



AFFIDAVIT FOR SCHOOL LICENSE

(to be completed by school)

License No. _____

Audit No. _____

Date _____

NOTE: Iowa Code section 321.194 requires the school board or superintendent/principal to certify that a need exists for the license and that the board and superintendent/principal are not responsible for actions of the applicant which pertains to the school license. The fact that the applicant resides less than one mile from the applicant's schools of enrollment is prima facie evidence of the nonexistence of necessity for issuance of a license.

Prima facie means that the one-mile requirement is waived only when the school official has reviewed an application and has determined that a special or extraordinary circumstance exists. A blanket waiver of the one-mile requirement is not appropriate.

STATE OF IOWA)
)
COUNTY OF _____)

It is deemed necessary that _____
Applicant's Full Name

of _____
School(s) be issued a school license to attend duly

scheduled courses of instruction or extracurricular activities at _____
School(s)

I certify that the school is an accredited school, or school that uses licensed practitioners as instructors, in the district of residence of the applicant's parent or guardian or in a contiguous district if open enrollment criteria established in Chapter 282 applies; that the applicant

lives at least one mile from the school, or

lives less than one mile from the school, but according to policy the school board has determined that a need exists for the school license

and has successfully completed an approved driver education course or has qualified for a driver education hardship exemption; that the duly scheduled courses of instruction are prescribed by the school board or required by statute; and that the extracurricular activities are sponsored by the school board.

I, the undersigned, hereby certify under penalty of perjury and pursuant to the laws of the State of Iowa that all of the preceding is true and correct. I further certify that the school board and the superintendent/principal are not responsible for actions of the applicant which pertain to the use of the school license.

Date

Superintendent, Principal or School Board Chairperson

APPLICATION FOR EXEMPTION FROM DRIVER EDUCATION REQUIREMENT

NOTE: Iowa Code section 321.194 requires an applicant for a school license to successfully complete an approved driver education course before the license may be issued. The requirement may be waived if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship as defined in subrule 602.17(3), Iowa Administrative Code. Hardship means:

- (1) If the applicant is 14 years old, that a driver education course **will not begin** at the applicant's school(s) of enrollment or at a public school in the applicant's district of residence within one year following the applicant's fourteenth birthday; or
- (2) If the applicant is 15 years old, that a driver education course **will not begin** at the applicant's school(s) of enrollment or at a public school in that applicant's district of residence within six months following the applicant's fifteenth birthday; or
- (3) If the applicant is between 16 and 18 years old, that a driver education course **is not offered** at the applicant's school(s) of enrollment or a public school in the applicant's district of residence at the time the request for hardship status is submitted to the department.
- (4) If the applicant is permanently handicapped and is unable to walk in excess of 200 feet unassisted or cannot walk without causing serious detriment or injury to the applicant's health.

_____ became _____ years of age on _____
Applicant's Full Name Date Year

The last driver education class began _____, _____, and the next driver education class will not begin
Date Year

until _____, _____
Date Year

_____ is permanently handicapped and is unable to walk in excess of 200 feet
Applicant's Full Name

unassisted or cannot walk without causing serious detriment or injury to the applicant's health.

We, the undersigned, hereby certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Date

Parent or Guardian

Date

Superintendent, Principal or School Board Chairperson

OFFICE OF DRIVER SERVICES

PARENT'S OR GUARDIAN'S CONSENT FOR ISSUANCE OF SCHOOL LICENSE FOR UNMARRIED MINOR

NOTE: Iowa law provides that the application for a school license of any unmarried person under eighteen shall contain the verified consent and confirmation of the person's birthdate by either parent of the applicant, guardian or other person having custody of the minor. This form must be signed and verified before a person authorized to administer oaths. Driver license examiners and driver license clerks are authorized to administer the oaths without charge.

NOTE: An applicant for a Minor School License must hold a valid Instruction Permit during the six consecutive months immediately preceding application for the Minor School License. The driving record must be free of contributive accidents and convictions for moving traffic violations during this six-month period. Completion of Driver Education is required. A Certificate of Completion of an Iowa-approved course should accompany this application.

It is deemed necessary that _____ Applicant's Full Name birthdate _____ Year, be issued a school license to attend duly scheduled courses of instruction or extracurricular activities at _____ School(s)

I certify that I fully understand that the restrictions of a school license are as follows:

The licensee, while having the license in his or her immediate possession, may operate a motor vehicle during the hours of 5 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and school(s) of enrollment to attend duly scheduled courses of instruction at the schools and extracurricular activities within the school district. The licensee may also drive to a service station for the purpose of refueling so long as the service station is on the most direct and accessible route or is the closest service station to the most direct and accessible route.

The licensee, while having the license in his or her immediate possession, may operate a motor vehicle at any time when accompanied by a parent or guardian, a member of the licensee's immediate family (brother, sister or other relative who resides at the licensee's residence) who is 21 years of age, or a driver education instructor or prospective driver education instructor, or a person who is 25 years of age or more if written permission is granted by the parent or guardian, who has a motor vehicle license valid for the vehicle operated, and who is actually occupying a seat beside the driver.

I fully understand that a school license is subject to suspension like any motor vehicle license and that upon receiving satisfactory evidence that the licensee has violated the restrictions of a school license or has been at fault in a chargeable accident, the school license may be suspended.

A school license may be suspended for conviction of one violation and shall be revoked for conviction of 2 or more violations of traffic laws other than parking regulations.

If revocation occurs, the Department of Transportation shall not issue a motor vehicle license or permit for one year. A revocation requires proof of financial responsibility(SR22) for 2 years.

The parent or guardian is subject to prosecution for permitting the child or ward to drive when not authorized or in violation of a state traffic law.

THE COMPLETION OF THIS APPLICATION IS NOT A PERMIT TO DRIVE. THE MINOR SCHOOL LICENSE CARD MUST BE ISSUED BY THE DEPARTMENT OF TRANSPORTATION.

Signature of Parent, Guardian, or Custodian

Subscribed and sworn to before me this _____ day of _____ Month Year

Notary Public



Iowa Minor School License (MSL)

Many questions have been raised about the provisions of Iowa Code Section 321.194 governing Minor School Licenses (MSL). An MSL is very restrictive and its use is narrowly construed to protect the public interest. The Iowa Department of Transportation (DOT) has formulated the following general guidelines applicable to MSLs. The guidelines do not cover every detail concerning MSLs.

What is the minimum age?

The minimum age to be eligible for a minor school license (MSL) is 14½.

What are the basic requirements?

- The student must have completed an Iowa-approved course in driver education unless exempted because of hardship as defined by Iowa Administrative Code 761-602.26(3).
- The student must have held a valid Instruction Permit during the six-month period immediately preceding application for the MSL.
- The student's driving history must be free of convictions for moving traffic violations, contributive accidents and license withdrawals during the six-month period immediately preceding application.
- The student must live one mile or more from the school of enrollment

Who approves the application?

- The superintendent, chairperson of the school board, or principal if authorized by the superintendent must determine eligibility and sign a Statement of Necessity/Affidavit for School License, Form 430021, available from any driver's license station or downloaded from the Iowa DOT web site.
- The student's parent or guardian must also provide signed consent on the Statement of Necessity/Affidavit for School License, Form 430021.
- The Iowa DOT issues the MSL and may require a drive test.

When can the MSL be used?

During the hours of 5:00 AM to 10:00 PM. There are no exceptions or waivers of the time period when driving on an MSL.

Where can the student drive?

Over the most direct and accessible route between the licensee's residence and school(s) of enrollment and between schools of enrollment for the purposes of attending duly scheduled courses of instruction and to and from extracurricular activities within the school district. The student may also drive to a service station for the purpose of refueling so long as the service station is on the most direct and accessible route or is the closest service station to the most direct and accessible route.

Can the MSL be used to drive to another school district?

Use of the MSL is limited to the school district of residence of the parent or guardian of the student. However, it may also be used to drive to a contiguous (bordering) district if the student is enrolled in the public school which is not the school district of residence because of open enrollment under Iowa Code Section 282.18, or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in Chapter 282, Code of Iowa.

If a student's parents do not live together, whose residence is used for measuring the distance from the school of enrollment? For example, if a student's mother has primary custody and lives two blocks from the school but the father has visitation on some school days, may the student obtain an MSL to use when staying with the father who may live more than a mile from the school?

The statute allows driving to and from the licensee's residence. The official residence would seem to be with the parent who has primary custody. Anything beyond that would be a local decision made by the school district. Advice should be given by local law enforcement and the county attorney.

Can the MSL be used to drive to another school district for athletic sharing agreements only?

No. This is not authorized by Chapter 282, Code of Iowa.

Can the MSL be used to drive to a private school?

Yes, providing the private school is accredited or uses licensed practitioners as instructors.

May a home-schooled and dual-enrolled student get an MSL?

If the student has completed an Iowa-approved driver's education course, the student is eligible for an MSL for the limited purpose of driving to the district academic program or activity that takes place a mile or more from the student's home, unless school transportation is an option. The MSL would not be valid for driving to home school academics or activities.

May a home-schooled student get an MSL to drive to a home-schooled cooperative for music or art classes?

There is no provision in law or administrative rules to allow this.

Is there reciprocity between Iowa and any other states so that a minor who has completed driver's education in another state may get an Iowa MSL? For example, if a family moves from Nebraska and has a child who has completed a driver's education program in Nebraska, must the child go through an Iowa driver's education program to obtain an Iowa MSL?

Iowa law requires that applicants for an Iowa MSL provide proof of satisfactory completion of an Iowa-approved course in driver education. The law does not provide for specific reciprocity with other states as program curriculum varies. However, in the above example, the Iowa school district could choose to ask the Nebraska school to send transcript information about the Nebraska driver's education course. If the Nebraska course satisfies the program requirements of an approved Iowa driver's education course, then the driver's education teacher and school administrator in the Iowa resident school district could choose to issue a driver's education completion certificate. DOT could then issue an MSL. The option to issue the certificate of completion would be a decision of the local school district.

Is the MSL subject to suspension or revocation?

Yes. A conviction for a single moving traffic violation will result in a 30-day suspension. A conviction of two or more violations will result in a revocation for one-year. If the license is revoked, reinstatement procedures will also require posting of proof of financial responsibility (SR22 Insurance) for two years and payment of a \$50 civil penalty in addition to a reinstatement and new license fee. A suspension or revocation of an MSL also withdraws the Instruction Permit or any other driving privilege.

Iowa's Graduated Driver Licensing Law (GDL) requires that before a driver upgrades to the Intermediate License, the immediate six-month period prior to application be free of contributive accidents, convictions for moving traffic violations and sanctions. The driving privilege must not be expired. If the MSL is suspended, revoked or expired, the six-month period will start over beginning on the reinstatement date or renewal date of the MSL. (MSL's and Instruction Permits have a sixty-day grace period for renewal.)

Can the MSL be suspended for reasons other than a conviction?

Yes. The DOT may also suspend an MSL when it receives written notice from a peace officer, parent, custodian or guardian, school superintendent, or superintendent's designee that the student has violated the restrictions of the MSL. The MSL may also be suspended under the remedial driver improvement provisions of Iowa's Graduated Driver Licensing Law and suspended due to a contributive accident.

Is the MSL valid as an instruction permit when accompanied by a parent or guardian?

Yes. The licensee, while having the MSL in his or her immediate possession, may operate a motor vehicle at any time when accompanied by a parent, a guardian, a member of the licensee's immediate family (brother, sister or other relative who resides at the licensee's residence) who is 21 years of age or by an approved driver education instructor or prospective driver education instructor. The licensee may also operate a motor vehicle if written permission is granted by the parent or guardian when accompanied by a person who is 25 years of age or more. All accompanying persons must have a license valid for the vehicle operated and must occupy a seat beside the driver.

Can a student transport passengers when driving on an MSL?

The statute that governs the MSL does not authorize or prohibit passengers. The DOT's position is that passengers are allowed only if they enter the vehicle at the licensee's home and exit the vehicle at the same destination as the driver. No stops along the way to pickup or discharge passengers.

Can a student stop for fuel?

The statute that governs the MSL allows the student to drive to a service station for the purpose of refueling, provided the service station is on the most direct and accessible route or is the closest service station to the most direct and accessible route.

May the Minor School License be used to drive to the *closest* school bus stop or public transportation service?

Yes, the MSL may be used to travel to the closest school bus stop or public transportation service while adhering to that most direct and accessible route from home or from the school to that point.