

# Making a Transportation Plan: Implementing ESSA Transportation Requirements to Ensure Educational Stability for Children in Foster Care

## Introduction and Overview

Per federal guidance, districts should work closely with custodial agencies to tailor transportation processes and procedures to their unique local contexts. School districts and custodial agencies must collaboratively establish procedures which facilitate the prompt transportation needed to ensure educational stability for students in foster care. To support this process, the Ohio Department of Education and the Ohio Department of Job and Family Services jointly created this sample transportation document as a reference for local practice. This document contains a sample interagency agreement that delineates recommended steps for creating these procedures, including possible methods of cost sharing. In addition, a sample transportation plan that illustrates how local partners would provide transportation to a foster child who has experienced a change in his or her living environment is also provided.

This document is intended to:

- Assist districts and custodial agencies in understanding federal obligations under ESSA regarding provision of transportation to students in foster care;
- Outline the necessary steps to take when implementing ESSA's transportation requirements; and
- Be used as a sample procedure document for the development of local interagency transportation agreements and individual student transportation plans.

Districts and custodial agencies must have transportation procedures for arranging and funding transportation in place by **Dec. 10, 2016**.

# Transportation Procedure for Districts and Custodial Agencies

## Step-By-Step Requirements

The following steps are recommended considerations and actions for a district and custodial agency to take when creating the written transportation procedures required by ESSA.

### **STEP 1: The custodial agency will provide the school and district with a notification form; districts will develop a process using this form to identify which students in foster care require transportation to maintain educational stability.**

- ESSA requires that districts ensure a student's educational stability when the student first enters foster care and whenever there is a change in the child's living arrangement.
- The custodial agency must notify the school and district of a student's placement into foster care or a change in the child's living arrangement **within one day** of the event. The custodial agency will use a standard form provided by the Ohio Department of Job and Family Services.
- Should the child's placement be outside of the school boundary, a best interest determination will be made **within five days** to decide if the child will attend the school assigned to his or her foster care placement or continue to attend the school of origin. While the best interest determination is being made, the child is to remain in his or her school of origin. The district and custodial agency must ensure that interim transportation is provided to the student during this period.
- Based on the best interest determination outcome, a discussion about how to fulfill the child's permanent transportation needs follows. Please review [Ohio's Model Best Interest Determination Form](#).
- **Methods of transportation and related costs are NOT to be considered when determining best interest.**

### **STEP 2: Document how transportation will be provided, arranged and funded.**

- When it is in the best interest of the child to remain in his or her school of origin, ESSA mandates that districts provide transportation in a timely and cost-effective manner. **Within five days** of the best interest determination, the district must arrange permanent transportation services.
- **Written procedures should address the following:**
  - Pursuant to federal law, the district must provide transportation to children in foster care, even if the district does not offer transportation to students otherwise. The fact that a district does not provide transportation for children who are not in foster care does not exempt the district from obligations to ensure transportation for children in foster care. This includes foster children attending public preschool. See [Ohio's Joint Foster Care Guidance for more details](#).
  - Other obligations: ESSA does not modify the district's separate obligations to provide transportation for:
    - Children in foster care who meet the definition of "homeless" under the McKinney-Vento Act. (Youth who are homeless include children living in emergency or transitional shelters, children abandoned in hospitals and unaccompanied homeless youth.)
    - Children who have transportation written into their individualized education programs (IEPs) because of legitimate special education needs. Where a district is

obligated to provide transportation as part of child's IEP as a "related service" under the IDEA, this obligation is not altered by ESSA.

- Interim Transportation
  - While the district arranges permanent transportation, the custodial agency and the district must ensure that interim transportation is in place for the child. The district and custodial agency should work collaboratively to develop a transportation plan for the child. Interim transportation arrangements are meant to be short-term, only to be used for **a maximum of 10 school days**: 5 school days while the best interest determination is being made, and 5 school days while the permanent transportation plan is being finalized.
- Preschool Transportation:
  - A district must ensure that young children in foster care receive transportation to and from their public preschools of origin in a cost effective manner. Preschool students should not miss school due to not having transportation to and from their schools of origin. This only applies to students enrolled in public preschools at the time of their placement in foster care or when there is a change in the foster child's living arrangement. If a district cannot provide transportation to students in foster care who attend public preschool due to bussing limitations and laws, the custodial agency and district should collaboratively arrange transportation for the child.
    - Public preschool programs include early childhood education programs for children who have not started kindergarten. Public preschool is funded by tax dollars or other public funds and includes both preschool programs operated by the district and funded through the district. Children may attend preschool at a specific location or participate in a home-based program.

**STEP 3: Clarify the district's obligation to provide transportation when minimal or no "additional costs" will be incurred.**

- The district must provide transportation when it can be done at no "additional cost". Federal guidance clarifies that "additional costs" are the difference between what a district would otherwise spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin.
- The district must provide transportation if transportation is available with no cost or minimal cost based on the district's existing procedures. The district will need to examine the existing transportation options within the district for a no-cost or minimal cost solution. Examples may include:
  - Adding or modifying a stop to an existing bus route.
  - Dropping the child off at a school bus stop on the existing transportation system for the school of origin.
  - Using public transportation, if the child is of an appropriate age and has or is able to acquire the skills to utilize such option.
  - Having foster parents transport the child to school.
  - Utilizing pre-existing bus routes or stops close to the new foster care placement that cross district boundaries, such as bus routes for magnet schools or transportation for homeless students required by McKinney Vento Act.
  - Providing transportation under another entitlement for which the child is eligible, such as IDEA.

#### **STEP 4: Document how “additional costs” will be addressed.**

- The district and the custodial agency must outline procedures to specify how additional costs will be covered or shared. For districts that do not calculate average cost of transportation per pupil, additional costs may be defined as those costs above what the state reimburses the district for pupil transportation.
- If the student’s transportation requires “additional costs” from the district, the district and custodial agency must determine the most cost-effective strategy in each case. Considerations include:
  - Does the district have other fiscal options to cover or share “additional costs”?
    - Federal guidance permits the use of Title I funds. Federal guidance also permits use of IDEA funds if the child has an IEP or McKinney-Vento funds if the child has a McKinney-Vento plan.
  - Can the custodial agency recover costs through Title IV-E maintenance dollars for this child’s transportation?
  - What other options does the custodial agency have to cover or share “additional costs”?
    - Could the custodial agency provide the youth or caretaker with bus passes or other public transportation vouchers?
    - Could the agency contract with a private transportation company to provide a bus/van/car service?
  - Can the district and custodial agency divide the distance and share the transportation responsibilities? For example, could the custodial agency arrange for the child to be dropped off at a bus stop near the existing transportation system for the district?
  - Can the district and custodial agency establish a standard division of responsibility based on common factors, as this may allow more efficient processing of individual cases? For example, if a child’s new living arrangement is within a certain mile radius of the school, the custodial agency is responsible for coordinating the child’s transportation to school. If the child is placed outside the certain mile radius of the school, the district will implement an expedited process to address the child’s transportation needs and ensure continuity of educational services.

#### **STEP 5: Develop a dispute resolution process to address transportation issues.**

- The district and custodial agency should make every possible effort to reach an agreement to fund transportation. Both agencies must collaborate to ensure educational stability for children in foster care.
- To address situations in which local parties cannot agree, local procedures are to include provisions to address how disputes will be resolved.
  - One possible option is for the district and custodial agency to evenly share the unmet additional costs when no other cost-effective solution is available and all funding sources have been assessed and applied.
- **While disputes over costs are being addressed, the district must ensure that the child remains in his or her school of origin, by providing or arranging transportation if necessary.**

## STEP 6: Other considerations.

The district and custodial agency should also address in advance any other potential issues that are likely to arise.

- **Timeliness of Implementation.**

The district should assess how quickly transportation from a child's new placement to the school of origin can be put in place and identify any gap services required in the interim.

- There should be no delay if a student can be served by an existing bus route.
- Interim transportation must be arranged when a new bus route or other transportation provider is required.

- **Duration and changes in transportation needs.**

- When the student remains in the school of origin, transportation to that school must be provided for the duration of the child's time in foster care.
- The custodial agency will notify the school and district within **one school day** when there is a change in the child's living arrangement that requires adjustment of transportation needs.
- If a child exits foster care before the end of the school year, consideration should be given for having the student remain in his or her school until the end of the academic year or until a natural juncture in the year, such as the end of a semester or quarter when possible in an effort to facilitate educational stability for the child.

- **School activities beyond classes.**

- Districts and custodial agencies should consider procedures related to transportation for extracurricular activities, such as summer education programs, and other school programs or activities that are part of the school experience.

- **Coordination when other school districts are involved.**

- When students are transported between school districts, cost sharing among those districts will need to be determined. Similar to their arrangement with custodial agency partners, districts should develop written procedures to address cost sharing agreements and include a default if resolution cannot be reached (e.g., the districts will split costs evenly). [District area coordinators are available to assist with this process.](#)

- **Preschool students within the district.**

- If a district offers public preschool education, the district must meet the ESSA requirements for children in foster care in preschool. ESSA requires that schools ensure a child in foster care remains in their preschool of origin, unless a determination is made that it is not in the child's best interest. ESSA also requires that districts provide transportation to the school of origin when necessary.
- Public preschool programs include early childhood education programs for children who have not started kindergarten. Public preschool is funded by tax dollars or other public funds and includes both preschool programs operated by the district and funded through the district. Children may attend preschool at a specific location or participate in a home-based program. For more information about preschool eligibility in Ohio can be found in [Ohio Administrative Code](#).

**Sample Inter-Agency Agreement follows**

# SAMPLE INTERAGENCY AGREEMENT

## Transportation Procedure to Ensure Educational Stability for Students in Foster Care

Agreed by: \_\_\_\_\_ Date: \_\_\_\_\_

Agreed by: \_\_\_\_\_ Date: \_\_\_\_\_

### CONTACT INFORMATION

District:

- ESSA foster care point of contact (name and contact information): \_\_\_\_\_

\_\_\_\_\_

- District leader (name and contact information): \_\_\_\_\_

\_\_\_\_\_

Custodial Agency:

- ESSA point of contact (name and contact information): \_\_\_\_\_

\_\_\_\_\_

- Custodial agency director (name and contact information): \_\_\_\_\_

\_\_\_\_\_

- Caseworker (name and contact information): \_\_\_\_\_

\_\_\_\_\_

### AGREED-UPON TERMS

#### Identifying students who may need transportation

- [CA] will notify [DISTRICT] **within one school day** of a child being placed in foster care or the student experiencing a change in his or her living arrangement.

#### Best Interest Decision Notification to District

- When a foster child's living arrangement is outside of boundary of his or her school of origin, the [CA] will notify [DISTRICT] **within one school day** and collaborate with the [DISTRICT] to convene a best interest determination meeting **within five school days**. When it is determined that remaining in the school of origin is in the student's best interest, [DISTRICT] and [CA] will collaborate under this agreement to establish the most cost-effective permanent transportation arrangements available for the student **within five school days** of the best interest determination being made. While the student's individual transportation plan is being finalized, the [CA] and [DISTRICT] will provide temporary, interim transportation to the child to ensure there is no disruption in educational programming.

#### Assess other available no or low additional-cost options to address transportation needs

- [DISTRICT] will assess whether the child is eligible for transportation services under another entitlement, on account of experiencing homelessness, or as a related service under the IDEA or 504 Plan. [DISTRICT] will provide transportation funded by [DISTRICT] if the student is eligible under the McKinney-Vento Act or the IDEA.

- [DISTRICT] will examine existing transportation options available for the student, including incorporating the student into an existing bus route, modifying an existing bus route and other no-cost or lost-cost options. Transportation will be provided and fully funded by [DISTRICT] if such a solution is available.

**Options for addressing “additional costs”**

- When other options are exhausted and transportation will require “additional costs,” the following will be considered:
  - [DISTRICT] and [CA] will assess whether the child’s transportation expenses may be covered by other state or local funds.
  - If the student is eligible for Title IV-E funds, [CA] will seek reimbursement for the allowable portion of those transportation costs.
  - [CA] will assess whether resources are available for foster care parents to provide transportation to a stop on [DISTRICT]’s existing bus route; provision of bus passes or public transportation vouchers; or a contract with a private transportation service.
  - [DISTRICT] and [CA] will explore cost-sharing options, including contributing to match amounts needed to draw down federal reimbursement. [Specify funding sources, amounts, dates.]
  - Other options: \_\_\_\_\_

**Resolve remaining additional costs**

- [DISTRICT] and [CA] will address additional cost with one of the following options:
  - [CA] agrees to pay additional costs;
  - [DISTRICT] agrees to pay additional costs; or
  - [CA] and [DISTRICT] agree to share the additional costs the following way:  
\_\_\_\_\_
- If [DISTRICT] and [CA] cannot resolve a dispute about transportation costs, they will follow this mechanism: (Consider splitting the costs evenly unless parties can agree to another cost sharing arrangement.)
- While a dispute is pending, [DISTRICT] must provide and arrange transportation for the child.

**Timing of implementing transportation**

- [DISTRICT] will have **five days** to put needed transportation in place after the best interest determination has been finalized. In the interim, [CA and DISTRICT] will jointly develop and implement a plan to provide the interim transportation needed to ensure the child’s educational stability.

**Duration of transportation**

- Transportation will be provided for the duration of the child’s time in foster care as long as it continues to be in the child’s best interest to remain in the school of origin.
- If a child exits foster care before the end of a school year, the transportation arrangement will be maintained through the end of the quarter/semester/school year in order to maintain the child’s educational stability, when possible.

These transportation procedures were agreed to on the following date: \_\_\_\_\_

Authorized signature for [DISTRICT]: \_\_\_\_\_

Authorized signature for [CA]: \_\_\_\_\_

**Sample Student Transportation Plan follows**



# SAMPLE STUDENT TRANSPORTATION PLAN

Child's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

SACWIS Person ID number: \_\_\_\_\_

Statewide Student Identifier (SSID) number: \_\_\_\_\_

Custodial Agent: \_\_\_\_\_

- Case worker (name and contact information):

\_\_\_\_\_  
\_\_\_\_\_

- Caregiver (name and contact information): \_\_\_\_\_

\_\_\_\_\_

- Educational Surrogate, if applicable (name and contact information): \_\_\_\_\_

\_\_\_\_\_

District: \_\_\_\_\_

District foster care point of contact (name and contact information): \_\_\_\_\_

\_\_\_\_\_

School contact information: \_\_\_\_\_

\_\_\_\_\_

## [CA] verifies:

1. It is in the student's best interest to remain in the school of origin based on the following factors:

2. The child eligible under Title IV-E: \_\_\_\_ Yes \_\_\_\_ No

- a. If YES, reimbursement for some funding of transportation costs

\_\_\_ will be pursued

\_\_\_ cannot be pursued for this reason:

**[DISTRICT] verifies:**

1. The following efforts were undertaken to identify a no-cost or low-cost transportation service:

2. There is an existing transportation option that ensures educational stability for the child following the change in his or her living arrangement:

\_\_\_\_\_ Yes \_\_\_\_\_ No. If YES, what is the option?

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[DISTRICT] and [CA] agree that the most cost effective transportation procedures for this student will be:

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The student's transportation plan will be implemented on (DATE):

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[DISTRICT] and [CA] agree that while permanent transportation is arranged, interim transportation arrangements will be:

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Authorized Signature for [CA]: \_\_\_\_\_ DATE: \_\_\_\_\_

Authorized Signature for [District]: \_\_\_\_\_ DATE: \_\_\_\_\_