

LEAs that receive ESSA Title I, Part A funds must contain an assurance in their local Title I plans that the LEA will, by December 10, 2016:

Collaborate with the state or local child welfare agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged and funded for the duration of time in foster care.

Transportation procedures must:

- Ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with the child welfare agency's authority to use child welfare funding for school of origin transportation.
- Ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the LEA will provide transportation to the school of origin if:
 - the local child welfare agency agrees to reimburse the LEA for the cost of such transportation;
 - the LEA agrees to pay for the cost of such transportation; or
 - the LEA and the local child welfare agency agree to share the cost of such transportation.

Note that Title I, Part A's new transportation procedures apply to all children in foster care for the duration of their time in foster care.

Questions to Guide Development of ESSA's Local Transportation Procedures

1. Who should be involved in developing the transportation procedures?

The procedures governing school of origin transportation for children in foster care are part of the LEA Title I Part plan. Therefore, the LEA Title I Director is responsible for developing the procedures. Since ESSA requires the LEA to collaborate with the state or local child welfare agency, the Title I Director should document efforts to collaborate.

Federal child welfare law requires child welfare agencies to coordinate with LEAs on providing school stability for children in foster care. Therefore, the collaboration requirements are reciprocal.

To ensure the procedures are appropriate and reasonable, the Title I Director should consult and coordinate with other federal program staff, including special education and the LEA foster care point of contact, as well as the transportation

director. It also may be appropriate to involve LEA leadership, including the superintendent and school board.

2. What systems does the child welfare agency use to comply with its legal requirement to ensure educational stability of children in foster care? How can those systems be improved?

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires child welfare agencies to plan for ensuring the educational stability of every child in foster care. This school stability plan must be part of each child's individual case plan. Fostering Connections also requires child welfare agencies to ensure the placement of children in foster care takes into account the proximity of the placement to the child's school and to coordinate with LEAs to ensure the child can remain in the school of origin if it is in the child's best interest.

3. Is the child welfare agency accessing federal and state child welfare funds to provide transportation to the school of origin? If it is not, what needs to happen for those funds to be accessed?

The Fostering Connections to Success and Increasing Adoptions Act of 2008 made reasonable transportation to the school of origin an allowable use of foster care maintenance payments (sometimes called Title IV-E payments), which are federal payments made for eligible children properly placed in licensed foster homes or child care institutions. ESSA specifically mentions the availability and use of these funds and related state funds.

4. What are the transportation needs of all children in foster care in the LEA?

- How many children in foster care attend school in the LEA? Is that number growing?
- How many children in foster care are placed in the LEA? Is that number growing?

5. ESSA's transportation provisions do not come into play unless remaining in the school of origin is in the student's best interest. How will these best interest determinations be conducted?

ESSA requires State Title I Plans to include assurances for best interest decisions that are based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement. LEAs should collaborate with local DHR offices to write clear procedures for best interest determinations. However, the following should be included in an LEAs procedures.

Best Interest Determination

A representative from the school of origin (POC or designee) should be knowledgeable about the child and able to provide feedback on significant relationships that the child may have formed with staff and peers and how changing schools would impact his or her academic, social, and emotional well-being. Based on the individual situation, this person could be a teacher, counselor, coach, or other meaningful person in the child's life.

The LEA and county child welfare designee should consult other relevant parties, such as the child, depending on age, foster parents, biological parents when appropriate, education decision maker(s), and other relatives for their perspectives on which school the child should attend during his or her time in foster care, consistent with the child's case plan. If a child has an IEP or a Section 504 plan, then the relevant school staff members would also need to participate in the best interest decision process. If the child is an EL, this may also affect the relevant school staff members who would need to participate in the best interest decision process.

Factors to be considered when making Individualized Service Plan (ISP) team decisions regarding school placement(s):

- Preferences of the child in accordance with the Reasonable and Prudent Parenting Standard;
- Preferences of the child's parent(s) or education decision maker(s)
- The child's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the child's sibling(s);
- Influence of the school climate on the child, including safety;
- The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- History of school transfers and how they have impacted the child;
- How the length of the commute would impact the child, based on the child's developmental stage;
- Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
- Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin

6. How well is the LEA meeting its required transportation responsibilities under federal and state laws?

Before assuming additional, optional transportation obligations, the LEA should review its compliance with existing laws to ensure it is meeting federal and state obligations. For example:

- How well is the LEA meeting the transportation needs of children and youth in foster care, particularly in light of ESSA amendments to the definition of “school of origin” and the identification of children and youth in foster care?
- Is the LEA currently providing comparable transportation services to all children and youth in foster care to attend their neighborhood schools, magnet/charter/alternative learning programs, and extra-curricular activities?
- How well is the LEA meeting the transportation needs of children and youth with disabilities?

7. What is the current availability of transportation resources in the LEA?

- Does the LEA have enough buses and bus drivers to provide services to children in foster care and students with disabilities currently?
- Does the LEA have enough buses and bus drivers to add children in foster care to their transportation procedures for the duration of time in foster care?
- Does the LEA have sufficient resources to add children in foster care to their transportation procedures for the duration of time in foster care?

8. ESSA defines when an LEA must provide transportation to the school of origin *if* there are additional costs incurred. How will it be determined whether there are additional costs?

Considerations should include:

- Under what circumstances does the LEA typically provide transportation to students?
- Is the student in foster care eligible for transportation from the LEA for some other reason, such as having a disability?
- How can the LEA calculate a standard cost of transportation for students who are not otherwise eligible for transportation, in order to calculate additional costs?
- How can the LEA estimate administrative costs involved in the logistics of providing transportation, such as additional staff time in coordinating transportation and informing other students on the bus when new bus stops change pick-up and drop-off times.

9. In circumstances when the LEA is providing transportation to children in foster care, how will the child welfare agency(s) inform the LEA about educational decision makers, changes in placement, changes in case worker, children needing to miss school for court---related and other reasons, and other logistical issues involved in providing transportation?

To facilitate timely sharing of information, LEAs and child welfare agencies may develop MOUs to establish procedures for information-sharing.

10. What are the cost-effective means of transportation available in the community that are appropriate for children in foster care of various ages, including:

- Case workers or foster parents providing transportation
- Public transportation (and how will young children be accompanied if using public transportation)
- Walking within a safe walk zone

11. Recognizing that often, children will be living in one LEA and attending their school of origin in another LEA, how are neighboring LEAs and local child welfare agencies involved in developing the procedures?

- Should there be unified procedures for all the LEAs and local child welfare agency(s) in a reasonable geographic region, such as within a single county or child welfare agency service area?
- If there are not unified procedures, how will it be determined which procedures apply to a particular student? Will it be based on where the student lives, attends school, or some other factor? Will the state provide guidance or regulations?

12. If the child welfare agency will reimburse the LEA for the cost of transportation, how and how often will that reimbursement occur?

- What procedures will be established to address any disputes about payment amount or timing?
- What procedures will be established to ensure students do not miss school due to disputes about payments?
- If the state offers transportation aid or reimbursement to the LEA, how will that impact how the LEA determines the amount of reimbursement?

13. If the LEA makes the decision to agree to share the cost with the child welfare agency, what specific procedures will be followed?

- How will the relative share of costs be determined?
- Will one party pay the full amount, and the other party reimburse for its share?
- What procedures will be established to address any disputes about payment amount or timing?
- What procedures will be established to ensure students do not miss school due to disputes about payments?

14. How should the procedures address students who are identified as “awaiting foster care placement” prior to December 10, 2016?

Will the transportation procedures developed under the local Title I plan dictate the provision of transportation for children identified as awaiting foster care placement during the first months of the 2016-17 school year? Depending upon the details of the Title I plan, it may be in the best interest of those students to be included in the new plan, or to be transported as formerly homeless students under the McKinney-Vento Act. The LEA should consider the pros and cons of each approach.

15. How can the LEA and/or the child welfare agency ensure school stability for children who have been removed from the home by the child welfare agency, but who are not placed in foster care?

In many cases, child welfare agencies arrange for relatives to assume temporary custody of children after removal rather than place them in foster care. Some of these children may be eligible for services under the McKinney-Vento Act. However, to maximize educational stability for all children removed from home by the child welfare system, these children should be part of the discussion between LEAs and child welfare agencies.

