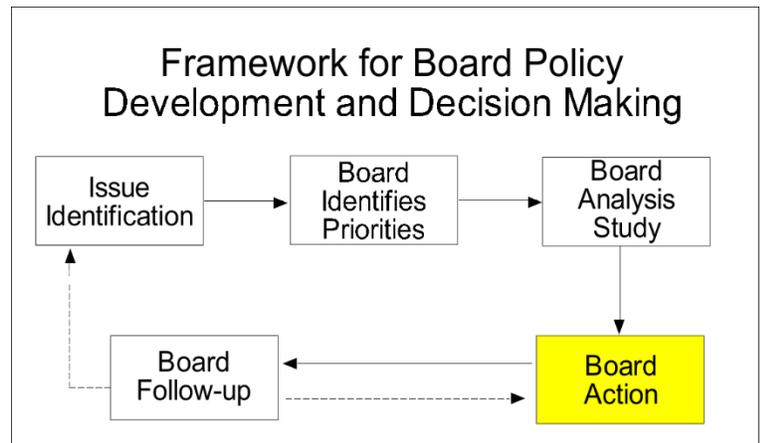


Iowa State Board of Education

Executive Summary

August 1, 2019



- Agenda Item:** Rules: 281 IAC Chapter 43 – Pupil Transportation (Adopt)
- State Board Priority:** Creating a Safe, Healthy, and Welcoming Learning Environment
- 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(s):** None (consent agenda)
- Attachment(s):** One
- Recommendation:** It is recommended that the State Board adopt the changes to Chapter 43.
- Background:** Chapter 43 outlines requirements regarding pupil transportation. The amendments to Chapter 43 reflect requests from the field, clarifying language and technical corrections, and changes to Department of Education practices. Details of the changes are outlined in the preamble of the rules. A public hearing was held on June 25, 2019. Four people attended the public hearing and eight comments were received. One minor change was made to align the rules with the changes in House File 499.

EDUCATION DEPARTMENT[281]

Adopted and Filed

Rule making related to pupil transportation

The State Board of Education hereby amends Chapter 43, “Pupil Transportation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 285.8, 321.375 and 321.377.

Purpose and Summary

Chapter 43 outlines requirements regarding pupil transportation. These amendments to Chapter 43 reflect requests from the field, provide clarifying language and technical corrections, and reflect changes to Department of Education practices. A more detailed explanation of these amendments follows:

Item 1 removes a restriction on load capacity, allows a school or school district to extend the current student ride time restriction by up to 15 minutes subsequent to a public hearing, and clarifies responsibilities for bus route reviews.

Items 2, 3, 5 to 7, 9 to 11, 17, 19, and 21 provide updated or clarifying language and technical corrections.

Item 4 clarifies that a private contractor is not prohibited from establishing variance in fees if a difference in transportation is necessary in order to meet student needs.

Item 8 modifies provisions related to nonroute uses of school buses, including broadening the type of staff members that can be involved and specifying that chaperones shall ride rather than accompany the bus. This item also clarifies requirements pertaining to passenger seating and requires schools utilizing buses in which 3-point lap-shoulder belts are installed to adopt a board policy regarding use of these lap-shoulder belts by passengers.

Item 12 clarifies that for districts transporting students through a private contractor, billing for semiannual inspections of school buses will be presented to the contracting district for payment (current Department practice). This item also strikes a provision requiring that a “school bus driver and passenger safety education plan” be a component of the Department’s annual school transportation budget.

Item 13 modifies responsibilities pertaining to the submission of school bus driver authorization information to the Department of Education.

Item 14 modifies required local board procedures regarding the purchase of school buses.

Item 15 clarifies that the purchase of a school bus can be made from a fund other than the general fund as allowed by statute.

Item 16 proposes to increase the bus inspection fee from \$40 to \$50 per inspection, effective July 1, 2020. The increased fee is requested to accommodate increased costs to the Department of Education related to the inspection process and to allow for inspection staff training opportunities. The inspection fee was last raised in 2013.

Item 18 makes revisions to language requirements for contracts with private providers to transport school pupils.

Item 20 removes a requirement for the superintendent of schools to report accidents involving any vehicle used as a school bus to the Department of Education on the Department of Transportation Iowa Accident Report Form. This information is available to the Department of Education from the Department of Transportation.

Item 22 proposes to allow a driver to permit firearms or other weapons and ammunition to be

transported in a school vehicle, provided these items are not in the passenger compartment of any school vehicle transporting pupils. The intent is to accommodate schools and school districts whose student activity programs include shooting sports, such as those organized through the Department of Natural Resources.

Item 23 updates language regarding civil defense projects to better allow for implementation of school emergency operation plans.

Item 24 adds language specifying when twice-annual safe riding instruction and emergency evacuation drills are to be provided to pupils and adds a requirement for schools to maintain documentation of these drills for five years and that the documentation be made available upon request. This item also modifies requirements pertaining to pretrip and posttrip vehicle inspections, provides a definition of “common carrier,” and removes the requirement for common carriers to provide accident reports to the Department of Education (similar to Item 19).

Public Comment and Changes to Rule Making

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on June 5, 2019, as ARC 4478C. A public hearing was held on June 25, 2019, at 9:00 a.m. Four people attended the public hearing and eight comments were received. One minor change was made to subrule 43.44(3) regarding seating to align the rule to HF 499.

Adoption of Rule Making

This rule making was adopted by the State Board of Education on August 1, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. However, the increase in inspection fee proposed in Item 16 will have a minimal impact on local school transportation costs. Since vehicles are inspected semiannually, the proposal will result in a \$20 increase per vehicle. School transportation costs are referenced when determining distribution of transportation equity funding under Iowa Code section 257.16C, open enrollment transportation assistance under Iowa Code section 282.18(10)“c,” and nonpublic transportation reimbursement under Iowa Code section 285.1(12).

Jobs Impact

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

Waivers

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

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 2, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend rule 281—43.1(285) as follows:

281—43.1(285) Intra-area education agency routes.

~~43.1(1)~~ Bus routes within the boundaries of transporting districts as well as within designated areas must be as efficient and economical as possible under existing conditions. ~~Duplication of service facilities shall be avoided insofar as possible.~~

~~43.1(2)~~ A route shall provide a load of at least 75 percent capacity of the bus.

~~43.1(3)~~ **43.1(2)** The riding time, under normal conditions, from the designated stop to the attendance center, or on the return trip, shall not exceed 75 minutes for high school pupils or 60 minutes for elementary pupils. A school district may extend the riding time limits up to 15 minutes subsequent to a public hearing. (These limits may be waived upon request of the parents.)

~~43.1(4)~~ **43.1(3)** Pupils whose residence is within two miles of an established stop on a bus route are within the area served by the bus and are not eligible for parent or private transportation at public expense to the school served by the bus, except as follows:

- a. Bus is fully loaded.
- b. Physical ~~handicap~~ disability makes bus transportation impractical.

All parents or guardians who are required by their school district to furnish transportation for their children up to two miles to an established stop on a bus route shall be reimbursed pursuant to Iowa Code ~~subsection~~ section 285.1(4).

~~43.1(5)~~ **43.1(4)** Transporting districts shall arrange routes to provide the greatest possible convenience to the pupils. ~~Distance~~ The distance for pupils who are required to ~~transport themselves~~ travel to meet the bus shall be kept to the minimum consistent with road conditions, uniform standards, and legal requirements for locating bus routes.

~~43.1(6)~~ **43.1(5)** Each bus route shall be reviewed annually by local transportation staff for safety hazards. A record of the annual review must be maintained.

ITEM 2. Amend subrule 43.2(5) as follows:

43.2(5) All interarea education agency bus routes must be approved each year. If there has been no change in the designations, nor in the proposed route, the transportation plan may be made and agreement indicated by letter.

ITEM 3. Amend rule 281—43.3(285) as follows:

281—43.3(285) Contract required. All private contractors wishing to transport pupils to and from school in privately owned vehicles must be under contract with the local board of education. This requirement ~~will~~ does not apply to individuals who transport their own children or other children on a not-for-hire basis.

The contract ~~form used~~ shall ~~be that provided~~ include, but not be limited to, all provisions prescribed by the department of education. (~~Form TR-F-4-497~~)

ITEM 4. Amend rule 281—43.4(285) as follows:

281—43.4(285) Uniform charge. The contract must provide for a uniform charge for all pupils transported. No differentiations may be made between pupils of different districts except as provided in Iowa Code section 285.1(12). Nothing shall prohibit a private contractor from establishing variance in fees when differences in how transportation is provided are necessary in order to meet student needs.

ITEM 5. Amend rule 281—43.7(285) as follows:

281—43.7(285) Vehicle requirements. Any vehicle used, other than that used by individuals to transport their own children or other children on a not-for-hire basis, is considered to be a school bus and must meet all requirements for the type of vehicle used, including semiannual inspection. (This requirement is not intended to restrict the use of passenger ~~cars~~ vehicles during the time the vehicles are not actually engaged in transporting school pupils.)

ITEM 6. Amend rule 281—43.9(285) as follows:

281—43.9(285) Activity trips deducted. Transporting school districts which use their equipment for activity trips, or educational tours, or other types of transportation services as permitted in Iowa Code sections 285.10(9) and 285.10(10), must deduct the cost of trips from the total yearly transportation cost. ~~In other words,~~ These costs may not be included in the pro rata costs which determine the charge to sending districts.

~~Accurate~~ Transporting school districts must maintain accurate and complete accounting records must be kept so that the cost of transportation to and from school may be ascertained.

ITEM 7. Amend **281—Chapter 43**, Division IV title, as follows:

DIVISION IV
USE OF SCHOOL BUSES OTHER THAN ROUTES

ITEM 8. Amend subrules 43.10(3) to 43.10(6) as follows:

43.10(3) The program or activity ~~must be is~~ sponsored by a school or group of schools cooperatively and ~~be is~~ under the direct control of a qualified ~~teacher or recreational or playground director staff member~~ member of a school district.

~~a. A regularly certificated teacher must be in charge of the program.~~ Several or all schools may engage the same ~~instructor~~ staff member on a cooperative basis.

~~b. and c. No change.~~

43.10(4) The bus shall be driven by ~~a regularly~~ an approved driver holding an appropriate driver's license and a school bus driver's authorization. In addition, the buses must be accompanied by a member of the faculty or other employee of the school or a parent or other adult volunteer as authorized by a school administrator who will be responsible for the conduct and the general supervision of the pupils on the bus and at the place of the activity. ~~This person shall ride the bus.~~ If the faculty member is an approved driver, that person can act both as a driver and faculty sponsor.

43.10(5) School buses may be used by an organization of, or sponsoring activities for, senior citizens, children, ~~handicapped~~ individuals with disabilities, and other persons and groups, and for transportation of persons other than pupils to activities in which pupils from the school are participants or are attending the activity or for which the school is a sponsor under the following conditions:

~~a. and b. No change.~~

~~c. A chaperone shall accompany ride~~ each bus to assist the passengers in boarding and disembarking from the bus and to aid them in case of illness or injury.

~~d. No change.~~

~~e. The driver of the bus shall observe the maximum speed limits~~ all motor vehicle laws for school buses at all times.

43.10(6) Seating The bus meets passenger seating requirements.

~~a. Each passenger shall have a comfortable seat, with no part of the passenger's body extending into the aisle.~~

~~b. to e. No change.~~

~~f. Districts with buses utilizing 3-point lap-shoulder belts shall adopt a board policy regarding use of these lap-shoulder belts by passengers.~~

ITEM 9. Amend rule 281—43.11(285) as follows:

281—43.11(285) Teacher transportation. ~~Public~~ A public school ~~teachers~~ teacher who ~~are~~ is transported ~~should be included in the average number transported and to or from the teacher's school~~ should be charged the pro rata cost by the transporting district.

ITEM 10. Amend rule 281—43.12(285), introductory paragraph, as follows:

281—43.12(285) Driver qualifications. General character and emotional stability are qualities which must be given careful consideration by boards of education in the selection of school bus drivers. Elements that should be considered in setting a character standard ~~are~~ include, but are not limited to:

ITEM 11. Amend rule 281—43.15(285) as follows:

281—43.15(285) Physical fitness. Except for insulin-dependent diabetics, an applicant for a school bus driver's authorization must undergo a biennial physical examination by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners. The applicant must submit annually to the applicant's employer the signed medical examiner's certificate (pursuant to Federal Motor Carrier Safety Administration regulations 49 CFR Sections 391.41 to 391.49), indicating, among other requirements, sufficient physical capacity to operate the bus effectively and to render assistance to the passengers in case of illness or injury and freedom from any communicable disease. At the discretion of the chief administrator or designee of the employer or prospective employer, the chief administrator or designee shall evaluate the applicant's ability in operating a school bus, including all safety equipment, in providing assistance to passengers in evacuation of the school bus, and in performing other duties required of a school bus driver.

ITEM 12. Amend rule 281—43.22(321) as follows:

281—43.22(321) Fee collection and distribution of funds. The department of education, ~~commencing with the biannual school bus inspections for the 2002-2003 school year and each year thereafter,~~ shall assess a fee for semiannual school bus inspections for each school bus or allowable alternative vehicle (pursuant to rule 761—911.7(321)) inspected by the department. The department shall present for payment a fee statement to the owner of each school bus or allowable alternative vehicle inspected. For districts transporting pupils through a private contractor under rule 281—43.3(285), the fee statement shall be presented to the contracting district for payment.

The department of education shall submit an annual budget request for an amount equal to 100 percent of the total projected fees to be collected during the next fiscal year, which shall be based on an amount equal to the number of school bus and allowable alternative vehicle inspections completed during the previous school year multiplied by the inspection fee authorized by statute.

~~One component of the annual budget shall be an annual "school bus driver and passenger safety education plan." The plan shall outline the projects and activities to be included during each year. These projects and activities may include, but not be limited to, curriculum development costs, printing and distribution of safety literature and manuals, purchase of equipment used in conducting school bus safety education programs, and other expenditures deemed appropriate by the department of education.~~

ITEM 13. Amend rule 281—43.23(285) as follows:

281—43.23(285) Application form Driver authorization. ~~The school bus driver and the local board of education or its designee shall submit an application for the school bus driver's authorization for each of the board's drivers annually, and upon a form prescribed by the department of education.~~

ITEM 14. Amend subrules 43.25(1) to 43.25(8) as follows:

~~43.25(1) Rescinded IAB 12/15/10, effective 1/19/11~~ Request bids unless the bus is a used or demonstrator bus.

~~43 43.25(2) to 43 43.25(6)~~ No change.

~~43.25(7) Sign contracts or orders for purchase of school transportation equipment. The purchase agreement must provide that the dealer will deliver equipment which will pass initial state inspection at no further cost to the school and further provide that the school board shall withhold at least \$150 until the vehicle passes initial state inspection.~~

~~43.25(8) Notify the bureau of nutrition programs and school transportation of the state department of education of purchase and date of delivery so that arrangements can be made for the initial school bus inspection. No school bus can shall be put into service until it has passed a pre-use inspection conducted pursuant to Form TR-F-27B, documented, and reported by the local board of education and the or its designee on a form has been provided to the bureau of nutrition programs and school transportation prescribed by the department of education. The initial school bus inspection will be conducted at the earliest possible time convenient to the school and the department of education.~~

ITEM 15. Amend subrule 43.26(1) as follows:

43.26(1) The board may pay all of the cost of each bus from funds on hand in the general fund or other funds allowed by statute.

ITEM 16. Amend rule 281—43.30(285) as follows:

281—43.30(285) Semiannual inspection. To facilitate the semiannual inspection program, school and school district officials shall send their buses to inspection centers as scheduled. A sufficient number of drivers or other school personnel shall be available at the inspection to operate the equipment for the inspectors. The fee for each vehicle inspected shall be ~~\$20 effective July 1, 2005; \$25 effective July 1, 2007; and \$28 effective July 1, 2009. Effective July 3, 2013, the fee for each vehicle inspected shall be \$40 effective July 3, 2013.~~ Effective July 1, 2020, the fee for each vehicle inspected shall be \$50.

ITEM 17. Amend rule 281—43.31(285) as follows:

281—43.31(285) Maintenance record. School officials shall cause the chassis of all buses and allowable alternative vehicles, whether publicly or privately owned, to be inspected annually and all necessary repairs made before the vehicle is put into service. The inspection and repairs shall be recorded on a form (~~TR-F-27A~~) prescribed by the department of education. The completed form (~~TR-F-27A~~) shall be signed by the mechanic and carried in the glove compartment of the bus.

ITEM 18. Amend rule 281—43.34(285) as follows:

281—43.34(285) Contract—privately owned buses. The board of education and a contractor who undertakes to transport school pupils for the board, in privately owned vehicles, shall sign a contract ~~substantially similar to that prescribed by the department of education (Form TR-F-4-497). The contract shall contain that contains, but is not limited to,~~ the following provisions:

43.34(1) To furnish and operate at the contractor's own expense a legally approved vehicle of transportation ~~(or a legally approved chassis on which may be mounted a school bus body supplied and maintained by the board of education) to and from the school each day beginning on the date set by the board over route as described,~~ transporting only children attending the school designated by the board of education.

43.34(2) No change.

43.34(3) To comply with all uniform standards, established for protection of health and safety for pupils transported.

43.34(4) To comply with all rules and regulations adopted by the board of education for the protection of the children, or to govern the conduct of the driver of bus.

43.34(5) and 43.34(6) No change.

43.34(7) ~~To see that the bus is swept and the windows cleaned each day and that registration plates and all lights are cleaned before each trip. Further, that the bus is washed and the floor swept and scrubbed with a good disinfectant each week. In case of an epidemic the entire bus shall be washed with a disinfectant.~~

43.34(8) to 43.34(12) No change.

43.34(13) ~~That~~ To use the school bus ~~shall be used~~ only for transporting regularly enrolled students to and from public school and to extracurricular activities approved and designated by the board of education and further to comply with all legal restrictions on use of bus.

43.34(14) To obtain, if possible, the registration license plate numbers of all ~~cars~~ vehicles violating the school bus passing law, Iowa Code section 321.372, and file information for prosecution.

43.34(15) ~~The~~ To reserve the right of the board of education ~~hereby reserves the right~~ to change routing of the bus and, if additional mileage is required, ~~it shall be at allow for an extra cost not exceeding \$. per additional mile per month. If shortened.~~

43.34(16) ~~Immoral~~ To ensure immoral conduct or the use of alcoholic beverages by the contractor or driver employed by the contractor shall result in appropriate sanctions as provided in Iowa Code section 321.375.

~~43.34(17) Contract may~~ To allow the contract to be terminated on 90-day notice by either party, as provided by Iowa Code section 285.5(4).

~~43.34(18) The contractor agrees~~ An agreement that, if the contractor desires to terminate the contract, the school bus will be sold to the board of education at its request as provided in Iowa Code section 285.5(1). (This requirement does not apply to a passenger ~~auto~~ vehicle used as a school bus.)

ITEM 19. Amend rule 281—43.35(285) as follows:

281—43.35(285) Contract—district-owned buses. The board of education and a private individual undertaking to transport school pupils for the board in school district-owned vehicles shall sign a contract substantially similar to that prescribed by the department of education (~~Form TR-F-5-497(revised)~~). The contract shall contain the following provisions:

43.35(1) No change.

43.35(2) To make reports as may be required by the ~~state~~ department of education, area education agency, or superintendent of schools.

43.35(3) and **43.35(4)** No change.

43.35(5) To attend a school of instruction for bus drivers as prescribed by the ~~bureau of nutrition and school transportation of the~~ department of education.

43.35(6) No change.

43.35(7) That ~~this~~ the contract shall not be in force until the driver presents an official school bus driver's authorization.

ITEM 20. Rescind and reserve rule **281—43.36(285)**.

ITEM 21. Amend rule 281—43.37(285) as follows:

281—43.37(285) Railroad crossings. The driver of any school bus shall bring the bus to a complete stop ~~at all~~ within 50 feet, but not less than 15 feet, from railroad crossings, as required in Iowa Code section 321.343, regardless of whether or not there are any pupils in the bus, and regardless of whether or not there is an automatic signal at the crossing. After stopping, the driver shall open the entrance door, shall look and listen for approaching trains, and shall not proceed to cross the tracks until it is safe to do so.

ITEM 22. Amend rule 281—43.38(285) as follows:

281—43.38(285) Driver restrictions.

43.38(1) The driver of a school ~~bus~~ vehicle shall not smoke ~~on the bus in the vehicle~~ or on any school property.

43.38(2) The driver shall not permit firearms or other weapons, nor ammunition, to be carried in the ~~bus~~ passenger compartment of any school vehicle transporting pupils.

43.38(3) The driver shall not fill the fuel tank while the motor is running or when there are passengers ~~on the bus in the vehicle~~.

43.38(4) No change.

ITEM 23. Amend subrules 43.39(3) to 43.39(5) as follows:

~~43.39(3) All such projects, except an actual emergency operation where time is of the essence, shall have prior approval of the state department of education.~~

~~43.39(4)~~ **43.39(3)** The bus shall be driven by an approved driver holding an appropriate driver's license and a ~~regular~~ school bus driver's authorization except that in actual emergency situations, where ~~regular~~ approved drivers are not available, ~~certain~~ other drivers, including students and teachers, may be used ~~providing the following conditions are met~~ if allowed by local school board policy. The driver shall:

~~a. Be approved by the local board of education.~~

~~b. Be at least 18 years of age, be physically and mentally competent, and not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children~~

transported.

~~43.39(5) Rescinded IAB 12/8/04, effective 1/12/05.~~

ITEM 24. Amend rules 281—43.40(285) to 281—43.44(285) as follows:

281—43.40(285) Pupil instruction. At least twice during each school year, once in the fall and once in the spring, each pupil who is transported in a school vehicle shall be instructed in safe riding practices and participate in emergency evacuation drills. Documentation of these drills shall be maintained locally for five years and made available upon request.

~~281—43.41(285) Trip inspections. A pretrip inspection of each school bus shall be performed and recorded prior to each trip. A written report shall be submitted promptly to the superintendent of schools, transportation supervisor, school bus mechanic, or other person charged with the responsibility for the school transportation program, if any defects or deficiencies are discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown. A posttrip inspection of the interior of the school bus shall be performed after each trip.~~

43.41(1) A pretrip inspection of each school vehicle shall be performed and recorded prior to each trip to determine if any defects or deficiencies exist that may affect the safety of the vehicle's operation or result in its mechanical breakdown. The pretrip inspection report shall be signed by the driver and submitted promptly to the superintendent of schools, transportation supervisor, school bus mechanic, or other person charged with the responsibility for the school transportation program. Any defects or deficiencies that merit an OOS (out of service) rating pursuant to department of education school bus inspection guidelines must be repaired prior to use of the vehicle. All other defects or deficiencies should be repaired as soon as possible but do not prohibit the use of the vehicle.

43.41(2) A posttrip inspection of the interior of the school vehicle shall be performed after each trip to ensure no passengers remain.

281—43.42(285) Loading and unloading areas. Restricted loading and unloading areas shall be established for school buses at, or near schools.

281—43.43(285) Communication equipment. Each school bus shall have a ~~two-way~~ communications system ~~or cellular telephone~~ capable of ~~emergency~~ communication between the driver of the bus and the school's base of operations for school transportation.

281—43.44(285) Standards for common carriers. These standards are intended to apply to any vehicle operated by a common carrier when used exclusively for student transportation to and from school. "Common carrier" refers to a person or entity in the business of transporting goods or people for hire as a public service.

43.44(1) Vehicles.

a. No change.

b. The vehicles shall, while transporting children to and from school, be equipped with temporary signs, located conspicuously on the front and back of the vehicle. The sign on the front shall have the words "School Bus" printed in black letters not less than six inches high, on a background of ~~national school bus glossy yellow~~ National School Bus Yellow. The sign on the rear shall be at least ten square feet in size and shall be painted ~~national school bus glossy yellow~~ National School Bus Yellow, and have the words "School Bus" printed in black letters not less than eight inches high. ~~The yellow is to be in accordance with the colorimetric specification of Federal Standard No. 595a, Color 13432; the black matching Federal Standard 595a, Color 17038. Both the six inch and eight inch letters shall be Series "D" as specified in the Standard Alphabet Federal Highway Administration, 1966. The colors shall conform to those described within 281—subrule 44.3(10).~~

~~e. Rescinded, effective 8/11/82.~~

43.44(2) No change.

43.44(3) Seating. Each passenger shall have a seat; standees are prohibited. No passenger shall be

present in the bed of a pickup when the vehicle is being operated.

~~a. Each passenger shall have a comfortable seat.~~

~~b. Standees are prohibited.~~

43.44(4) Loading and unloading procedures.

~~a. Vehicle~~ The vehicle shall pull close enough to the curb to prevent another vehicle from passing on its right side.

~~b. If the vehicle is not equipped with flashing warning lights or and stop arm, or if use of this equipment is prohibited by law, the pupils, on unloading, shall be instructed to remain at the curb until the bus has pulled away and it is safe for them to cross the street.~~

43.44(5) Inspection of vehicles.

~~a. Drivers shall be required to perform daily pretrip inspections of their vehicles and to determine if any defects or deficiencies exist that may affect the safety of the vehicle's operation or result in its mechanical breakdown. The pretrip inspection report promptly and in writing any defects or deficiencies discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown in accordance with rule 281—43.41(285) shall be submitted promptly to the person charged with maintenance of the vehicle. Any defects or deficiencies that merit an OOS (out of service) rating pursuant to department of education school bus inspection guidelines must be repaired prior to use of the vehicle. All other defects or deficiencies should be repaired as soon as possible but do not prohibit the use of the vehicle.~~

~~b. No change.~~

43.44(6) Other requirements.

~~a. No change.~~

~~b. The carrier shall make a report to the bureau of nutrition and school transportation of the department of education on any accident involving property damage or personal injury while a vehicle is being used as a school bus. The report shall be made on the Iowa Accident Report Form.~~

~~e. b.~~ Student instruction for passenger safety shall be the responsibility of the local school district as specified in rule 281—43.40(285).