R381-70-20. TRANSPORTATION.

The rules and information in this section apply when a provider walks, transports, and/or uses public transportation to accompany a child in care from one place to another. A provider's policies on offering transportation should comply with the requirements of the American with Disabilities Act (ADA). For more information about this law, refer to: www.ada.gov.

When the provider arranges and is responsible for a child to be taken to or from the facility for any reason, the provider must be in compliance with licensing rules. For example, if the provider asks a parent to be an additional driver on a field trip, then all applicable licensing rules are in effect for the parent (such as passing a background check) as well as for the vehicle the parent is driving.

However, when a parent arranges and is responsible for their own child to be taken to or from the facility, then licensing rules do not apply while the child is under the responsibility of someone other than the provider. For example, if parents arrange to carpool their children to and from school without the provider's involvement, then licensing rules do not apply during carpooling.

If transportation services are offered:

(1) For each child being transported, the provider shall have a transportation permission form:

(a) signed by the parent; and

(b) on-site for review by the department

Rationale/Explanation

When a child is being transported the potential risk of injury increases. For a child's health and safety, it is important that the child's parents understand and give permission for when, where, why, and how their child will be transported.

Compliance Guidelines

- This rule is out of compliance when the provider does not have a record of signed permission by the parent available at the facility for review.
- The provider does not need to take the permission form offsite with them.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(2) The provider shall ensure that each vehicle used for transporting children:

- **(a) is enclosed with a roof or top;**
- **(b) is equipped with safety restraints;**
- **(c) has a current vehicle registration;**
- **(d) is maintained in a safe and clean condition; and**
- **(e) contains first aid supplies, including at least antiseptic, bandages, and tweezers.**

Rationale/Explanation

The use of child safety seats reduces risk of death by 71% for children less than one year of age and by 54% for children ages one to four. In addition, booster seats reduce the risk of injury in a crash by 45%, compared to the use of an adult seat belt alone. CFOC 4th ed. Standard 6.5.2.2 p.p. 311.

Motor vehicle crashes are the leading cause of death in children two to fourteen years of age in the United States. It is necessary for the safety of children to require that the caregiver/teacher comply with requirements governing the transportation of children in care, in the absence of the parent/guardian. Not all vehicles are designed to safely transport children, especially young children. CFOC 4th ed. Standard 9.2.5.1 p.p. 402-403.

The facility should maintain first aid and emergency supplies in each location where children are cared for. CFOC 4th ed. Standard 5.6.0.1 p.p. 274-275.

Compliance Guidelines

- This rule applies to each vehicle that is used to transport children in care.
- "Safety restraints" refers to seat belts, car seats, and booster seats. They must be used individually, and as required by Utah law.
- A current registration is verified by the sticker on the license plate or a current registration certificate.
- Vehicle windows should be clean enough that a driver has adequate visibility to drive safely.
- The rule does not require that the vehicle windows be rolled up.
- The vehicle's interior can show signs of normal use and does not have to be entirely free of all debris. This rule applies to situations in which a buildup of dirt or debris could endanger children's health or safety. For example, a pile of debris could cause a child to trip, or rotting food could provide a place where disease-causing bacteria can grow.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(3) The provider shall ensure that the safety restraints in each vehicle that transports children are:

- **(a) appropriate for the age and size of each child who is transported, as required by Utah law;**
- **(b) properly installed; and**
- **(c) in safe condition and working order**

Rationale/Explanation

The best car safety seat is one that fits in the vehicle being used, fits the child being transported, has never been in a crash, and is used correctly every time. The use of restraint devices while riding in a vehicle reduces the likelihood of any passenger suffering serious injury or death if the vehicle is involved in a crash CFOC 4th ed. Standard 6.5.2.2 p.p. 310-311.

For a safety restraint to be effective in preventing injury or death in a vehicle accident, the restraint must be age and size appropriate, installed according to manufacturer's instructions, and in working condition.

• Child restraint laws vary by state. For up-to-date information on Utah's laws, check with the Insurance Institute for Highway Safety at www.iihs.org.

• To better understand which safety restraint is appropriate, how to install a car or booster seat, and where to get a car seat safety check, call 1-866-SEAT-CHECK or go to seatcheck.org.

Compliance Guidelines

• Safety restraints (seat belts, car seats, and booster seats) must be securely installed during transportation.

• Safety restraints are considered in safe condition and working order when they are not broken, frayed, or torn, and their locks work properly.

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning

(4) The provider shall ensure that the driver of each vehicle who is transporting children:

- **(a) is at least 18 years old;**
- **(b) has and carries with them a current, valid driver's license for the type of vehicle being driven;**
- **(c) has with them the written emergency contact information for each child being transported;**
- **(d) ensures that each child being transported is in an individual safety restraint that is used according to Utah law;**

(e) ensures that the inside vehicle temperature is between 60- 85 degrees Fahrenheit;
(f) never leaves a child in the vehicle unattended by an adult;
(g) ensures that children stay seated while the vehicle is moving;
(h) never leaves the keys in the ignition when not in the driver's seat; and
(i) ensures that the vehicle is locked during transport

Rationale/Explanation

Driver Qualifications

Driving children is a significant responsibility. Child care programs must assure that anyone who drives the children is competent to drive the vehicle being driven. CFOC 4th ed. Standard 6.5.1.2 p.p. 309.

In Utah, a person who drives a vehicle designed to carry 16 or more passengers including the driver, is required to have a commercial driver's license (CDL). See Utah Code 53-3-412.

Emergency Contact Information

In the event of an accident or a missing child, both caregivers and emergency response personnel need access to the children's emergency and contact information. CFOC 4th ed. Standard 9.2.4.1 p.p. 393-394.

Safety Restraints

"Safety restraints" refers to seat belts, car seats, and booster seats.

Utah Code 41-6a-1803 states the following regarding the use of child restraints:
(1)(a) The operator of a motor vehicle operated on a highway shall:
(i) wear a properly adjusted and fastened safety belt;
(ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and
(iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

Vehicle Temperature

The interior of vehicles used to transport children should be maintained at a temperature comfortable to children. Some children have problems with temperature variations. Whenever possible, opening windows to provide fresh air to cool a hot interior is preferable before using air conditioning. Over-use of air conditioning can increase problems with respiratory infections and allergies. Excessively high temperatures in vehicles can cause neurological damage in children. CFOC 4th ed. Standard 6.5.2.4 p.p. 312.

The American Academy of Pediatrics and the American Public Health Association recommend:
• The inside temperature of the vehicle should be maintained at a temperature comfortable to children.
• When the vehicle's interior temperature exceeds 82 degrees Fahrenheit and opening the windows does not reduce the temperature, the vehicle should be air conditioned. Temperatures in hot cars can reach dangerous levels within 15 minutes.
• When the interior temperature drops below 65 degrees Fahrenheit and when children are feeling uncomfortably cold, the interior should be heated. CFOC 4th ed. Standard 6.5.2.4 p.p. 313.

Supervision
Children have died from heat stress from being left unattended in closed vehicles. Temperatures in hot motor vehicles can reach dangerous levels within fifteen minutes. Due to this danger, vehicles should be locked when not in use and checked after use to make sure no child is left unintentionally in a vehicle. Children left unattended also can be victims of backovers (when an unseen child is run over by being behind a vehicle that is backing up), power window strangulations, and other preventable injuries. CFOC 4th ed. Standard 6.5.1.1 p.p. 307-308.

To prevent hyperthermia, all vehicles should be locked when not in use, head counts of children should be taken after transporting to prevent a child from being left unintentionally in a vehicle, and children should never be intentionally left in a vehicle unattended. CFOC 4th ed. Standard 6.5.2.4 p.p. 312.

Compliance Guidelines

• The driver must have a paper copy of children's contact and emergency information. Having only an electronic copy could result in critical information being inaccessible to emergency personnel and others who may need it in the event of an accident.
• When loading and unloading children into a vehicle, the driver may not leave one child unattended in a vehicle while going inside the facility to take or get another child.
• When children are in a vehicle, the driver may walk around the vehicle to attend to children (e.g. buckling belts) as long as the vehicle is not running and the keys are not in the ignition.
• A bus that will not go into drive gear when the bus door is locked is exempt from being locked during transport.
• When the vehicle is colder than 60 degrees fahrenheit the heat must be turned on and when the vehicle is warmer than 85 degrees fahrenheit the air conditioning must be turned on.
• If the temperature can not be regulated and it is colder than 60 degrees fahrenheit or warmer than 85 degrees fahrenheit in the vehicle during transportation, then the children cannot be transported in the vehicle.
•If a child is left unattended in a vehicle, the violation will be issued to 100-11(1).

Risk Level
High
Corrective Action for 1st Instance
If a child is transported without an individual restraint according to Utah law

Risk Level
Moderate
Corrective Action for 1st Instance
Citation Warning otherwise

(5) If the provider walks or uses public transportation to transport children to or from the facility, the provider shall ensure that:
- **(a) each child being transported has a completed transportation permission form signed by their parent;**
- **(b) a caregiver goes with the children and actively supervises the children;**
- **(c) the caregiver-to-child ratio is maintained; and**
- **(d) a caregiver with the children has written emergency contact information and releases for the children being transported.**

Rationale/Explanation
Parents expect that their children will be safe including when offsite. The provider must ensure compliance with all applicable transportation rules when walking or using public transportation to take a child to and from another location. This includes such activities as going to and from school, taking a walk around the neighborhood, and using public transportation.

Compliance Guidelines
• The caregiver who is accompanying the children must have a paper copy of the children's contact and emergency information. The information may not be stored electronically because in the event of an accident, emergency responders may not be able to access needed information.
• When some children are on an offsite activity and at the same time there are some children at the facility, the provider must maintain the caregiver-to-child ratio and supervision for each group.
• "Releases" refers to each child's current emergency medical treatment and emergency transportation releases (with the parent's signature) that are required as part of the child admission and health assessment information.
• Having a copy of the child's written emergency contact information and releases (rather than the original) meets the intent of this rule.

Risk Level

High

Corrective Action for 1st Instance

- For lack of supervision, the corrective action will be issued to rule 70-11(1).
- When the caregiver-to-child ratio is out of compliance, the corrective action will be issued to 70-10(1).

Risk Level

Moderate

Corrective Action for 1st Instance

Citation Warning otherwise