

May 12, 2020

RE: Temporary Waiver of certain Driver's Education hours of instruction requirements as a result of the Governor's March 17 Proclamation of Disaster Emergency due to the Coronavirus (COVID-19) outbreak.

To whom it may concern:

On March 17, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency due to the Coronavirus (COVID-19) outbreak.

As a result of the emergency referenced above, driver's education instructors have requested suspension of Iowa Administrative Rule 761-634.4(2)(b), requiring each student to receive classroom and laboratory instruction each week of the driver's education course and providing that the laboratory (i.e., behind-the-wheel) instruction portion of a driver's education course shall conclude no later than thirty days after the classroom instruction portion of the course is completed. Because of the recommended social distancing measures under this disaster emergency, driver's education instructors are finding it very difficult or inadvisable to provide behind-the-wheel instruction as required under this rule.

On behalf of the Iowa Department of Transportation, I am accepting this request as a petition for rule waiver under 761 Iowa Administrative Code chapter 11, which allows me to grant a waiver when application of a rule would pose a hardship that is undue, when the waiver would not prejudice the substantial legal rights of any person, when the rule provisions are not mandated by statute or other provisions of law and when equal protection of the public health, safety, and welfare will be afforded by a means other than that prescribed in the rule for which the waiver or variance is requested.

This rule implements Iowa Code § 321.178, which governs the requirements for an approved driver's education course, including behind-the-wheel instruction, and requires us to adopt administrative rules related to certification of behind-the-wheel instructors. The requirement that classroom and behind-the-wheel instruction be provided each week of the driver's education course and that the behind-the-wheel portion of the course conclude no later than thirty days after the classroom instruction is completed is a requirement of administrative rule 761-634.4(2)(b), but is not mandated by statute or other provision of law.

Accordingly, as director, I find that under the authority cited, I may take the following action to provide relief from the following administrative rule applicable to behind-the-wheel driver's education instruction:

- Iowa Administrative Rule 761-634.4(2)(b) stating that "Each student shall be scheduled to receive classroom and laboratory instruction each week of the course but in no case shall laboratory instruction conclude later than 30 days after classroom instruction is completed."

I hereby waive the above-referenced rule specifically related to the requirement for classroom and behind-the-wheel instruction be provided each week of the driver's education course and the behind-the-wheel instruction portion of a driver's education course to conclude no later than thirty days after the classroom instruction portion of the course is completed, as that requirement would be an undue hardship and I find that equal protection of the public health, safety, and welfare requires granting this petition.

This decision does not waive any other provisions of administrative rule or Iowa law related to driver's education requirements.

This waiver shall become effective immediately and shall end August 31, 2020.

Please contact Steve Stonehocker, by email at steven.stonehocker@iowadot.us or by telephone at (515) 237-3220 if you have any questions about this decision

Sincerely,



Scott Marler, Director