

Transportation at Head Start With the 2018 Performance Standards

Complying with the 2018 Performance
Standards for Transportation

Introduction

- The 2016 Performance Standards have brought some significant changes to Head Start and in many areas including Transportation. The Performance Standards for Transportation are shorter and have been clarified. There are other parts of the Performance Standards for Personnel management and training that also apply to transportation that will also be covered in this workshop. All of these areas have serious implications for Head Start.

Introduction

- The 2016 Revision of the Head Start Performance Standards are a major revision of the standards. The Transportation section was reduced from seven pages to five pages. The standards are clarified and simplified. The Standards need to be carefully reviewed to understand the requirements that are in them as well as the requirements that are implied by the Standards.

Administrative Duties

- **Subpart I — Human Resources Management**
- **§1302.90 Personnel policies.**
- (a) Establishing personnel policies and procedures. A program must establish written personnel policies and procedures that are approved by the governing body and policy council or policy committee and that are available to all staff.
- (b) Background checks and selection procedures.
- (1) Before a person is hired, directly or through contract, including transportation staff and contractors, a program must conduct an interview, verify references, conduct a sex offender registry check and obtain one of the following:
 - (i) State or tribal criminal history records, including fingerprint checks; or,
 - (ii) Federal Bureau of Investigation criminal history records, including fingerprint checks.

Transportation Standards

- **Subpart F — Transportation**
- **§1303.70 Purpose.**
- (a) Applicability. This rule applies to all agencies, including those that provide transportation services, with the exceptions and exclusions provided in this section, regardless of whether such transportation is provided directly on agency owned or leased vehicles or through arrangement with a private or public transportation provider.

Transportation Standards

- (b) Providing transportation services.
- (1) If a program does not provide transportation services, either for all or a portion of the children, it must provide reasonable assistance, such as information about public transit availability, to the families of such children to arrange transportation to and from its activities, and provide information about these transportation options in recruitment announcements.
- (2) A program that provides transportation services must make reasonable efforts to coordinate transportation resources with other human services agencies in its community in order to control costs and to improve the quality and the availability of transportation services.
- (3) A program that provides transportation services must ensure all accidents involving vehicles that transport children are reported in accordance with applicable state requirements.

Transportation Standards

- Any time that there is an accident, it must be reported in accordance with applicable state regulations and laws. All accidents that result in property damage or injury, no matter how minor, always have to be reported to police. Most state School Bus Regulations require reporting to the State School Transportation unit within a set time period depended on the severity of the accident. Accidents with serious injuries or fatalities normally require a telephone report immediately and a follow up written report.

Transportation Standards

- (c) Waiver.
- (1) A program that provides transportation services must comply with all provisions in this subpart. A Head Start program may request to waive a specific requirement in this part, in writing, to the responsible HHS official, as part of an agency's annual application for financial assistance or amendment and must submit any required documentation the responsible HHS official deems necessary to support the waiver. The responsible HHS official is not authorized to waive any requirements with regard to children enrolled in an Early Head Start program. A program may request a waiver when:
 - (i) Adherence to a requirement in this part would create a safety hazard in the circumstances faced by the agency; and,

Transportation Standards

- (ii) For preschool children, compliance with requirements related to child restraint systems at §§1303.71(d) and 1303.72(a)(1) or bus monitors at §1303.72(a)(4) will result in a significant disruption to the program and the agency demonstrates that waiving such requirements is in the best interest of the children involved.
- (2) The responsible HHS official is not authorized to waive any requirements of the Federal Motor Vehicle Safety Standards (FMVSS) made applicable to any class of vehicle under 49 CFR part 571.

Transportation Standards

- **§1303.71 Vehicles.**
- (a) Required use of schools buses or allowable alternative vehicles.
A program, with the exception of transportation services to children served under a home-based option, must ensure all vehicles used or purchased with grant funds to provide transportation services to enrolled children are school buses or allowable alternate vehicles that are equipped for use of height- and weight-appropriate child restraint systems, and that have reverse beepers.
- You are required to use a yellow school bus for transporting Head Start children. The bus must be built to the applicable National School Bus Construction and Safety Standards. The bus must be equipped with appropriate height and weight child restraints for the children that will be transported. These child restraints may either aftermarket child restraints.
- Vans and Minivans are not allowable vehicles for Head Start.

Transportation Standards

- (b) Emergency equipment. A program must ensure each vehicle used in providing such services is equipped with an emergency communication system clearly labeled and appropriate emergency safety equipment, including a seat belt cutter, charged fire extinguisher, and first aid kit.
- States will also have required equipment. Most states require buses to have a Body Fluid Clean Up Kit on the bus as well. Required equipment must be labeled and in the driver's compartment area. All of the emergency equipment must be checked in each pre-trip inspection and noted that it is on the bus and in working order.
- (c) Auxiliary seating. A program must ensure any auxiliary seating, such as temporary or folding jump seats, used in vehicles of any type providing such services are built into the vehicle by the manufacturer as part of its standard design, are maintained in proper working order, and are inspected as part of the annual inspection required under paragraph (e)(2)(i) of this section.
- It is rare that a bus would use auxiliary seating in a Head Start Bus. Folding or Jump Seats are not generally built into school buses and usually will not pass current construction standards or safety inspection guidelines.

Transportation Standards

- (d) Child restraint systems. A program must ensure each vehicle used to transport children receiving such services is equipped for use of age-, height- and weight-appropriate child safety restraint systems as defined in part 1305 of this chapter.
- (e) Vehicle maintenance.
- (1) A program must ensure vehicles used to provide such services are in safe operating condition at all times.
- (2) The program must:
 - (i) At a minimum, conduct an annual thorough safety inspection of each vehicle through an inspection program licensed or operated by the state;

Transportation Standards

- Every Bus operated by Head Start must, at a minimum, have the bus inspected by qualified inspectors at least annually unless the state that Head Start operates in has a requirement. These inspections must follow the criteria for out of service violations. No bus that has out of service violations can be operated on the public roadways until it has been repaired and re-inspected and passed the inspection. In some cases the bus will have to be towed to a repair facility to make the needed repairs to place the bus back in service. Many states require more than one inspection per school year and must meet the inspection requirements of the state that the bus is operated in.

Transportation Standards

- (ii) Carry out systematic preventive maintenance on vehicles; and,
- All vehicles operated by Head Start must be properly maintained to ensure that the vehicle will operate correctly and that it is in safe working order. Preventive maintenance ensures that the bus parts that are known to wear out periodically are replaced in a timely manner and that the other problem prevention steps are taken to keep the bus in top operating condition. Preventive maintenance is one of the proven ways to ensure that the operating costs are kept in control since it is far less expensive to maintain a bus than to pay for major repairs on the same bus. Cost savings alone pays for a good preventive maintenance program. A good starting point is to use the manufacturers maintenance recommendations for a heavy duty use.

Transportation Standards

- (iii) Ensure each driver implements daily pre-trip vehicle inspections.
- All buses must have a thorough pre-and post-trip inspection of the bus prior to driving it. This is both in state regulation and in the CDL rules. These inspections make it more likely that a problem is going to be caught and corrected early and that the bus is in safe operating condition prior to picking up any students.

Transportation Standards

- (f) New vehicle inspection. A program must ensure bid announcements for school buses and allow-able alternate vehicles to transport children in its program include correct specifications and a clear statement of the vehicle's intended use. The program must ensure vehicles are examined at delivery to ensure they are equipped in accordance with the bid specifications and that the manufacturer's certification of compliance with the applicable FMVSS is included with the vehicle.
- Records of inspections and maintenance must be kept. All Daily Pre-trip records must be kept for at least a year. All reports of problems from the pre-trip inspections as well as the record of the repair which becomes a part of the bus permanent maintenance record and must be kept for the life of the vehicle. All recalls must be kept as part of the permanent record of the vehicle.

Transportation Standards

- **§1303.72 Vehicle operation.**
- (a) Safety. A program must ensure:
 - (1) Each child is seated in a child restraint system appropriate to the child's age, height, and weight;
 - The child restraint system must work with the seating system in the bus. There are child restraints that are specifically designed for buses work much better on a bus. The built in restraints also are acceptable. The child restraints must be correctly adjusted for the child that is riding in the seat at the time.
 - (2) Baggage and other items transported in the passenger compartment are properly stored and secured, and the aisles remain clear and the doors and emergency exits remain unobstructed at all times;
 - All baggage including children's backpacks must be stored so that they will not injure passengers on the bus. No items can be stored in the aisle or blocking any emergency exit.

Transportation Standards

- (3) Up-to-date child rosters and lists of the adults each child is authorized to be released to, including alternates in case of emergency, are maintained and no child is left behind, either at the classroom or on the vehicle at the end of the route; and,
- There must be an updated roster of students that ride the bus. There must also be updated alternate drop off persons designated by the parent or guardian. No child can be dropped off to any person that is not on the list provided by the parent or guardian including non-custodial parents. No child can be left alone.
- At the end of each route, either at Head Start or at the end of the day, both the driver and the monitor must check the bus to ensure that no child has been left on the bus.
- (4) With the exception of transportation services to children served under a home-based option, there is at least one bus monitor on board at all times, with additional bus monitors provided as necessary.

Transportation Standards

- (b) Driver qualifications. A program, with the exception of transportation services to children served under a home-based option, must ensure drivers, at a minimum:
 - (1) In states where such licenses are granted, have a valid Commercial Driver's License (CDL) for vehicles in the same class as the vehicle the driver will operating; and,
 - Each driver will need a CDL Class B with a Passenger (P) and School Bus (S) Endorsement. Most States will also require the driver to take the test in a bus with Air Brakes and pass the Air Brake test for the Air Brake Endorsement.
 - Drivers must have a Commercial Driver License Class B with the following Endorsements: S- School Bus and P- Passenger. In most states the driver will have to be trained in a 65 to 71 passenger conventional cab (with a hood) bus with Air Brakes which will necessitate an A- Air Brake Endorsement. This will require that the driver get his training and take his CDL test in this size and type of bus regardless of the type or size of bus that he will actually drive at Head Start.
 - (2) Meet any physical, mental, and other requirements as necessary to perform job-related functions with any necessary reasonable accommodations.

Transportation Standards

- (c) Driver application review. In addition to the applicant review process prescribed §1302.90(b) of this chapter, a program, with the exception of transportation services to children served under a home-based option, must ensure the applicant review process for drivers includes, at minimum:
 - (1) Disclosure by the applicant of all moving traffic violations, regardless of penalty;
 - Under the CDL Rules, a driver must disclose all traffic violations except parking violations to his employer within 30 days of a conviction regardless of the vehicle being driven. You may have more stringent policies. I would tend to recommend that the driver be required to report moving violations on the next business day of receipt of the violation in part for the effect that having to report the violation has on traffic habits in other vehicles.

Transportation Standards

- (2) A check of the applicant's driving record through the appropriate state agency, including a check of the applicant's record through the National Driver Register, if available;
- Each driver can obtain a copy of his driving record from the State Motor Vehicle Office. Head Start can also obtain the record by having the driver sign a release form for the State Motor Vehicles to release the record directly to Head Start. Head Start should be careful to ensure that the driver that is hired has a safe driving record. A driver with a history of serious traffic violations, or driving under the influence is normally disqualified from having a commercial driver's license.

Transportation Standards

- (3) A check that drivers qualify under the applicable driver training requirements in the state or tribal jurisdiction; and,
- All drivers must meet all of the applicable training requirements of the state in which they drive in order to obtain and maintain a school bus endorsement. In the event of a crash, the investigators always check all of the driver's training records, including if the driver is up to date on in-service training hours, as part of the investigation. All mandatory topics are also checked for compliance.

Transportation Standards

- (4) After a conditional employment offer to the applicant and before the applicant begins work as a driver, a medical examination, performed by a licensed doctor of medicine or osteopathy, establishing that the individual possesses the physical ability to perform any job-related functions with any necessary accommodations.
- All drivers will be required to obtain a Commercial Driver's License Physical from a US Department of Transportation approved doctor prior to receiving a Commercial Driver's License. The driver must go only to the DOT approved doctors for the physical examination.
- Occasionally a driver will apply for a waiver from one or more of the CDL Physical Requirements. These drivers may only drive intrastate and may never cross state lines in a bus. I do not recommend accepting waivers since the agency that approves the waiver is not going to be financially responsible in the event of a crash involving a medical problem.
- The driver's complete medical history will be investigated in the event of a serious crash and it is important that the driver is completely truthful about his medical history when completing his physical forms.

Transportation Standards

- (d) Driver training.
- (1) A program must ensure any person employed as a driver receives training prior to transporting any enrolled child and receives refresher training each year.
- (2) Training must include:
- (i) Classroom instruction and behind-the-wheel instruction sufficient to enable the driver to operate the vehicle in a safe and efficient manner, to safely run a fixed route, to administer basic first aid in case of injury, and to handle emergency situations, including vehicle evacuation, operate any special equipment, such as wheelchair lifts, assistance devices or special occupant restraints, conduct routine maintenance and safety checks of the vehicle, and maintain accurate records as necessary; and,

Transportation Standards

- (ii) Instruction on the topics listed in §1303.75 related to transportation services for children with disabilities.
- Each State will have a specific training requirement. The training requirements for each state will specify the number of hours of behind the wheel training and classroom training that the driver must have to qualify for a school bus endorsement in the state his license is issued in.

Transportation Standards

- (3) A program must ensure the annual evaluation of each driver of a vehicle used to provide such services includes an on-board observation of road performance.
- Annual on-board observation of each driver is necessary to ensure the safety of the children that the driver transports to and from Head Start. The evaluator probably needs to have skills in driver evaluation and understand how to tell if the driver is safely driving the bus. An evaluator that has either been a school bus driver instructor or school bus CDL examiner would probably be the best course of action to take.

Transportation Standards

- (e) Bus monitor training. A program must train each bus monitor before the monitor begins work, on child boarding and exiting procedures, how to use child restraint systems, completing any required paperwork, how to respond to emergencies and emergency evacuation procedures, how to use special equipment, child pick-up and release procedures, how to conduct and pre- and post-trip vehicle checks. Bus monitors are also subject to staff safety training requirements in §1302.47(b)(4) of this chapter including Cardio Pulmonary Resuscitation (CPR) and first aid.
- Each state will also have requirements for Bus Monitor training. The monitor must meet these training guidelines.
- Both drivers and monitors must keep current on the state mandated in-service training requirements. This is critical to be current on at all times. In the event of any incident, investigators check the training records of the driver and monitor early in the investigation. If either is not completely current, it will be noted in the investigation and may be made public.

Transportation Standards

- **§1303.73 Trip routing.**
- (a) A program must consider safety of the children it transports when it plans fixed routes.
- (b) A program must also ensure:
 - (1) The time a child is in transit to and from the program must not exceed one hour unless there is no shorter route available or any alternative shorter route is either unsafe or impractical;
- The time in transit must not be more than one hour and if it needs to exceed one hour there must be justifiable reasons to have the longer ride time such as distance away from the Head Start facility. Justification must be written and kept on file for Office of Head Start review.

Transportation Standards

- (2) Vehicles are not loaded beyond maximum passenger capacity at any time;
- All Buses have a rated seating capacity. The rating is usually on a manufacturer's tag in the driver's compartment. You are never allowed to exceed the number of persons listed on the rated seating capacity.
- (3) Drivers do not back up or make U-turns, except when necessary for safety reasons or because of physical barriers;

Transportation Standards

- Backing
- Backing a school bus is risky at best. Most state regulations as well as the Head Start Performance Standards suggest avoiding backing the bus. The most dangerous part of the bus is difficult for the driver to see. Whenever backing a bus, the driver should rely on a spotter outside of the bus. The spotter needs to be able to see the rear wheels of the bus. It is those rear wheels that have the potential to kill a human being that is in the way of the bus. If the driver loses sight of the spotter, the driver should immediately stop the bus. If the spotter is distracted, the driver should stop the bus. Avoiding backing is still the preferred method of operation.

Transportation Standards

- (4) Stops are located to minimize traffic disruptions and to afford the driver a good field of view in front of and behind the vehicle;
- Every stop must be checked for safety and compliance with applicable regulation. All stops must be visible continuously from at least 500 feet away. If the stop is not visible from 500 feet away, there must be a warning sign at 750 feet from the stop. These signs must be in place and must be clearly visible in both directions. The preferred location for a stop is off of the traveled portion of the roadway. The stop must have clear visibility for the driver to resume travel. Head Start stops should be on the same side of the street the child lives on.

Transportation Standards

- (4) Stops are located to minimize traffic disruptions and to afford the driver a good field of view in front of and behind the vehicle;
- (5) When possible, stops are located to eliminate the need for children to cross the street or highway to board or leave the vehicle;
- (6) Either a bus monitor or another adult escorts children across the street to board or leave the vehicle if curbside pick-up or drop off is impossible; and,
- (7) Drivers use alternate routes in the case of hazardous conditions that could affect the safety of the children who are being transported, such as ice or water build up, natural gas line breaks, or emergency road closing.
- A. Visibility
- All Bus Stops must be visible to other drivers. All stops must have a minimum of 500 feet of unobstructed view in both directions. The 500 feet standard means that for the entire 500 feet the stopped bus is able to be seen at all times in the 500 feet. I have seen stops that were visible from 500 feet but were not visible at 300 feet due to a dip in the road. This is not acceptable. The stop must be visible for the entire 500 feet. If the stop is not visible for at least 500 feet, there must be signage placed 750 feet before the stop that indicates that a school bus stop ahead. Signage can be requested from the road department with jurisdiction for the road that the stop is on.

Transportation Standards

- B. Same Side of Street as Student
- Whenever possible the stop must be on the same side of the street that the student lives on. This requirement is to keep the child safe and minimize the need for a child to interact with traffic.
- C. So that bus does not have to back
- Stops should be made at locations that do not require the bus to back up. Backing a bus is always problematic and must be avoided.
- D. Off Traveled Portion of Roadway if Possible
- Whenever possible, the stop should be off of the traveled portion of the roadway. The entire bus must be totally out of travel lanes for this to apply.
- V. Review Requirements
- Every route and stop must be reviewed for safety at least every five years. The Head Start route changes more frequently than and require frequent reviews.

Transportation Standards

- **§1303.74 Safety procedures.**
- (a) A program must ensure children who receive transportation services are taught safe riding practices, safety procedures for boarding and leaving the vehicle and for crossing the street to and from the vehicle at stops, recognition of the danger zones around the vehicle, and emergency evacuation procedures, including participating in an emergency evacuation drill conducted on the vehicle the child will be riding.
- (b) A program that provides transportation services must ensure at least two bus evacuation drills in addition to the one required under paragraph (a) of this section are conducted during the program year.

Transportation Standards

- (1) Reasons for emergency evacuation
- (a) Fire or danger of fire. The vehicle shall be stopped and evacuated immediately if any portion is on fire. Passengers shall move a safe distance away from the vehicle and remain there until the driver of the bus has determined that no danger remains.
- (b) Unsafe position. If a vehicle is stopped the driver shall determine immediately whether it is safe for passengers to remain in the vehicle or to evacuate. The driver shall evacuate if
 - (i) the vehicle stops in the path of any train;
 - (ii) the stopping position of the vehicle is subject to change and thus increases the danger to passengers;
 - (iii) the stopping position of the vehicle is such that there is a danger of collision.

Transportation Standards

- **Front Door Evacuation (Used most often)**
- Announce to students that there will be a front door evacuation.
- If Students are in restraints both driver and monitor use seat belt cutter to cut the restraint below the buckle so that the restraint will slide out of seat.
- Monitor starts at rear of bus and driver starts at front. Monitor takes hand of student seated farthest back and has students form a chain as they come down the aisle. Monitor leads students out front door and to location of safety, normally the right rear away from road and at least 100 feet from the bus.
- When last student is going down stairs, driver goes to rear of bus looking in every seat. Driver returns to front looking under every seat for a child. Driver throws reflectors out front door and takes the fire extinguisher and first aid kit off of the bus. Driver places reflectors appropriately. Driver takes first aid kit and fire extinguisher and joins monitor and students.

Transportation Standards

- **Rear Emergency Door evacuation**
- Announce that there will be a rear door evacuation.
- If Students are in restraints both driver and monitor use seat belt cutter to cut the restraint below the buckle so that the restraint will slide out of seat.
- Monitor goes to rear of bus and gets out emergency door. Driver starts with student closest to the front and sends student to rear door. Monitor lifts student out to ground and has the student hold leg. Have each other student hold the hand of the next child. When all students are off of bus monitor takes students to safe location.
- When last student is off of the bus, driver goes to front then to the rear of bus looking in every seat. Driver returns to front looking under every seat for a child. Driver throws reflectors out front door and takes the fire extinguisher and first aid kit off of the bus. Driver places reflectors appropriately. Driver takes first aid kit and fire extinguisher and joins monitor and students.

Transportation Standards

- **Front and Rear Door Evacuation:**
- Driver announces that there will be a front and rear door evacuation.
- If Students are in restraints both driver and monitor use seat belt cutter to cut the restraint below the buckle so that the restraint will slide out of seat.
- Both driver and monitor start about two thirds to rear of bus. Driver takes students by hand and leads students forward through the front door. Monitor leads students to rear door, gets off bus and begins lifting students out door to the ground. Driver assists in getting remaining students out of rear door. Monitor takes students to safe location.
- Driver returns to bus through the front door. Driver goes to rear of bus looking in every seat. Driver returns to front looking under every seat for a child. Driver throws reflectors out front door and takes the fire extinguisher and first aid kit off of the bus. Driver places reflectors appropriately. Driver takes first aid kit and fire extinguisher and joins monitor and students.

Transportation Standards

- **§1303.75 Children with disabilities.**
- (a) A program must ensure there are school buses or allowable alternate vehicles adapted or designed for transportation of children with disabilities available as necessary to transport such children enrolled in the program. This requirement does not apply to the transportation of children receiving home-based services unless school buses or allowable alternate vehicles are used to transport the other children served under the home-based option by the grantee. Whenever possible, children with disabilities must be transported in the same vehicles used to transport other children enrolled in the Head Start or Early Head Start program.
- (b) A program must ensure special transportation requirements in a child's IEP or IFSP are followed, including special pick-up and drop-off requirements, seating requirements, equipment needs, any assistance that may be required, and any necessary training for bus drivers and monitors.

Administrative Duties

- **Subpart I — Human Resources Management**
- All of the requirements in this section are mandatory and must be treated as mandatory regulations. All of these are items for which failure to comply with the requirement could result in the loss of funding for the program or the program being shut down by the Office of Head Start.

Administrative Duties

- **§1302.90 Personnel policies.**
- (a) Establishing personnel policies and procedures. A program must establish written personnel policies and procedures that are approved by the governing body and policy council or policy committee and that are available to all staff.
- Policies must be written in order to be considered policy. The written policies must be approved by the governing board and have records kept of the minutes of the meeting in which the policies were approved. This applies to all updates to the policies. The policies must be made available to all staff members. The best method is to give each staff member a policy guide that is numbered and have the staff member sign receipt of the policy guide.

Administrative Duties

- (2) A program has 90 days after an employee is hired to complete the background check process by obtaining:
 - (i) Whichever check listed in paragraph (b)(1) of this section was not obtained prior to the date of hire; and,
 - (ii) Child abuse and neglect state registry check, if available.
- (3) A program must review the information found in each employment application and complete background check to assess the relevancy of any issue uncovered by the complete background check including any arrest, pending criminal charge, or conviction and must use Child Care and Development Fund (CCDF) disqualification factors described in 42 U.S.C. 9858f(c) (1)(D) and 42 U.S.C. 9858f(h)(1) or tribal disqualifications factors to determine whether the prospective employee can be hired or the current employee must be terminated.

Administrative Duties

- (b) Background checks and selection procedures.
- Failure to do background checks has resulted in programs being shut down. Background check procedures are critical to ensuring the safety of children at Head Start. The procedures must be followed exactly to ensure that all children are kept safe at all times and that no person is hired at Head Start that is not safe to have around children.
- (1) Before a person is hired, directly or through contract, including transportation staff and contractors, a program must conduct an interview, verify references, conduct a sex offender registry check and obtain one of the following:
 - (i) State or tribal criminal history records, including fingerprint checks; or,
 - (ii) Federal Bureau of Investigation criminal history records, including fingerprint checks.

Administrative Duties

- (4) A program must ensure a newly hired employee, consultant, or contractor does not have unsupervised access to children until the complete background check process described in paragraphs (b)(1) through (3) of this section is complete.
- (5) A program must conduct the complete background check for each employee, consultant, or contractor at least once every five years which must include each of the four checks listed in paragraphs (b)(1) and (2) of this section, and review and make employment decisions based on the information as described in paragraph (b)(3) of this section, unless the program can demonstrate to the responsible HHS official that it has a more stringent system in place that will ensure child safety.
- (6) A program must consider current and former program parents for employment vacancies for which such parents apply and are qualified.

Administrative Duties

- (c) Standards of conduct.
- (1) A program must ensure all staff, consultants, contractors, and volunteers abide by the program's standards of conduct that:
 - (i) Ensure staff, consultants, contractors, and volunteers implement positive strategies to support children's well-being and prevent and address challenging behavior;
 - (ii) Ensure staff, consultants, contractors, and volunteers do not maltreat or endanger the health or safety of children, including, at a minimum, that staff must not:
 - (A) Use corporal punishment;
 - (B) Use isolation to discipline a child;

Administrative Duties

- (C) Bind or tie a child to restrict movement or tape a child's mouth;
- (D) Use or withhold food as a punishment or reward;
- (E) Use toilet learning/training methods that punish, demean, or humiliate a child;
- (F) Use any form of emotional abuse, including public or private humiliation, re-jecting, terrorizing, extended ignoring, or corrupting a child;
- (G) Physically abuse a child;
- (H) Use any form of verbal abuse, including profane, sarcastic language, threats, or derogatory remarks about the child or child's family; or,
- (I) Use physical activity or outdoor time as a punishment or reward;

Administrative Duties

- (iii) Ensure staff, consultants, contractors, and volunteers respect and promote the unique identity of each child and family and do not stereotype on any basis, including gender, race, ethnicity, culture, religion, disability, sexual orientation, or family composition;
- (iv) Require staff, consultants, contractors, and volunteers to comply with program confidentiality policies concerning personally identifiable information about children, families, and other staff members in accordance with subpart C of part 1303 of this chapter and applicable federal, state, local, and tribal laws; and,
- (v) Ensure no child is left alone or unsupervised by staff, consultants, contractors, or volunteers while under their care.

Administrative Duties

- (d) Communication with dual language learners and their families.
- (1) A program must ensure staff and program consultants or contractors are familiar with the ethnic backgrounds and heritages of families in the program and are able to serve and effectively communicate, either directly or through interpretation and translation, with children who are dual language learners and to the extent feasible, with families with limited English proficiency.
- (2) If a majority of children in a class or home-based program speak the same language, at least one class staff member or home visitor must speak such language.

Administrative Duties

- Other Requirements:
- (3) Background checks. All staff have complete background checks in accordance with §1302.90(b).
- (4) Safety training.
- (i) Staff with regular child contact. All staff with regular child contact have initial orientation training within three months of hire and ongoing training in all state, local, tribal, federal and program-developed health, safety and child care requirements to ensure the safety of children in their care; including, at a minimum, and as appropriate based on staff roles and ages of children they work with, training in:

Administrative Duties

- (A) The prevention and control of infectious diseases;
- (B) Prevention of sudden infant death syndrome and use of safe sleeping practices;
- (C) Administration of medication, consistent with standards for parental consent;
- (D) Prevention and response to emergencies due to food and allergic reactions;
- (E) Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;
- (F) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;

Administrative Duties

- (G) Emergency preparedness and response planning for emergencies;
- (H) Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants;
- (I) Appropriate precautions in transporting children, if applicable;
- (J) First aid and cardiopulmonary resuscitation; and,
- (K) Recognition and reporting of child abuse and neglect, in accordance with the requirement at paragraph (b)(5) of this section.

Administrative Duties

- (ii) Staff without regular child contact. All staff with no regular responsibility for or contact with children have initial orientation training within three months of hire; ongoing training in all state, local, tribal, federal and program-developed health and safety requirements applicable to their work; and training in the program's emergency and disaster preparedness procedures.

Administrative Duties

- (5) Safety practices. All staff and consultants follow appropriate practices to keep children safe during all activities, including, at a minimum:
 - (i) Reporting of suspected or known child abuse and neglect, including that staff comply with applicable federal, state, local, and tribal laws;
 - (ii) Safe sleep practices, including ensuring that all sleeping arrangements for children under 18 months of age use firm mattresses or cots, as appropriate, and for children under 12 months, soft bedding materials or toys must not be used;
 - (iii) Appropriate indoor and outdoor supervision of children at all times;
 - (iv) Only releasing children to an authorized adult, and;
 - (v) All standards of conduct described in §1302.90(c).

Administrative Duties

- 6) Hygiene practices. All staff systematically and routinely implement hygiene practices that at a minimum ensure:
 - (i) Appropriate toileting, hand washing, and diapering procedures are followed;
 - (ii) Safe food preparation; and,
 - (iii) Exposure to blood and body fluids are handled consistent with standards of the Occupational Safety Health Administration.

Administrative Duties

- (7) Administrative safety procedures. Programs establish, follow, and practice, as appropriate, procedures for, at a minimum:
 - (i) Emergencies;
 - (ii) Fire prevention and response;
 - (iii) Protection from contagious disease, including appropriate inclusion and exclusion policies for when a child is ill, and from an infectious disease outbreak, including appropriate notifications of any reportable illness;
 - (iv) The handling, storage, administration, and record of administration of medication;
 - (v) Maintaining procedures and systems to ensure children are only released to an authorized adult; and,
 - (vi) Child specific health care needs and food allergies that include accessible plans of action for emergencies. For food allergies, a program must also post individual child food allergies prominently where staff can view wherever food is served.

Administrative Duties

- (8) Disaster preparedness plan. The program has all-hazards emergency management/disaster preparedness and response plans for more and less likely events including natural and manmade disasters and emergencies, and violence in or near programs.
- (c) A program must report any safety incidents in accordance with §1302.102(d)(1)(ii).