

CITE AS \_\_\_\_ D.o.E. App. Dec. \_\_\_\_

IOWA DEPARTMENT OF EDUCATION

In re waiver of Iowa Administrative	)	
Code rule 281-44.3(30)(e)(1),	)	
	)	Docket: 5815
	)	
Iowa Pupil Transportation Association,	)	
	)	ORDER GRANTING
Petitioner.	)	WAIVER
	)	

On December 5, 2023, the Iowa Pupil Transportation Association requested a waiver of the above-reference rule, which relates to passenger cabin heat sources in school buses. Petitioner sought a waiver of this rule to account for electric buses.

Having reviewed the request and being fully advised, I make the following findings of fact and conclusions of law.

1. The petition is proper in form.
2. The current rule allows heating systems to be powered only by the same fuel as the vehicle engine.
3. The Department takes official notice of the fact that the petitioner's requested relief is included in the Department's proposals for Chapter 281-44 under Executive Order 10.
4. The requested relief in this waiver would bridge the gap between the current state and the effective date of final rules, which would allow different power sources for heating on electric buses.
5. Those proposed rules were drafted with broad input from interested parties and groups, including school transportation directors and public safety professionals.
6. The Department offered a chance to respond to this waiver request to the School Administrators of Iowa, the Iowa Association of School Boards, and the Iowa Department of Transportation.

7. The time period for response has passed. The Iowa Association of School Boards responded, indicating it has no objections to this waiver.
8. All of the factors in chapter 281-4 weigh in favor of granting the requested waiver, with greatest weight given to student health and safety.

It is hereby ORDERED -

- I. The waiver is GRANTED. Rule 281-44.3(30)(e)(1) is waived for electric buses. An auxiliary heating system on an electric bus may be powered by a different fuel than the vehicle engine.
- II. This waiver is limited to electric vehicles only.
- III. This waiver will expire one year from today's date, or whenever the proposed rule becomes effective, whichever comes first. If the proposed rule is not effective one year from today's date, the petitioner may renew this waiver request.
- IV. If this waiver expires and the proposed rule is not yet effective, any vehicle with an auxiliary heating system authorized by this waiver may continue to operate.

Done on this 22 day of December, 2023, in Des Moines.

Iowa Department of Education, by



McKenzie Snow  
Director

CC (via electronic mail only):  
Petitioner, SAI, IASB, DOT, Kassandra Cline, Eric St. Clair