



# Transportation Guidelines and Procedures to Ensure Educational Stability for Children and Youth in Foster Care

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This document provides guiding questions to help local educational agencies (LEAs) and local child welfare agencies (CWAs) develop transportation procedures for students in foster care as required by the Every Student Succeeds Act (ESSA) of 2015. Each of the main sections in this document (Sections I-VI) corresponds to a section that should be included as part of the transportation procedures.

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## **Introduction**

Many students in foster care experience high levels of mobility, exceeding the levels of home and school instability of their peers. Movement occurs during the initial placement, when students move from one foster home to another or when returning home. To maintain educational stability, students should not have to change schools every time their living arrangements change.

A best interest determination must be made to establish whether a student should remain in his or her “school of origin.” The school of origin is the school in which a child is enrolled at the time of placement in foster care. A state education agency (SEA) and its LEAs must ensure that a child in foster care enrolls or remains in his or her school of origin unless a determination is made that it is not in the child’s best interest. (ESEA section 1111(g)(1)(E)(i)). If a child’s foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change. Several factors should be considered during the best interest determination process, but transportation costs should not be considered when determining whether it is in a child’s best interest to remain in the school of origin, which is consistent with the Fostering Connections Act.

Requirements under Title I, Part A of the Every Student Succeeds Act (ESSA) emphasize the need to strengthen educational supports, services and outcomes for children in foster care. Providing educational stability for children in foster care requires collaboration between LEAs and CWAs. In efforts to minimize education disruption, special transportation arrangements are needed for some students in foster care to allow them to remain in the school of origin. ESSA requires LEAs receiving Title I, Part A funds to collaborate with child welfare agencies to address transportation for youth in foster care in a cost-effective way. The LEA and CWA must establish formal, clearly written procedures to ensure that youth in foster care can remain in their school of origin [See ESEA 1112(c)(5).].

Those procedures must ensure that:

- Students in foster care needing transportation will receive it promptly, in a cost-effective manner and in accordance with the state’s ability to use Title IV-E funds.
- If there are no additional costs incurred in providing transportation to the school of origin for the student in foster care, the LEA should provide the transportation.
- If there are additional costs incurred, the LEA will provide transportation if –
  - The local child welfare agency agrees to reimburse the costs;
  - The LEA agrees to pay the costs; or
  - The LEA and child welfare agency agree to share the costs.

The written procedures – also referred to in this document as a “transportation agreement” – should cover most situations. With these procedures in place, both the LEA and CWA should know the processes that will be followed for transporting students who will remain in their school of origin, which may be in another attendance area within the district, in another district or even in another state (if the district borders another state). There may be special cases that will require the LEA and the CWA to discuss how transportation will be arranged, provided and funded for a particular student, but the agreement should help clarify the process that will be

used in general. The following sections and guiding questions should be included in the transportation agreement.

### **Section I: Providing Transportation**

The transportation agreement must explain how transportation will be provided to students in foster care. In the agreement, describe the detailed (step-by-step) procedure the LEA and CWA will follow to promptly *provide* transportation for youth in foster care. Describe the outreach process.

- Who will be contacting whom?
- Who are the parties?
- Who needs to be involved? Who will be at the table?
- Are there any other CWAs or districts that need to be involved?
- What method of communication will be used (in-person, email or phone)?
- Who will be consulted?
- Where does the best interest determination come into play in transportation?

### **Section II: Considering Low-Cost or No-Cost Transportation Options for Youth in Foster Care**

Low-cost or no-cost options for transportation of students in foster care should be explored, with the understanding that transportation should be provided at no cost to the student or parent. Districts should have conversations with the local child welfare agency to determine what low or no cost options are available. In determining whether transportation is “cost effective,” a district must consider the reasonableness of those costs. The district should consider a variety of factors, including cost, distance and length of travel, as well as whether the method of transportation is developmentally appropriate for the child. LEAs should include specific examples and situations based on transportation in the local community when addressing low-cost options. What low-cost or no-cost options does the district have?

The following guiding questions can be considered when exploring low cost or no cost options. Representatives from the school district and local child welfare agency can use these questions to prompt discussions when developing the transportation agreement.

NOTE: Title I, Part A funds set aside to serve homeless children cannot be used for students in foster care. Districts may allocate funds in the district set-aside foster care category to cover additional costs incurred for providing children in foster care transportation to the school of origin.

- Has the student been placed within the LEA’s district boundaries?
- Can pre-existing transportation routes or stops close to the new foster care placement that cross district boundaries be adjusted to accommodate transportation?
- Is the child already eligible for special transportation as a related service covered by IDEA?
- Can foster parents and family members provide transportation with mileage reimbursement by the child welfare agency?

- Can the child be dropped off at a school bus stop near the existing transportation system for the school of origin? (Communication between the current and new school district is critical.)
- Is public transportation (e.g., city buses) available, if the child is of an appropriate age and has or can acquire the skills to use this option?
- Has the foster child been placed in a group home (i.e. facility)? Can the CWA contract with a private transportation company to provide bus/van/car service?
- Can the child welfare agency recover costs through Title IV-E maintenance and/or administrative dollars for this child's transportation? Can this foster child be transported by this LEA in **any other** low- or no-cost method that is not stated above?

### **Section III: Arranging Transportation**

The transportation agreement must describe how transportation will be arranged for students in foster care. Describe the detailed step-by-step procedure the LEA and CWA will follow to promptly arrange transportation for youth in foster care. Provide the logistics.

- After low-cost/no-cost options have been determined, who will ensure the transportation arrangements are in place?
- Who is responsible for arranging the low-cost/no-cost options and under what circumstances? See examples of the circumstances:
  - If the foster family will be providing transportation, who will contact the family to discuss the details of the transportation?
  - If the foster child is of an appropriate age and has the skills to use public transportation, who will arrange the details of this transportation option (i.e. bus route, expected time of travel) and put safety protocols in place for the foster child?
  - How will the LEA and CWA determine whether transportation is already addressed through other means (e.g., transportation is already addressed through a child's IEP)?
- What are the short-term transportation solutions? Consider using language such as: the LEA will have [x] days to put transportation in place. During those [x] days, the (name of agency) will provide transportation during the interim.
- What are the strategies for the long-term plans? Will transportation be provided for the duration of the child's time in foster care if it continues to be in the child's best interest? If a child exits foster care before the end of a school year, will the transportation arrangement will be maintained through the end of the school year to maintain the child's educational stability?

#### **Other considerations to discuss in this section:**

- Timeliness of implementation;
- Duration and changes in transportation needs;
- School activities beyond classes;
- Coordination when other school districts are involved; and
- Transportation of preschool students in foster care within the district.

## **Section IV: Funding Transportation - Additional Costs and Payment Options**

The LEA and local child welfare agency should consider and utilize all allowable funding sources, including federal funds, to cover additional transportation costs. Maximizing all possible funding sources will help ensure that transportation costs for children in foster care do not become unduly burdensome on any one agency. Title IV-E federal funds are available to assist with additional transportation costs for children who are eligible for Title IV-E foster care maintenance payments, if the CWA agrees to utilize these funds for this purpose. [Please see Item F-16 of the federal guidance](#) for further information.

Additional costs incurred in providing transportation to the school of origin should reflect the difference between what the district would otherwise spend to transport a student to his/her assigned school and the cost of transporting a child in foster care to his/her school of origin. For additional information on cost effective transportation, reference ([U.S. Department of Education/U.S Department of Health and Human Services Joint Guidance, page 21, questions F-7 and F-8](#)). The district and local child welfare agency should include in this section how transportation will be funded and the process for billing.

- Will the CWA agree to pay for the additional transportation costs? Title IV-E (of the Social Security Act) states that child welfare agencies can receive federal reimbursement for some children in foster care. Specifically, school transportation to ensure school stability is allowable as either Title IV-E foster care maintenance payments or administrative costs. However, child welfare agencies may only claim reimbursement for students who are “Title IV-E eligible,” which may vary.
  - How will the CWA be billed?
  - Will the district send monthly or quarterly invoices?
- Will the LEA agree to pay for the additional transportation costs? How can LEAs use funds set aside from Title I, Part A to serve students in foster care to provide transportation to the school of origin?
- Will the LEA and CWA agree to share the additional transportation costs? Some additional questions and options if the additional costs are shared are:
  - How will the mechanism of cost sharing take place? Will costs be absorbed by entities?
  - Will the agencies split the additional costs evenly?
  - Could the LEA pay for transportation costs up to a certain number of miles and the child welfare agency pay the remaining transportation costs?
  - Could the LEA pay transportation costs for a certain amount of time after a child’s initial placement in foster care and the child welfare agency pay for transportation costs for the remainder of the student’s placement in foster care?
  - See page 20 (“Spotlight from the Field”) in the [Non-Regulatory Guidance: Ensuring Educational Stability and Success for Students in Foster Care](#) for an example of cost sharing in a transportation agreement.
- Will low-cost options entail the same process for claiming reimbursement for transportation costs?
- Are other arrangements to address additional transportation costs established? For example, if the CWA contracts with a group home that agrees to provide transportation to

and from school, this should be outlined as one of the options that will be used when appropriate.

- When coordinating with other school districts involved, how will LEAs fund the transportation between LEAs when children are being transported between school districts?

Please see the frequently-asked-questions in Appendix B of this document (pp. 9-10) for more information about transportation costs.

#### **Other considerations to discuss in this section:**

- How will agencies coordinate when other school districts are involved? Can the school district of residence, school district of origin and CWA share transportation cost?
- What transportation records will be kept for each student in foster care and where will this documentation be kept?
- Preschool students within the district;
- School activities beyond classes; and
- Duration and changes in transportation needs.

#### **Section V: Dispute Resolution Process to Consider if an Agreement Cannot Be Reached**

Given the emphasis on shared agency responsibility to ensure educational stability in both the Fostering Connections Act and Title I, the LEA and the local CWA should make every possible effort to reach agreement regarding how transportation should be funded if there are additional costs. There may be rare occasions when an LEA and local child welfare agency have difficulty in agreeing how to fund additional costs incurred to provide transportation to the school of origin. However, transportation procedures must ensure that children in foster care promptly receive transportation, as needed, to their school of origin, (ESEA section 1112(c)(5)(B)(i)).

The transportation procedures should address how this requirement will be met even if the relevant agencies cannot reach agreement on how to fund any additional transportation costs. Procedures could include a local dispute resolution process the agencies would follow in the event of such disagreement. How will both agencies ensure prompt transportation to the school of origin in the event of a dispute?

#### **Section VI: Review and Signature**

This section will include language that the agreement has been reviewed and approved by both agencies. Signatures and the date it was agreed upon will need to be included for the district and local child welfare agency.

- Have both agencies conducted their individual review of the agreement?
- Is the local child welfare agency name and address listed?
- Is the local foster care point of contact name, address and date listed?
- Have both agencies signed? Does it include the superintendent's signature?
- Does it have the school board approval date (when required locally)?

Transportation agreements should be kept on file for the duration of time determined in the agreement and consistent with applicable records retention schedules. The agreements should be reviewed with any new LEA or CWA staff who work with foster care.

### **References, Additional Resources and Tools**

[Non-Regulatory Guidance: Ensuring Educational Stability and Success for Students in Foster Care](#) (Transportation Frequently Asked Questions can be found on pages 20-25).

[Kentucky Department of Education Foster Care webpage](#)

Excerpted from the Ohio Department of Education's [Making A Transportation Plan: Implementing ESSA Transportation Requirements to Ensure School Stability](#)

Excerpted from the Pennsylvania Department of Education's [Local transportation plan](#)

SchoolHouse Connection, 2016 Retrieved from [Transportation for Students in Foster Care: A Legal and Practical Reference Tool | SchoolHouse Connection](#)

[House Bill 312](#)

## **Appendix A**

Here is an example of a low-cost or no-cost option chart that can be used during the collaborative discussion. This chart is not an exhaustive list and can be altered to meet the needs of the district.

Options	LEA	CWA	Notes
There are pre-existing transportation routes or stops close to the new foster care placement that cross district boundaries.			
The school district of residence, school district of origin and CWA may be willing to share transportation cost.			
The child is already eligible for special transportation as a related service covered by IDEA.			
Reimbursing the foster parents and family members who are willing and able to transport the child to school.			
Public transportation (city buses), if the child is of an appropriate age and has or can acquire the skills to utilize this option.			
The child may be dropped off at a school bus stop near the existing transportation system for the school of origin. Communication between the current and new school district is critical.			

## **Appendix B**

### **Frequently Asked Questions**

1. Our district received a finding during monitoring because we did not have written transportation procedures. We work closely with our CWA and have never had an issue with transportation. Why are written procedures needed?

The Every Student Succeeds Act (ESSA) requires districts to work collaboratively with the local child welfare agency to develop the procedures. These procedures need to be collaboratively written and agreed upon for some important reasons. First, having a written agreement in place helps to ensure all parties understand the processes that will be followed. Written procedures can clarify areas which may never have posed problems in the past, but which could at some point cause confusion if they have not been discussed. Written procedures also can help reduce disagreements and disputes, if everyone agrees to the process that will be followed. If there is staff turnover either at the district or at the CWA, having a written agreement in place will help ensure the process continues to be followed even in times of disruption.

2. What are some considerations LEAs and CWAs should keep in mind as they develop the transportation agreement?
  - Collaboration is critical: no one entity/agency will be able to do this alone.
  - Flexibility and responsiveness will be key.
  - Cost efficiency is important, although not a dictating force.
  - Be creative in considering all the possible solutions.
  - Ensure staff who work with transportation of foster care students are dedicated to completing necessary tasks, even during times of staff turnover.
  - Become familiar with the resources that are available that the LEA and CWA could tap into.
3. How long are transportation agreements in effect?

Transportation agreements should be reviewed and revised on an as-needed basis, but at least a yearly review with LEA and CWA representatives is recommended.

4. Are districts with public preschool required by ESSA to provide, arrange and fund transportation to and from school if the foster youth is attending school there?

Yes, if an LEA provides preschool education they are required to ensure that a child in foster care remains in his or her preschool of origin, unless a determination is made that it is not in the child's best interest (See ESEA section 111(g)(1)(E)).

5. Section 1112(c)(5)(B)(i) of ESSA states that the LEA must "ensure children in foster care needing transportation to the school of origin will promptly receive

transportation in a cost-effective manner.” In many instances it takes 24-48 hours for an LEA to arrange transportation. Is this considered promptly?

ESSA does not define “promptly” or provide a minimum timeframe. According to the plain meaning of the term “promptly,” the LEA must arrange for the required transportation quickly and without delay.

6. Is there a uniform rate for calculating the “excess cost” for transportation?

Yes. For district or personal vehicles, you may use the [standard IRS mileage reimbursement rates](#). For a school bus, contact the LEA transportation director for the mileage rate. Please see Item 27 of the federal guidance which reads, “Is there a reasonable method for determining the reimbursement rate for transportation?” Answer: “Yes, by using established mileage rates mentioned above along with any costs associated with employee salary/pay.”

7. Is there a federal reimbursement rate for the buses?

No. This is a local district decision.

8. How should LEAs implement the transportation provisions?

Children whose foster home is in the attendance zone for the school of origin ordinarily will not create excess cost, since the child will be able to ride on an existing route without creating additional costs. For children whose foster home is outside the attendance zone for the school of origin, there are several ways in which implementation could be accomplished, for example:

Option 1: If the child who is transported to the school of origin lives beyond the school of origin’s attendance zone, yet adjacent to it, then add the child to a current school bus route that serves their school of origin. Determine the extra time needed per day for the driver to be able to serve at the beginning of the bus route in the morning and the end of the bus route in the afternoon. Contract with the bus driver for the extra time necessary to serve the child. The excess cost includes any mileage associated with the bus route, along with driver pay.

Option 2: If the child lives beyond the school of origin’s attendance zone and one would need to cross several boundaries in order to attend, then offer to the foster parent or legal guardian reimbursement mileage for the transportation of the child to and from school. Refer to [standard IRS mileage reimbursement rates](#) or payments. The excess cost includes any mileage paid to the foster parent or legal guardian.

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