

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 $\frac{1}{4}$ to $\frac{1}{3}$ 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.