

**IOWA DEPARTMENT OF EDUCATION
OFFICE OF THE DIRECTOR**

(Cite as 29 D.o.E. App. Dec. 278)

In re Petition of Rules 281 – 44.1 through)	
281 – 44.3,)	
)	
Turkey Valley Community School District &)	ORDER GRANTING WAIVER
Knoxville Community School District,)	APPLICATIONS
)	
Applicant.)	

On January 16, 2020, the Iowa Department of Education received a waiver application from Applicant Knoxville Community School District. On February 3, 2020, the Department received a waiver request from Applicant Turkey Valley Community School District. Both applications concerned school buses that Applicants ordered prior to the effective date of amendments to Chapter 44. A review of the applications show the Applicants procured school buses in September 2019, before the effective date of the rule amendments on October 2, 2019.

Having fully considered these applications in light of the standards for granting waivers of administrative rules, listed in Iowa Administrative Code chapter 281 – 4, I make the following findings and conclusions.

1. No hearing on this matter is necessary. All pertinent facts are disclosed in the applications.
2. Not granting these applications would impose an undue hardship on the Applicants, which have vehicles that they are unable to put into service due to rules that became effective after the purchases, without considerable additional expense.
3. Granting these applications will not prejudice the legal rights of any person.
4. The amendments to chapter 44 are not mandated by statute or other provision of law. The amendments to chapter 44 were based on recommended standards contained “in the National School Transportation Specifications and Procedures Manual 2015 and the Department of Education’s Chapter44 Update Group and in requests from the field.” Iowa Admin. Bulletin, June 5, 2019, at ARC number 4479C.

5. The rules that were in effect at the time that these vehicles were purchased provide substantially similar protection of “public health, safety, and welfare” as the rules for which this waiver is sought.

6. Granting these applications will not have a “negative impact” on student achievement.

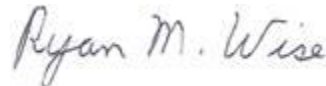
Having made such findings and conclusions, it is therefore ORDERED that these applications are -

GRANTED.

The administrative rules in effect on the date that the vehicles purchased by the Knoxville Community School District (VIN 4DRBUPWNOMB861385 and VIN 4DRBUC8N8MB855775) and the Turkey Valley Community School District (VIN 4DRBUC8N9MB822297) were purchased shall govern their operation for the useful life of these vehicles.

Please ensure that a copy of the application and this order is kept in each of the school buses listed above.

Done on February 20, 2020, in Des Moines.



Ryan M. Wise, Director

CC: Tom Cooley