

## Ensuring Educational Stability for Foster Care Youth

### Transportation Plan Guide

#### *Considerations for developing a local transportation plan*

Transportation is a central component of educational stability. Some children in foster care will need transportation to remain in their school of origin when such placement is in their best interest. The *Transportation Plan Guide* outlines strategies to fulfill transportation requirements that both local education agencies (LEAs) and county children and youth agencies (CCYAs) must provide to ensure educational stability for foster care youth. The guide may be used to assist LEAs and CCYAs in designing a formal, written local transportation plan as jointly required by the Pennsylvania Department of Education and Pennsylvania Department of Human Services.

#### ***A. Every Student Succeeds Act's foster care provisions for ensuring educational stability***

LEAs must provide assurances that they will collaborate with state or local children and youth agencies to:

- 1) Develop and implement clear, written procedures governing how transportation to maintain children in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded for the duration of the time in foster care;
- 2) Develop and implement procedures to ensure that children in foster care needing transportation to their school of origin will promptly receive it in a cost-effective manner and in accordance with Section 475 (4)(A) of the Social Security Act; **and**
- 3) **If** there are **additional costs** incurred in providing transportation to the school of origin, the LEA will provide such transportation if:
  - The placing CCYA agrees to reimburse the LEA for the cost of such transportation;
  - The LEA agrees to pay the cost;
  - The LEA and local CCYA agree to share the cost. *ESEA 1112 (c)(5)(B)*; or
  - Other solutions, such as the sharing of costs between the school district of origin, the school district of residence, and the placing CCYA.

**Tip:** LEAs and CCYAs must find approaches that are flexible and that make clear which agency is responsible for arranging transportation and/or paying or sharing transportation costs and under what circumstances.

**Tip:** LEAs, including both the school district of origin and the school district of residence, as well as the placing CCYA, may also agree to paying for or sharing in the costs in providing transportation to the school of origin.

#### ***B. Funding transportation for foster care youth***

Some foster care youth will need transportation provided at additional costs. All appropriate federal funding sources should be maximized to ensure costs are not unduly burdensome on one agency.

Title IV-E, available to CCYAs, is an allowable funding source for children in foster care. Section 475 (4)(A) of the Social Security Act defines “foster care maintenance payments” which include the cost of reasonable travel for children in foster care to their school of origin, defined as the school in which the child was enrolled at the time of placement in foster care. As such, if a child is eligible/receiving a Title IV-E foster care maintenance payment, the Title IV-E agency is permitted to include the reasonable cost of transportation for that eligible child. However, please note:

- Not all children in foster care are eligible;
- Tribal foster children may be eligible; and
- State child welfare agencies are responsible for a portion of the remaining non-federal expense.

Title I funds, available to LEAs, may be used to pay additional costs needed to transport children in foster care to their schools of origin. Please note, however, that funds reserved for comparable services for homeless children and youth under Section 1113(c)(3)(A)(i) of ESEA may not be used to provide transportation for foster care youth.

Even if an LEA does not offer and/or provide transportation to children who **are not** in foster care, it must ensure that transportation is provided to children **in** foster care. *ESEA 1112 (c)(5)(B)*

**Tip:** “Additional costs” represent the difference between what an LEA would normally spend on transportation to the child’s assigned school and the cost of transportation to the school of origin. Examples of “additional costs” could include special transportation aides, such as 1:1 support and transportation equipment not covered by other programs such as Individuals with Disabilities in Education Act (IDEA).

### ***C. Considering low-cost or no-cost transportation options for foster care youth***

An LEA should consider whether transportation can be provided for minimal or no additional cost. Examples of no-cost or low-cost options for transportation that LEAs and CCYAs could explore include whether:

- 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.
- Public transportation options exist, if the child is of an appropriate age and has, or is able to acquire, the skills to utilize such options.
- The foster parents or other family member(s) are willing and able to transport the child to school.
- The child is already eligible for transportation covered by other programs. For example, IDEA funds may be used to pay for transportation services if the child’s IEP Team determines transportation is a related service that is required for a child with disabilities in foster care to receive FAPE.
- There are preexisting bus routes or stops close to the new foster care placement that cross district boundaries, such as bus routes for magnet schools and transportation for homeless students as required by the McKinney-Vento Act.

**Tip:** One way to solve the transportation puzzle is to identify all resources that can help transport the child. Engaging the youth and legal guardian can be critical in this search.

#### ***D. Foster care youth not requiring transportation***

Not every child in foster care requires transportation to remain in their current school. As examples, the following categories of foster care youth will not require transportation:

- **Children who are placed within the school boundaries.** CCYAs should make a documented effort to place children within or close to their current school communities.
- **Children whose “best interest” dictates that they should be immediately enrolled in new schools.** A Best Interest Determination must be made when deciding whether a child should remain in the current school or move to a new school. While the presumption is that children remain in their school, there are occasions when it will be in the child's best interest to be immediately enrolled in a new school. In these situations, no special transportation will be needed. Please note: transportation costs must **NEVER** be a factor in determining the best interest of the child for school selection purposes.

#### ***E. Additional local transportation plan considerations***

- Collaboration with Intermediate Units

School districts should notify Intermediate Units (IUs) of foster care youth attending programs at their facilities and must make the same accommodations for their foster care youth who attend IU-based programs. If an IU provides the transportation for attending students in foster care, the IU must be a part of the discussion with the student's school district of origin to ensure that the IU is included in the school district's local transportation plan with their corresponding CCYA.

- Inter-district and inter-state procedures

Transportation procedures can be complex and may span multiple LEAs and CCYAs, as well as multiple state education agencies (SEAs) and state child welfare agencies. Thus, in developing the transportation procedures, LEAs and CCYAs should work to establish **inter-district and inter-state procedures** that address potential coordination among multiple LEAs and CCYAs.

*For example, LEAs should consider developing transportation plans with other LEAs or CCYAs, both in-state and out-of-state, with which they frequently interact regarding foster care youth; specific relationships should be defined in the local transportation plan.*

- In the event of a transportation dispute

Local transportation plans/procedures should include a dispute resolution process to address how the transportation requirement will be met if parties cannot come to an agreement. LEAs must ensure that a child in foster care remains in their school of origin while any disputes regarding transportation costs are being resolved. *ESEA 1111(g)(1)(E)(i) and 1112(c)(5)(B)(i)*