

Motor Vehicle Division Informational Memo #17-12
Minor School License-Information for School Districts

DATE: November 13, 2017

FROM: Melissa Spiegel, Director, Motor Vehicle Division

TO: All School Districts that Perform Duties Related to Minor School Licenses

SUBJECT

This informational memo explains the requirements regarding a minor school license and the associated duties of school districts related to the license.

SUMMARY

Iowa Code section 321.194 and Iowa Administrative rule 761-602.26 govern the issuance and requirements related to the minor school license. Upon meeting certain requirements, a person between the ages of 14-18 may be issued a class C or M driver's license, which entitles the licensee to drive during certain hours and for certain purposes outlined in the law. While the Department of Transportation (DOT) maintains certain responsibilities related to the issuance of the minor school license, the school district also plays a role in the issuance of the minor school license. This informational memo provides guidance to school districts regarding the specific requirements of the minor school license and outlines the role of the school district when this type of license is issued.

LINK TO IOWA CODE, IOWA ADMINISTRATIVE RULE AND DOT WEBSITE

Iowa Code section 321.194:

<https://www.legis.iowa.gov/docs/code/321.194.pdf>

Iowa Administrative rule 761-602.26:

<https://www.legis.iowa.gov/docs/iac/rule/08-03-2016.761.602.26.pdf>

DOT website-minor school license (tab 1a):

<http://www.iowadot.gov/mvd/driverslicense/under18.html>

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional information that will be helpful to you and to minors and their parents, guardians or custodians regarding the school district's role in the issuance of minor school licenses. The questions and answers are broken down into the following categories: Minor School License Basics, School's Responsibilities, Where a Student May Drive, Hardship Exemption for Driver Education and Minors with Divorced or Separated Parents.

MINOR SCHOOL LICENSE BASICS

HOW DOES A MINOR GET A SCHOOL LICENSE?

A minor may obtain a school license if they meet the following requirements:

- Must be at least 14 1/2 years old.
- Complete an Iowa-approved driver education course, unless they qualify for a hardship exemption.
- Hold an instruction permit and a clean driving record for at least six consecutive months immediately before applying for your minor school license.
- Live one mile or more from the school the minor is enrolled in, unless a special need exists. If they have more than one residence, where they live is the location they reside the majority of the time.
- Minor's school superintendent, principal, or school board chair AND minor's parent or guardian must sign the Affidavit for School License (form 430021) available at any driver's license issuance site or online.
- Along with providing the completed Affidavit for School license, a minor may be required to complete a drive test at the driver's license issuance site.

WHAT CAN THE MINOR DO WITH THIS LICENSE?

This license allows the minor to drive without adult supervision between the hours of 5 a.m. and 10 p.m. for the following:

- Drive from home to school(s) of enrollment or school-sponsored activities using the most direct and accessible route. Activities must be at the school(s) of enrollment.
- Drive to a school that is not their school of enrollment to participate in extracurricular activities. Activities must be conducted at a site, facility or school designated for the activities under a sharing agreement between schools, or the activities must be conducted in a contiguous (bordering) school district at a site or facility that the school district they are enrolled in has designated to accommodate extracurricular activities (even though not conducted under a sharing agreement with another school).
- Drive to and from home to the closest school bus stop.
- Stop for fuel while on route or at the closest filling station off route.
- May also drive at any time with adult supervision. Adult supervision means the parent, guardian, custodian, an immediate family member at least 21 years of age, a driver education instructor, or a person at least 25 years of age with written permission from your parent, guardian, or custodian. The supervising adult must possess a valid driver's license.

WHAT CAN'T THE MINOR DO WITH THIS LICENSE?

The license does not allow the minor to do the following:

- Use a cell phone, smartphone, tablet, or other electronic communication or entertainment device while driving.

- Carry more than one minor passenger that is not a relative when driving without adult supervision. A relative means someone that is a brother, sister, step-brother, step-sister, or another minor living in the household.
- Drive to a school that is not your school of enrollment to participate in extracurricular activities if the activities are not in a contiguous (bordering) school district and are not held at a site, facility, or school designated for the activity under a sharing agreement between schools or are not conducted at a site or facility that the school district you are enrolled in has designated to accommodate extracurricular activities. See the ‘Where a Student May Drive’ section below for further clarification.
- Carry more passengers than the number of seat belts in your vehicle, even when driving with adult supervision.

SCHOOL’S RESPONSIBILITIES

WHAT IS THE SCHOOL DISTRICT REQUIRED TO DO FOR A MINOR TO OBTAIN A MINOR SCHOOL LICENSE?

A school district is required to complete the “School Statement of Necessity” on the minor school license application form. This part of the form certifies that the student lives at least one mile from the school or the school board has otherwise determined that a special need exists for the student to obtain a minor school license.

Iowa Code section 321.194 requires the school district to develop and adopt a policy establishing the criteria that a school district administrator will use to approve or deny certification that a need exists for the minor school license.

IS THE STATEMENT OF NECESSITY REQUIRED TO BE ON A CERTAIN FORM?

Yes. The statement of necessity must be on Form 430021 (Affidavit of Minor School License).

<https://forms.iowadot.gov/FormsMgt/External/430021.pdf>

IS THE “SCHOOL STATEMENT OF NECESSITY” REQUIRED BY LAW?

Yes. Iowa Code section 321.194 requires each application for a minor school license to include a statement from the school board, superintendent, or principal if authorized by the superintendent, to certify that a need exists for the license.

WHAT SCHOOL OFFICIAL MUST SIGN THE FORM?

The form must be signed by the superintendent of the school, the chairperson of the school board or the principal of the school if authorized by the superintendent.

ARE THERE ANY PARTICULAR CRITERIA A SCHOOL BOARD MUST FOLLOW IF WAIVING THE REQUIREMENT TO LIVE AT LEAST ONE MILE FROM THE SCHOOL?

There is no prescribed standard that a school board must follow; however, Iowa law requires the school district to develop and adopt a policy establishing the criteria that a school district administrator will use to approve or deny certification that a need exists for the minor school license.

DOES THE SCHOOL HAVE THE AUTHORITY TO ASK FOR THE MINOR SCHOOL LICENSE TO BE WITHDRAWN FOR VIOLATIONS OF THE TERMS OF THE LICENSE?

Yes, Iowa Administrative Rule 761—615.21 provides the DOT may suspend a minor’s school license when the department receives written notice, including from a school superintendent or superintendent’s designee that the licensee has violated the restrictions of the license.

WHERE A STUDENT MAY DRIVE

DID THE REQUIREMENTS REGARDING EXTRACURRICULAR ACTIVITIES CHANGE IN 2016?

Yes. Previously, a student with a minor school license could only use the license to drive to extracurricular activities that were conducted outside their school district if the activities were conducted under a sharing agreement with another school. This created obstacles for students in schools that designated practices and other activities at locations outside the district, but are not conducted under a sharing agreement with another school.

Legislation passed during the 2016 session eliminated this obstacle. Now, students may drive without adult supervision for the purpose of participating in extracurricular activities conducted outside the school district they are enrolled in, as long as:

- The activities are conducted at a site, facility or school designated for the activities under a sharing agreement between schools, or
- The activities are conducted in the school district of enrollment or in a contiguous (bordering) school district, and at a site or facility that the school district they are enrolled in has designated to accommodate extracurricular activities (even if not conducted under a sharing agreement with another school).

For example, the Johnston Community School District conducts its bowling practices at a bowling alley in the Des Moines School District, and even though there is no sharing agreement between the schools for this activity, a student on a minor school license may drive to the bowling practice because the districts are contiguous and the activity is conducted at a site or facility designated by the Johnston Community School District for extracurricular activities.

DID LEGISLATION CHANGE THE REQUIREMENTS REGARDING EXTRACURRICULAR ACTIVITIES?

Yes, during the 2016 legislative session, Iowa Acts, 2016, House File 2437, Division III, Section 33, amended section 321.194 of the Iowa Code:

https://www.legis.iowa.gov/docs/publications/LGE/86/Attachments/HF2437_GovLetter.pdf

CAN A MINOR SCHOOL LICENSE BE USED TO DRIVE TO CLASSES IN A BORDERING DISTRICT IF THERE IS A SHARING AGREEMENT BETWEEN THAT SCHOOL AND THE SCHOOL DISTRICT OF RESIDENCE?

Yes. Iowa Code section 321.194(3)(b), as amended by HF 2437, allows for a minor school license to be issued for purposes of attending school which is not in the school district of residence if the district is contiguous and there is a sharing agreement between the school in the contiguous district and the school district of residence or if the student has open enrolled into the contiguous school district.

CAN A STUDENT USE A MINOR SCHOOL LICENSE TO ATTEND AN EXTRACURRICULAR ACTIVITY THEY DO NOT PARTICIPATE IN?

Yes. As long as the extracurricular activity is taking place within the school district of enrollment. If the student wishes to use a minor school license to attend an extracurricular activity outside the school district of enrollment, they may only do so if they are actually participating in the activity, not merely spectating, and they are still geographically limited to driving only to a contiguous school district.

CAN A STUDENT DRIVE TO TEAM PRACTICES IN A NON-CONTIGUOUS DISTRICT IF THE TWO SCHOOL DISTRICTS HAVE A WHOLE GRADE SHARING AGREEMENT?

No. While the law does allow use of the minor school license for purposes of driving to a school because of a grade-sharing agreement, it must be in a contiguous district.

CAN A STUDENT USE A MINOR SCHOOL LICENSE IF THEY ARE OPEN-ENROLLED IN A SCHOOL DISTRICT WHICH IS NOT CONTIGUOUS TO THEIR DISTRICT OF RESIDENCE?

No. The open enrollment school must be in a contiguous district.

CAN THE MINOR SCHOOL LICENSE BE USED TO DRIVE TO PRACTICE AT ANOTHER SCHOOL IN THE SCHOOL DISTRICT OF ENROLLMENT? ARE THERE ANY PASSENGER RESTRICTIONS?

Yes. The student may drive to practice at another school as long as it is within the school district of enrollment or within a contiguous (bordering) school district. The student is restricted to one minor unrelated passenger unless accompanied by an adult. Minor unrelated passengers do not include siblings, step-siblings or other children residing in the same household.

CAN THE MINOR SCHOOL LICENSE BE USED TO DRIVE TO “UNOFFICIAL” PRACTICES PRIOR TO THE START OF SCHOOL-SANCTIONED PRACTICES?

No. Driving must be for school sponsored activities and does not include “unofficial” practices that are sometimes conducted as teambuilding events before official school-sanctioned practices begin.

CAN THE MINOR SCHOOL LICENSE BE USED TO DROP-OFF SIBLINGS AT EXTRACURRICULAR ACTIVITIES FOR WHICH THE LICENSEE IS NOT PARTICIPATING OR SPECTATING?

No. Iowa Code section 321.194 states that the “holder” of the license may use the minor school license for purposes of attending school and for the purposes of attending or participating in extracurricular activities, and does not permit driving for any other purpose.

CAN THE MINOR SCHOOL LICENSE BE USED TO DRIVE TO WORK?

No. Iowa Code 321.194 states that the “holder” of the license may use the minor school license for purposes of attending school and for the purposes of attending or participating in extracurricular activities, and does not permit driving for any other purpose.

HARDSHIP EXEMPTION FROM DRIVER’S EDUCATION

WHAT IS A HARDSHIP WAIVER FROM DRIVER’S EDUCATION?

Iowa Code section 321.194 requires all applicants for a minor school license to have completed driver’s education unless the applicant demonstrates to the department that completion of the course would impose a hardship on the applicant.

Administrative rule 761-602.26(3) outlines the requirements of the hardship exemption from driver’s education for applicants of a minor school license. The rule provides an applicant is not required to have completed an approved driver education course if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant; however, the applicant must meet all other requirements for a school license.

“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 the 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 at a public school in the applicant’s district of residence at the time the request for hardship status is submitted to the department; or

(4) That the applicant is permanently handicapped. In this rule, “handicapped” means that, because of a disability or impairment, the applicant is unable to walk in excess of 200 feet unassisted or cannot walk without causing serious detriment or injury to the applicant’s health.

“Demonstrates to the satisfaction of the department” means that the department has received written proof that a hardship exists, signed by the applicant’s parent, custodian or guardian and by the superintendent of the applicant’s school, the chairperson of the school board, or the principal of the applicant’s school if authorized by the superintendent.

IS AN AFFIDAVIT STILL REQUIRED FOR A HARDSHIP WAIVER OF DRIVER EDUCATION?

No. The rules no longer require the hardship waiver request to be in affidavit form. Instead, the parent or guardian may provide written proof that a hardship exists.

WHO MUST SIGN THE HARDSHIP WAIVER OF DRIVER EDUCATION?

The written proof must be signed by the parent or guardian and by the superintendent of the applicant’s school, the chairperson of the school board, or the principal of the applicant’s school if authorized by the superintendent.

DOES THE HARDSHIP WAIVER PROCESS WAIVE DRIVER EDUCATION FOR AN INTERMEDIATE LICENSE?

No. Driver’s education is required by Iowa Code section 321.180B, and there is no statutory provision for a waiver for an intermediate license.

MINORS WITH DIVORCED OR SEPARATED PARENTS

CAN ANY STUDENT WHO IS ELIGIBLE FOR A MINOR SCHOOL LICENSE COMPLETE THE FORM AND DRIVE TO AND FROM BOTH PARENT’S HOMES IF THEIR PARENTS ARE LEGALLY DIVORCED OR SEPARATED REGARDLESS OF WHERE THEIR PARENTS LIVE?

No. The additional parent’s address must be within the school district or a contiguous school district of where the student attends school. If a parent’s address is outside of these zones, the student may not drive from that parent’s home.

CAN THE STUDENT DRIVE BETWEEN THEIR PARENT’S HOMES?

No. As stated on the minor school license affidavit, the student may not drive between two residential addresses. A student may drive to and from “Address 1” and approved school and extracurricular activities and to and from “Address 2” and approved school and extracurricular activities, but they may not drive from one residential address to another as there is no legal authority in Iowa Code that permits this.

IF A STUDENT WHOSE PARENTS ARE LEGALLY DIVORCED OR SEPARATED WISHES TO DRIVE FROM BOTH PARENTS HOMES, DO BOTH PARENTS HAVE TO SIGN THE AFFIDAVIT?

No, only one parent with legal custody needs to sign the form and provide their consent for the license, including driving to both addresses, if applicable. Additionally, the signing parent will be signing under penalty of perjury that the address(es) listed on the form are within the school district or contiguous school district.

WILL THE STUDENT’S LICENSE SHOW THE ADDITIONAL ADDRESS THAT THEY CAN DRIVE TO AND FROM?

Yes, if a student submits a completed affidavit for school license showing they will be driving to and from an additional address of another parent, a restriction will be added to their license and will list the second address that they may drive to and from on the back of their license. This will also help law enforcement understand where the student is eligible to be driving if the student is stopped or involved in a traffic incident.

The “J” restriction should read “Also valid to drive to and from [insert second address, city, state, zip] in compliance with 321.194”.

WHAT IF BOTH PARENTS LIVE WITHIN THE STUDENT’S SCHOOL DISTRICT BUT ONE LIVES MORE THAN ONE MILE AWAY FROM THE SCHOOL AND ONE LIVES LESS THAN ONE MILE AWAY?

If a student splits time between two homes and one home is greater than one mile away from the school and the school would approve a Minor School License to be issued to the student if that were the student’s only home, there is no reason a minor school license should be denied simply because one home is closer than one mile away. However, keep in mind that school administrators maintain the responsibility to know where these students are driving and should make sure they are on the same page about where the student will be driving to and from throughout the week, particularly in instances where the student may need to drive to school from mom’s house and go home from school to dad’s house. Keep in mind that both residences must be within the student’s district or contiguous district.