

Making A Transportation Plan: Implementing ESSA Transportation Requirements to Ensure School Stability

Introduction and Overview

Per federal guidance, districts should work closely with custodial agency counterparts to tailor transportation processes and procedures to their unique local contexts. The district and custodial agency should collaboratively establish procedures to facilitate prompt transportation to ensure educational stability for students in foster care. The Ohio Department of Education and the Ohio Department of Job and Family Services jointly created this model transportation procedure document that can be used as a reference for local practice. The first section is a sample memorandum of understanding between local agencies regarding transportation procedures, including possible methods of cost sharing. The second is a template to document how transportation will be provided when a student is placed in foster care or following change in living arrangement.

This document is intended to:

- Assist districts and custodial agencies in understanding their obligations under ESSA regarding transportation for students in foster care;
- Outline the necessary steps to take when implementing ESSA's transportation requirements;
- Be used as a sample procedure document for the interagency transportation plan agreement and individual student procedures.

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 create the written transportation procedures required by ESSA.

STEP 1: Document a process to identify which students in foster care require transportation to maintain school stability. While the custodial agency will have a notification form, districts still need an internal procedure in place to process the notification of foster care placement.

- ESSA requires that the district ensure a student's school stability when the student first enters foster care and whenever there is a change in the child's placement. 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. A best interest determination will be made 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. This best interest decision triggers an inquiry about transportation needs. Please review Ohio's Best Interest Determination sample procedure document.
- **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 their 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 should arrange permanent transportation services.

While the district arranges permanent transportation, the custodial agency and the district should ensure that interim transportation is in place for the child. The district and custodial agency should work collaboratively to develop a transportation procedure. This transportation procedure should be followed when it is in the best interest of the child to remain in his or her school of origin.

Interim transportation arrangements.

- Interim transportation arrangements are meant to be short term arrangements that are in effect while the student's best interest decision and the permanent transportation arrangements are finalized. Interim transportation arrangements are to be used a maximum of 10 school days, 5 school days while the best interest decision is finalized and 5 school days while the permanent transportation arrangements are finalized.

Written procedures should address the following:

- **Even if transportation is not offered 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 children attending public preschool. See Ohio's Joint ESSA 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.
- A plan for how the district and custodial agency will arrange interim transportation.

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.” 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:

- A stop added or modification made to an already existing bus route.
- Drop off the child at a school bus stop on the existing transportation system for the school of origin.
- Public transportation, if the child is of an appropriate age and has or is able to acquire the skills to utilize such option.
- Foster parents or other family member(s) to transport the child to school.
- The district may utilize 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.
- Eligibility for transportation under another entitlement 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.

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. 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 transportation would require “additional costs” from the district, the agencies must determine the most cost-effective strategy in each case. They must specifically ask:

- 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.
 - Are there other state or local funds available for this purpose?
- Can the custodial agency recover costs through Title IV-E maintenance and/or administrative dollars for this child’s transportation?
- What other options does the custodial agency have to cover or share “additional costs”?
 - Can the custodial agency provide the youth or caretaker with bus passes or other public transportation vouchers?
 - Can 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? Consider, for example, whether the custodial agency can coordinate for the child to be dropped off at a bus stop near the existing transportation system for the district.
- Consider establishing 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 placement address is within a certain mile radius of the district, 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 district, the district will implement an expedited process to address transportation needs of the child so the child does not experience disrupted education.

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.

- The district and custodial agency should develop provisions to address how disputes will be resolved. The district and custodial agency should consider splitting the **additional costs** evenly if no other cost-effective solution is available and all funding sources have been assessed and applied.

While disputes over cost are pending or being addressed, the district must ensure that the child remains in his or her school of origin, which may include 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.

Transportation to the school of origin must be provided for the duration of the child's time in foster care when the child remains in the school of origin.

- The custodial agency should notify the school or district within one school day if there is a change in the student's placement that requires adjustment of transportation needs.
- If a child exits foster care before the end of the school year, in the interest of school stability the student should 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.

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.

- Districts will determine how costs will be shared with other districts when children are transported between school districts. Similar to their arrangement with child welfare partners, districts should develop written procedures to address cost sharing agreements and include a default if resolution cannot be reached (i.e. the districts will split costs evenly). District area coordinators can 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 child is defined as preschool education programs funded by tax dollars or other public funds. These include both preschool programs operated by the district or funded through the district. Children may attend preschool at a specific location or participate in a home-based program. More information about preschool eligibility in Ohio can be found in [Ohio Administrative Code](#).

INTERAGENCY AGREEMENT

Transportation Plan to Ensure School Stability for Students in Foster Care

Agreed by: _____ Date: _____

District:

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

- ESSA transportation 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): _____

AGREED-UPON DEFINITIONS

Best Interest Decision Notification to District

When a student has been placed into foster care at a residence outside of the [DISTRICT] district, a best interest determination process takes place to determine whether it is in the best interest of the student to remain in his or her school of origin. This process is led by [CA] and includes [DISTRICT]. [CA] then notifies [DISTRICT] of the final best interest determination. When it is determined to be in a student's best interest to remain in his or her school of origin, [DISTRICT] and [CA] will collaborate under this agreement to establish the most cost-effective transportation procedures available for the student within five days of the best interest determination being made.

Identifying students who may need transportation

1. [CA] will notify [DISTRICT] within one school day upon learning that a student attending [DISTRICT] has been placed into foster care or will be moved to a new foster care placement and it has been determined that it is in the student's best interest to remain in the [DISTRICT] school of origin.

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

1. [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.
2. [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 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 should be considered:

- a. [DISTRICT] and [CA] will assess whether the child’s transportation expenses may be covered by other state or local funds.
- b. If the student is eligible for Title IV-E funds, [CA] will seek reimbursement for the allowable portion of those transportation costs.
- c. [CA] will assess whether resources are available for foster care parents to provide transportation with mileage reimbursement to [DISTRICT]; 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.
- d. [DISTRICT] and [CA] support establishment of a fund jointly funded by the agencies [and other local jurisdiction leaders] to support school stability. [Specify funding sources, amounts, dates.]

Resolve remaining “additional costs”:

The district and custodial agency will address additional cost with one of the following options:

- a. Custodial agency agrees to pay “additional costs.”
- b. District agrees to pay “additional costs.”
- c. The [CA] and [DISTRICT] agree to share the additional costs. (Consider requiring the costs to be split evenly unless parties can agree to another cost sharing arrangement.)

Timing of implementing transportation

1. [DISTRICT] will have five days to put needed transportation in place after the best interest determination has been finalized. In the interim, [CA or DISTRICT] will provide transportation.

Duration of transportation

1. 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.
2. If a child exits foster care before the end of a school year, the transportation arrangement will be maintained through the end of the school year in order to maintain the child’s educational stability, when possible.

Dispute resolution

1. If [DISTRICT] and [CA] cannot resolve a dispute about transportation costs, they will follow this mechanism:
2. While a dispute is pending, the district and custodial agency must provide and arrange transportation for the child.

TRANSPORTATION TO ENSURE SCHOOL STABILITY

Individual Student Procedures

Child's Name: _____ Date of Birth: _____ Grade in School: _____

SACWIS Person ID number: _____ SSID number: _____

- Custodial Agent Caregiver (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): _____

Custodial Agency: _____

- Case worker (name and contact information): _____

The custodial agency verifies that:

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:

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

The district verifies that:

4. There is an existing transportation option that can serve the student's new housing placement.

_____Yes_____No. If YES, what is the option?

The district and custodial agency agree that the most cost effective transportation procedures for this student will be:

The district and custodial agency agree that while permanent transportation is arranged, interim transportation arrangements will be:

These transportation procedures were agreed to on the following dates: _____ and will be implemented within five days, by the following date: _____.

Authorized Signature for [Custodial Agency]:

Authorized Signature for [Local Education Agency]: