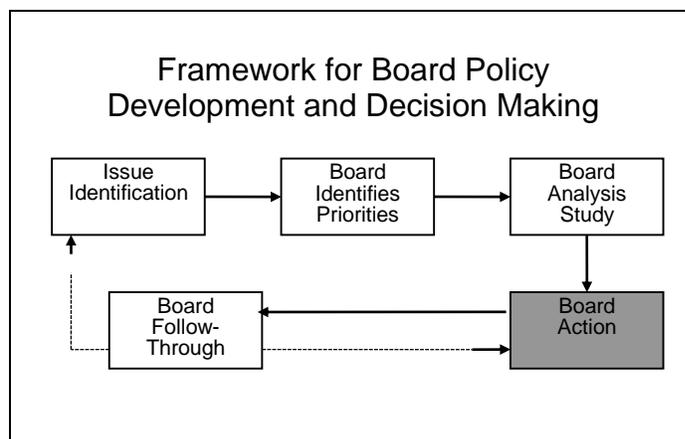


Iowa State Board of Education

Executive Summary

September 18, 2014



- Agenda Item:** Rules: 281 IAC Chapter 43 - Pupil Transportation (Adopt)
- 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 amend Chapter 43.
- Background:** 281 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 amendment to 281 IAC chapter 43 is designed to bring the rule into compliance with the new federal regulation.

A public hearing on this rule was held on July 29, 2014. No one attended the public hearing. No written comments on the rule were received.

EDUCATION DEPARTMENT [281]

Adopted and Filed

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.

Chapter 43 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 certified medical examiner who is listed on the National Registry of Certified Medical Examiners.

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

Notice of Intended Action was published in the July 9, 2014, Iowa Administrative Bulletin as **ARC 1528C**. Public comments were allowed until 4:30 p.m. on July 29, 2014. A public hearing was held on that date. No one attended the public hearing. No written comments were received regarding this amendment. This amendment is identical to that published under Notice.

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).

This amendment will become effective on November 19, 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.