school bus driver who holds an authorization issued by the department of education or who seeks a school bus authorization has committed acts in violation of Iowa Code subsection 321.375(2) or rule 281—43.12(285) may file a complaint with the department against the driver or applicant. The department shall notify the driver or applicant that a complaint has been filed and shall provide the driver or applicant with a copy of the complaint. A hearing shall be set for the purpose of determining whether the bus driver's authorization shall be denied, suspended, or revoked, or whether the bus driver should

receive a reprimand or warning. Hearing procedures in 281—Chapter 6 shall be applicable to such proceedings. No school bus driver or applicant shall retain or obtain employment if the local district finds that the individual is listed on the sex offender registry under Iowa Code section 692A.121 available to the general public, the central registry for child abuse information established under Iowa Code section 235A.14, or the central registry for dependent adult abuse information established under Iowa Code section 235B.5. A hearing conducted pursuant to 2012 Iowa Acts, Senate File 2221, section 4 or 5, shall be limited to the question of whether the school bus driver or applicant was incorrectly listed on the registry. The driver or applicant shall not serve in the capacity of a school bus driver while the appeal process is being conducted.