



December 30, 2021

Office of Head Start
Attention: Director of Policy and Planning
330 C Street SW, 4th Floor
Washington, DC 20210

**RE: RIN 0970-AC90
Vaccine and Mask Requirements to Mitigate the Spread of COVID–19 in Head Start Programs**

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer comments to the Interim Final Rule with Comment (IFC) of the Department of Health and Human Services (DHHS) Vaccine and Mask Requirements to Mitigate the Spread of COVID–19 in Head Start Programs, as published in Volume 86 Number 227, of the Federal Register on November 30, 2021.

About National School Transportation Association

NSTA is the leading resource for school bus transportation solutions and the voice for private contractors for over 55 years. We are a membership organization for school bus contract-operators engaged primarily in transporting students to and from school and school-related activities. Our members range from small family businesses serving one school district, to large corporations operating tens of thousands of buses across multiple states. Regardless of size, our operators are staunchly committed to the safe and efficient transportation of our nation’s schoolchildren. Private school bus contractors account for 38 percent of the nation’s pupil transportation services and employ more than 250,000 individuals as bus drivers, technicians, maintenance workers, dispatch, and administrative staff.

School transportation represents the largest form of mass transportation in the United States, as school buses outnumber all other forms of public transportation vehicles almost 3.5 to 1. School buses are the transportation mode of choice by about a third of school-aged kids, who collectively take more than 50 million trips per day. All other forms of mass transportation have 34 million daily boardings combined, and transport only 10 percent of American commuters each day, including children who ride the city transit bus to class - rather than the yellow bus.

Daily, more than 25 million K-12 students are transported by an estimated 480,000 yellow school buses. Every day, the lives of these children are entrusted to certified school transportation professionals, who have received special training and have the experience to ensure the safe transport of students. School buses remain the safest way to transport a child to-and-from school, and school-related activities, as they are the most regulated form of transportation. In fact, school buses are far safer for a student than a child walking, riding a bike, or being transported in a car with a fellow student, or parent, to school. According to National Highway Traffic Safety Administration (NHTSA) statistics, students are 70 times more likely to arrive at school safely when riding in a yellow bus.

NSTA believes that implementing Vaccine and Mask Requirements for the Head Start Program will likely have adverse effects on pupil transportation in disadvantaged communities. As you know, the student transportation system continues to operate within the throes of a national school bus driver shortage, a shortage exacerbated by the COVID-19 pandemic. Our comments address the potential ripple effect that promulgating this regulation will cause in the ultimate delivery of services.

National School Transportation Association

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According to a study done by DHHS, nearly sixty-percent (60%) of Head Start Programs provide transportation for students.ⁱ This study analyzed the impact by which Head Start Programs have on previously enrolled students by the end of First Grade. The study found that the enrollment in Head Start has positive impacts on student academic progression, and yielded statistically significant results. One of the major factors that was seen in this study was programs that provided transportation had a “magnitude of impact” of about thirty-four percent (34 %).ⁱⁱ

Of the 3-year old cohort that was included in this study, seventy-two percent (72%) of the students returned to Head Start for a second year.ⁱⁱⁱ This is significant because students enrolled in the Head Start program from the age of three showed significant differences in the state testing for proficiency.^{iv}

As this survey results indicate, the Head Start Program has clearly had a significant, positive impact on children in disadvantaged communities – in their crucial developmental years.

Not only has the Head Start program been shown to have a major positive impact on the development of students academically, the program has benefited students’ emotional well-being and health. The program showed improvements in hyperactive behavior, total problem behavior, social skills, and conflict. These positive impacts begin once a child is able to board a school bus on a regular basis, and can develop a routine that includes reliable pickup and drop off times.

The success of the Head Start Program cannot be underscored enough, but these positive impacts are completely negated for students, if children cannot attend due to lack of transportation to take them directly to the classroom. Increasingly, disadvantaged communities rely on the home-to-school transportation to ensure that students receive transportation to Head Start Programs. Unfortunately, we believe, based upon observations within the communities that we serve, implementation of this rule will lead to less drivers being available to provide transportation for Head Start Programs.

To highlight this point, a joint survey conducted by the National Association of Pupil Transportation (NAPT), the National Association of State Directors of Pupil Transportation Services (NASDPTS), and NSTA showed that fifty-one percent (51%) of respondents have described their driver shortage as “severe or desperate”. In addition to this, sixty-five percent (65%) of respondents stated that the driver shortage was their number one problem. In most communities across the country, the bus driver shortage was a primary topic of conversation this past August and September, when students returned to the classroom.

Under the provisions of this rule, bus drivers would be required to be fully COVID-19 vaccinated, or submit to weekly testing. The net result of the rule is that drivers, who refuse to either receive the vaccine, or be tested, will likely have to be terminated because they cannot perform their job duties. If school bus operators must remove drivers due to the requirements of this rule, those drivers will not be easily replaced, if at all.

For example, bus driver applicants, who do not currently possess a valid Class B Commercial Driver’s License (CDL) with applicable endorsements, can be expected to go through a licensing and eligibility (medical, finger printing, background check) period that can take anywhere from six to 12 weeks in duration, depending upon the individual state requirements.

Drivers who elect to be tested will likely encounter difficulties that could mean that maintaining their current position becomes untenable. The difficulty of scheduling weekly testing, as well as the reality that drivers will be uncompensated during the hours required to travel to a testing location, and submit to the actual test dictates that the driver will be unavailable for bus routes, and/or uncompensated for an activity intended to merely maintain his or her position. Factoring in the continued cost of testing, borne by the employee, means the time and expense of maintain a school bus driver position, will not add up for many.

As we know, home-to-school transportation remains a vital component to the educational system throughout the United States, and any factor that disrupts a child's ability to be transported to school, thus disrupts the educational landscape for that child. This condition is exacerbated in disadvantaged communities, where the school bus may be the only mode of transportation for students. While NSTA understands the rationale behind this rulemaking, but we believe the potential adverse impacts to the driver pool brought on by this temporary mitigation measure will have long-term detrimental effects on the student transportation system.

NSTA sincerely appreciates the opportunity to offer comments on the RIN 0970-AC90, and look forward to further engagement with DHHS on this important matter. If further clarification is required, please do not hesitate to contact me at 703-684-3200 ext. 700, or via email at cmacysyn@yellowbuses.org.

Sincerely,



Curt Macysyn
Executive Director
National School Transportation Association

ⁱ "Head Start Impact Study Field Report" by Department of Health and Human Services, January 2010, <https://files.eric.ed.gov/fulltext/ED507845.pdf>

ⁱⁱ "Head Start Impact Study Field Report" pg. 3-17

ⁱⁱⁱ "Head Start Impact Study Field Report" pg. 29

^{iv} "Head Start Impact Study Field Report" pg. 30