

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1310

RIN 0970-AB24

Head Start Program

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administration for Children and Families is issuing this Notice of Proposed Rulemaking to implement the statutory provision for establishing requirements for the safety features, and the safe operation, of vehicles used by Head Start agencies to transport children participating in Head Start programs.

DATES: In order to be considered, comments on this proposed rule must be received on or before August 14, 1995.

ADDRESSES: Please address comments to the Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013.

Beginning 14 days after close of the comment period, comments will be available for public inspection in Room 2217, 330 C Street, SW., Washington, DC. 20201, Monday through Friday, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Bill Wilson, Head Start Bureau, (202) 205-8913.

SUPPLEMENTARY INFORMATION:

I. Program Purpose

The Head Start program is authorized under the Head Start Act (the Act), section 635 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9801 *et seq.*). It is a national program providing comprehensive child development services primarily to low-income children, predominantly age three to the age of compulsory school attendance, and their families. To help enrolled children achieve their full potential, Head Start provides comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of the parents of enrolled children. Parents receive training and education that fosters their understanding of and involvement in the development of their

children. They also become involved in the development, conduct, and direction of local programs. Also, the Head Start program provides services to children below the age of three and their families. These services are designed to promote the development of the children and to enable their parents to fulfill their roles as parents and move toward self sufficiency.

In fiscal year 1993, Head Start served 713,903 children through a network of 1,395 grantees and 575 delegate agencies. Delegate agencies have approved written agreements with grantees to operate Head Start programs.

While Head Start is intended to serve primarily children from low-income families, Head Start's regulations permit up to 10 percent of the children to be from families who are not low-income. The Head Start regulations also require that a minimum of 10 percent of enrollment opportunities in each grantee be made available to children with disabilities. Such children are expected to participate in the full range of Head Start activities with their non-disabled peers, and to receive needed special education and related services.

The Head Start Improvement Act of 1992 contains a new provision which authorizes the Head Start Bureau to develop regulations for the safe transportation of Head Start children. In addition, the Final Report of the Advisory Committee on Head Start Quality and Expansion includes in its recommendations the development of " * * * regulations to assure that safe and effective transportation services are available." The development of these "Performance Standards" for Head Start transportation support the goal of ensuring that children and families receive high quality Head Start services.

II. Background

The authority of this Notice of Proposed Rulemaking is sections 640(i) and 644 (a) and (c) of the Head Start Act (42 U.S.C. 9801 *et seq.*). Section 640(i) directs the Secretary to issue regulations establishing requirements for the safety features and the safe operation of vehicles used by Head Start agencies to transport children participating in Head Start programs. Section 644 (a) and (c) requires the issuance of regulations setting standards for organization, management, and administration of Head Start programs.

Since the inception of the program, most Head Start agencies have routinely provided transportation for Head Start children to and from the classroom when needed, although there has never been a requirement to do so. To date, information on transportation provided

to Head Start programs has been limited to a series of Information Memoranda which provided guidance to programs on issues around transportation safety, but which did not require any action on the part of Head Start agencies. The following is a summary of that information:

- *ACYF-IM-82-01, "Transportation Safety", issued on January 19, 1982.*

This Information Memorandum provided the first notification to Head Start programs with a Highway Accident Report prepared by the National Transportation Safety Board (NTSB) of an accident involving a Head Start vehicle. As a result of their investigation of this accident, the NTSB recommended that ACYF advise all Head Start programs of the circumstances of the accident in hopes that the report would draw attention to the importance of transportation safety. The Information Memorandum also notified programs of the NTSB's recommendation that ACYF adopt and emphasize the need for adherence to the policies and guidelines provided by the National Highway Traffic Safety Administration's (NHTSA) Pupil Transportation Safety Standards, Highway Safety Program Standard Number 17 (now Guideline 17). A copy of Standard 17 was included and programs were "urged" to use the Standard to assess the adequacy of their transportation systems.

- *ACYF-IM-93-10, "Transportation", issued on March 18, 1993.* This Information Memorandum replaced ACYF-IM-82-01 and ACYF-IM-83-06, since both the FMVSS and NHTSA's Pupil Transportation Safety Standards had been revised. The Information Memorandum provided Head Start programs with a copy of the new Guideline 17 and again encouraged programs to purchase only vehicles which meet the FMVSS. The Information Memorandum also provided Head Start programs with new information regarding the Federal Highway Administration's (FHWA) Commercial Motor Vehicle Safety Act and the Commercial Driver's License (CDL) program.

As these issuances have been advisory and not legally binding, there have been differing degrees of implementation. Not all Head Start agencies offer transportation services and, among the agencies that do provide transportation, there are varying degrees of quality and safety.

Because of its impact on the quality of services provided to children and families, we strongly believe that the transportation "component" of Head Start should be on a par with the other

components of education, health, social services and parent involvement in terms of budgeting, training and overall integration of the transportation services into the day-to-day activities of the program. For example, in a typical rural Head Start program where children are transported over long distances, it is possible for children to spend from 1/4 to 1/3 of their day en route to and from the classroom. It is imperative, therefore, that the time children spend on the vehicle is treated with the same level of importance as the time the children spend in the classroom and in other program activities.

We know from experience that significant variation exists among the States in terms of whether or not Head Start vehicles and Head Start drivers are included under the purview of State school bus requirements.

In preparing for this NPRM, a survey was conducted of the States to determine whether and the extent to which, the requirements in the State's pupil transportation safety plan applied to Head Start programs. Of the 48 States that responded to the survey, 14 of them stated that their Head Start programs are covered by the regulations governing pupil transportation, 22 States responded that their Head Start programs are not covered, 10 States gave a conditional response and 1 State did not know. The survey also indicated significant variation among the States themselves in the amount of training required for school bus drivers. Of the 45 States that responded to this question, 39 have some mandated training requirements for school bus drivers, 3 States reported that driver training was handled at the local level, and 3 States reported no mandated training requirements for school bus drivers. More significantly perhaps, only 13 States reported mandated driver training for Head Start bus drivers.

This variation, both in the way Head Start programs are viewed by the States as well as the differing requirements among the States, precluded reliance on the States as the sole source for transportation safety standards for Head Start programs and was one of the primary determinants in our decision to develop minimum standards which would apply to all Head Start programs, regardless of the State in which they operate.

In the development of this proposed rule, we have with only minor variations, adopted the recommendations contained in Guideline 17. As such, this proposed rule was developed through ongoing consultation with the Federal Highway Administration, specifically with

NHTSA's Safety Counter Measures Division, on the application of the FMVSS and Guideline 17 to Head Start programs. It should be noted that we do not wish to place Head Start programs in conflict with State requirements. On the contrary, it is our intention to continue to work with the States beyond the implementation of the rule to enhance the relationship between Head Start programs and the State agencies responsible for pupil transportation safety. Toward that end, we have consulted with the National Association of State Directors of Pupil Transportation throughout the development of this proposed rule and we welcome the identification of any actual or potential problems that may be identified during the review of this NPRM.

Where Guideline 17 lacked specificity or was silent on some aspect that was considered important, we have relied on other resources, such as the National Standards for School Bus Operations, in determining, for example, the minimum hours of pre-service and in-service training for drivers, the content requirements for driver training and the rules for trip routing. The NTSB's Special Report 222 provided valuable information regarding the use of seat belts on school buses, other special equipment, such as crossing control arms, the need for strict rules for trip routing, and the need to train children in safe riding practices both on and off the bus.

The NTSB's examination of the use of seat belts on school buses in Special Report 222, along with NHTSA's recommendation in Guideline 17 that passengers in vehicles with a gross vehicle weight rating of under 10,000 pounds (which is the class of vehicle most in use by Head Start programs) use occupant restraints, raises an issue of special importance to the safe transportation of Head Start children. The use of standard Type I and Type II seat belts is inappropriate for children who weigh 50 pounds or less, because of the potential for injury from the seat belt itself. Children weighing 50 pounds or less should be seated in child restraint systems designed in accordance with FMVSS No. 213, "Child Restraint Systems." Since almost all Head Start children fall into this lower weight category, we have included such a requirement in the proposed rule. Our decision to include this requirement is based on consultation with such organizations as the American Academy of Pediatrics, the Children's National Medical Center in Washington, DC and the Riley Hospital for Children, Automotive

Safety for Children Program in Indianapolis, Indiana. We are particularly interested in comments addressing age mixes of children with respect to child restraints (infants and toddlers).

III. Summary of the Proposed Regulation

The proposed rule:

- Applies to all Head Start grantees and delegate agencies that provide transportation services to and from the classroom and to special events, such as field trips and other group events, which take place away from the classroom but are an integral part of the scheduled activities for children.
- Requires that Head Start vehicles meet the Federal Motor Vehicle Safety Standards (FMVSS) for school buses and prohibits the use of small vans in the transporting of Head Start children;
- Describes the minimum qualifications for operators of Head Start vehicles;
- Describes the pre-service and in-service training requirements for operators of Head Start vehicles;
- Describes the training requirements for parents and children in vehicle and pedestrian safety;
- Describes the requirements for transportation of children with disabilities; and
- Defines the role of Head Start agencies in local efforts to plan and implement coordinated transportation systems in order to achieve greater cost effectiveness in the overall cost of providing transportation.

The contents of this proposed rule are adopted from the following sources of information:

- 23 CFR, part 1204—Highway Safety Program Guideline No. 17, "Pupil Transportation Safety," referred to in this text as Guideline 17;
- 49 CFR, part 383—Commercial Driver's License Standards: Requirements and Penalties;
- 49 CFR, part 391—Qualifications of Drivers;
- 1990 National Standards for School Buses and School Bus Operations, National Safety Council; and
- Special Report 222, "Improving School Bus Safety," Transportation Research Board, National Research Council, 1989.

IV. Section-by-Section Discussion of the NPRM

Subpart A—General

Section 1310.1—Purpose

This section describes the purpose of the regulation and references the section of the Head Start Act upon which the regulation is based.

Section 1310.2—Applicability

This section states that the new rule applies to all Head Start grantees and delegate agencies that provide transportation services. It also includes a phase in period of three years from the effective date of the rule with certain exceptions. This phase-in period should not become a disincentive to agencies to implement requirements as early as possible but rather be a means by which agencies can carry out their implementation responsibilities with time for careful planning. We considered allowing waivers but decided against this approach given the many waiver requests this provision would have precipitated and the fact that we envision all affected Head Start agencies fully meeting all of the requirements no later than 3 years from its effective date. We welcome comments on whether the phase-in period provides enough time (or gives too much time) for a Head Start agency to fully comply with part 1310. Also we welcome comments on whether we should provide for waivers on certain requirements which are believed to be too difficult for all affected agencies to meet in the three year period and which do not compromise the safety of Head Start children.

Section 1310.3—Definitions

This section provides the definition of terms used throughout the proposed rule. Key words and phrases defined include "transportation" (which is defined as the regular transporting of children to and from the classroom, on field trips or other events which are an integral part of the daily activities for children), "vehicle" (which is a "school bus" as defined in the National Highway Traffic Safety Administration's (NHTSA) Guideline 17), "trip routing" (which means the process for determining the fixed routes to be traveled on a daily basis), "child restraint system" (which means a device designed to restrain children weighing 50 pounds or less); certain school bus equipment, including "stop signal arm" (which is a traffic control device) and "crossing control arm" (which is a device to keep children within the line of sight of the driver when crossing in front of the bus), and such terms as "training," "driver qualifications," "Transportation Supervisor" and "Bus Monitor," which define the staffing requirements for the transportation component.

Subpart B—Transportation Requirements

Section 1310.10—General

This section contains the general requirements for the provision of transportation services for Head Start families.

Paragraph (a) of this section requires that all Head Start agencies that provide transportation services either directly, through agency owned or leased vehicles, or through contract with a public or private provider must meet the requirements of this part. (Please note that the definition of "transportation" deliberately excludes the transporting of small groups of children to and from medical appointments or other program services, and other "incidental" transportation, such as transporting a sick child home, which are outside of the scope of this regulation.)

Paragraph (b) requires Head Start agencies to document their decision not to provide transportation to all or a portion of their enrollment. It also requires that such a decision must be reviewed and updated annually. This documentation is needed in order to have on file evidence of compliance. We expect that the regular oversight of the Policy Council in matters relating to the proper functioning of a Head Start program will serve as a review of the agency's decision not to provide transportation. Since the work of the Policy Council is already a part of the operation of each Head Start Program, we did not reference the Policy Council in this rule.

We realize the difficulties some programs, especially rural programs, will face in making the decision of whether or not to provide transportation. There are cases where a single child needs transportation for a long distance or where several children's homes are widely scattered. These cases raise issues both about the cost of providing transportation and about the desire not to keep a Head Start eligible child out of the program for lack of transportation. We are particularly interested in comments on these problems and potential solutions. For example, should there be a "reasonableness exception clause" for individual cases such as the single child a living long distance from the center? And if there is a reasonableness clause, what transportation requirements should be in effect (e.g., age-appropriate restraints and placement in the vehicle)?

Paragraph (c) requires Head Start agencies which do not offer transportation to offer assistance in arranging for transportation services to Head Start families.

Paragraph (d) requires each Head Start program to have a Transportation Supervisor. In most Head Start programs, this responsibility is currently with the Head Start Director who, in some cases, lacks the expertise and the time to deal with the many facets of transportation. Therefore, we believe it is essential to have a staff person assigned specifically to this function so that funds are set aside in each program's budget for hiring such a person, if necessary.

Paragraph (e) requires that every Head Start vehicle have a bus monitor (more, if necessary for disabled children), either a paid staff member or a volunteer, on the vehicle at all times when children are on board. A bus monitor is essential to assuring the safe transport of this age group of children and will assist with the seating and unseating of children in the child restraint systems, managing the behavior of the children while the bus is in motion and for assisting the driver in case of emergency. In some instances it may be necessary to have more than one monitor. While we did not specifically regulate in this area, we invite comment on the appropriate ratio of monitor to child.

Paragraph (f) requires Head Start agencies to report all accidents involving Head Start vehicles with or without children on board in accordance with State procedures. Accident reporting is a critical part of improving school bus safety, both in terms of vehicle safety and vehicle operations.

Paragraph (g) requires that Head Start vehicles be equipped with communications equipment, such as a citizen band radio, to call for assistance in case of an emergency.

Paragraph (h) requires that Head Start vehicles which operate in areas with extreme heat or cold be equipped with air conditioning, "winter packs" or other specialized equipment as appropriate to ensure the safety and comfort of the passengers.

Paragraph (i) provides the requirements for release of the children at the end of the day, either from the classroom or at the vehicle stop, to a duly authorized adult. Since the Head Start program is responsible for the care and safety of the children from the time they first enter the custody of the Head Start staff until they are returned to the custody of the parent or guardian, this provision is included to ensure that children are released only to duly authorized persons. This provision is extended to the non-transported child because it does not appear anywhere else in the Head Start regulations.

Section 1310.11—Vehicles

This section specifies the minimum requirements for all Head Start vehicles used to transport groups of children to and from the classroom, to home-based socializations, to group health screening and on field trips or other group activities scheduled by the Head Start staff.

The requirements in this provision come from three sources. The Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR part 571), set performance standards applicable to motor vehicles as defined in 49 U.S.C. 30102(a)(6) and include standards specifically applicable to school buses. These regulations are binding on Head Start grantees operating transportation programs by virtue of their issuance by the National Highway Traffic Safety Administration (NHTSA).

Head Start vehicles seating more than 10 persons are considered school buses by NHTSA for purposes of compliance with the FMVSS. It is a violation of 49 U.S.C. 30112 for a vendor to sell a vehicle which does not comply with the FMVSS. Another source is Highway Safety Guideline 17 (23 CFR Part 1204) issued by NHTSA and the Federal Highway Administration (FHWA). This document is a set of recommendations to States concerning their policies on the operation of school buses. The proposed regulations would make these recommendations binding on Head Start grantees, except for certain requirements which are only binding "to the extent allowable under State law." Finally, there are also requirements in the regulations on the design and operation of vehicles which are imposed by ACF and are in addition to the requirements in Highway Safety Guideline 17 and the FMVSS.

Paragraph (a) requires that all Head Start vehicles comply with recommendations regarding "school buses," as contained in Guideline 17, except as provided otherwise in this regulation. The National Highway Traffic Safety Administration (NHTSA) has implemented the statutory definition of "school bus" which reads in part "a passenger motor vehicle which is designed to carry more than 10 passengers * * *" (Motor Vehicle and Schoolbus Safety Amendments of 1974, Pub. L. 93-492, 88 Stat. 1470).

We have included this requirement for two reasons. First, experts agree that school bus transportation is one of the safest forms of transportation of school-age children. According to the National Safety Council's "Accident Facts (1991), in 1989, fatality rates per hundred million passenger miles were 1.12 for

passenger cars and 0.04 for school buses. Also in 1989, passenger cars were involved in 72.3 percent of all traffic crashes and 61.2 percent of all fatal crashes; whereas school buses were involved in only .2 percent of all traffic crashes and in .2 percent of all fatal crashes. Therefore, in addition to the requirement regarding the use of school buses, we have explicitly prohibited the use of small vans and the use of passenger cars in transporting Head Start children.

Secondly, NHTSA, in its interpretation of Guideline 17, has consistently maintained, from the inception of the FMVSS's for school buses, that Head Start programs are "schools" under the National Traffic and Motor Vehicle Safety Act and that Head Start children should only be transported on school buses that meet the FMVSS.

Paragraph (b) reiterates the requirement under 49 CFR part 571 as interpreted by NHTSA that Head Start vehicles seating more than 10 persons be constructed in compliance with the Federal Motor Vehicle Safety Standards (FMVSS) applicable to school buses. It also establishes minimum requirements for equipment on these vehicles, including emergency equipment and supplies, and requirements on the arrangement of exterior mirrors and specialized equipment including equipment for persons with disabilities as necessary. The latter requirements are imposed by ACF and are in addition to the recommendations in Highway Safety Guideline 17 and requirements in the FMVSS.

Paragraph (c) contains additional requirements for vehicle marking (such as color and lettering) and equipment (such as a stop signal arm and signal lamps) which were taken from Guideline 17 and are applicable, if permissible within State law. It is our intent to have every Head Start vehicle qualify to operate as a school bus, which means being marked and equipped as a school bus and having all the rights and privileges of a school bus on the streets and highways, including stopping traffic to load and unload children. However, we are aware that some States do not permit Head Start programs to operate school bus-like buses since they are not "schools" by State definition. This potential for variation among the States is, therefore, taken into account in the separate requirements contained in paragraphs (a) and (b). To assist Head Start programs in this regard, the Head Start Bureau has written to each of the State Directors of Pupil Transportation requesting information about their State pupil transportation requirements, and

this information is being analyzed to determine where barriers to this goal exist and to develop plans, State by State, for overcoming these barriers.

Paragraph (d) contains a process for grantees to follow to assure that manufacturers and vendors of vehicles comply with the FMVSS, including a clear statement of the intended use of the vehicle in the bid announcement and a prescribed procedure for examining the vehicle at the time of delivery. Therefore, it is a violation of Federal law for a vendor to knowingly sell a vehicle seating more than 10 persons to a Head Start program that does not meet the FMVSS when the intended use of that vehicle is made clear at the beginning of the transaction. (49 U.S.C. 30112)

Paragraph (e) specifies that vehicles in use which do not comply with the FMVSS must be replaced as soon as possible. We believe this can be accomplished within the three year phase-in period (§ 1310.2) now that, in accordance with 42 U.S.C. 9839(g)(2)(C), Head Start funds may be used for capital expenditures (including paying the cost of amortizing the principal and paying interest on loans) to purchase vehicles used for programs at Head Start facilities. This new authorization makes it possible for Head Start programs to plan more effectively and spread out their expenses over several funding periods. It also substantially reduces the amount of funds necessary to be allocated to transportation in the fiscal year in which these regulations become a Final Rule.

Paragraphs (f) through (j) prescribe specific passenger safety requirements while the vehicle is in motion. They require that all persons be seated while the vehicle is in motion, that baggage and other transported items be properly stored, and prohibit the use of auxiliary seating of any kind. Most importantly, paragraph (h) requires the use of seat belts by drivers and bus attendants and paragraph (i) requires the use of child restraints for all children. These requirements are being imposed by ACF.

The Highway Safety Program Guideline No. 17 recommends that "Passengers in school buses and school-chartered buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less should be required to wear occupant restraints (where provided) while the vehicle is in motion." (Citation: Guideline 17, Section C.2.e.(5)) We believe that properly installed and properly used child restraints provide the maximum safety for Head Start children. It is our understanding that the bus

manufacturers have recently begun to test new designs specifically for transporting pre-school children. Therefore, going beyond the recommendations of Guideline 17, we are requiring the use of child restraint systems on all Head Start vehicles and that they meet the performance standards in the FMVSS, 49 CFR 571.213.

Paragraph (k) contains the requirements for safety inspection and routine maintenance of vehicles. They require the establishment of procedures for routine preventive maintenance, daily pre-trip inspections by the driver, and third party inspections at least once a year. These requirements are adapted from the recommendations in the National Standards for School Buses and School Bus Operations.

Section 1310.12—Driver Qualifications

Paragraph (a) of this section prescribes the minimum qualifications for drivers of Head Start vehicles, which include a minimum age of 21, a Commercial Driver's License (CDL), and all other screening requirements (e.g. physical, mental, moral, drug and alcohol abuse, etc.) established by their respective State. All drivers who operate a vehicle designed to carry 16 or more passengers were required by the Federal Highway Administration's (FHWA) Commercial Driver License Standards to have a valid commercial driver license by April 1962, and most Head Start drivers fall into this category. However, it is possible that some Head Start programs may operate vehicles that carry less than 16 passengers, since the definition of a bus includes smaller vehicles that carry 10 or more passengers. We believe that the screening procedures and the knowledge and skills tests required for obtaining a CDL are an important step in assuring that only the most qualified people are employed as Head Start drivers. Therefore, we are including the CDL as a requirement here in order to extend the requirement to all Head Start drivers, regardless of the size of the vehicle.

Paragraph (b) requires programs to establish their own applicant screening procedures. Paragraph (c) (1)–(4) provides a list of the elements which should be included in each agency's screening process, such as an application with educational background, employment history and personal references, an interview procedure, a check of the applicant's driving record through the National Driver Registry and the State Department of Motor Vehicles, a

physical examination, and a test of visual acuity.

Under the CDL program, drivers of vehicles involved in purely intrastate commerce (as is the case for almost all Head Start drivers): (1) Are only required to pass the knowledge and skills test for the particular vehicle they will be operating; and (2) are exempt from the age and physical qualifications requirements contained in 49 CFR part 391, "Qualifications of Drivers." This means that drivers of Head Start vehicles need only comply with their respective State standards in these two areas, which vary considerably from State to State. In some States the minimum age to drive a school bus is 16. We have chosen to adopt the minimum age requirement (21) contained in 49 CFR part 391 as the minimum age for drivers of Head Start vehicles. Some States have minimal or no physical qualifications standards for school bus drivers. Therefore, we are proposing to require that a physical examination, performed by a licensed doctor of medicine or osteopathy, be included in the screening procedures. We believe this is necessary to assure that Head Start vehicles are operated by mature and physically able individuals.

Section 1310.13—Driver Training

This section contains the pre-service and in-service training requirements for Head Start drivers.

The number of hours of training are the same as those recommended in the National Standards for School Buses and School Bus Operations. It specifies that Head Start drivers must have a minimum of 40 hours of skills training (a combination of classroom and behind-the-wheel instruction) prior to transporting children. The content areas include safe operation of the vehicle, how to run a fixed route, first aid, handling emergencies, operating special equipment, conducting routine maintenance and keeping accurate records. In addition to the skills training requirements, drivers must receive an orientation to the goals and objectives of Head Start, instruction on the role of the Head Start driver as part of the Head Start team, and specific instruction on the Head Start Performance Standards for Children with Disabilities as they relate to the provision of transportation services.

The proposed rule also requires a minimum of 8 hours of in-service training annually to maintain driver skills, enhance the driver's ability to perform daily tasks, and assist the transportation staff in staying abreast of information and/or developments in transportation technology.

The proposed rule requires Head Start agencies to be knowledgeable of driver training requirements in their respective State and to take whatever steps are necessary for their drivers to qualify to operate Head Start vehicles as school buses. The requirement in this section, along with § 1310.11 (b) and (c), reflect our belief that the ability to operate Head Start vehicles as school buses, from the standpoint of the driver as well as the vehicle, adds significantly to the level of safety.

As with the driver qualifications requirements discussed in the previous section, we know that there is significant variation among the States in their driver training requirements. Some States, in fact, have no training requirements, while other States have comprehensive training programs which reflect the recommendations in Guideline 17 and the National Standards for School Bus Operations. Paragraph (e) of this section, therefore, requires Head Start agencies, in the absence of an appropriate State or local training program, to obtain the necessary training from other sources or develop their own training programs using the National Standards for School Bus Operations and/or the NHSTA driver training curriculum as a guide. We are aware of the difficulties this may present for some programs in the short term and believe the phase in period will be helpful. We are also aware of the need to assist Head Start programs in this area, and will be providing technical assistance, as needed, and further guidance in the future.

The remaining paragraphs of this section require current drivers of Head Start vehicles to meet the same training requirements as new drivers within three months of the effective date of this rule, require drivers to be evaluated annually by the Transportation Supervisor, and require bus monitors to receive the same classroom training as drivers.

Subpart C—Special Requirements

Section 1310.20—Trip Routing

This section prescribes the minimum requirements for determining and traveling the fixed routes to be used on a daily basis to transport children to and from the classroom. In its Special Report 222, "Improving School Bus Safety," the Transportation Research Board, National Research Council stated: "The principles of school bus routing are well known. They should be consciously applied and should not be sacrificed for operational efficiency, student convenience, or political expediency." Paragraph (a) of this proposed section

requires that the primary consideration in the determination of the fixed routes be the safety of the children. The basic principles included in paragraph (a)(2)–(6) are adopted from the National Standards for School Bus Operations and Special Report 222. They include such requirements as locating stops to minimize traffic disruptions and to minimize the need for children to cross in front of the bus. Where children are required to cross the street to board or exit the bus, there are strict procedures for escorting children across the street or highway. Loading of vehicles beyond their capacity is prohibited, as is arrangement of routes such that vehicles would be required to back up or negotiate “U” turns.

Finally, paragraph (a)(1) of this section limits the amount of time children may be in transit to and from the classroom to one hour in each direction. Anything beyond one hour is considered in terms of “best practice” to be detrimental to the quality of the pre-school experience for the children.

Section 1310.21—Safety Education

According to Special Report 222, most child deaths in school bus-related accidents occur off the bus in school bus loading zones, resulting in the need for safety education programs that specifically address appropriate behavior in school bus loading zones. Likewise, Guideline 17 includes the recommendation that “All children should be instructed in safe transportation practices for walking to and from school.”

This section prescribes the safety training to be provided to children and their parents in both pedestrian safety and safe riding practices. It requires that the initial transportation and pedestrian safety training for children and parents occur within the first five days of the program year. It requires Head Start agencies to teach the parents what is being taught to the children so that safe pedestrian behavior can be reinforced in the home and during non-school hours.

This section also requires Head Start agencies to instruct children in safe riding practices (including the use of the child restraint system), safety procedures for boarding and leaving the bus and in crossing the street in front of the bus, and in recognizing the danger zones around the bus. Children must be instructed in emergency evacuation procedures and participate in at least three emergency evacuation drills over the course of the year.

Finally, this section requires classroom teachers to develop activities to remind children of the safety

procedures prior to departing the classroom at the end of the day.

Section 1310.22—Children With Disabilities

This section cross-references the proposed rules for transportation with the Head Start Program Performance Standards on Services for Children with Disabilities. It places joint responsibility for compliance on the Disabilities Coordinator and the Transportation Supervisor and requires that any special transportation requirements for children with disabilities, such as special pick-up and drop-off locations, special seating requirements, special equipment, etc., be specified in the Individual Education Plan for the child.

Section 1310.23—Coordinated Transportation

The Administration for Children and Families is a participant in the Joint Department of Health and Human Services/Department of Transportation Coordinating Council on Human Services Transportation, which was formed in October 1986 through a Memorandum of Understanding between the Department of Health and Human Services and the Department of Transportation. One of the goals of the Council is to achieve the most cost effective use of Federal, State and local resources for specialized and human services transportation. The requirements in this section are designed to promote this goal.

This section requires Head Start agencies, whenever possible and to the extent feasible, to coordinate transportation resources with other human services transportation agencies in the community in order to control costs and to maximize the quality and extent of transportation services provided to Head Start families.

This section also requires Head Start agencies to determine the true cost of providing transportation services in their locality so that they can make knowledgeable choices between transportation options. Additionally, it requires Head Start agencies to be proactive in serving on local transportation councils, or in forming a local council where none exists, in order to promote the concept of coordinated transportation.

We acknowledge that the degree and manner to which Head Start programs participate in coordinated systems may, to some extent, depend upon whether or not the services provided by the coordinated system comply with these standards. As drafted, this proposed rule requires that if a Head Start agency is using a coordinated system, they have

to be sure that the system is operating the way the rule proposes. We want to continue to support coordination as much as possible without undermining concerns for the safety of Head Start children. However, we are concerned that there are now children, especially geographically isolated children, being served through coordinated systems which may not meet the safety standards contained in this proposed rule. Therefore, we are especially interested in soliciting comments on this issue. For example, should there be a “reasonableness exception clause” for individual cases in which a child might otherwise remain unserved by Head Start? If so, what rules should apply?

V. Impact Analysis

Executive Order 12866

Executive Order 12866 requires that regulations be drafted to ensure that they are consistent with the priorities and principles set forth in this Executive Order. The Department has determined that this rule is consistent with these priorities and principles. This Notice of Proposed Rulemaking implements the statutory authority to promulgate regulations for the safe transportation of Head Start children. Congress made no additional appropriation to fund this new authority, however, and so any money spent toward the purchase of vehicles, additional personnel, training or other purposes related to this regulation is money that would have been spent otherwise by the program or other programs from the same appropriation amount. We believe that we have focused these proposed rules in ways that encourage maximum cost-effectiveness in transportation spending decisions. We request comments on possible improvements.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule with a “significant economic impact on a substantial number of small entities” an analysis must be prepared describing the rule’s impact on small entities.

Small entities are defined by the Act to include small businesses, small non-profit organizations and small governmental entities. These regulations would affect small entities. However, it should be noted that many grantees already provide transportation services in accordance with State and local requirements. We believe meeting these

proposed requirements would not be burdensome to them because we are providing a three year phase-in period for compliance with one exception pertaining to training for current Head Start drivers, for which we propose a 90 day compliance period. The financial burden on grantees who acquire vehicles that meet the standards in these proposed regulations will be eased by a new provision in the Head Start Act which authorizes the Secretary to allow Head Start grantees to use grant funds to pay the cost of amortizing the principal and the interest on loans to finance the purchase of vehicles (42 U.S.C 9839(g)(2)(C)). We also believe that as grantees become more familiar with these requirements, there will be no ongoing burden. For these reasons, the Secretary certifies that these rules will not have a significant impact on substantial numbers of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or record-keeping requirement inherent in a proposed or final rule. This NPRM contains new information collection requirements at § 1310.10(b). We will submit this section to OMB for review and approval.

Organizations and individuals desiring to submit comments on this NPRM's compliance with the Paperwork Reduction Act should direct them to the agency official designated for this purpose, whose name appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3002), Washington, DC. 20503, Attention: Desk Officer for the Administration for Children and Families, HHS.

List of Subjects in 45 CFR Part 1310

Driver qualifications, Driver training, Head Start, Safety education, Transportation, Vehicles.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: June 9, 1995.

Mary Jo Bane,

Assistant Secretary for Children and Families.

For the reasons set forth in the preamble, a new part 1310 is proposed to be added to 45 CFR chapter XIII to read as follows:

PART 1310—HEAD START TRANSPORTATION

Subpart A—General

Sec.

- 1310.1 Purpose.
- 1310.2 Applicability.
- 1310.3 Definitions.

Subpart B—Transportation Requirements

- 1310.10 General
- 1310.11 Vehicles.
- 1310.12 Driver qualifications.
- 1310.13 Driver training.

Subpart C—Special Requirements

- 1310.20 Trip routing.
- 1310.21 Safety education.
- 1310.22 Children with disabilities.
- 1310.23 Coordinated transportation.

Authority: 42 U.S.C. 9801 *et seq.*

Subpart A—General

§ 1310.1 Purpose.

This part prescribes regulations implementing section 640(i) of the Head Start Act (42 U.S.C. 9801 *et seq.*) as it applies to grantees and delegate agencies operating Head Start programs under the Act. It prescribes new requirements for the transportation of Head Start children to and from the classroom and to special events, such as field trips and other group events, which take place away from the classroom but are an integral part of the scheduled activities for children. It describes the safety standards for vehicles used in the regular transportation of Head Start children, as well as the qualifications and training requirements for operators of those vehicles. It includes general training requirements for drivers in their overall responsibilities regarding children and parents in the daily operation of the program. It also defines the role of Head Start agencies in achieving greater cost effectiveness in the overall cost of providing transportation through participation in local efforts to develop coordinated transportation systems under the authority provided by section 644 (a) and (c).

§ 1310.2 Applicability.

(a) This rule applies to all Head Start grantees and delegate agencies that provide transportation services to enrolled children.

(b) Except for § 1310.13(f) which becomes effective 90 days from final publication, Head Start grantees and delegate agencies have up to three years from the effective date of this part to comply with all of the requirements of this part.

§ 1310.3 Definitions.

Crossing control arm means a device installed in the right side of the front bumper of the bus such that, when the door of the bus is opened to admit or discharge passengers, the control arm swings out for a distance of several feet and becomes an obstacle that children must walk around in crossing in front of the bus.

Stop signal arm means a device installed in the left side of the bus, octagonal in shape with white letters and border and a red background, and with a flashing lamp which is connected to the alternately flashing signal lamp circuits.

Reverse beeper means a device which automatically sounds an intermittent alarm whenever the bus is engaged in reverse.

Type I seat belt means a lap belt for pelvic restraint.

Type II seat belt means a combination of belts for pelvic and upper torso restraint.

Driver means a person authorized by the responsible Head Start program official to operate a school bus, including a paid employee, a volunteer or a substitute for the person regularly assigned to operate the vehicle.

Guideline 17 means the National Highway Traffic Safety Administration (NHTSA)/Federal Highway Administration (FHWA) Highway Safety Program Guideline 17, "Pupil Transportation Safety" (23 CFR Part 1204).

Commercial Driver's License (CDL) means a license issued by a State or other jurisdiction, in accordance with the standards contained in 49 CFR part 383, to an individual which authorized the individual to operate a class of a commercial motor vehicle.

Bus monitor means a person with specific responsibilities for assisting the driver in insuring the safety of the children on and off the bus and for assisting the driver during emergencies.

National Standards for School Buses and School Bus Operations means the recommendations resulting from the Eleventh National Conference on School Transportation, May 1990, published by the National Safety Council, Chicago, Illinois. The conference reconvenes every five years to update the standards.

Winter packs are devices that are available from vehicle manufacturers as extra equipment on vehicles that operate in areas of extreme cold temperatures. These devices help maintain the ambient temperature of the engine compartment in order to protect the engine oil and coolant from the effects of extreme cold and to facilitate starting of the vehicle.

Driver qualifications means the minimum health, education, code of conduct and other similar requirements that must be demonstrated in order to be eligible for employment as a Head Start driver.

National Driver Register, also called the Problem Driver Pointer System, means the National Highway Traffic Safety Administration's automated system for assisting State driver license officials in obtaining information regarding the driving records of certain individuals. Participation by the States is voluntary.

Fixed route means the established routes to be traveled on a daily basis by Head Start vehicles to transport children to and from the Head Start classroom, and which include specifically designated stops for loading and unloading children.

Trip routing means the determination of the fixed routes to be traveled on a daily basis for the purpose of transporting children to and from the classroom.

Federal Motor Vehicle Safety Standards (FMVSS) means the National Highway and Traffic Safety Administration's standards for motor vehicles and motor vehicle equipment established under section 103 of the Motor Vehicle Safety Act of 1966 (49 CFR Part 571) as they apply to school buses.

Transportation Supervisor means a staff person who has overall responsibility for the safe and efficient operation of the transportation component as outlined in these requirements.

Child restraint system means any device except Type I and Type II seat belts designed to restrain, seat, or position children who weigh 50 pounds or less as described in the FMVSS, 49 CFR 571.213.

Training means a prescribed course of instruction for drivers of vehicles provided by persons certified to provide such instruction and which includes a combination of classroom instruction and behind-the-wheel instruction on a vehicle of the same type and same size the driver will be operating. It also means instruction by qualified professionals in the areas of vehicle maintenance, first aid and emergency procedures.

Transportation means the transporting of children to and from the classroom and to home-based socialization where children are picked up and discharged at pre-arranged locations and at regularly scheduled times. It also means the transporting of children on field trips, health screening, or other activities scheduled by the

Head Start staff. Incidental transportation, such as might be required to transport small groups of children to and from services or to transport a sick child home before the end of the day, is excluded from these regulations.

Coordinated transportation means the consolidation of transportation resources within a community in order to eliminate duplication, while providing the same, or increasing, the level of transportation services or reducing unnecessary spending on transportation services.

Vehicle means a school bus as defined in Guideline 17.

School bus loading zone means the designated pick and drop off location at the Head Start center and any stop along the fixed route.

Subpart B—Transportation Requirements

§ 1310.10 General.

(a) All Head Start grantees and delegate agencies that provide transportation services regardless of whether such transportation is provided directly on agency owned or leased vehicles or through contract with a private or public provider must meet the requirements of this part.

(b) Head Start agencies that do not provide transportation services, or that provide such services to only a portion of their enrolled children, must document the reasons why they have decided not to provide transportation, or to provide transportation to some children and not to others. In addition agencies must review and update this documentation annually.

(c) When the Head Start agency has decided not to provide transportation services, either for all or part of the children, the Head Start agency must provide whatever assistance is reasonable to help families arrange transportation for their children to and from the classroom. The specific types of assistance being offered must be made clear to all prospective families in the program's recruitment announcements.

(d) Each Head Start program must have either a full-time or part-time Transportation Supervisor, or a staff person (with the time and expertise to devote to this area) designated as the Transportation Supervisor who is responsible for ensuring compliance with regulations in this part.

(e) In addition to the vehicle's driver, each Head Start vehicle must have a Bus Monitor on board at all times when transporting Head Start children on a regular basis. Additional Bus Monitors

also must be provided as necessary to accommodate the needs of children with disabilities.

(f) All accidents involving Head Start vehicles, with or without children on board, must be reported in accordance with the State procedures for reporting school bus accidents.

(g) Head Start vehicles must be equipped with a citizen band radio or similar communication system to call for assistance in case of an emergency.

(h) Head Start vehicles that operate in areas of extreme climatic conditions should include such equipment as is necessary, such as air conditioning, winter packs, or other specialized equipment as appropriate to ensure the safe operation of the vehicle and the safety and comfort of the passengers.

(i) At the end of the day, either at the classroom or at the vehicle stop, children may only be released to the parent or legal guardian, or other individual identified in writing by the parent or legal guardian. Head Start programs should advise parents accordingly at the time of enrollment, and maintain the names of authorized persons, including alternates in case of emergency, in the case record for the family. Child rosters must be maintained at all times to ensure that no child is left behind, either at the classroom or on the bus at the end of the route.

§ 1310.11 Vehicles.

(a) All vehicles used for the purpose of transporting Head Start children (as defined in § 1310.3 of this part) must comply with recommendations regarding "school buses," as contained in Guideline 17, except where provided otherwise in this regulation. (23 CFR part 1204, Highway Safety Guideline 17.) The use of small vans designed to carry ten or fewer persons, including the driver, and the use of passenger cars for the purpose of transporting children are prohibited by this regulation.

(b) At a minimum, all vehicles used to transport Head Start children to and from the classroom, to home-based socialization, to group health screening, and on field trips or other activities scheduled by the Head Start staff must:

(1) Comply with the Federal Motor Vehicle Safety Standards (FMVSS) applicable to school buses;

(2) Be equipped with safety equipment for use in an emergency, including a charged fire extinguisher that is properly mounted near the driver's seat, and a first aid kit with signs indicating the location of such equipment;

(3) Have a system of mirrors that conforms to the school bus requirements

of FMVSS No. 111 (49 CFR 571.111) and provides the seated driver with a view to the rear along both sides of the bus and a view of the front bumper and the area in front of the bus;

(4) Be equipped with a lower step panel at the primary point of access to enable small children to step on and off the bus safely and unassisted;

(5) Be equipped with reverse beepers; and

(6) Have specialized equipment, such as wheel chair lifts or other assistance devices as necessary to guarantee equal access to disabled children.

(c) To the extent allowable within State requirements, vehicles owned, leased, or operated by Head Start must comply with the following additional recommendations for identification and equipment of a school bus contained in Guideline 17, as follows:

(1) Be identified with the words "School Bus" printed in letters not less than eight inches high, located between the warning signal lamps as high as possible without impairing visibility of the lettering from both front and rear, and have no other lettering on the front or rear of the vehicle except as required by Federal Motor Vehicle Safety Standards (FMVSS), 49 CFR part 571;

(2) Be painted National School Bus Glossy Yellow, in accordance with the colorimetric specification of National Institute of Standards and Technology (NIST) Federal Standard No. 595a, Color 13432, except that the hood should be either that color or lusterless black, matching NIST Federal Standard No. 595a, Color 37038;

(3) Have bumpers of glossy black, matching NIST Federal Standard No. 595a, Color 17038, unless, for increased visibility, they are covered with a reflective material;

(4) Be equipped with a stop signal arm as specified in FMVSS No. 131(49 CFR 571.131) and a crossing control arm; and

(5) Be equipped with a system of signal lamps that conforms to the performance requirements of FMVSS No. 108 (49 CFR 571.108).

(d) In order to insure that the manufacturers of Head Start vehicles comply with the applicable FMVSS standards, Head Start agencies must:

(1) Assure that bid announcements contain the correct specifications for the vehicle(s) to be purchased, including a clear statement of the intended use of the vehicle; and

(2) Have a prescribed procedure for examining new vehicles at the time of delivery to assure that they are equipped in accordance with the bid specifications and that the

manufacturer's certification of compliance with the FMVSS is in place.

(e) Head Start vehicles in use which do not comply with the FMVSS and the minimum capacity requirement must be replaced or retired within the three year period authorized by this regulation. (In accordance with 42 U.S.C. 9839(g)(2)(C), with the permission of the Secretary, Head Start funds may be used for capital expenditures (including paying the cost of amortizing the principal and paying interest on loans) to purchase vehicles used for programs conducted at Head Start facilities.)

(f) All passengers on a Head Start vehicle must be seated while the vehicle is in motion.

(g) Auxiliary seating, such as temporary or folding jump seats, is prohibited.

(h) Drivers of Head Start vehicles, Bus Monitors, and other passengers must wear seat belts while the vehicle is in motion.

(i) While the vehicle is in motion, all children must be seated in a child restraint system appropriate to the height and weight of the child as set forth in the performance requirements in FMVSS (49 CFR 571.213).

(j) Baggage and other items transported in the passenger compartment must be properly stored and secured so that the aisles remain clear and the doors and emergency exits remain unobstructed at all times.

(k) Head Start vehicles must be maintained in safe operating condition at all times. Procedures must be established for:

(1) A thorough safety inspection of each vehicle on at least an annual basis through an inspection program licensed or operated by the State;

(2) Performing systematic preventive maintenance on Head Start vehicles; and

(3) Daily pre-trip inspection of the vehicle by the Head Start driver.

§ 1310.12 Driver qualifications.

(a) In order to qualify to drive a Head Start vehicle, a person must, at a minimum:

(1) Be at least 21 years old;

(2) Have a Commercial Driver's License (CDL) as granted by a State pursuant to FHWA's Commercial Driver's License Standards (49 CFR part 383); and

(3) Meet all the physical, mental, moral and other requirements established by Federal and State regulations, including requirements regarding drug and/or alcohol misuse or abuse.

(b) Each Head Start program must establish its own applicant screening

procedure. Applicants must be advised of the specific background checks required at the time application is made, and Head Start agencies must have established criteria for the rejection of unacceptable applicants.

(c) At a minimum, applicant screening procedures must include:

(1) An application which provides employment history, educational background and personal references;

(2) An interview and screening procedure which, among other things, is designed to determine that the person is of good moral character, does not use intoxicating beverages to excess and does not use narcotic and other illegal drugs;

(3) A check of the applicant's driving record through the State Department of Motor Vehicles, including a check of the applicant's record through the National Driver Register, if available in the State; and

(4) A physical examination, performed by a licensed doctor of medicine or osteopathy, to determine that the person possesses the physical ability to operate a school bus based on the requirements in their respective State.

§ 1310.13 Driver training.

(a) Driver training plans must include both pre-service and annual in-service training programs.

(b) Pre-service training.

(1) All Head Start drivers must receive a minimum of 40 hours of skills training prior to transporting children. Skills training should encompass a combination of classroom instruction and behind-the-wheel instruction sufficient to enable the driver to:

(i) Operate the vehicle in a safe and efficient manner;

(ii) Safely run a fixed route, including loading and unloading children, stopping at railroad crossings and other specialized driving requirements;

(iii) Administer basic first aid in case of injury;

(iv) Handle emergency situations, including school bus evacuation procedures;

(v) Operate any special equipment, such as wheel chair lifts, assistance devices or special occupant restraints;

(vi) Conduct routine maintenance and safety checks of the vehicle; and

(vii) Maintain accurate records.

(2) In addition to the skills training, pre-service training should include:

(i) An orientation to the goals and objectives of Head Start with an emphasis on the educational and developmental needs of children;

(ii) The role of the Head Start Driver in providing a supportive social and

emotional climate for children and in supporting the role of parents in the Head Start program; and

(iii) An overview of the Head Start Program Performance Standards for Children with Disabilities as they relate to the provision of transportation services for disabled children.

(c) In-service training.

(1) Head Start drivers should receive a minimum of 8 hours of in-service training per year.

(2) In-service training plans should be designed to maintain driver skills, enhance the driver's ability to perform day-to-day duties and, generally, assist the transportation staff in keeping abreast of new information and/or new developments in transportation technology.

(d) Head Start programs must be knowledgeable about the driver training requirements in their respective State and must take whatever steps are necessary in order for Head Start drivers to qualify to operate Head Start vehicles as school buses on the streets and highways in their respective State.

(e) In those States with driver training requirements that do not meet the minimum requirement set forth in § 1310.13 (b) and (c) of this part, Head Start programs must obtain the additional training from other sources or establish their own training programs. In such cases, it is recommended that the National Standards for School Buses and School Bus Operations be used as a guide in the selection and/or development of driver training programs.

(f) Drivers of Head Start vehicles who are employed at the effective date of this regulation are required to meet the same pre-service training requirements as new drivers, within three months of the effective date of this regulation.

(g) Head Start drivers must be evaluated on an annual basis by the Transportation Supervisor, including an on-board observation of road performance.

(h) Bus Monitors should receive the same pre-service and in-service training as bus drivers, with the exception of the behind the wheel instruction.

Subpart C—Special Requirements

§ 1310.20 Trip routing.

(a) In planning routes for the transporting of children to and from the classroom, maximum safety of the children must be the primary consideration. Safety principles may not be sacrificed for operational efficiency.

(b) At a minimum, the following basic principles of trip routing must be adhered to at all times:

(1) The time a child is in transit to and from the Head Start classroom may not exceed one hour each way, unless specifically approved in writing by the respective Regional Office.

(2) The number of children to be picked up or discharged on a given route may not exceed the capacity of the vehicle. Vehicles may not be loaded beyond their capacity at any time.

(3) Vehicles should not be required to back up on their routes or to negotiate "U" turns.

(4) Stops should be located to minimize traffic disruptions and to afford the driver a good field of view in front of and behind the vehicle.

(5) Stops should be located to minimize the need for children to cross the street or highway to board or leave the vehicle.

(6) If children must cross the street or highway to board the bus or after exiting the vehicle, they must be escorted across the street by the driver, bus monitor or another adult. Before escorting children across the street, the driver must turn on the flashing lights, set the emergency brake, turn the engine off, and remove the key from the ignition. Under no circumstances may bus stops be located such that children must cross the street or highway unless the vehicle is properly equipped to stop traffic as described in § 1310.11(c)(1)–(5) of this Part.

(7) Specific procedures must be established for use of alternate routes in the case of hazardous weather conditions or other situations which may arise that could effect the safety of the children en route.

§ 1310.21 Safety education.

(a) In walk-in areas, the parent or other designated individual is ultimately responsible for the safety of their own child en route to and from the classroom. However, Head Start programs must provide training for parents and children in pedestrian safety. All Head Start children should be taught, by explanation and by example, the proper procedure for street crossing and the use of traffic and pedestrian signal lights, except that, under no circumstances, should such training encourage pre-school children to cross the street alone.

(b) Each child transported from home to the classroom in a school bus must receive instruction in:

- (1) Safe riding practices;
- (2) Safety procedures for boarding and leaving the bus;
- (3) Safety procedures in crossing the street to and from the bus at bus stops;
- (4) Recognizing the danger zones around the bus; and

(5) Emergency evacuation procedures, including an emergency evacuation drill conducted on the bus the child will be riding.

(c) Training for parents must emphasize the importance of escorting their child(ren) to the bus stop and the importance of reinforcing the training provided to children regarding school bus safety.

(d) The training provided to parents must compliment the training provided to children so that safety practices can be reinforced both in the classroom and at home by the parent.

(e) Initial transportation and pedestrian safety education for both children and parents must occur within the first five days of the program year.

(f) At least two additional bus evacuation drills must be conducted during the program year.

(g) Activities should be developed by the classroom teachers to remind children of the safety procedures prior to departing the classroom at the end of each day.

§ 1310.22 Children with disabilities.

(a) The Transportation Supervisor, in conjunction with the Disabilities Coordinator, must ensure compliance with the Head Start Program Performance Standards on Services for Children with Disabilities (45 CFR part 1308) as they relate to transportation services.

(b) Any special transportation requirements for children with disabilities must be specified in the Individual Education Plan (IEP), including:

- (1) Special pick-up and drop-off requirements;
- (2) Special seating requirements;
- (3) Special equipment needs;
- (4) Any special assistance that may be required; and
- (5) Any special training for bus drivers and monitors.

§ 1310.23 Coordinated transportation.

(a) Whenever possible and to the extent feasible, Head Start agencies and their delegates must coordinate transportation resources with other human services agencies in the community in order to control costs and to maximize the quality and extent of the transportation services provided to Head Start families. At a minimum, Head Start agencies must coordinate transportation services as follows:

- (1) Identify the true costs of providing transportation in order to knowledgeably compare the costs of providing transportation directly versus contracting for the service;
- (2) Where a coordinated public or private transportation system(s) exists in

the community, serve on the local transportation council or committee and fully explore coordination as a viable transportation option;

(3) Where no coordinated public or private non-profit transportation system exists in the community, make every effort to identify other human services agencies also providing transportation services and, where feasible, to provide the impetus for establishing a local transportation coordinating council; and

(4) Maintain such records as are necessary to document compliance with the coordination requirements and efforts to address transportation needs in the community.

(b) [Reserved]

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