If your program transports children either to or from your child care program, the information contained below will clarify the many state requirements which are necessary to ensure children’s safety.

EEC regulations require all licensees to establish and follow policies and procedures that keep children safe whenever they are being transported to and/or from the child care facility, in an emergency, or on a field trip, as defined in Massachusetts General Law (M.G.L.) Chapter 90 and 540 CMR 7.00 (Minimum Standards for Construction and Equipment of School Buses) or M.G.L. C.90, §7(D), as applicable. All children who are transported by bus or van must have access to reliable and safe transportation. Licensees must ensure that all transportation provided or arranged through contractors complies with all EEC safety requirements, including specific state and federal vehicle and driver requirements.

**School Pupil Transport Vehicles**

**Definition of a school pupil**
A “school pupil” is any person enrolled in any school, kindergarten through grade twelve, or enrolled in any program for child care services, or in any program for children with special needs, or in any organized day or summer camp program or any activity supported by a school. For more information please see the following link: http://www.mass.gov/legis/laws/mgl/90-1.htm

**Definition of a school pupil transport vehicle**
A “school pupil transport vehicle” is any vehicle which is required to comply with the special equipment and licensing requirements of M.G.L. 90, Section 7(D). These “school pupil transport vehicles” are generally vans and station wagons. The 7(D) law restricts them to carrying a maximum of **eight (8) passengers only** (although the vehicle may be designed to carry up to 14 passengers.) 7(D) vehicles are required to be used whenever there is “fixed route transportation” or point-to-point transportation from school or school associated programs, child care centers and/or child care providers that is provided on a regular basis for not more than eight “school pupils”. A 7(D) vehicle may never carry more than 8 passengers (**9 people including the driver**) regardless of the total capacity of the vehicle. Transporting more than eight (8) school pupils requires the use of a “school bus”. For more Information please see the following link: http://www.mass.gov/legis/laws/mgl/90-7d.htm
The representation below is what a 7(D) pupil registration plate looks like. It’s the orange-yellow color license plate with the “Pupils” designation on the bottom of the plate. This type of license plate is required for 7(D) school pupil transport vehicles. **Livery plates can not be used on a 7(D) vehicle.**

![Image of 7(D) pupil registration plate]

A 7(D) vehicle and operator must be used to transport center-based “fixed route transportation” that is provided on a regular basis. Also a 7(D) vehicle and operator must be used for field trips and other extra-curricular activities transporting no more than eight (8) passengers. A program may transport children in a 7(D) vehicle for field trips and/or extra-curricular activities only if all 7(D) requirements are followed.

**Vehicle Inspections**

In addition to having the annual Massachusetts State Vehicle Inspection, the Registry of Motor vehicles requires all 7(D) vehicles to have two other safety inspections. These inspections are required during the spring and fall seasons. February–March is the spring period and October–November is the fall period. During these periods some 7(D) vehicles may have a green or orange certificate affixed to the center of the windshield. The certificates have different years printed on them. When a vehicle is inspected the inspector punches a hole in the year that the inspection will expire. All vehicles must have valid bi-annual 7(D) Vehicle inspections (October and March) for 7(D) registered vehicles. Registered school buses are required to have three school bus inspections for the year.

For more Information, please click on this link: [www.state.ma.us/rmv](http://www.state.ma.us/rmv)
Safety Equipment Required by the Registry of Motor Vehicles

Vehicles registered as pupil transport vehicles and displaying pupil registration plates are required to have the following equipment.

- Current Mass state inspection certificate
- Current 7(D) inspection certificate
- School bus sign with “school bus” front and rear
- Alternating red flashing lights
- Door alarm or warning light that works with all doors
- First aid kit
- Fire extinguisher
- Flares or reflectors (3)
- Chock blocks (2)
- Seat belts for every child
- Pre-trip report

Driver Requirements

All drivers transporting child care children (whether employed directly by a child care center or hired as a contractor) utilizing a “School Pupil Transport Vehicle” must have a current 7(D) license or School Bus Driver’s Certificate.

7(D) Driver’s License

Operators of 7(D) vehicles must possess and be able to present a valid 7(D) license whenever transporting children, when on the way to pick up children, or when children have just been discharged. To be eligible to obtain a 7(D) license a person must be at least 21 years old and have had a driver’s license for the three (3) consecutive years immediately prior to the license application; must be able to pass a CORI check; be of good moral character; and must pass an eye exam, a physical exam, and a written knowledge exam. When checking a license to see if an operator does have a valid 7(D), the endorsement for the 7(D) is the letter “T” for transport.

Additional Information about a 7(D) vehicle

When a 7(D) vehicle is not transporting school or child care children, the vehicle may be utilized as a private vehicle and carry up to the maximum, registered capacity. To be considered as a non-7-D vehicle, the school bus sign must be in the DOWN position on the vehicle roof. A 7(D) driver’s license is not required when the vehicle is being used as a private vehicle.

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1 School bus drivers are required to perform daily pre-trip inspections of their vehicles and report in writing to the employer/owner any defects or deficiencies that may affect the safety of the vehicle’s operation or may result in its mechanical breakdown.
School Bus Driver Requirements

In order to drive a school bus the driver must have a current Commercial Driver’s License (CDL) and a valid School Bus Driver’s Certificate. A School Bus Driver’s Certificate supersedes a 7(D) license. An operator of a 7(D) vehicle does not need to have a 7(D) license if he/she has a valid School Bus Driver’s Certificate.

To operate a fifteen (15) or more passenger sized yellow school bus the operator must have a current Commercial Driver’s License (CDL) complete with medical card, and a Department of Telecommunications and Energy School Bus Driver’s Certificate with the proper passenger endorsement. The Commercial Drivers License and the School Bus Driver’s Certificate meet all of the requirements of the 7(D) license, including an initial 16 hours of pre-license school bus training and the successful completion of a required road test. For more information see: http://www.mass.gov/dte/transportation/transportation.htm

Post Trip Inspections

M.G.L. C.90 §7B, which covers school bus equipment and operation, states that: “School bus drivers shall perform daily post-trip inspections of the interior of their buses, including behind and underneath each seat.” Drivers must complete a post-trip inspection at the end of every run. Drivers are responsible to check in, behind and underneath every seat to ensure the bus is EMPTY. Before the driver signs off duty at the end of the bus run the driver must report to the child care center’s Transportation Coordinator or other identified staff person to give written or verbal notification that the bus has had its post trip inspection.
**A Helpful Tip** - As part of the post trip inspection routine that’s done by the bus driver, child care programs can institute a system of displaying a sign in the back of the bus, in the window, that reads **THIS BUS IS EMPTY**. (During a bus run this sign would be turned down and out of view.) This practice would insure that post-trip inspections were completed by the driver and would help reduce any chance that a child could go unnoticed by the driver and be left on board at the end a bus run.

### Children with Disabilities

Whenever possible, children with disabilities should be transported in the same vehicles used to transport other children enrolled in the program. Each agency must ensure compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Each agency should specify in writing any special transportation arrangements for a child with a disability, and ensure that those arrangements are followed, including:

1. special pick-up and drop-off requirements;
2. special seating requirements;
3. special equipment needs;
4. any special assistance that may be required; and
5. any special training for the driver and/or monitor.

### Mandated Reporting

Van and school bus drivers are mandated reporters. If a driver, in his/her professional capacity, has reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child’s health or welfare including sexual abuse, or from neglect, including malnutrition, the driver shall immediately report such condition to the Department of Social Services by oral communication and by making a written report within forty-eight hours after such oral communication. Complaints and allegations of abuse or neglect against an agency employee or contracted driver should be handled according to the child care agency’s policy dealing with disciplinary actions and in compliance with EEC regulations and M.G.L. Chapter 119, Section 51A.

### Seat Belt Information

Whether being transported in a regular passenger car or a 7(D) vehicle, all children must be properly restrained with child safety seats or seat belts.

**Massachusetts Child Safety Seat Inspection Resources**

If installed correctly, child safety seats are very effective in reducing infant deaths, toddler deaths, and the need for hospitalization due to motor vehicle crashes. It has been reported that eighty-five percent of child safety seats are installed incorrectly. There are many child safety seat inspection locations throughout the Commonwealth, but four out of ten parents and caregivers do not know how to find one. The following telephone and Internet resources will help direct you to a local child safety seat inspection location.

To locate a **Child Passenger Safety Technician** in Massachusetts, please go to [www.mass.gov/dph/bfchweb/factsheets/childpassenger.htm](http://www.mass.gov/dph/bfchweb/factsheets/childpassenger.htm) This web site allows you to access the statewide list of certified Child Passenger Safety
Technicians and Instructors. Child Passenger Safety Technicians can educate and demonstrate the proper use of child safety seats to parents and caregivers. These services are FREE of charge to the public. Once you have located a Child Passenger Safety Technician near you, please contact him directly to schedule an appointment.

1-866-SEAT-CHECK (or 1-866-732-8243) is a nationwide toll-free hotline to direct parents to local child safety seat inspection resources. The hotline, launched by Daimler Chrysler, is part of a campaign to promote the need for child safety seat inspections. Daimler Chrysler has created a web site, http://www.seatcheck.org, to complement the SEATCHECK hotline. The web site contains easily downloadable child passenger safety materials.

1-877-Fit-4-a-Kid, or http://www.fitforakid.org, will direct you to a participating Daimler Chrysler dealer near you for a FREE child safety seat inspection. Certified staff will inspect child safety seats in your vehicle. You do not need to drive a Daimler Chrysler vehicle to receive this FREE service; it is open to the public. Child passenger safety information is also available at the dealership or on the “Fit for a Kid” web site.

**Developing a Transportation Policy**

**Key components for a good transportation policy:**

1. **Any EEC Licensing Standard prohibitions, e.g. Child Guidance**
   - Disruptive behavior and/or unbuckling of seatbelts by a child on the van/bus is a very serious safety concern. Children not remaining seat-belted and/or children behaving in a disruptive manner on the van/bus may forfeit their right to transportation.
   - If a child is behaving in a disruptive manner or refuses to stay seated with the seat belt fastened, the driver should notify the program in a timely manner.
   - The program should notify the parent verbally of the concerning issues and try to identify ways in which the behavior can be addressed or resolved.
   - All drivers are subject to EEC regulations 102 CMR 7.10(1) pertaining to Behavior Management.

2. **Emergency procedures**
   - Agencies must have an emergency plan and procedures in place in the event of a vehicle breakdown.
   - Have a system and a means of communication available to drivers during transport.

3. **CPR/first aid requirements for drivers:**
   - It is recommended that drivers (both employees and contracted) have current CPR and First Aid certification.
   - Documentation of current CPR and First Aid Certification should be kept on file at the child care agency.
4. Time limits on transport. Children shall not be transported for more than forty-five minutes during any one-way trip.

5. Supervision
   - Children may not be left unattended, with another child, or with an unauthorized adult at any time.
   - Only an adult may put the child onto the vehicle. The parent or guardian is responsible for the supervision of the child prior to leaving the child on the van/bus.
   - Only a parent or an authorized adult, 18 years or older and specified on the child’s emergency paperwork, may receive the child at the end of the day at drop-off. The driver should expect to see a picture ID before releasing the child to an authorized adult that is not already known to the driver.
   - It is recommended that if eight (8) or more children are being transported in a group child care program, an attendant other the driver should be required.

6. Pre-and post-trip attendance checks and absentee follow-up.
   - Both 7(D) and school bus drivers should conduct a pre- and post-trip attendance check to assure that all children who are transported are on the right vehicle and are delivered safely to their assigned drop-off person.
   - Drivers should follow-up after they finish each route with a program administrator regarding any children who are not on the route that day, so that the program can confirm the absence with their families.

7. Post-trip inspections: As part of the post-trip inspection routine done by the bus driver, child care programs can institute a system of displaying a sign in the window at the back of the bus that reads THIS BUS IS EMPTY. (During a bus run this sign would be turned down and out of view.) This practice would help assure that post-trip inspections were completed by the driver and would help reduce any chance that children could go unnoticed by the driver and be left on-board at the end of a bus run.

8. Number of children/seats: The number of children being transported in any vehicle must not exceed the number of seats in the vehicle.

9. Proper restraint according to age
   - Children under the age of five (5) years and up to 40 LBS must be transported in a federally approved child restraint.
   - All children must be seat-belted. Infant and child car seats and booster seats are to be installed according to the manufacturer’s instructions.
   - When a car seat or booster is in an outward position and a lap/shoulder belt must be utilized, it will be necessary to use a seatbelt clip. Clips are usually provided on the back of the seat or booster. Clips may also be obtained from any automobile dealership and are universal.
10. Air bags: If the vehicle is equipped with a passenger side air bag, children under the age of twelve (12) may not be transported in the front seat. (In the event of airbag deployment, an infant or toddler’s life is at risk, and older children will be at risk of serious injury.)

11. Professional development training and activities: It is recommended that drivers participate in a minimum of eight (8) hours of in-service training each year. Training topics should directly reflect current needs of the driver/agency. Training could include, but is not limited to, the following topics:
   - Safety and procedures
   - Signs of abuse and neglect
   - Sensitivity and confidentiality

12. Annual evaluation: It is recommended that each agency providing transportation services ensure that each driver receives an annual evaluation that includes an on-board observation of road performance in the following areas:
   - Safe driving techniques
   - Sensitivity to the special needs of children being transported
   - Positive interactions and rapport with children being transported
   - Winter driving
   - Route management and documentation

13. Driver references: It is recommended that child care agencies check previous references (verify by telephone) of potential child care drivers or transportation company drivers as part of their hiring process. Programs should also get permission to secure the applicants’ current driver’s record from the Registry of Motor Vehicles. References should indicate relevant experience and should testify to the driver’s reliability.

14. Liability insurance: Child care agencies, contracted drivers and/or transportation companies must carry liability coverage on their vehicles of at least $100,000 injury per person and $300,000 per accident. Documentation of current vehicle insurance must be kept on file at the child care agency where transportation is provided.

Test the policy!

Ask yourself and others in your program the following:
1. Is the policy practical?
2. Is the policy age-appropriate for all the children you care for and for your transportation needs?
3. Will center based staff (or family child care assistants, if your program is family child care) be able to incorporate the policy and procedures into the daily operations of the program? What training might they need?
4. Is the information in the policy accessible and easy to use?
5. Does the policy do what it’s intended to do regarding the children’s heath and safety?
School Bus Types

There are five styles of buses that can be manufactured to federal motor vehicle safety standards for school buses. The following styles are described below.

The **Type A** school bus is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver’s door, designed for carrying more than 10 persons. This definition shall include two classifications: **Type A-I**, with a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds or less, and a **Type A-2**, with a GVWR of 10,000 pounds or more.

The **Type B** school bus is a conversion or body constructed and installed upon a front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. Part of the engine is beneath and/or behind the windshield and beside the driver’s seat. The entrance door is behind the front wheels.

The **Type C** school bus is a body installed upon a flat-back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. The entire engine is in front of the windshield and the entrance door is behind the front wheels. **Type C** school buses are referred to as “conventional” buses.

The **Type D** school bus is a body installed upon a chassis, with the engine mounted in the front, midship, or rear with a gross vehicle weight rating of more than 10,000 pounds, and designed for carrying more than 10 persons. The engine may be behind the windshield and beside the driver’s seat; it may be at the rear of the bus, behind the rear wheels; or midship between the front and rear axles. The entrance door is ahead of the front wheels. **Type D** school buses are referred to as “transit-style”, “RE” for “rear-engine” or “FC” for “forward control”.

**A school van** is a van converted to full school bus specifications. Major alterations are made to the vehicle including cutting the roof off and welding in a full roll cage, along with dozens of other major alterations. When complete, the vehicle rides like a regular van, but meets the Federal Motor Vehicle Safety standards.