

321.375 School bus drivers qualifications grounds for suspension.

1. A driver of a school bus must meet all of the following requirements:

- a.* Be at least eighteen years of age.
- b.* Be physically and mentally competent.
- c.* Not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported.
- d.* Possess a current certificate of qualification for operation of a commercial motor vehicle issued by a physician licensed pursuant to chapter 148 or 150A, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations.

2. Any of the following shall constitute grounds for a school bus driver's immediate suspension from duties, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a nonpublic school if the bus driver is under contract, pending confirmation of the grounds by the school district or accredited nonpublic school if the bus driver is a part-time or substitute bus driver who is not under contract, or pending confirmation of the grounds by the employer of the school bus driver if the employer is not a school district or accredited nonpublic school by the board:

- a.* Use of nonprescription controlled substances or alcoholic beverages during working hours.
- b.* Operating a school bus while under the influence of nonprescription controlled substances or alcoholic beverages.
- c.* Fraud in the procurement or renewal of a school bus driver's authorization to operate a school bus.
- d.* The commission of or conviction for a public offense as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student with the intent to commit acts and practices proscribed under sections 709.2 through 709.4, section 709.8, and sections 725.1 through 725.3, or is a violation of the rules of the department of education adopted to implement section 280.17.
- e.* A change in circumstances indicating that the driver is no longer physically or mentally competent. For the purpose of an insulin-dependent diabetic, a change in circumstances includes the following:
 - (1) Results of a glycosylated hemoglobin test indicating values less than 6.0 percent or greater than 9.5 percent unless accompanied by the required medical opinion that the event was incidental and not an indication of failure to control glucose levels.
 - (2) Results of self-monitoring indicate glucose levels less than one hundred milligrams per deciliter or greater than three hundred milligrams per deciliter, until self-monitoring indicates compliance with specifications.
 - (3) Experiencing a loss of consciousness or control relating to diabetes.
 - (4) Failing to maintain or falsifying the required reports.

3. *a.* Notwithstanding any provision to the contrary, an insulin-dependent diabetic may qualify under subsection 1, paragraph "*d*", for purposes of operating a school bus under this section if a person identified by federal or state law as authorized to perform physical examinations annually provides a signed statement

indicating that based upon an annual physical examination the individual is physically able to perform the required functions despite insulin dependency. The insulin-dependent diabetic shall not qualify to operate a school bus if, at minimum, the individual results of a glycosylated hemoglobin test indicate values less than 6.0 percent or greater than 9.5 percent on other than an incidental basis and not as a result of failure to control glucose levels. The statement shall also indicate that within the past three years the insulin-dependent diabetic has completed instruction to address diabetes management and driving safety, signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise.

b. A school district or authorities in charge of the nonpublic school that employs or otherwise secures the services of an individual with an authorization who is an insulin-dependent diabetic shall monitor the insulin-dependent diabetic to determine that they are in compliance with all of the following:

- (1) Self-monitoring blood glucose and demonstrating conformance with requirements, more than one hundred milligrams per deciliter and less than three hundred milligrams per deciliter, within one hour before driving a school bus and approximately every four hours while on duty using a United States food and drug administration approved device.
- (2) Reporting immediately to the school district or school any failure to comply with specific glucose level requirements as listed in subparagraph (1) or loss of consciousness or control.
- (3) Carrying a source of readily absorbable, fast-acting glucose while on duty.
- (4) Maintaining a daily log of all glucose test results for the previous six-month period and providing copies to the school district or school, the examining physician, and the department of education upon request.
- (5) Submitting all required department of education forms within the prescribed timelines.

[C31, 35, § 4960-d10; C39, § **5032.04**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 321.375]

89 Acts, ch 210, §13; 90 Acts, ch 1230, § 70; 93 Acts, ch 127, § 8; 2002 Acts, ch 1140, §35; 2002 Acts, ch 1140, §34, 48; 2003 Acts, ch 180, §5759