

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.