

## CHAPTER 14

### MANAGEMENT OF ANCILLARY SERVICES -- TRANSPORTATION

#### Providing Transportation

The board of directors in every school district shall provide transportation, either directly or by reimbursement for transportation, for all resident pupils attending public school, kindergarten through twelfth grade, except that:

- 1) Elementary pupils shall be entitled to transportation only if they live more than 2 miles from the school designated for attendance.
- 2) High school pupils shall be entitled to transportation only if they live more than 3 miles from the school designated for attendance. "*High school*" means a school which commences with either grade nine or grade ten, as determined by the board of directors of the school district or by the governing authority of the nonpublic school in the case of nonpublic schools **(285.1(1)"b")**.
- 3) Children attending prekindergarten programs offered or sponsored by the district or nonpublic school and approved by the department of education or department of human services or children participating in preschool in an approved local program under chapter 256C may be provided transportation services. However, transportation services provided to nonpublic school children are not eligible for reimbursement under this chapter.
- 4) Districts are not required to maintain seating space on school buses for students who are otherwise to be provided transportation under 285.1 if the students do not or will not regularly utilize the district's transportation service for extended periods during the school year. The student, or the student's parent or legal guardian if the student is less than 18 years of age, shall be notified by the district before transportation services may be suspended, and the suspension may continue until the student, or the student's parent or legal guardian, notifies the district that regular student ridership will continue **(285.1(1)"a")**.

Notwithstanding subsection 1, paragraph "a", subparagraph (1), a parent or guardian of an elementary pupil entitled to transportation pursuant to subsection 1, may request that a child care facility be designated for purposes of subsection 9 rather than the residence of the pupil. The request shall be submitted for a period of time of at least one semester and may not be submitted more than twice during a school year **(285.1(22))**.

Distance to school or to a bus route shall in all cases be measured on the public highway only and over the most passable and safest route as determined by the AEA board, starting in the roadway opposite the private entrance to the resident of the pupil and ending in the roadway opposite the entrance to the school grounds or designated point on bus route **(285.1(9))**.

Districts may but are not required to provide transportation for summer school students **(OAG #79-7-20)**.

The board shall included in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow, or other weather conditions **(279.8)**.

Boards have the right to promulgate rules to regulate the conduct of students who ride on school buses and to impose sanctions for violating such rules **(OAG #83-8-7)**.

If special education services are provided by the AEA, the board of directors of the AEA with the cooperation of the local school districts within its jurisdiction may provide transportation for children requiring special education services that are in need of transportation in connection with any programs, classes, or services **(256B.4(1)"e")**.

The local school board shall provide transportation for each resident pupil who attends public school, and each resident pupil who attends a nonpublic school, and who is entitled to transportation under the laws of this state **(285.10(1))**.

The local school board shall establish, maintain, and operate bus routes for the transportation of pupils so as to provide for the economical and efficient operation thereof without duplication of facilities, and to properly safeguard the health and safety of the pupils transported **(285.10(2))**.

Purchase or lease buses and other transportation facilities, and maintain same, and to enter into contracts for transportation subject to any provisions of law affecting same **(285.10(3))**.

Employ such drivers and other employees as may be necessary and prescribe their qualifications and adopt rules for their conduct **(285.10(4))**.

Exercise any and all powers and duties relating to transportation of pupils enjoined upon them by law **(285.10(5))**.

Shall purchase liability insurance and other insurance coverage which the board deems advisable to insure the school district, its officers, employees, and agents against liability incurred as a result of operating school buses, including but not limited to liability to pupils or other persons lawfully transported. Section 670.7 shall apply to such insurance. However, the board of directors in its discretion shall determine the insurance coverages and limits, and the school district and directors shall not be liable as a result of any such discretionary decision **(285.10(6))**.

Boards in school districts which have sufficient resident pupils they are required to transport to warrant the purchase of transportation equipment may purchase buses needed to provide the transportation **(285.10(8))**.

In the case of **Bruggeman v. Independent District No. 4 Union Township School**, the Iowa Supreme Court has held that the school district is a quasi-corporation of the state and the statute has imposed the duty of transportation upon the board.

The failure of any local district to comply with the provisions of chapter 285 or any other laws relating to the transportation of pupils, or any rules made by the Department of Education under chapter 285 or the final decisions of the AEA board, or the final decisions of the Department of Education shall during the period such failure to comply existed forfeit the rights to collect transportation costs from school or parents while operating in such illegal manner. Any superintendent, board, or board member who knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a simple misdemeanor **(285.15)**.

### **Pupils Sent to Another District**

When a board closes its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, provided the board of such school is willing to receive them and the facilities and curricular offerings are adequate. The board of the district where the pupils reside may with the approval of the AEA board, subject to legal limitations and established uniform standards, designate another rural school and provide their own transportation if the transportation costs will be less than to use the established bus service **(285.4)**.

The board of directors of a school district by record action may discontinue any or all of grades seven through twelve and negotiate an agreement for attendance of the pupils enrolled in those grades in the schools of one or more contiguous school districts having accredited school systems. The agreement shall provide for transportation and authority and liability of the affected boards **(282.7(1))**.

When the school designated for attendance of pupils is engaged in the transportation of pupils, the sending or designating school shall use these facilities and pay the pro rata cost of transportation except that a district sending pupils to another school may make other arrangements when it can be shown that such arrangements will be more efficient and economical than to use facilities of the receiving school, providing such arrangements are approved by the board of the area education agency **(285.1(6))**.

If a local board closes either elementary or high school facilities and is approved by the board of the AEA to operate its own transportation equipment, the full cost of transportation shall be paid by the board for all pupils living beyond the statutory walking distance from the school designated for attendance **(285.1(7))**.

### **Reimbursement to Parents**

Any pupil may be required to meet a school bus on the approved route a distance of not to exceed three-fourths [3/4] of a mile without reimbursement **(285.1(2))**.

Where transportation by school bus is impracticable, where necessary to implement a whole grade sharing agreement under section 282.10, or where school bus service is not available, the board may require parents or guardians to furnish transportation for their children to the schools designated for attendance. Except as provided in section 285.3, the parent or guardian shall be reimbursed for such transportation service for public and nonpublic school pupils by the board of the resident district in an amount equal to \$80 plus 75% of the difference between \$80 and the previous school year's statewide average per pupil transportation cost, as determined by the Department of Education. However, a

parent or guardian shall not receive reimbursement for furnishing transportation for more than 3 family members who attend elementary school and one family member who attends high school **(285.1(3))**.

Where unsatisfactory roads or other conditions make it advisable, the board at its discretion may require the parents or guardians of public and nonpublic school pupils to furnish transportation for their children up to 2 miles to connect with vehicles of transportation. The parents or guardians shall be reimbursed for such transportation by the boards of the resident districts at the rate of \$0.28 per mile per day, one way, per family for the distance from the pupil's residence to the bus route **(285.1(4))**.

### **Reimbursement to Parents for Pupils at ISD or IBSSS**

Funds appropriated to the school for the deaf [ISD] and the Iowa braille and sight saving school [IBSSS] for payments to the parents or guardians of pupils in either institution shall be expended as follows:

1. Transportation reimbursement at a rate established annually by the state board of regents to the parents or guardians of children who do not reside in the institution, but are transported to the institution on a daily basis.
2. Transportation reimbursement at a rate established annually by the state board of regents to the parents or guardians for transportation from the institution to the residence of the parent or guardian and return to the institution for children who reside in the institution **(270.9)**.

### **Transportation Services to Nonresident Pupils**

The board in any district providing transportation for nonresident pupils shall collect the pro rata cost of transportation from the district of pupil's residence for all properly designated pupils so transported **(285.1(10))**.

Boards in districts operating buses may transport nonresident pupils who attend public school, kindergarten through junior college, who are not entitled to free transportation provided they collect the pro rata cost of transportation from the parents **(285.1(11))**.

Full pro rata costs must be charged and collected for the transportation of all nonresident pupils. No differentiation may be made in charges due to differences in distance or grade in school **(IAC 281--43.8)**.

### **Transportation Services to Accredited Nonpublic School Pupils**

Nonpublic school for purposes of chapter 285 [transportation services] means those nonpublic schools accredited by the department of education as provided in section 256.11 and nonpublic institutions which comply with state board of education standards for providing special education programs **(285.16)**.

Resident pupils attending a nonpublic school located either within or without the school district of the pupil's residence shall be entitled to transportation on the same basis as provided for resident public school pupils under section 285.1. The public school district providing transportation to a nonpublic school pupil shall determine the days on which bus service is provided, which shall be based upon the days for which bus service is provided to public school pupils, and the public school district shall determine bus schedules and routes. In the case of nonpublic school pupils the term "*school designated for attendance*" means the nonpublic school which is designated for attendance by the parents of the nonpublic school pupil **(285.1(14))**.

If the nonpublic school designated for attendance is located within the public school district in which the pupil is a resident, the pupil shall be transported to the nonpublic school designated for attendance as provided in this section **(285.1(15))**.

If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence, the pupil may be transported by the district of residence to a public school or other location within the district of the pupil's residence. A public school district in which a nonpublic school is located may establish school bus collection locations within its district from which nonresident nonpublic school pupils may be transported to and from a nonpublic school located in the district. If a pupil receives such transportation, the district of the pupil's residence shall be relieved of any requirement to provide transportation **(285.1(16)"a")**.

As an alternative to 285.1(16), paragraph "a", subject to section 285.9, subsection 3, where practicable, and at the option of the public school district in which a nonpublic school pupil resides, the school district may transport a nonpublic school pupil to a nonpublic school located outside the boundary lines of the public school district if the nonpublic school is located in a school district contiguous to the school district which is transporting the nonpublic

school pupils, or may contract with the contiguous public school district in which a nonpublic school is located for the contiguous school district to transport the nonpublic school pupils to the nonpublic school of attendance within the boundary lines of the contiguous school district **(285.1(16)"b")**.

If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence and the district of residence meets the requirements of subsections 14 to 16 of this section by using subsection 17, paragraph "c", of this section and the district in which the nonpublic school is located is contiguous to the district of the pupil's residence and is willing to provide transportation under subsection 17, paragraph "a" or "b", of this section, the district in which the nonpublic school is located may provide transportation services, subject to section 285.9, subsection 3, and may make the claim for reimbursement under section 285.2. The district in which the nonpublic school is located shall notify the district of the pupil's residence that it is making the claim for reimbursement, and the district of the pupil's residence shall be relieved of the requirement for providing transportation and shall not make a claim for reimbursement for those nonpublic school pupils for which a claim is filed by the district in which the nonpublic school is located **(285.1(16)"c")**.

The public school district may meet the requirements of subsections 14 to 16 [above] by any of the following:

- a. Transportation in a school bus operated by a public school district.
- b. Contracting with private parties as provided in section 285.5. However, contracts shall not provide payment in excess of the average per pupil transportation costs of the school district for that year.
- c. Utilizing the transportation reimbursement provision of subsection 3.
- d. Contracting with a contiguous public school district to transport resident nonpublic school pupils the entire distance from the nonpublic pupil's residence to the nonpublic school located in the contiguous public school district or from the boundary line of the public school district to the nonpublic school **(281.1(17))**.

Boards of directors of school districts shall be required to provide transportation services to nonpublic school pupils as provided in section 285.1 when the general assembly appropriates funds to the Department of Education for the payment of claims for transportation costs submitted by the school district **(285.2(1)"a")**.

A parent or legal guardian of a student attending an accredited nonpublic school, who furnishes transportation for the student pursuant to section 285.1, subsection 17, paragraph "c", and who meets the requirements of subsection 2 of this section [below], is entitled to reimbursement equal to an amount calculated under the provisions of section 285.1, subsection 3. In addition, a parent or guardian who transports one or more family members more than 4 miles to their nonpublic school of attendance shall be entitled to one supplemental mileage payment per family, per claim period, equal to 13% of the parental reimbursement for the claim period rounded to the nearest whole dollar **(285.3(1))**.

To qualify for parental reimbursement under subsection 1, a parent or guardian of a student attending an accredited nonpublic school who furnishes transportation for the student in accordance with this section, shall submit a notice of nonpublic school attendance to the resident public school district, notifying the district that the student is enrolled in and will attend an accredited nonpublic school during the period for which parental reimbursement is being requested. The notice shall be filed with the resident public school district not later than December 1 for the first semester claim and May 1 for the second semester claim each year. The notice shall include the parent's name and address, the name, age, and grade level of the student, and the name of the nonpublic school and its location. The resident public school district shall submit claims for reimbursement to the department of education on behalf of the parent or guardian if the parent or guardian meets the requirements of this section **(285.3(2))**.

Except as provided in section 285.3, the parent or guardian shall be reimbursed for such transportation service for public and nonpublic school pupils by the board of the resident district in an amount equal to \$80 plus 75% of the difference between \$80 and the previous school year's statewide average per pupil transportation cost, as determined by the department of education. However, a parent or guardian shall not receive reimbursement for furnishing transportation for more than 3 family members who attend elementary school and one family member who attends high school **(285.1(3))**.

### **Claims for Nonpublic Transportation Reimbursements**

The costs of providing transportation to nonpublic school pupils as provided in section 285.1 shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Any transportation reimbursements received by a local school district for transporting nonpublic school pupils shall not affect district cost limitations of chapter 257. The reimbursements provided in this section are miscellaneous income as defined in section 257.2 **(285.2(2))**.

Claims for reimbursement shall be made to the department of education by the public school district providing transportation or transportation reimbursement during a school year on a form prescribed by the department, and the

claim shall state the services provided and the actual costs incurred. A claim shall not exceed the average transportation costs of the district per pupil transported except as otherwise provided. If transportation is provided under section 285.1, subsection 3, the amount of a claim shall be determined under section 285.3 regardless of the average transportation costs of the district per pupil transported **(285.2(3)"a")**.

Claims shall be allowed where practical, and at the option of the public school district of the pupil's residence, subject to approval by the area education agency of the pupil's residence, under section 285.9, subsection 3, the public school district of the pupil's residence may transport a pupil to a school located in a contiguous public school district outside the boundary lines of the public school district of the pupil's residence **(285.2(4)"a")**.

The public school district of the pupil's residence may contract with the contiguous public school district or with a private contractor under section 285.5 to transport the pupils to the school of attendance within the boundary lines of the contiguous public school district. The public school district in which the pupil resides may contract with the contiguous public school district or with a private contractor under section 285.5 to transport the pupil from the pupil's residence or from designated school bus collection locations to the school located within the boundary lines of the contiguous public school district, subject to the approval of the AEA of the pupil's residence. The public school district of the pupil's residence may utilize the reimbursement provisions of section 285.1, subsection 3 **(285.2(4)"b")**.

### **Discretionary Transportation Services and Charges**

Boards in their discretion may provide transportation for some or all resident pupils attending public school or pupils who attend nonpublic schools who are not entitled to transportation. Boards in their discretion may collect from the parent or guardian of the pupil not more than the pro rata cost for such optional transportation, determined as provided in subsection 12 **(285.1(1)"c")**.

Pupils whose residence is within 2 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 makes bus transportation impractical.

All parents or guardians who are required by their school district to furnish transportation for their children up to 2 miles to an established stop on a bus route shall be reimbursed pursuant to Iowa Code subsection 285.1(4) **(IAC 281—43.1(3))**.

Boards in districts operating buses may in their discretion transport senior citizens, children, persons with disabilities, and other persons and groups, who are not otherwise entitled to free transportation, and shall collect the pro rata cost of transportation. Transportation under this subsection shall not be provided when the school bus is being used to transport pupils to or from school unless the board determines that such transportation is desirable and will not interfere with or delay the transportation of pupils **(285.1(21))**.

The board, in its discretion, may furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, persons with disabilities, or other persons and groups in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver except when the bus is used for transporting pupils to and from extracurricular activities sponsored by the school. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils **(285.10(9))**.

The board, in its discretion, may furnish a school bus and services of a qualified driver 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. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils **(285.10(10))**.

School buses may be used by an organization of, or sponsoring activities for, senior citizens, children, persons 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.* The "school bus" signs shall be covered and the flashing warning lamps and stop arm made inoperable when the bus is being used in a nonschool-sponsored activity.
- b.* Transportation outside the state of Iowa shall not be provided without the approval of the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

- c. A chaperone shall accompany each bus to assist the passengers in boarding and disembarking from the bus and to aid them in case of illness or injury.
- d. The driver of the bus shall be approved by the local board of education and must possess an appropriate driver's license and a school bus driver's authorization.
- e. The driver of the bus shall observe the maximum speed limits for school buses at all times (**IAC 281--43.10(5)**).

The use of school buses shall be restricted to transporting pupils to and from school and to and from extracurricular activities sponsored by the school when such extracurricular activity is under the direction of a qualified member of the faculty and a part of the regular school program and to transporting other persons to the extent permitted by section 285.1, subsection 1, and section 285.10, subsections 9 and 10. School employees of districts operating buses may be transported to and from school and approved activities which they are required to attend as a result of their responsibilities. Provided, however, nothing in this subsection shall prohibit the use of school buses in transporting a school teacher going to and from the teacher's school when such school is on an established school bus route and such teacher makes arrangements with the district operating such school bus (**285.11(6)**).

Transportation for which the pro rata cost or other charge is collected shall not be provided outside the state of Iowa except in accordance with rules adopted by the department of education in accordance with chapter 17A. The rules shall take into account any applicable federal requirements (**285.1(20)**).

Public school teachers who are transported should be included in the average number transported and should be charged the pro rata cost by the transporting district (**IAC 281--43.11**).

### **Postsecondary Enrollment Transportation**

The parent or legal guardian of an eligible student who has enrolled in and is attending an eligible postsecondary institution under chapter 261E [Senior Year Plus Program] shall furnish transportation to and from the eligible postsecondary institution for the student (**261E.6(5)**).

### **Open Enrollment Transportation**

Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. For purposes of this subsection, "*a point on a regular school bus route of the receiving district*" includes any school bus stop on the regular school bus route of the receiving district that existed prior to road construction that necessitates a change in the regular school bus route, whether or not the change in the regular school bus route resulting from the road construction necessitates sending school vehicles from the receiving district into the district of residence in order to safely, economically, or efficiently transport students to or from the preexisting point (**282.18(10)"a"**).

A receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under section 282.18, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving district agree to this arrangement (**282.18(10)"b"**).

The parent or guardian of a pupil who has been accepted for open enrollment shall be responsible to transport the pupil without reimbursement, except as provided in subrule 17.9(2), to and from a point on a regular school bus route of the receiving district. This point shall be a designated stop on the bus route of the receiving district. If this point—designated stop—is within the distances established by Iowa Code section 285.1 from the school designated for attendance by the receiving district, that district may, but is not required to, provide transportation for an open enrollment pupil. A receiving district may send buses into a resident district solely for the purpose of transporting an open enrollment pupil if the boards of both the sending and receiving districts agree to this arrangement. Bus routes that are outside the boundary of the receiving district that have been authorized by an AEA board of directors, as provided by Iowa Code subsection 285.9(3), may be used to transport open enrollment pupils if boards of directors of the resident and receiving districts have both taken action to approve such an arrangement. Bus routes that have been established by the receiving district for the purpose of transporting nonpublic school or special education pupils that operate in the resident district of an open enrollment pupil shall not be utilized for the transportation of such pupil for the portion of the route that is within the resident district unless the boards of directors of the resident and receiving districts have both taken action to approve such an arrangement. Bus routes transporting pupils for the purpose of whole-grade sharing shall not be used to transport open enrollment pupils for the portion of the route that is within the

resident district unless the boards of directors of the resident and receiving districts have both taken action to approve such an arrangement (**IAC 281--17.9(1)**).

If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under subsection 282.18(10) may withhold, from the district cost per pupil amount, that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less (**282.18(10)"c"**).

Open enrollment pupils that meet the economic eligibility requirements established by the department of education shall receive transportation assistance from their resident district under the following conditions. The resident district is not required to provide any transportation assistance for a pupil involved in open enrollment with a district that is not contiguous with the pupil's resident district. The resident district shall provide transportation for the pupil to a point that is a designated stop on a regular bus route of a contiguous receiving district, or as an alternative, the resident district shall pay the parent or guardian for providing this transportation. In either situation the resident district is not obligated to expend more than the average cost per pupil transported amount established for that district for the previous school year. If the resident district provides the transportation, it shall determine that it is able to perform this function at a cost not in excess of the average cost per pupil transported for the resident district as established the previous year. It shall not assess any additional cost to the parent or guardian for providing transportation. If the district chooses to reimburse the parent or guardian for providing transportation, to determine the amount to be reimbursed, the district shall use the provisions of Iowa Code subsection 285.1(3). This reimbursement shall not exceed the average cost per pupil transported for the resident district as established the previous year. The resident district may withhold from the amount it is required to pay to a receiving district for an open enrollment pupil the actual amount or the average cost per pupil transported amount it pays for transportation assistance, whichever is the lesser amount (**IAC 281--17.9(2)**).

A parent or guardian shall be eligible for transportation assistance from the resident district if the household income of the parent or guardian is at or below 160 percent of the federal income poverty guidelines as stated by household size. Since the federal income poverty guidelines are adjusted each year, the department of education shall provide revised eligibility guidelines to school districts each year (**IAC 281--17.9(3)**).

The resident district may deduct any transportation assistance funds for which the pupil is eligible as provided by subrule 17.9(2) (**IAC 281--17.10(4)**).

### **Inclement Weather and Safety**

Transportation service may be suspended upon any day or days due to the inclemency of the weather, conditions of roads, or the existence of other conditions, by the board of the school district operating the buses, when in their judgment it is deemed advisable and when the school or schools are closed to all children (**285.1(8)**).

Suspension does not mean that if one bus cannot run because of bad roads the school shall be closed. It does mean that if all buses do not run there shall be no school (**OAG #57-9-30(L)**).

A school board is allowed to suspend student transportation services only if the board determines that weather, road, or other conditions make running the buses unadvisable and the district schools are closed (**OAG #93-11-8(L)**).

The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow or other weather conditions (**279.8**).

Restricted loading and unloading areas shall be established for school buses at, or near, schools (**IAC 281--43.42**).

At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices and participate in emergency evacuation drills (**IAC 281--43.40**).

Cities and counties shall have the power to establish school zones and provide for the stopping of all motor vehicles approaching the school zones, when movable stop signs have been placed in the streets in such cities and highways in counties at the limits of the zones, notwithstanding the provisions of any statute to the contrary. All traffic-control devices provided for school zones shall conform to specifications included in the manual of traffic-control devices adopted by the department of transportation, except the provision prohibiting the use of portable or part-time stop signs **(321.249)**.

A city council may close a street during any portion of a school day as a safety measure for the protection of children, and the city is not liable for any damages, providing it erects a sufficient barrier to warn the public that the street is closed **(OAG #30-12-5(L))**.

### **Calculating Pro Rata (Per Pupil) Costs and Charges**

The pro rata cost of transportation shall be based upon the actual cost for all the children transported in all school buses. It shall include one-seventh of the original net cost of the bus and other items as determined and approved by the director of the department of education but no part of the capital outlay cost for school buses and transportation equipment for which the school district is reimbursed from state funds or that portion of the cost of the operation of a school bus used in transporting pupils to and from extracurricular activities shall be included in determining the pro rata cost. In a district where, because of unusual conditions, the cost of transportation is in excess of the actual operating cost of the bus route used to furnish transportation to nonresident pupils, the board of the local district may charge a cost equal to the cost of other schools supplying such service to that area, upon receiving approval of the director of the department of education **(285.1(12))**.

A district's average transportation costs per pupil shall be determined by dividing the district's actual cost for all children transported in all school buses for a school year pursuant to subsection 285.1(12), less the amount received for transporting nonpublic school pupils under section 285.1, by the district's actual enrollment for the school year excluding the shared-time enrollment for the school year as defined in section 257.6. The state average transportation costs per pupil shall be determined by dividing the total actual costs for all children transported in all districts for a school year, by the total of all districts' actual enrollments for the school year **(257.31(17))**.

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, costs may not be included in the pro rata costs which determine the charge to sending districts **(IAC 281—43.9)**.

Accurate and complete accounting records must be kept so that the cost of transportation to and from school may be ascertained **(IAC 281—43.9)**.

### **Failure to Pay Transportation Costs**

When a local board fails to pay transportation costs due to another school for transportation service rendered, the board of the creditor corporation shall file a sworn statement with the AEA board specifying the amount due. The agency board shall check such claim and if the claim is valid shall certify to the county auditor. The auditor shall transmit to the county treasurer an order directing the county treasurer to transfer the amount of such claim from the funds of the debtor corporation to the creditor corporation and the treasurer shall pay the same accordingly **(285.1(13))**.

Iowa Code section 282.21 sets up the method for the collection of tuition fees owed from one local board to another but not paid, and subsection 285.1(13) provides the method of collection of transportation costs **(OAG #52-2-7(L))**.

### **SBRC Transportation Aid**

If a district's average transportation costs per pupil exceed the state average transportation costs per pupil determined under paragraph "c" by 150%, the school budget review committee (SBRC) may grant transportation assistance aid to the district. To be eligible for transportation assistance aid, a school district shall annually certify its actual cost for all children transported in all school buses not later than July 31 after each school year on forms prescribed by the committee. A district's average transportation costs per pupil shall be determined by dividing the district's actual cost for all children transported in all school buses for a school year pursuant to subsection 285.1(12), less the amount received for transporting nonpublic school pupils under section 285.1, by the district's actual enrollment for the school year excluding the shared-time enrollment for the school year as defined in section 257.6. The state average

transportation costs per pupil shall be determined by dividing the total actual costs for all children transported in all districts for a school year, by the total of all districts' actual enrollments for the school year **(257.31(17))**.

Funds transferred to the SBRC in accordance with subsection 321.34(22) are appropriated to and may be expended for the purposes of the committee, as described in this section. However, highest priority shall be given to districts that meet the conditions described in this subsection **(257.31(17)"d")**.

An owner upon written application to the department of transportation, may order special registration plates with an education emblem. The education emblem shall be designed by the department in cooperation with the department of education **(321.34(22)"a")**.

## **Bus Routes**

The establishment and operation of bus routes and the contracting for transportation shall be based upon the following considerations:

1. Each bus route shall be planned and adjusted to utilize the normal seating capacity of each bus insofar as it is possible to do so.
2. Each bus route shall serve only those pupils living in those areas where transportation by bus is the most economical method for providing adequate transportation facilities.
3. A route shall not be extended for the purpose of accommodating pupils whose homes are nearer another bus route.
4. Special contracts for transportation of pupils entitled to transportation shall be entered into only when it is more economical to make such special provision than to provide same by regular bus route, or when by reason of physical or mental disability of the pupil such pupil cannot be transported with safety by bus.
5. The boards shall take advantage of all tax exemptions on fuel, equipment, and of such other economies as are available.
6. The use of school buses shall be restricted to transporting pupils to and from school and to and from extracurricular activities sponsored by the school when such extracurricular activity is under the direction of a qualified member of the faculty and a part of the regular school program and to transporting other persons to the extent permitted by section 285.1, subsection 1, and section 285.10, subsections 9 and 10. School employees of districts operating buses may be transported to and from school and approved activities which they are required to attend as a result of their responsibilities. Provided, however, nothing in this subsection shall prohibit the use of school buses in transporting a school teacher going to and from the teacher's school when such school is on an established school bus route and such teacher makes arrangements with the district operating such school bus.
7. No bus shall leave the public highway to receive or discharge pupils unless their safety is enhanced thereby, or the private road is maintained in the same manner as a public roadway.
8. Bus routes shall be established only to give service to properly designated pupils **(285.11)**.

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 **(IAC 281—43.1(1))**.

A route shall provide a load of at least 75 percent capacity of the bus **(IAC 281—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. (These limits may be waived upon request of the parents.) **(IAC 281—43.1(3))**.

Transporting districts shall arrange routes to provide the greatest possible convenience to the pupils. Distance pupils who are required to transport themselves to meet the bus shall be kept to the minimum consistent with road conditions, uniform standards and legal requirements for locating bus routes **(IAC 281—43.1(5))**.

Each bus route shall be reviewed annually for safety hazards **(IAC 281—43.1(6))**.

## **Bus Drivers**

When school buses are used to transport pupils, the bus shall be driven by a regularly 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. If the faculty member is an approved driver, that person can act both as a driver and faculty sponsor (**IAC 281--43.10(4)**).

The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and a certificate of qualification for operation of a commercial motor vehicle issued by a physician or osteopathic physician licensed pursuant to chapter 148, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations, and shall successfully complete an approved course of instruction in accordance with subsection 3. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus (**321.376(1)**). The department of education shall refuse to issue an authorization to operate a school bus to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 3. The department of education shall take adverse action against any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 3. Such action may include a reprimand or warning of the person or the suspension or revocation of the person's authorization to operate a school bus. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for issuing and suspending or revoking authorization to operate a school bus in this state. Rules and procedures adopted shall include but are not limited to provisions for the revocation or suspension of, or refusal to issue, authorization to persons who are determined to have met any of the grounds listed under section 321.375, subsection 3 (**321.376(2)**).

A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first 6 months of employment and at least every 24 months thereafter. If an employee fails to provide an employer with a certificate of completion of the required school bus driver's course, the driver's employer shall report the failure to the department of education and the employee's authorization to operate a school bus shall be revoked. The department of education shall send notice of the revocation to both the employee and the employer. A person whose school bus authorization has been revoked under this section shall not be issued another authorization until certification of the completion of an approved school bus driver's course is received by the department of education (**321.376(3)**).

All bus drivers for school-owned equipment shall be under contract with the board (**285.5(9)**). All contracts for transportation service and for drivers of school-owned and operated buses shall be made with someone outside the board except where no other transportation service is available, a board member may transport the member's own children (**285.5(7)**).

A driver of a school bus must meet all of the following requirements:

- a. Be at least 18 years of age.
- b. Be physically and mentally competent.
- c. Not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported.
- d. Possess a current certificate of qualification for operation of a commercial motor vehicle issued by a physician licensed pursuant to chapter 148, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations (**321.375(1)**).

Prior to hiring an applicant for a school bus driver position, including a contract position, an employer shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. An employer shall follow the same procedure upon the renewal of an employee's or contract employee's school bus driver's license issued by the department of transportation valid for the operation of a school bus. An employer shall pay for the cost of the registry checks conducted pursuant to this subsection. An employer shall maintain documentation demonstrating compliance with this subsection (**321.375(2)**).

Any of the following shall constitute grounds for the immediate suspension from duties of a school bus driver, including a part-time or substitute bus driver, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a nonpublic school, or pending confirmation of the grounds by the employer of the school bus driver if the employer is not a school district or accredited nonpublic school:

- a. Use of nonprescription controlled substances or alcoholic beverages during working hours.
- b. Operating a school bus while under the influence of nonprescription controlled substances or alcoholic beverages.

- c. Fraud in the procurement or renewal of a school bus driver's authorization to operate a school bus.
- d. The commission of or conviction for a public offense as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student with the intent to commit acts and practices proscribed under sections 709.2 through 709.4, section 709.8, and sections 725.1 through 725.3, or is a violation of the rules of the department of education adopted to implement section 280.17.
- e. The school bus driver is listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5. A termination hearing conducted pursuant to this paragraph shall be limited to the question of whether the school bus driver was incorrectly listed in the registry.
- a. A change in circumstances indicating that the driver is no longer physically or mentally competent. For the purpose of an insulin-dependent diabetic, a change in circumstances includes the following:
  - 1) Results of a glycosylated hemoglobin test indicating values less than 6.0 percent or greater than 9.5 percent unless accompanied by the required medical opinion that the event was incidental and not an indication of failure to control glucose levels.
  - 2) Results of self-monitoring indicate glucose levels less than one hundred milligrams per deciliter or greater than three hundred milligrams per deciliter, until self-monitoring indicates compliance with specifications.
  - 3) Experiencing a loss of consciousness or control relating to diabetes.
  - 4) Failing to maintain or falsifying the required reports **(321.375(3))**.

Notwithstanding any provision to the contrary, an insulin-dependent diabetic may qualify under subsection 1, paragraph "d", for purposes of operating a school bus under this section if a person identified by federal or state law as authorized to perform physical examinations annually provides a signed statement indicating that based upon an annual physical examination the individual is physically able to perform the required functions despite insulin dependency. The insulin-dependent diabetic shall not qualify to operate a school bus if, at minimum, the individual results of a glycosylated hemoglobin test indicate values less than 6.0 percent or greater than 9.5 percent on other than an incidental basis and not as a result of failure to control glucose levels. The statement shall also indicate that within the past three years the insulin-dependent diabetic has completed instruction to address diabetes management and driving safety, signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise **(321.375(4)"a")**.

A school district or authorities in charge of the nonpublic school that employs or otherwise secures the services of an individual with an authorization who is an insulin-dependent diabetic shall monitor the insulin-dependent diabetic to determine that they are in compliance with all of the following:

- 1) Self-monitoring blood glucose and demonstrating conformance with requirements, more than one hundred milligrams per deciliter and less than three hundred milligrams per deciliter, within one hour before driving a school bus and approximately every four hours while on duty using a United States food and drug administration approved device.
- 2) Reporting immediately to the school district or school any failure to comply with specific glucose level requirements as listed in subparagraph (1) or loss of consciousness or control.
- 3) Carrying a source of readily absorbable, fast-acting glucose while on duty.
- 4) Maintaining a daily log of all glucose test results for the previous six-month period and providing copies to the school district or school, the examining physician, and the department of education upon request.
- 5) Submitting all required department of education forms within the prescribed timelines **(321.375(4)"a")**.

The driver of the bus shall observe the maximum speed limits for school buses at all times **(IAC 281—43.10(5)"e")**.

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:

- 1. Reliability or dependability.
- 2. Initiative, self-reliance, and leadership.
- 3. Ability to get along with others.
- 4. Freedom from use of undesirable language.
- 5. Personal habits of cleanliness.
- 6. Moral conduct above reproach.
- 7. Honesty.
- 8. Freedom from addiction to narcotics or habit-forming drugs.
- 9. Freedom from addiction to alcoholic beverages or liquors **(IAC 281—43.12)**.

Factors to be considered in determining emotional stability are:

- 1) Patience.
- 2) Considerateness.
- 3) Even temperament.
- 4) Calmness under stress (**IAC 281—43.13**).

School bus drivers must be at least 18 years of age on or before August 1 preceding the opening of the school year for which a school bus driver's authorization is required (**IAC 281—43.14**).

Except for insulin-dependent diabetics, an applicant for a school bus driver's authorization must undergo a biennial physical examination by a licensed physician or surgeon, osteopathic physician or surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner. 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 (**IAC 281—43.15**).

A person who is an insulin-dependent diabetic may qualify to be a school bus driver if the person meets all qualifications of Iowa Code subsection 321.375(3). Such driver is subject to an annual physical examination by a qualified medical examiner as listed in rule 281—43.15(285) (**IAC 281—43.17**).

Every school bus driver shall carry a copy of the driver's school bus driver's authorization at all times when the driver is acting in that capacity. (**IAC 281—43.18**).

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. (**IAC 281—43.21**).

Driver restrictions.

- 1) The driver of a school bus shall not smoke on the bus or on any school property.
- 2) The driver shall not permit firearms to be carried in the bus.
- 3) The driver shall not fill the fuel tank while the motor is running or when there are passengers on the bus.
- 4) The driver shall ensure that aisles and exits are not blocked (**IAC 281—43.38**).

## Transportation Vehicles

A vehicle which carries liquefied petroleum gas fuel or natural gas, as a fuel source for the vehicle, in a concealed area, including but not limited to trunks or compartments located in or under the vehicle, shall display on the left rear and right front bumpers of the vehicle a standard abbreviation or symbol, approved by the department of public safety, which indicates liquefied petroleum gas fuel or natural gas is a fuel source for the vehicle. The owner of the vehicle which is fueled by natural gas or liquefied petroleum gas shall be responsible for the placement of the approved abbreviation or symbol on the vehicle. A person shall not dispense liquefied petroleum gas fuel or natural gas into a tank in a concealed area of a vehicle unless the vehicle complies with this requirement. A person who violates this section is guilty of a simple misdemeanor. (**101.11**).

A refund is allowable for the tax on motor fuel or undyed special fuel sold directly to and used for the following: a school district which is used for a public purpose, including fuel sold for the transportation of pupils of approved public and nonpublic schools by a carrier who contracts with the public school under section 285.5 (**452A.17(1)"a"(3)**).

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface (**721.8**).

A motor vehicle purchased by or used under the direction of the board of directors to provide services to a school corporation shall not operate on gasoline other than ethanol blended gasoline blended as defined in section 214A.1. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline (**279.34**).

All diesel fuel sold for or used in vehicles designed for transporting persons or property on a street or highway must contain not more than 0.05 percent by weight of sulfur content. This mandate includes diesel fuels sold and used in school transportation vehicles (**40 CFR 80, 29, 86**).

Every motor vehicle, trailer, and semitrailer when driven or moved upon a highway shall be subject to the vehicle registration provisions of chapter 321 except any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in subsection 285.1(1) and subsection 285.10(9), or used exclusively for the transportation of children enrolled in a federal head start program. Upon application the department of transportation shall, without charge, issue a registration certificate and registration plates. Such plates shall be attached to the front and rear of each bus exempt from registration (**321.18(7)**).

The provisions of sections 321.372 to 321.380, shall apply to all public and nonpublic schools where children are transported to and from school (**321.378**).

A school board, individual, or organization shall not purchase, construct, or contract for use, to transport pupils to or from school, any school bus which does not comply with the minimum requirements of section 321.373 and any individual, or any member or officer of such board or organization who authorizes, the purchase, construction, or contract for any such bus not complying with these minimum requirements commits a simple misdemeanor (**321.379**).

It shall be the duty of all peace officers and of the state patrol to enforce the provisions of sections 321.372 to 321.379 (**321.380**).

Every school bus except private passenger vehicles used as school buses shall be constructed and equipped to meet safety standards prescribed in rules adopted by the state board of education. Such rules shall conform to safety standards set forth in federal laws and regulations and shall conform, insofar as practicable, to the minimum standards for school buses recommended by the national conference on school transportation administered by the national commission on safety education and published by the national education association (**321.373(1)**). Rules prescribed for school buses shall provide standards for structural strength, materials, and insulation of the school bus body; color; seat and aisle arrangement; dimension and construction of service door; control of the front door or doors; emergency door and its location and construction; windows; roof ventilators; heaters; location, filling, and draining of the fuel tank; bumpers and how they shall be attached to the bus; lettering and identification of the bus; stop signal arm; warning lights and flashing lights (**321.373(2)**). The rules prescribed for school buses shall include special rules for passenger automobiles, and other vehicles designed to carry 8 or fewer pupils, when used as school buses (**321.373(3)**). These rules are found in IAC 281--44.

Every school bus shall be equipped with a comfortable seat for each child (**321.373(4)**).

#### Seating.

- a. Each passenger shall have a comfortable seat.
- b. Student passengers shall have a minimum of 13 inches of allowable seating per person.
- c. For adult groups, no more than two persons shall occupy a 39-inch seat.
- d. Standees are prohibited in all situations, whether the bus is transporting students or adults.
- e. The maximum number of passengers shall never exceed the rated capacity of the vehicle as it is equipped (**IAC 281—43.10(6)**).

A school bus may be equipped with a white flashing strobe light mounted on the roof of the bus to afford optimum visibility during periods of inclement weather. The light shall be installed and operated in accordance with rules. Each new school bus put into initial service after January 1, 1977, shall be equipped with such a light (**321.373(7)**).

No vehicle shall be put into service as a school bus until it is given an original inspection to determine if it meets all legal and established uniform standards of construction for the protection of the health and safety of children to be transported. Vehicles which are approved shall be issued a seal of approval by the director of the department of education. All vehicles used as school buses shall be given a safety inspection at least once a year. Buses passing the inspection shall be issued an inspection seal of approval by the director of the department of education. The seal of original inspection and the annual seal of inspection shall be affixed to the lower right hand corner of the windshield (**321.374**).

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 (**IAC 281—43.43**).

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 (**IAC 281--43.30**). 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 prescribed by the Department of Education. The completed form shall be signed by the mechanic and carried in the glove compartment of the bus (**IAC 281--43.31**).

A pre-trip 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 post-trip inspection of the interior of the school bus shall be performed after each trip (**IAC 281--43.41**).

Any person who operates or permits to be operated as a school bus to transport pupils, any vehicle which does not comply with the requirements provided by law or by the rules and regulations of the department of education, or for which there is not a valid temporary certificate for operation, shall be guilty of a simple misdemeanor. A vehicle used for an approved driver education course in which the driver education teacher transports driver education students from their residences for street or highway driving is not a school bus (**285.14**).

## **Contracts and Common Carriers**

The public school district may meet the requirements of providing transportation by contracting with private parties as provided in section 285.5. However, contracts shall not provide payment in excess of the average per pupil transportation costs of the school district for that year (**285.1(17)"b"**).

Where transportation by school bus is impracticable or not available or other existing conditions warrant it, arrangements may be made for use of common carriers according to uniform standards established by the director of the department of education and at a cost based upon the actual cost of service and approved by the board (**285.1(5)**).

All private contractors wishing to transport pupils to and from school in privately owned vehicles must be under contract with the board of education. This requirement will 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 by the department of education (**IAC 281--43.3**). 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) (**IAC 281--43.4**). The contractor may not arrange with individual families for transportation. The contractor undertakes to transport only those families indicated by the board of education (**IAC 281--43.5**). Parents, guardians, or custodians undertaking to transport other children for hire, in addition to their own, are private contractors. These individuals must be under contract, and must obtain an appropriate driver's license and a school bus driver's authorization (**IAC 281--43.6**). 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. (This requirement is not intended to restrict the use of passenger cars during the time the vehicles are not actually engaged in transporting school pupils.) (**IAC 281--43.7**).

- a. Contracts for school bus service with private parties shall be in writing and be for the transportation of children who attend public school and children who attend nonpublic school. Such contracts shall define the route, the length of time, service contracted for, the compensation, and the vehicle to be used. The contract shall prescribe the duties of the contractor and driver of the vehicles and shall provide that every person in charge of a vehicle conveying children to and from school shall be at all times subject to any rules said board shall adopt for the protection of the children, or to govern the conduct of the persons in charge of said conveyance. Contracts may be made for a period not to exceed 3 years.
- b. The contract shall provide that the contractor will sell the equipment to the board should the contractor desire to terminate the contract, provided the board should desire to purchase said equipment, the price of the equipment to be determined by an appraisal board composed of one person appointed by the school board, one appointed by the owner of the equipment, and a third selected by these two (**285.5(1)**).

The contractor shall operate the vehicle or provide a driver who must be approved by the board. The contractor and driver shall be subject to all laws and prescribed standards for school bus drivers. Failure to comply shall constitute grounds for dismissal of the driver or cancellation of the contract if the board so desires (**285.5(2)**).

All vehicles of transportation provided by contractor shall be inspected, approved and certified before being put into operation **(285.5(3))**.

All contracts may be terminated by either party on a ninety-day notice **(285.5(4))**.

The director of the department of education shall prepare a uniform contract containing provisions not in conflict with this chapter which shall be used by all schools in contracting for transportation service **(285.5(5))**.

All contractors shall carry liability insurance in amounts and kind as provided in the official contract **(285.5(6))**.

All contracts for transportation service and for drivers of school-owned and operated buses shall be made with someone outside the board except where no other transportation service is available, a board member may transport the member's own children **(285.5(7))**.

Private buses other than common carriers not used exclusively in transportation of pupils while under contract to a school district shall meet all requirements for school-owned buses, as to construction and operation **(285.5(8))**.

All bus drivers for school-owned equipment shall be under contract with the board. The director of the department of education shall prepare a uniform contract containing provision not in conflict with this chapter which shall be used by all school boards in contracting with drivers of school-owned vehicles **(285.5(9))**.

Transportation authorized by chapter 285 is exempt from all laws of this state regulating common carriers **(285.1(19))**.

Vehicles owned by private parties and used as school buses shall have reversed or covered the words "school bus" wherever they appear on the vehicle when the vehicle is not in use as a school bus. It shall be unlawful to operate flashing stop warning signals on such privately owned vehicles except as provided in section 321.372 **(321.373(5))**.

A vehicle operated by a regional transit system as defined in section 324A.1 may only provide school transportation services pursuant to rules adopted by the state department of transportation in consultation with the department of education **(321.377)**.

The board of education shall carry insurance on all school-owned buses and see that insurance is carried by all contractors engaged in transporting pupils for the district in the coverages and limits as determined by the board of education **(IAC 281--43.33)**.

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. The contract shall contain the provisions in IAC 281—43.34 **(IAC 281--43.34)**.

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. The contract shall contain the provisions in IAC 281--43.35 **(IAC 281--43.35)**.

#### Common Carrier Vehicles.

*a.* The vehicles need not be painted yellow and black as required for conventional school buses.

*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. The sign on the rear shall be at least ten square feet in size and shall be painted national school bus glossy 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 **(IAC 281—43.44(1))**.

Bus standards listed in IAC 281--43.44 are intended to apply to any vehicle operated by a common carrier when used exclusively for student transportation to and from school **(IAC 281—43-44)**.

Drivers shall be required to perform daily pre-trip inspections of their vehicles and to 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 43.41(285). Vehicles shall be inspected semiannually by personnel of the department of education in accordance with the provisions of Iowa Code section 285.8(4) **(IAC 281—43.44(5))**.

Local school officials shall provide the carrier with passenger conduct rules and the driver shall abide by the policies and procedures established by the local district (**IAC 281—43.44(6)"a"**).

Student instruction for passenger safety shall be the responsibility of the local school district as specified in rule 43.40(285) (**IAC 281—43.44(6)"c"**).