

CHILDREN IN FOSTER CARE TRANSPORTATION PROCEDURES

School Transportation for Children in Foster Care Who Enroll in a District School other than the Child's School of Origin

When a child who is placed in foster care is enrolled in and attending a District school other than the school that is considered the child's school of origin under applicable law, the child will be entitled to the same transportation arrangements and options as are available to other District students who are not in foster care, but who are otherwise similarly-situated. If District-provided transportation is available to the child, the District will promptly arrange for such transportation so that transportation does not hinder the child's immediate enrollment.

School Transportation for Children in Foster Care Who Enroll in the Child's School of Origin

Applicable federal law requires school districts to develop procedures to ensure that children in foster care who need transportation to their respective schools of origin promptly receive that transportation, and to ensure that such transportation is arranged and provided in a cost-effective manner. Accordingly, when the District is notified that a child in foster care needs, or may need, transportation to a District school, the District's designated point of contact for the education of children in foster care, or his/her designee, will take steps to establish an individualized plan that addresses how transportation to maintain the child in his/her school of origin will be arranged, provided, and funded for the duration of time that the child is in foster care and attending the school of origin. In establishing such a plan, the District's foster care point of contact and other District staff will follow any written procedures that the District, acting in collaboration with one or more relevant child welfare agencies, has adopted or otherwise expressly agreed to implement.

When the District is notified that a child in foster care who resides (or who will soon reside) in the District will be attending a school of origin that is located in another school district, the District's designated point of contact for the education of children in foster care, or his/her designee, will participate in the transportation planning process for the child upon the request of a representative of a child welfare agency, a representative of the school of origin, or the child's agency-designated foster caregiver, or where such participation is otherwise required by law.

The District recognizes that in the absence of any separate state or federal transportation obligation that may apply in a specific situation, the federal law related to the educational stability of children in foster care establishes transportation-related obligations that are shared among the school district of residence, the school district of attendance (if different), and the applicable child welfare agencies.

If the procedures below conflict with any specific written agreement that the District reaches with a child welfare agency or other party, the specific written agreement shall govern the interactions involving the District and such agency or other party.

A. Transportation Planning when the School of Origin is Located in the District

1. A representative of the relevant child welfare agency or the child's agency-designated foster parent or adult caregiver should give clear notice to the District, as soon as practicable, that a child in foster care needs, or may need, transportation to a District school that is the child's school of origin. Such notice may be given in writing or verbally directly to the District's designated point of contact for the education of children in foster care, or in writing to the applicable building principal.
2. After the District receives notice of a new or pending foster care placement for which a District school would be considered the child's school of origin and for which the child needs or may need transportation, the District will promptly begin the process of establishing an individualized transportation plan.

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- a. The transportation plan for the child shall be established in consultation with appropriate representatives of the child welfare agency (such as the child's caseworker) and may also include obtaining input from others who may be involved in education or other decision-making for the child, such as the foster parent or other designated caregiver and any court-appointed special advocate (if applicable).
 - b. If the child does not reside in the District, or if the child will soon be placed and reside outside of the District, the District's point of contact for children in foster care shall work with the child welfare agency to involve appropriate representatives of the child's resident school district in transportation planning.
 - c. The District's point of contact for children in foster care may also involve other District staff as appropriate, including the District's transportation director and other administrators who may need to be involved in routing, contracting, and funding decisions.
 - d. When possible, transportation planning will begin in advance of any relevant change to the child's out-of-home placement and will occur in coordination with the consultation on the best interest of the child school placement decision.
 - e. When determining the best interest of the child, it is lawful for the relevant decision-makers to consider the proximity of the child's foster care placement to the location of the school, including the effect that particular transportation arrangements may have on the child's education and well-being. However, the cost of transportation may not be considered when determining which school enrollment is in a child's best interest.
 - f. If it is deemed necessary, the District may, to the extent practical, propose a short-term transportation strategy that may be used for a defined period of time so that the child can remain at the school of origin without interruption while the long-term plan for the child's transportation is finalized or while any funding disputes are resolved.
 - g. Under no circumstances shall transportation planning related to federal obligations for children in foster care supplant, to the extent applicable, any student's transportation-related rights under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.
3. In identifying and evaluating transportation options to the school of origin, participants in the planning process should evaluate and consider safety, cost effectiveness, reliability, and time and distance of the commute.
 4. The transportation plan for the child will normally be in writing and will normally include the following information:
 - a. A transportation strategy for providing transportation to and from the school of origin on school days, inclusive of identifying:
 - the mode(s) or method(s) of transportation,
 - the person or entity responsible for providing the transportation, and
 - if applicable, the person or entity who is responsible for making any specific arrangements that are necessary to the implementation of any method or mode of transportation.
 - b. Identification of any transportation options that may be available to facilitate the child's participation in after-school and extracurricular activities as applicable to the child, and a description of the District's role, if any, in relation to providing or arranging such options;

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- c. To the extent applicable, a description of how the child's school-related transportation will be funded, particularly when the planned transportation involves additional costs as defined under applicable laws and regulations;
 - d. Identification of any further approvals that must be obtained or any contracts or intergovernmental agreements that must be executed in order to implement the transportation plan;
 - e. A communication protocol that the District, representatives of the applicable child welfare agency, and other relevant persons (such as the child's foster parent) will use in order to:
 - address any questions or concerns that arise with the transportation plan (including considering possible adjustments to the child's transportation plan),
 - communicate to the District, as soon as possible, any relevant changes in the child's out-of-home placement that are relevant to the transportation plan, including prompt communication to the District from the child welfare agency who is responsible for the child's care and placement that there is a likely or imminent change in the child's status as a child who is in an out-of-home placement (e.g., that the child will be exiting foster care).
5. Signatures and approvals of written plans:
- a. Any written transportation plan must be signed by the District Administrator before it is considered approved by the District, and such District personnel shall ensure that they have sufficient authority to sign the transportation plan on behalf of the District. For example, if the plan will obligate District funds, such District personnel shall ensure that appropriate approvals for the expenditures have been secured, or that the plan expressly states that one or more contingencies remain that must be satisfied in order for the plan to take effect.
 - b. When a written transportation plan creates obligations on behalf of the child welfare agency that is responsible for the child's placement and care, such agency shall determine the individual(s) who have authority to obligate the agency and sign the plan on behalf of the agency.
 - c. If a written transportation plan includes shared responsibilities between the school district in which the child's school of origin is located and the school district in which the child is residing, signatures will be required by representatives from both school districts.

B. Transportation Planning when the School of Origin is Located in Another School District

1. When a child in foster care who resides in the District may require transportation to a school of origin that is located outside of the District, a representative of the relevant child welfare agency, a representative of the school of origin, or the child's agency-designated foster parent or adult caregiver should notify the District as soon as practicable if there is a need to involve the District in the transportation planning process. Notice may be given in writing or verbally directly to the District's designated point of contact for the education of children in foster care, or in writing to the applicable building principal.
2. Upon receiving notice, the District's designated point of contact for the education of children in foster care, or his/her designee, will participate in the transportation planning process for the child. Subject to any other written agreements with the other agencies that are involved in the transportation planning process, the District's employee or agent shall seek the development of a written transportation plan that includes substantially the same provisions and approvals as the plans that the District pursues when the child's school of origin is located in the District (see above).

C. Transportation Strategies

Applicable federal law requires procedures to ensure that children in foster care who need transportation to school promptly receive that transportation, and to ensure that such transportation is arranged and provided in a cost-effective manner that is reasonable under the specific circumstances. Examples of possible transportation strategies, methods, and arrangements include the following:

1. If the child in foster care is a child with a disability, the District will evaluate any relevant accommodations or specific transportation-related services that the child requires in relation to his/her disability (e.g., as provided in the child's Individualized Education Program (IEP)) and determine how to coordinate transportation planning in light of any such other rights and obligations.
2. To the extent permitted by applicable law, the child's designated foster parent(s) or other formally-designated caregiver may voluntarily agree to personally transport or otherwise personally arrange for the child's daily school-related transportation by exercising their lawful authority (e.g., by making decisions under the "reasonable and prudent parent" standard). If such a caregiver is willing to voluntarily provide or arrange for the child's transportation in whole or in part (e.g., on certain days) and does not currently desire District-provided or District-arranged transportation on such school days, the plan may provide for documentation that the child does not presently need District-provided or District-arranged transportation to the extent applicable. At any time, the caregiver may inform the District and the child welfare agency that he/she is no longer able to provide or arrange for the child's school-related transportation, and a new transportation plan will be promptly developed.
3. If the child's school of origin is also the school in which the child would normally be enrolled (based on the location where the child is currently living), and if the child's current residence is also a location for which a student would normally receive District-provided transportation to and from the school, then transportation will normally be arranged as it would be for any other student who would be attending the school and residing at that location.
4. Transportation planning may attempt to maximize the existing District transportation system by exploring ways that the child can be transported to a location on an existing bus route that serves the school of origin. This includes locations for which minor route adjustments can be made without adding appreciable cost or adversely affecting the operational function of the route (e.g., route timing).
5. Transportation planning may use or leverage other existing intra-district transportation options that allow children to be transported within the District, examples of which may include (1) any transportation options that may be offered to students who are attending a school outside of their normal attendance area; (2) any transportation options that permit students to be picked up or dropped off at locations other than their residence (e.g., at child-care providers); (3) transportation options already being used for students who are homeless, and (4) buses or other vehicles that are used to transport children receiving special education services.
6. When the child is not residing in the District, transportation planning will normally include coordinating with the school district in which the child is living to, for example, (1) provide transportation to a particular location that is, or that readily can be, served by both districts' transportation systems; or (2) seek permission for the District to provide transportation from within the resident school district's boundaries for a child who is attending the school of origin under public school open enrollment or under the tuition waiver granted by section 121.84(4) of the state statutes.
7. Transportation planning may involve consideration of making substantive modifications to existing District transportation routes (up to and including creating new routes).

8. Transportation planning may involve consideration of the use of public transportation (e.g., with the use of a public bus pass or transportation voucher) if reasonably available and otherwise appropriate for the specific child.
9. Transportation planning may involve consideration of any of the transportation methods permitted under sections [121.55\(1\)](#) and [121.555](#) of the state statutes, including by contracting with common carriers, taxi companies, or various other parties (such as school employees). To the extent applicable, the specific driver and vehicle must satisfy the requirements of sections [121.52\(2\)\(b\)](#), [121.53](#), and [121.555](#) of the state statutes.

D. Funding for Providing Transportation if Additional Costs Are Involved

If the transportation plan for a child in foster care involves additional costs, as defined/allowed under applicable state and federal laws and regulations, the plan will identify the means by which the child's transportation will be funded. Federal [non-regulatory guidance](#) issued by the U.S. Departments of Education (DOE) and Health and Human Services (DHSS) has stated that "additional costs" are generally any costs that are incurred to transport the child in foster care that exceed the amount the school district would otherwise spend to transport a student to his/her assigned school.

When the District is involved in preparing a transportation plan under these procedures, the District Administrator or his/her designee shall, upon request, identify an average transportation cost per pupil any time the participants in the planning process are considering a transportation option that is likely to involve qualifying additional costs

Under federal law, the District must provide transportation that involves additional costs if any of the following apply:

- The applicable child welfare agency agrees to reimburse the district for the cost of such transportation.
- The District agrees to pay for the cost of such transportation.
- The District and the child welfare agency agree to share the cost of such transportation.

Except to the extent that any law or regulation is enacted that provides specific and over-riding funding directives, the District will attempt to pursue, and may expressly agree with one or more child welfare agencies to mutually implement, the following priorities and options for funding any additional transportation costs:

1. Unless both the District and the applicable child welfare agency mutually agree that an alternative funding approach is more appropriate to the specific circumstances:
 - a. The District and agency will first prioritize the funding of additional costs of transportation through the use of any funding that is available under Title IV-E as federal foster care maintenance payments and/or as foster care administrative costs, to the extent applicable to the specific child's situation.
 - b. If the child is a child with a disability whose IEP specifies transportation as a necessary service, and if additional special education aid or other additional special education funding (potentially including Medicaid reimbursement) is available to the District that is directly attributable to the costs of transporting the child to his/her school of origin, and if such costs will not be otherwise funded under Title IV-E, then the District and agency will next prioritize covering such costs through such additional aid or funding, assuming that the District is the local educational agency that is financially responsible for providing any IEP-related transportation services or accommodations. For purposes of this paragraph, additional aid or additional funding means an amount of money that the District would not

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otherwise be entitled to receive and to use for another qualified purpose if the District were not providing the transportation in question.

2. If the use of Title IV-E funds and/or additional special education aid and funding, as outlined above, does not sufficiently address the funding of any additional costs of transportation, then the District and each applicable child welfare agency will evaluate and attempt to reach agreement on a means of funding the child's school transportation plan from specific sources, including but not limited to the following:
 - a. Other state and federal funding sources that represent additional funding that would not otherwise be available to the District or the agency, including any additional school transportation aid that may be available and attributable to the child's transportation;
 - b. Grants;
 - c. Cost sharing between the District and the child welfare agency (which may include, for example, the District using a portion of the District's available Title I funds, if allowable, to cover the District's designated share of the costs);
 - d. Cost sharing involving the school district of attendance and the school district where the child is living and any applicable child welfare agencies;

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