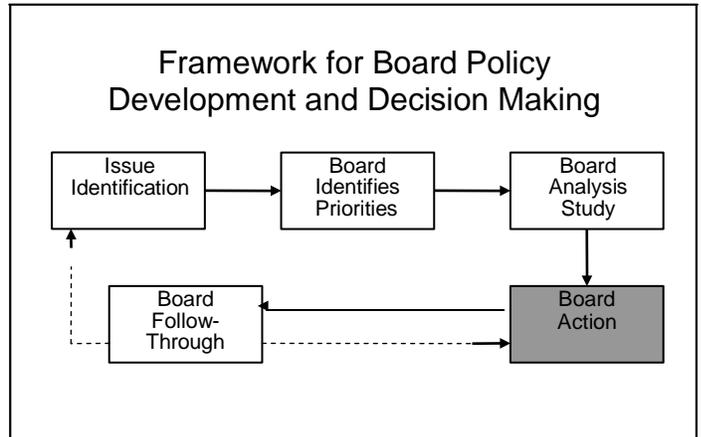


Iowa State Board of Education

Executive Summary

June 13, 2014



- Agenda Item:** Rules: Chapter 43 - Pupil Transportation (Notice)
- Iowa Goal:** All PK-12 students will achieve at a high level.
- State Board Role/ Authority:** Iowa Code section 256.7(5) gives the State Board of Education the statutory authority to adopt rules under Chapter 17A.
- Presenter:** None (consent agenda)
- Attachments:** 1
- Recommendation:** It is recommended that the State Board give public notice of its intent to amend Chapter 43.
- Background:** Iowa Administrative Code (IAC) section 43.15 provides standards for the physical fitness of those individuals applying for a school bus driver's authorization. Such individuals must undergo a biennial physical examination. New federal regulations require that such physical examinations must be performed by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners.
- This Notice of Intended Action to amend IAC chapter 43 is designed to bring the rule into compliance with the new federal regulation.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Pursuant to the authority of Iowa Code chapter 285, the State Board of Education hereby proposes to amend Chapter 43, “Pupil Transportation,” Iowa Administrative Code.

This chapter provides the rules and standards for pupil transportation for all Iowa school districts and accredited nonpublic schools. Item 1 conforms to new federal regulation 49 C.F.R. § 391.43 (2014), which went into effect on May 21, 2014, by providing that an applicant for a school bus driver’s authorization undergo a biennial physical examination by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners.

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

Interested individuals may make written comments on the proposed amendments on or before July 29, 2014, at 4:30 p.m. Comments on the proposed amendments should be directed to Nicole Proesch, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515) 281-8661; E-mail nicole.proesch@iowa.gov; or fax (515)242-5988.

A public hearing will be held on July 29, 2014, from 9 to 10 a.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of their specific needs by calling (515)281-5295.

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

This amendment is intended to implement federal regulation 49 C.F.R. § 391.43 (2014).

The following amendment is proposed.

ITEM 1. Amend subrule **43.15** 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 ~~licensed physician or surgeon, osteopathic physician or surgeon, osteopath, qualified doctor of chiropractic, licensed physician assistant, or advanced registered nurse practitioner.~~ 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.