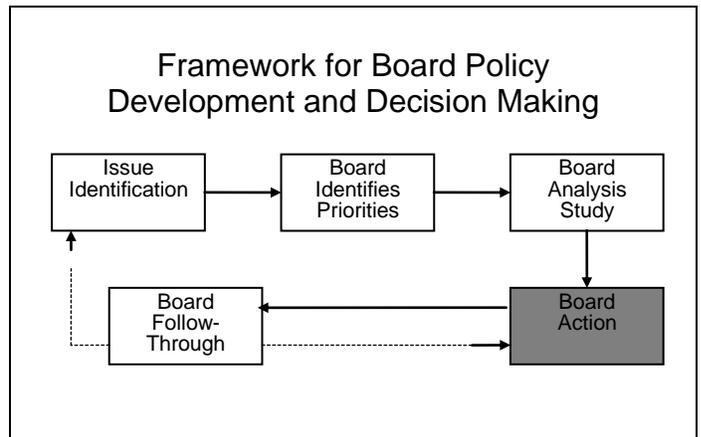


Iowa State Board of Education

Executive Summary

July 29, 2010



Agenda Item:

Rules: Chapter 43 - Pupil Transportation (Notice)

Iowa Goal:

All K-12 students will achieve at a high level.

Equity Impact Statement:

These rules support the improvement of school bus safety.

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:

Upon routine review of the provisions of chapter 43, agency staff discovered a few rules that were not previously amended to conform to statutory changes. Accordingly, Items 1 through 3 conform to 2003 Iowa Acts, chapter 180, section 52, which no longer requires a school district to obtain separate body and chassis bids; Items 4 and 5 more accurately state contract law; and Item 6 conforms to the Smokefree Air Act of 2008 (Iowa Code chapter 142D).

EDUCATION DEPARTMENT [281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 43, "Pupil Transportation," Iowa Administrative Code.

Upon routine review of the provisions of chapter 43, agency staff discovered a few rules that were not previously amended to conform to statutory changes. Accordingly, Items 1 through 3 conform to 2003 Iowa Acts, chapter 180, section 52, which no longer requires a school district to obtain separate body and chassis bids; Items 4 and 5 more accurately state contract law; and Item 6 conforms to the Smokefree Air Act of 2008 (Iowa Code chapter 142D).

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

Interested individuals may make written comments on the proposed amendments on or before September 14, 2010, at 4:30 p.m. Comments on the proposed amendments should be directed to Carol Greta, Office of the Director, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-8661; E-mail carol.greta@iowa.gov; or fax (515)281-4122.

These amendments are intended to implement Iowa Code chapter 285.

The following amendments are proposed.

ITEM 1. Rescind and reserve subrule **281—43.25(1)**.

ITEM 2. Amend subrule **281—43.25(2)** as follows:

43.25(2) Notify ~~body and chassis~~ dealers of intent to purchase school transportation equipment and request bids.

ITEM 3. Amend subrule **281—43.25(7)** as follows:

43.25(7) Sign ~~separate~~ contracts or orders for purchase of ~~body and chassis~~ school transportation equipment. Purchase agreement must provide that dealer will deliver equipment which will pass initial state inspection at no further cost to school and further provide that school board shall withhold at least \$150 until vehicle passes initial state inspection.

ITEM 4. Amend subrule **281—43.34(16)** as follows:

43.34(16) The use of alcoholic beverages or immoral conduct by the contractor or driver employed by the contractor shall ~~automatically cancel this contract~~ result in appropriate sanctions as provided in Iowa Code section 321.375.

ITEM 5. Rescind subrule **281—43.34(19)**.

ITEM 6. Amend rule **281—43.38(285)** as follows:

281—43.38(285) Driver restrictions.

43.38(1) The driver of a school bus shall not smoke ~~when there are~~ passengers on the bus or on any school property.

43.38(2) and **43.38(3)** No change.

43.38(4) The driver shall ensure that aisles and exits are not blocked.

ITEM 7. Amend **281—Chapter 43**, implementation sentence, as follows:

These rules are intended to Iowa Code ~~section 285.4~~ chapter 285.