Regulatory Analysis

Notice of Intended Action to be published: 761—Chapter 911
"School Transportation Services Provided by Regional Transit Systems"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 321.377

State or federal law(s) implemented by the rulemaking: Iowa Code sections 321.1, 321.189, 321.343, 321.375 through 321.377 and 324A.1

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 6, 2025 2:30 to 3 p.m.	Microsoft Teams Or dial: 515.817.6093 Conference ID: 792 755 195#

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department of Transportation no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Kristin Haar
800 Lincoln Way
Ames, Iowa 50010
Email: kristin.haar@iowadot.us

Purpose and Summary

This proposed chapter establishes standards for school transportation services provided by Iowa's regional transit systems under contract with local schools.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Iowa's regional transit systems that choose to provide school transportation would bear the cost of the semiannual Department of Education School Bus Inspections on the vehicles to be used for the service. Either drivers or their transit agency employers would bear the cost of the school bus driver education courses required biannually.

- **Classes of persons that will benefit from the proposed rulemaking:**

School districts and students and their families will benefit from this proposed rulemaking, which helps to make another transportation option available.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Any quantitative impact will be nominal and only incurred by those transit agencies choosing to contract with local school districts to provide student transportation.

- **Qualitative description of impact:**

School districts and students and their families will benefit from this proposed rulemaking, which helps to make another transportation option available.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

No implementation or enforcement costs are borne by the State due to this proposed chapter.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues due to the implementation of this proposed chapter.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Without implementation of this proposed chapter, public transit agencies and school districts would have no guidance for utilizing public transit vehicles and drivers for student transportation. This would likely result in public transit not being considered as a viable solution to providing student transportation. The benefits of rule implementation outweigh costs.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly or less intrusive methods are known to exist to fulfill the purpose of this proposed rulemaking.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered in drafting this proposed chapter.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

In order to ensure the safety of the students being transported by public transit agencies, guidance is necessary. This proposed chapter puts public transit agencies and school districts on the same page for expectations.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking does not have a significant impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 911 and adopt the following **new** chapter in lieu thereof:

CHAPTER 911
SCHOOL TRANSPORTATION SERVICES PROVIDED
BY REGIONAL TRANSIT SYSTEMS

761—911.1(321) Purpose and information.

911.1(1) *Purpose.* This chapter establishes standards for school transportation services provided by Iowa's regional transit systems under contract with local schools.

911.1(2) *Information.* Information and forms may be obtained from the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.233.7870; or the department's website at www.iowadot.gov/transit.

761—911.2(321,324A) Definitions. The definitions in Iowa Code sections 321.1 and 324A.1 apply to this chapter. In addition:

"Bus" means a motor vehicle, excluding a trailer, designed to carry ten or more persons.

"School bus" means a bus that complies with all federal motor vehicle safety standards applicable to a school bus.

"School transportation service" means transit service provided under contract to a public or nonpublic school or other group, including day care centers, to transport students to or from schools or school-sponsored activities.

"Student" means a person attending a public or nonpublic school, grades prekindergarten through high school, including a Head Start participant.

"Vehicle" means an automobile, multipurpose vehicle, bus or school bus, including as defined in this rule.

761—911.3(321) Services to students as part of the general public. All services provided by regional transit systems must be open to the public. This chapter shall not be construed to restrict the use of these services by any individual fare-paying passenger, in either fixed route or demand response service.

761—911.4(321) Contracts for nonexclusive school transportation. Regional transit systems may contract with schools, day care providers, after-school program providers or others to provide nonexclusive school transportation service that meets the requirements of this chapter. Exclusive service contracts are prohibited.

761—911.5(321) Adoption of federal regulations.

911.5(1) *Code of Federal Regulations.* The department adopts the following portions of the October 1, 2024, Code of Federal Regulations, which are referenced throughout this chapter:

a. 49 CFR Part 38, Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.

b. 49 CFR Part 571, Federal Motor Vehicle Safety Standards.

c. 49 CFR Part 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

911.5(2) *Obtaining copies of regulations.* Copies of these regulations are available from the state law library or online through the U.S. Government Publishing Office at www.ecfr.gov.

761—911.6(321) Driver standards. The following standards apply to regional transit system drivers assigned to provide school transportation service:

911.6(1) *Federal Transit Administration (FTA) drug and alcohol testing.* Each driver is subject to the following testing for drug and alcohol usage as detailed by the FTA in 49 CFR Part 655, including:

a. Preemployment testing.

b. Reasonable suspicion testing.

c. Postaccident testing.

d. Random testing.

e. Return to duty testing.

f. Follow-up testing.

911.6(2) *Training.* Each driver must, before or within the first 6 months of assignment and at least every 24 months thereafter, complete a course of instruction approved by the department of education in accordance with Iowa Code section 321.376.

911.6(3) *Driving record check.* The regional transit system must review the driving record of each driver prior to assignment and on an annual basis.

911.6(4) *Criminal record check.* The regional transit system must conduct a criminal records review of each driver prior to assignment and on an annual basis. This review verifies that the driver has no history of child abuse or other criminal activity.

911.6(5) *Driver licensing.* Each driver must be licensed appropriately for the size and type of vehicle used as provided in Iowa Code section 321.189. A Class A, B or C commercial driver's license with passenger endorsement may be required. A driver may operate the vehicle for purposes of training if the driver has the appropriate commercial learner's permit as described in 761—Chapter 607, and the restrictions in rule 761—607.20(321) shall apply. If a commercial driver's license is not required, a Class D (chauffeur) license is required.

911.6(6) *Authorization to operate a school bus.* Each driver who transports students must have an authorization to operate a school bus issued by the department of education in accordance with Iowa Code section 321.376.

911.6(7) *Physical fitness.*

a. Each driver who transports students must undergo a physical examination by a certified medical examiner who is listed on the National Registry of Certified Medical Examiners in accordance with Iowa Code section 321.375(1)*"d"* and with department of education rule 281—43.15(285) or 281—43.17(285). Annually, the driver must submit the signed medical examiner's certificate to the driver's employer.

b. Upon a commercial driver's license issuance or renewal, the driver shall self-certify as to the type of driving the driver does and, if required, provide a current medical examiner's certificate to the department unless the driver's medical examiner's certification is provided to the department electronically by the Federal Motor Carrier Safety Administration pursuant to 761—paragraph 607.37(1)*"a"* and 761—subrule 607.50(2).

761—911.7(321) Vehicle standards. The following standards apply to regional transit system vehicles assigned to provide school transportation service.

911.7(1) *Vehicle construction.*

a. Each vehicle must be constructed in compliance with the federal motor vehicle safety standards for that type of vehicle as set forth in 49 CFR Part 571. The capacity rating of automobiles and multipurpose vehicles shall not be modified or altered in any way except by the original manufacturer.

b. Each bus in use must also comply with the following federal motor vehicle safety standards:

(1) Standard No. 217, Bus Emergency Exits and Window Retention and Release. Buses utilized for school transportation shall incorporate a rear emergency exit door in meeting this standard.

(2) Standard No. 220, School Bus Rollover Protection.

(3) Standard No. 221, School Bus Body Joint Strength.

(4) Standard No. 301, Fuel System Integrity.

911.7(2) *Passenger restraint/protection.* Each automobile, multipurpose vehicle or school bus must provide passenger restraint/protection devices as required for that type of vehicle in the federal motor vehicle safety standards. Each bus must meet the standards listed in either paragraphs 911.7(2)*"a"* through *"f"* or paragraph 911.7(2)*"g"*:

a. Standard No. 207, Seating Systems.

b. Standard No. 208, Occupant Crash Protection.

c. Standard No. 209, Seat Belt Assemblies.

d. Standard No. 210, Seat Belt Assembly Anchorages.

e. Standard No. 213, Child Restraint Systems.

f. Standard No. 225, Child Restraint Anchorage Systems.

g. Standard No. 222, School Bus Passenger Seating and Crash Protection.

911.7(3) *Accessibility for persons with disabilities.* Each vehicle used for students with disabilities must comply with all applicable provisions of 49 CFR Part 38.

911.7(4) *Signage.* A vehicle must not be signed as a school bus.

911.7(5) *Department of education inspection.* Every vehicle must be inspected twice annually by the department of education school bus inspectors and officers of the Iowa state patrol to determine if the vehicle meets all vehicle standards set forth in this chapter. The department of education will notify each regional transit system of the dates and locations of scheduled inspections. Inspections must be documented on a form prescribed jointly by the departments of transportation and education.

911.7(6) *Transfer to another public transit system.* When a public transit system purchases a used vehicle from another public transit system, the previous owner's department of education's bus inspections stickers must be removed. If the purchasing public transit system plans to use the vehicle for school transportation service, a new inspection must be performed on the vehicle.

761—911.8(321) Maintenance. Regional transit system vehicles assigned to provide school transportation service must be maintained in a safe and operable condition. The following maintenance practices apply.

911.8(1) *FTA drug and alcohol testing of mechanics.* With the exception of mechanics providing vehicle maintenance services under contract to a regional transit system-recipient of funding from 49 U.S.C. 5311, all personnel providing maintenance services on regional transit system vehicles are subject to drug and alcohol testing as required by the FTA in 49 CFR Part 655.

911.8(2) *Daily pretrip vehicle inspections.* Drivers of these vehicles must perform daily pretrip vehicle inspections using a form prescribed by the department or a mobile application including the same information. Regional transit systems must retain daily pretrip vehicle inspection reports and documentation of follow-up maintenance for one year.

911.8(3) *Annual vehicle inspection.* Maintenance personnel must annually inspect each vehicle. Regional transit systems must retain annual vehicle inspection records for one year.

761—911.9(321) Safety equipment. Regional transit system vehicles assigned to provide school transportation service must carry the following safety equipment.

911.9(1) *Communication equipment.* Each vehicle must be equipped with a two-way radio, cellular telephone, or mobile data terminal tablet capable of emergency communication between the vehicle and the regional transit system's base of operations.

911.9(2) *First-aid/body fluids cleanup kit(s).* Each vehicle must be equipped with a first-aid kit of sufficient size and content for the capacity of the vehicle and be equipped with a body fluid cleanup kit. These may be provided as separate kits or combined into one kit. The contents of the kit(s) must be contained in one or more moistureproof and dustproof container(s) stored in an accessible location within the driver's compartment and must be removable from the vehicle in an emergency.

911.9(3) *Fire extinguisher.* Each bus or school bus must be equipped with a minimum 5-pound capacity, dry chemical fire extinguisher. Each automobile and multipurpose vehicle must be equipped with an extinguisher of at least 2.5-pound capacity. Extinguishers must have a 2A-10BC rating. All fire extinguishers shall be inspected and maintained in accordance with the National Fire Protection Association requirements. The standards for portable extinguishers are available online from the National Fire Protection Association at www.nfpa.org.

911.9(4) *Seatbelt web cutter.* A seatbelt web cutter must be mounted or placed within reach of the driver.

911.9(5) *Roadside reflective triangles.* Each vehicle must be equipped with roadside reflective triangles for use in case of breakdown or emergency.

911.9(6) *Flashlight.* Each vehicle must be equipped with an operable flashlight, or each driver must be assigned an operable flashlight to be in the vehicle at all times of operation.

911.9(7) *Reflective vest.* Each vehicle must be equipped with a reflective vest, or each driver must be assigned a reflective vest that must be in the vehicle at all times of operation. Individual regional transit systems are to establish a policy for when the reflective vests must be worn.

761—911.10(321) Operating policies. School transportation services provided by regional transit systems must be designed to maximize the safety of student riders and must, at a minimum, meet the following standards.

911.10(1) *Passenger loading/unloading.* Unless prohibited by law, students transported in vehicles other than school buses must be loaded and unloaded on the same side of the street as their residence or other origin or destination. Students may be released only to the custody of a designated school official, parent or guardian, employee of the department of health and human services, or law enforcement official, unless other arrangements are made in advance.

911.10(2) *Student passenger behavior and discipline policy.* Each contract for school transportation service must include a policy relating to the behavior of students while they ride in vehicles. The regional transit system or school must provide instruction to all drivers assigned to school transportation service relative to the content and application of the policy. If a student is removed from a vehicle for one or more policy violations, the student may be released only to the custody of a school official, parent or guardian, employee of the department of health and human services or a law enforcement officer. In all cases, the school must be notified immediately of any such disciplinary action, and a written report must be filed with the school describing the circumstances resulting in the removal.

911.10(3) *Standing prohibited.* Under no circumstances shall a student be permitted or required to stand while a vehicle is in motion. Every student must be provided an appropriate seat at all times.

911.10(4) *Stops at rail crossings.* Every driver must make a complete stop before driving across the tracks of any railroad crossing in accordance with Iowa Code section 321.343.

911.10(5) *Accident reporting.* If a driver is involved in a collision or other incident causing or having a potential to cause injuries to students, the regional transit system must immediately notify the school of the incident. The regional transit system must file all accident reports required by law. In addition, the regional transit system must complete a school bus accident report on a form prescribed by the department of education and submit it to the school or the department of education.

911.10(6) *Passenger instruction/evacuation drills.* Each school must provide students assigned to school transportation service with school bus passenger safety instruction and emergency evacuation drills at least twice each school year. These evacuation drills must involve a vehicle of the same type used to provide the school transportation service.

911.10(7) *Special training for drivers carrying students with disabilities.* Each school contracting for school transportation services for a student with one or more disabilities must provide the regional transit system with information on any special needs of the student and, if necessary, provide the assigned driver with appropriate information and training on how to appropriately respond to the needs of the student during transit and in the event of an emergency.

911.10(8) *Posttrip inspection.* After each trip that had students on board, the driver must perform a posttrip inspection of the interior of the vehicle. The posttrip inspection must include a walk-through to the back of the vehicle to ensure no sleeping or hiding children are left behind.

These rules are intended to implement Iowa Code sections 321.1, 321.189, 321.343, 321.375 through 321.377 and 324A.1.