

**IOWA DEPARTMENT OF EDUCATION
OFFICE OF THE DIRECTOR**

(Cite as 29 D.o.E. App. Dec. 305)

In re Petition of Rules 281 – 44.1 through)	
281 – 44.3,)	
)	
Winfield-Mt. Union Community)	ORDER GRANTING WAIVER
School District,)	APPLICATION
)	
Applicant.)	

On March 12, 2020, the Iowa Department of Education received a waiver application from Applicant Winfield-Mt. Union Community School District. On February 3, 2020, the Department received a waiver request from Applicant Turkey Valley Community School District. The application concerned school buses that Applicant ordered prior to the effective date of amendments to Chapter 44.

Having fully considered these applications in light of the standards for granting waivers of administrative rules, listed in Iowa Administrative Code chapter 281 – 4, I make the following findings and conclusions.

1. No hearing on this matter is necessary. All pertinent facts are disclosed in the application.
2. Not granting this application would impose an undue hardship on the Applicant, which has vehicles that it unable to put into service due to rules that became effective after the purchases, without considerable additional expense.
3. Granting this application will not prejudice the legal rights of any person.
4. The amendments to chapter 44 are not mandated by statute or other provision of law. The amendments to chapter 44 were based on recommended standards contained “in the National School Transportation Specifications and Procedures Manual 2015 and the Department of Education’s Chapter44 Update Group and in requests from the field.” Iowa Admin. Bulletin, June 5, 2019, at ARC number 4479C.
5. The rules that were in effect at the time that these vehicles were purchased provide substantially similar protection of “public health, safety, and welfare” as the rules for which this waiver is sought.

6. Granting this application will not have a “negative impact” on student achievement.

7. This application is similar to one previously granted by the Department to two other school districts. *See In re Waiver Applications*, 28 D.o.E. App. Dec. 278 (2020).

Having made such findings and conclusions, it is therefore ORDERED that this application is -

GRANTED.

The administrative rules in effect on the date that the vehicles purchased by the Winfield-Mt. Union Community School District (VIN 1BAKGCEA6MF371975, VIN 1BAKGCEA4MF371974, and VIN 1BAKGCEA2MF371973) were purchased shall govern their operation for the useful life of these vehicles.

Please ensure that a copy of the application and this order is kept in each of the school buses listed above.

Done on March 31, 2020, in Des Moines.



Ann Lebo, Director

CC: Tom Cooley