

TRANSPORTATION

22 VAC 40-111-980. Written permission for transportation and field trips.

Interpretation of § 980: Written parental permission must be obtained any time children leave the family day home premises. This includes walking field trips. The purpose of this standard is to protect both children and staff members by ensuring that children are never taken off site without written parental permission and that parents always have access to their children as required by law.

NOTE: § 760 requires the first aid kit and ice pack or cooling agent to be available when children are taken off site and since § 780 requires that a child's emergency contact information be made available to emergency responders, that information must also be available. It is recommended, although not required by these standards except at § 960 B 6 for drivers), that a working cell phone be available in case of emergency during the time children are away from the family day home.

A. General written permission shall be obtained from the parent of each child for the provider to take the child off the premises of the family day home. The general written permission shall be on a form that lists regularly scheduled trips (e.g., library, store, playground) and the driver, if the child is to be transported.

Interpretation of § 980 A: The model form "General Permission for Regularly Scheduled Trips" may be used to satisfy the requirement of this standard. The form is available on the department's website at:

http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

B. Special written permission shall be obtained from the parent of each child for the provider to take the child on special field trips (those not regularly scheduled). The written special permission shall specify destination, duration of trip, and driver, if the child is to be transported.

Interpretation of § 980 B: The model form "Special Field Trip Permission" may be used to satisfy the requirement of this standard. The form is available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

22 VAC 40-111-990. Requirements for drivers.

A. Drivers must be 18 years of age or older.

B. The provider shall ensure that during transportation of children the driver has:

1. A valid driver's license;

Intent of § 990 A & B 1: Transporting children is a significant responsibility. The purpose of these standards is to ensure that anyone who transports children is competent to drive the vehicle being driven.

In Virginia, 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).

- 2. The name, address, and telephone number of the family day home;**
- 3. A copy of the parent's written permission to transport the child;**
- 4. A copy of each child's emergency contact information as required in 22 VAC 40-111-60 B 2;**

Intent of § 990 B 2-4: The purpose of these standards is to ensure that emergency information is available any time children are being transported. In the event of an accident or a missing child, both the caregiver and emergency response personnel may need access to this information.

Interpretation of § 990 B 2-4: The driver must have this information during routine transportation, such as when children are being picked up or dropped off from school each day, as well as during field trips or other non-routine transportation. The model form "Child's Record" contains this information and is available on the department's website at: http://www.dss.virginia.gov/facility/child_care/licensed/fdh/index.cgi

- 5. Emergency supplies as required in 22 VAC 40-111-760; and**

Intent of § 990 B 5: Caregivers must be able to respond to the needs of children in case of injury which requires that a first aid kit and an ice pack or cooling agent are available in all situations, including when children are being transported. Every vehicle on a field trip is required to have a first aid kit and ice pack or cooling agent.

The contents of first aid kits deteriorate quickly when exposed to long-term high temperatures common in vehicles and it is recommended they be checked often and replaced as needed.

- 6. A mechanism for making telephone calls to emergency responders and parents (e.g., change, calling card, cellular phone).**

Intent of § 990 B 6: Caregivers can respond promptly in emergency situations when they have the proper equipment and necessary telephone numbers in the vehicle.

Interpretation of § 990: The driver does not need to be a provider, assistant or substitute but there must be a caregiver in the vehicle to meet the supervision requirements of § 560 A.

22 VAC 40-111-1000. Requirements for vehicles.

The provider shall ensure that the vehicle used for transportation:

- 1. Meets the safety standards set by the Virginia Department of Motor Vehicles;**

Compliance Determination of § 1000 1: Determine if the vehicle has a current state inspection sticker.

- 2. Is kept in satisfactory condition to assure the safety of children;**

Compliance Determination of § 1000 2: Since Virginia law only requires a vehicle safety inspection once a year, view the vehicle to determine if it has any obvious safety hazards such as a cracked windshield or doors or windows that do not close properly.

- 3. Is licensed and insured according to state law;**

Compliance Determination § 1000 3: Determine if the vehicle has current license plates. View evidence of current insurance policies; statement from the insurance company or agent; or documentation of payment of uninsured motorist fee.

- 4. Was manufactured for the purpose of transporting people seated in an enclosed area; and**

Intent of § 1000 4: Enclosed means that the vehicle has a top/roof. It does not mean the windows must be rolled up.

- 5. Has seats that are attached to the floor.**

Intent of § 1000 5: The purpose of this standard is to ensure that child passenger restraints can be properly used.

22 VAC 40-111-1010. Requirements for transportation.

The provider shall ensure that during transportation of children:

- 1. Each child is in an individual car seat or individual and appropriate restraint in accordance with Virginia law;**

Intent of § 1010 1: Motor vehicle crashes are the leading cause of death of children in the United States, and children who are not buckled in appropriate restraints are 11 times more likely to die in a crash than children who are properly restrained.

Interpretation of § 1010 1: § 46.2-1095 of the Code of Virginia requires that any child up to age 8 transported in a motor vehicle must be properly secured in a child restraint device that meets the standards adopted by the US Department of Transportation.

Rear-facing child restraint devices must be placed in the back seat of the vehicle. If the vehicle has no back seat, the child restraint device may be placed in the front passenger seat only if i) the vehicle is not equipped with a passenger side airbag, or ii) the passenger side airbag has been deactivated.

§ 46.2-1100 of the Code of Virginia states that if a physician licensed to practice medicine in Virginia or any other state determines that the use of a child restraint system by a child from the age of four (4) to eight (8) would be impractical because of the child's weight, physical fitness, or other medical reason, the child may be secured in a seat belt which is standard equipment in the vehicle. The person transporting this child must carry with him a signed written statement from the physician that contains the child's name and the reasons for the determination.

2. Each child's arms, legs, and head remain inside the vehicle;

3. Doors are closed properly and locked unless locks were not installed by the manufacturer of the vehicle;

Intent of § 1010 2 & 3: The purpose of these standards is to protect children from risk of injury in the vehicle, of opening a door before the vehicle comes to a stop, of falling out of the vehicle while it is in motion, and of being thrown from the vehicle in an accident.

4. No child is left unattended inside or outside a vehicle; and

Intent of § 1010 4: Supervision of children is basic to the prevention of harm. Parents have an expectation that their children will be supervised when in the care of the provider. § 560 requires a caregiver to provide direct care and supervision to each child at all times. This includes supervising children during transport. The placement of a child in a vehicle does not eliminate the need for supervision. Potential dangers when children are left unattended in vehicles include a child leaving the vehicle, a child taking the vehicle out of gear or taking the park brake off, a child being taken from a vehicle by an unauthorized individual, or a child dying from heat stress in a hot car. (Temperature in hot cars can reach dangerous levels within 15 minutes.)

5. Each child boards and leaves the vehicle from the curb side of the street.

Intent of § 1010 5: The purpose of this standard is to prevent children who are exiting a vehicle from walking into oncoming traffic.