

## DCF 251.08 Transportation.

### (1) APPLICABILITY.

(a) Except as provided in par. (b), this section applies to all transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation if any of the following apply:

*If a child care center contracts (either verbally or in writing) with a bus company or other agency and the driver and vehicle are regulated under ch. Trans 300 Transportation of School Children, the driver and vehicle do not need to meet the requirements under subsections (4) DRIVER and (5) VEHICLE. Subsection (8) (a) below will be monitored annually for compliance. A written contact between the center and the transportation company is recommended. The licensee is responsible for ensuring that all applicable rules are met.*

*This rule does not apply when a center contracts for regularly scheduled transportation to and from the local school district school with the local school district bus company. The Alternate Arrival / Release Agreement form may be used to obtain authorization from the parent to have the local school bus company provide the transportation. See Appendix D Resources List: Instructions for Obtaining Department Forms.*

*Transportation provided by rideshare companies, such as Uber or Lyft, is contracted transportation and therefore is considered to be center-provided transportation.*

*See DCF 251.03 (4g) – DEFINITION – CENTER-PROVIDED TRANSPORTATION.*

*See DCF 251.04 (b) – CURRENT, ACCURATE DAILY ATTENDANCE RECORD.*

1. The licensee owns or leases the vehicle used.
  2. The licensee contracts with another individual or organization that owns or leases the vehicle used.
  3. Employees, parents, or volunteers are transporting children at the direction, at the request, or on behalf of the licensee.
- (b) The following requirements do not apply to transportation provided in vehicles owned and driven by parents or volunteers who are not counted in the staff-to-child ratios in s. DCF 251.055 (2) (b):
1. The requirement that a licensee obtain a copy of the driver's driving record and review it under sub. (4) (c).
  2. The requirement to provide evidence that the vehicle is in safe operating condition at 12-month intervals under sub. (5) (b).
  3. The requirements related to child care vehicle safety alarms under sub. (8).

*Individuals employed by the child care center also who have children who are enrolled at the child care center are not considered transportation volunteers.*

(c) The licensee shall document in its policies that transportation provided through a written or verbal contract with another individual or organization meets the requirements of this section.

(2) PERMISSION AND EMERGENCY INFORMATION. Before transporting a child, a licensee shall obtain signed permission from the parent for transportation and emergency information for each child. The form shall include all of the following information:

- (a) The purpose of the transportation and the parent or guardian's permission to transport the child for that purpose.
- (b) An address and telephone number where a parent or other adult can be reached in an emergency.
- (c) The name, address, and telephone number of the child's health care provider.
- (d) Written consent from the child's parent or guardian for emergency medical treatment.

## 251.08(2)(d) continued

*A copy of the child's current enrollment form will also contain the information required under this rule.*

**Note:** The licensee may use the department's form, *Child Care Enrollment*, to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain forms is available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

**(3) REQUIRED INFORMATION FOR EACH TRIP.** The licensee shall ensure that written documentation of all of the following is maintained at the center and in any vehicle transporting children while the children are being transported:

- (a) A list of the children being transported.
- (b) A copy of the completed permission and emergency information form under sub. (2) for each child being transported.
- (c) For transportation to or from a child's home or school, the transportation route and scheduled stops.

**(4) DRIVER.**

(a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid driver's license for the state where the driver resides and for the type of vehicle driven.

*This is in conformity with Wisconsin Statutes 121.555, which prohibits anyone under 18 years old from driving children. No exceptions will be granted.*

*A person may have a driver's license card that has not expired but still have the license suspended or revoked. The only way to ensure that a driver's license has not been suspended or revoked (and is still valid) is through a check of the person's driving record maintained by the Wisconsin Department of Transportation, <https://wisconsindot.gov>, or by the department of transportation for the person's state of residence.*

*See DCF 251.03 (4m) – DEFINITION – CENTER-PROVIDED VEHICLE.*

(b) Before a driver who is not the licensee first transports children, the licensee shall provide the driver with a training. The licensee shall review, document, and update the training as necessary with each driver annually. The training shall include all of the following:

*The department's form Driver Training Checklist – Child Care Centers may be used for documenting training.*

1. The procedure for ensuring that all children are properly restrained in the appropriate child safety seat.
2. The procedure for loading, unloading, and tracking of children being transported.
3. The procedure for evacuating the children from a vehicle in an emergency.
4. Behavior management techniques for use with children being transported.
5. A review of this chapter and applicable statutes under s. 347.48, Stats.
6. A review of applicable center policies.
7. First aid procedures.
8. A review of child abuse and neglect laws and center reporting procedures.
9. Information on any special needs a child being transported may have and the plan for how those needs will be met.
10. A review of the use of the vehicle alarm, if applicable.
11. Any other job responsibilities as determined by the licensee.

(c) 1. Prior to the day a driver first transports children in care and annually thereafter, the licensee shall obtain a copy of the driving record for each driver and place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

2. In determining whether a driver may pose a threat to the children, the licensee shall consider the totality of the driver's record, any other relevant facts, and the following factors in combination:

- a. The seriousness of any accidents or violations.
- b. How much time has passed since an accident or violation occurred.
- c. The number of accidents or violations.
- d. The likelihood that a similar incident will occur.

3. A driver whose driving record indicates that the driver poses a threat to the children may not transport children.

**Note:** Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608) 261-2566 or <https://wisconsin.gov/Pages/dmv/vehicles/vhcl-rcd-hst/records.aspx>

(d) 1. Except as provided in subd. 2., a driver of a vehicle that is transporting children in care may not use a cellular phone or other wireless telecommunication device while loading, unloading, or transporting children, except when the vehicle is out of traffic, not in operation, and any of the following applies:

- a. The phone or device is used to call 911.
- b. The phone or device is used to communicate with emergency responders.
- c. The phone or device is used to communicate with the center regarding an emergency situation.

2. A navigation device may be used during transportation if the device is programmed to a destination when the vehicle is out of traffic and not in operation.

#### **(5) VEHICLE.**

(a) The licensee shall ensure that each vehicle that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation or the appropriate authority in another state.
2. Clean, uncluttered, and free of obstruction on the floors, aisles, and seats.
3. In safe operating condition.

(b) At 12-month intervals the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

*The Vehicle Safety Inspection form is to be signed by the owner/employee of a bona fide repair business, such as garage, auto repair shop, or service station. The name of the repair business should appear on the vehicle inspection form in addition to signature. Signatures of persons not associated with a firm doing repair business with the public will not be acceptable. If inspection report indicates needed repairs, vehicle must be repaired, and the center must provide evidence of the necessary repairs, prior to transporting children.*

*New and used vehicles purchased from an authorized dealer with inspection report will be accepted for one year.*

*The State Patrol conducts safety inspections of school buses and a sticker issued by the inspector will be accepted in place of the Vehicle Safety Inspection form. Head Start programs may submit a copy of the Federal Inspection required by the Head Start Performance standards in place of the vehicle safety inspection form. No exception is necessary.*

## 251.08(5)(b) continued

*If a vehicle used to transport children has been involved in an accident, the department may request evidence that the vehicle is in safe operating condition.*

*The use of a 9- to 15-passenger van to transport children is not recommended. Federal law prohibits schools and school systems from purchasing or leasing a new 15-passenger van if it will be used significantly by the school or school system to transport preschool and school-aged children to or from school or school-related events. More information is available on the National Highway Transportation Safety Administration website: <https://www.nhtsa.gov/road-safety/15-passenger-vans>.*

*See DCF 251.03 (4m) – DEFINITION – CENTER-PROVIDED VEHICLE.*

**Note:** The department's form, *Vehicle Safety Inspection*, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain forms is available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

(c) At least once per year, the licensee shall make available to the department each vehicle that is required to have a child safety alarm under sub. (8) (a) to determine whether the child safety alarm is in good working order.

(d) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

### **(6) SEAT BELTS AND CHILD SAFETY RESTRAINTS.**

(a) No person may transport a child under 8 years of age in a motor vehicle, unless the child is restrained in a child safety restraint system that is appropriate to the child's age and size and in accordance with s. 347.48 Stats., and ch. Trans 310.

*Most child safety seats have an expiration date embossed in plastic on the bottom of the seat. Child safety seats may not be used past their expiration date.*

*An integrated child safety seat may be used by children who meet the age, height, and/or weight requirements identified by the manufacturer of the vehicle.*



*LIST OF RESTRAINTS: A list of currently approved child safety restraints and recalls may be obtained from the Wisconsin Information Network for Safety (715) 843-1890 or from the web site [www.safekidswi.org](http://www.safekidswi.org).*

*All child safety restraints sold in the USA are required to comply with the dynamic testing requirements of the Federal Motor Vehicle Safety Standard (FMVSS) #213, Child Restraint Systems. The National Highway Traffic Safety Administration (NHTSA) has developed an ease of use rating system of child safety restraints to help provide information about which child safety seat may be most appropriate for a child. See <http://www.nhtsa.gov/Safety/CPS> for more information on child safety restraints. Most child safety seats have an expiration date embossed in plastic on the bottom of the seat. Seats may not be used past their expiration date.*

*Information on Recalled Car Safety Seats can be found at <http://www-odi.nhtsa.dot.gov/owners/SearchChildSeats>.*

*Information on the Wisconsin Child Passenger Safety Law can be found on the Department of Transportation website: <http://wisconsindot.gov/Documents/safety/education/child-safety/cps-law-card.pdf>.*

*See Appendix D Resources List: Car Safety Seat Information.*

Wisconsin child passenger safety		
Type of seat	Wisconsin law	Safest practice
<b>Rear-facing Car Seat</b> 	Children must ride in a rear-facing car seat until they are 1 year old <b>and</b> weigh 20 pounds.	Children should ride in a rear-facing car seat until at least the age of 2. Keep children rear facing as long as they are within the height and weight requirements for the car seat.
<b>Forward-facing Car Seat</b> 	Children must ride in a forward-facing car seat with a harness until they are 4 years old <b>and</b> weigh 40 pounds.	Children should ride in a forward-facing car seat with a harness as long as they are within the height and weight requirements for the car seat.
<b>Booster Seat</b> 	Children must ride in a booster seat until they are 8 years old <b>or</b> weigh 80 pounds <b>or</b> are 4 feet 9 inches tall (4'9").	Children should ride in a booster seat until they are tall enough to sit on the vehicle seat without slouching, and the seat belt fits snugly across the top of the thighs and across the shoulder.
<b>Seat Belt</b> 	Children must be restrained in a seat belt when they outgrow the requirements of a booster seat.	Children should ride using a lap and shoulder belt once they have outgrown their car or booster seat.
<b>Back Seat</b>	Children required to ride in a rear-facing or forward-facing car seat must be restrained in the back seat.	Children under 13 years of age should ride in the back seat using a lap and shoulder belt.

**Note:** For further information on child safety restraints, see <https://wisconsindot.gov/Pages/safety/education/child-safety/default.aspx>.

(b) 1. Each child who is not required to be in an individual child car safety seat or booster seat when being transported under par. (a) shall be properly restrained by a seat belt in accordance with s. 347.48, Stats., and ch. Trans 315.

2. Each adult in the vehicle shall be properly restrained by a seat belt in accordance with s. 347.48, Stats., and ch. Trans 315.

3. Seat belts may not be shared.

(c) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

*If a center owns, leases, or contracts for a school bus, seat belts or car safety seats are not required because these vehicles were constructed to carry children without such devices.*

*For additional information, contact the NHTSA Vehicle Safety Hotline at (888) 327-4236.*

(d) Children under 13 years of age who are in the care of the center may not ride in the front seat of a vehicle.



## 251.08(7)

### (7) VEHICLE CAPACITY AND SUPERVISION.

(a) The center shall be responsible for a child from the time the child is placed in a vehicle until the children reaches his or her destination and is released to a person responsible for the child. A parent of a school age child may authorize a child to enter a building unescorted.

*Children are considered in care as soon as they are picked up by center-provided transportation.*

*See DCF 251.04(6)(b) – CURRENT, ACCURATE DAILY ATTENDANCE RECORD. If the center picks up a child from his/her home or a designated pick-up or drop-off point, the daily attendance record must indicate the actual time the child was picked up and/or dropped off. Daily vehicle attendance records may be separate from the daily attendance record maintained to indicate when the child is at the center.*

*See DCF 251.055(1)(h) – PROCEDURE TO CONTACT A PARENT IF A CHILD IS ABSENT FROM THE CENTER WITHOUT PRIOR NOTIFICATION. If the center provides transportation services from the child's home to the center, the procedure should address how the center is to be notified that a child is not attending that day (i.e. sign in the window of the home that the child is not attending, prior notification to the center that the child is not attending, a second adult on the vehicle walks to the door to pick up the child and is told that the child is not attending, etc.) If the center is not notified that a child will not attend, the parent must be notified if the child does not arrive at the center as expected.*

**Note:** The form *Transportation Permission - Child Care Centers* may be used to designate an adult to receive a child being transported. Forms are available on the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

(b) Children may not be left unattended in a vehicle.

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a disability that limits their ability to respond to an emergency.

*When evaluating the need to have an adult supervisor (in addition to the driver) present in the vehicle, the center needs to consider the ability of the child with a disability to evacuate the vehicle with limited additional help from the driver, the number and ages of other children being transported, and whether any children being transported have a behavioral history that might be disruptive during transportation.*

(d) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

(e) No child may be in a vehicle for transport to or from a center, a field trip, or other center activity for more than 60 minutes for a one-way trip.

### (8) CHILD CARE VEHICLE SAFETY ALARM.

*This section also applies to hired or contracted school buses. The alarm must be installed in accordance with the manufacturer's specifications.*

(a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.
2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.
3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

**Note:** Information on the required vehicle safety alarm is available in the “child care licensing/information for providers” section of the department website at <http://dcf.wisconsin.gov>.