



Motor Vehicle Division Policy Memo # 19-05

2019 Legislation - Minor School License for Private School Students

DATE: October 10, 2019

FROM: Darcy Doty, Director, DIS

TO: All DIS staff, Iowa County Treasurers and County Treasurers' staff that issue driver's licenses and non-operator's identification cards.

SUBJECT

This policy memo explains a revised policy regarding the minor school license for students who attend private school. During the 2019 legislative session, Iowa Code section 321.194 was amended to increase the distance a private school student can reside from their school of enrollment for purposes of obtaining a minor school license, from 25 miles to 50 miles. Private school students will be allowed to drive on a minor school license within a 50-mile driving distance from their residence to their school of enrollment for permitted purposes. This applies only to students who are enrolled in a private school.

EXPLANATION

Iowa Code section 321.194 permits a student who meets certain criteria to obtain a minor school license for the purposes of driving from the student's home to their school of enrollment and other allowable activities as permitted by the statute. In 2018, legislation was enacted to specifically address students enrolled in an accredited nonpublic (i.e., private) school, allowing these students to drive within 25 miles from their residence to their school of enrollment on a minor school license. During the 2019 legislative session, the statute was again amended to increase the distance private school students can drive on a minor school license from 25 miles to 50 miles. However, the new legislation pertains only to private school students, and public school students are still limited to driving within the school district of enrollment or a contiguous school district for permitted purposes as stated in the code.

Private school students will now be allowed to drive on a minor school license within a 50-mile driving distance between their residence and their school of enrollment.

This legislation is effective July 1, 2019. With this issuance of this new policy memo, the prior policy memos #17-07 and #17-07 REVISED are rescinded.

LINK TO LEGISLATION

2019 Iowa Acts, Senate File 140:

<https://www.legis.iowa.gov/docs/publications/LGE/88/SF140.pdf>

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional information that will be helpful to you and to customers.

WHY ARE WE ISSUING THIS POLICY GUIDANCE?

We are issuing this policy guidance to align with the legislation amending Iowa Code section 321.194 during the 2019 legislative session which increased the distance a private school student can reside from their school of enrollment for purposes of obtaining a minor school license, from 25 miles to 50 miles.

WHAT IF THE STUDENT'S PRIVATE SCHOOL IS NOT LOCATED WITHIN A 50-MILE DRIVING DISTANCE OF THE STUDENT'S RESIDENCE?

If the student's residence is not located within a 50-mile driving distance of their private school of enrollment, the student may not obtain a minor school license.

WHO MAY SIGN THE CERTIFICATE OF NEED FORM FOR THE PRIVATE SCHOOL STUDENT?

Iowa Code section 321.194(3) provides that the form may be signed by an authority in charge of the accredited nonpublic school or a duly authorized representative of the accredited nonpublic school. Accredited nonpublic schools may not have the same operating structure as public schools, for example the private school may not have a school board or superintendent, but rather, for example, it could be that the private school has a school president. Since the law imposes the requirement on the person signing the certificate of need form under penalty of perjury to be "an authority in charge of the accredited nonpublic school" directly, you do not need to ascertain whether the correct "authority" signed the form, rather, you would only need to pursue further investigation if you have some reason to suspect an authority in charge of the accredited nonpublic school did not sign the form.

DO YOU HAVE AN EXAMPLE OF HOW THIS POLICY SHOULD WORK?

Yes, say, for example, a student at Dowling Catholic High School would like a minor school license. The driving distance of the student's residence must be 50 miles or less from Dowling Catholic High School. It is important to note that 50 miles is calculated using the actual driving distance (on roads) and not air miles or radius.

WHO HAS THE RESPONSIBILITY TO DETERMINE WHETHER THE STUDENT'S RESIDENCE IS WITHIN A 50- MILE DRIVING DISTANCE OF THEIR SCHOOL OF ENROLLMENT?

The authority of the accredited nonpublic school signing the certificate of need for the student should determine whether the student meets the geographic qualifications for the license in the Iowa Code. However, if you have reason to suspect that the student lives more than a 50-mile driving distance from the private school of enrollment, you may refer the application to your supervisor or MVD County Liaison to deny issuance of the license.

MAY A PUBLIC SCHOOL STUDENT ALSO BE ALLOWED TO DRIVE WITHIN A 50-MILE DRIVING DISTANCE ON A MINOR SCHOOL LICENSE?

No. Iowa Code section 321.194 is very clear when it comes to public school students and their authority to

drive from their residence to school within their school district of enrollment or a contiguous district. Because the code is clear in this area, we cannot apply the same 50-mile driving distance policy that we are applying to private school students.

MAY A PRIVATE SCHOOL STUDENT DRIVE TO EXTRACURRICULAR ACTIVITIES ON THEIR MINOR SCHOOL LICENSE?

Yes, a private school student may also drive to school-sanctioned extracurricular activities like public school students are allowed to do. However, a private school student who is issued a minor school license is limited to driving to an extracurricular activity within a 50-mile driving distance of the student's residence. A student would not be permitted to drive 50 miles to their school, for example, and then drive another 50 miles beyond the school to attend an extracurricular activity.

MAY A PRIVATE SCHOOL STUDENT DRIVE TO CLOSEST SCHOOL BUS STOP?

Yes, a private school student is also permitted to drive to the closest school bus stop provided the driving distance between their residence and the bus stop is no more than a 50-miles and as long as their school of enrollment is also within a 50-mile driving distance of their residence. The code prohibits the student from being issued a minor school license if their residence is more than a 50-mile driving distance from their school. So, for example, if the student lives 60 miles away from their school, but the nearest bus stop is 49 miles away, they cannot be issued a minor school license because their residence is more than 50 miles from their school of enrollment.

WAS THE MINOR SCHOOL LICENSE AFFIDAVIT UPDATED TO INCORPORATE THE NEW REQUIREMENTS FOR PRIVATE SCHOOL STUDENTS?

Yes, the minor school license affidavit (Form 430021) was updated to incorporate the private school student requirements and will be available closer to July 1. We will also be updating the DOT website, driver's license manual and the minor school license rack cards closer to the July 1 effective date.

MAY WE ISSUE A MINOR SCHOOL LICENSE TO A STUDENT WHO ATTENDS SCHOOL OUT-OF-STATE, BUT IS STILL WITHIN THE GEOGRAPHIC BOUNDARIES (I.E. 50 MILES DRIVING DISTANCE BETWEEN SCHOOL AND RESIDENCE)?

Yes. The code is silent regarding whether a minor school license may be issued to a student attending school in another state, however, our legal counsel has advised that this code section may be interpreted as allowing the minor school license to be issued to a student attending school in another state as long as the school is within the geographic restrictions of the license. It may be worth noting that an Iowa minor school license may not be recognized as valid by a bordering state, even if the student is operating within the permitted purposes of the license, as many states do not allow unaccompanied driving until a later age. If a parent or student is concerned whether a bordering state will recognize an Iowa minor school license, they may wish to check with law enforcement in that state.

MAY A STUDENT WHO IS DUAL-ENROLLED OBTAIN A MINOR SCHOOL LICENSE?

Yes, a student who is dual-enrolled may obtain a minor school license if they participate in scheduled courses of instruction or extracurricular activities at the school in which they are dual-enrolled and the appropriate school administrator has approved their application.

MAY A STUDENT WHO IS HOME-SCHOOLED (AND NOT DUAL-ENROLLED) OBTAIN A MINOR SCHOOL LICENSE?

No, this policy has not changed.