



## FOSTER CARE AND MCKINNEY-VENTO STUDENT TRANSPORTATION UNDER LIMITED IN-PERSON AND HYBRID INSTRUCTION

As districts move to Onsite and Hybrid instruction, it is important to acknowledge that we have a collective responsibility to maintain the educational stability for children in foster care as well as students who are homeless and provide these students with the same educational opportunities as their peers. This includes limiting educational disruption by keeping these children in their schools of origin.

School of origin is defined as the school the student was attending when they were placed in foster care, or the foster care placement changed, or when the student was identified as homeless. Any site where instruction is taking place, whether onsite, hybrid, or remote learning, is considered a school. Additionally, transportation to and from all types of learning sites, upon request, are allowed under the McKinney-Vento and Every Student Succeeds Acts. Examples of learning sites may include child care centers, YMCA, Boys and Girls Club, and other non-school building locations.

School leaders can serve as a source of stability and support for our students, particularly when a student's housing or home life are in transition. Access to transportation is a critical component to providing that stability and ensure our students have consistent education. The following outlines the responsibilities of the State Education Agency (SEA) and District (LEA) providing transportation support for our students, as determined in the Every Student Succeeds Act<sup>1</sup> and/or the McKinney-Vento Act.<sup>2</sup>

### Responsibilities of the State

- An SEA and its LEAs must ensure that a student in foster care or experiencing homelessness is enrolled or remains in their school of origin unless a determination is made that it is not in the child's best interest.
- The SEA and its LEAs will adopt policies and practices to ensure that transportation is provided, and funded, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin or alternate learning site as indicated above.

### Responsibilities of the District

- (MV & FC) Continue school of origin considerations, regardless of instructional model.
- (FC) Send school notification and transportation request forms directly to the District Foster POC.
- (FC) Coordinate and communicate a plan for immediate enrollment of students in foster care, particularly in distance learning.
- (FC) Collaborate with ODE and ODHS to ensure that transportation is provided, arranged, and funded, for the duration of the child or youth's time in foster care. This also applies to students in trial reunification cases.
- (MV & FC) Develop and implement clear written procedures governing how transportation is to maintain children in foster care or students who are homeless, in their school of origin.
- (MV & FC) Coordinate arrangements and reimbursement of services if there are additional costs incurred in providing transportation to/from the school of origin.

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<sup>1</sup> ESEA section 1111(g)(1)(E)(i) and ESEA 1112 (c)(5)(B)).

<sup>2</sup> McKinney-Vento Act Section 722(g)1(J)iii

- (MV & FC) Provide transportation to/from the child or youth's school of origin within or outside of the district, even if this transportation is not provided to other students (e.g., charter schools, walking zone residents).
- (MV) Develop a method to apportion responsibility and costs for inter-district transportation. If the LEAs involved are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

#### Examples of No or Low Cost Transportation

- A stop may be added or an already-existing bus route may be modified.
- The child may be dropped off at a school bus stop near the existing transportation system for the school of origin.
- No-cost public transportation options when the child is old enough or has the skills to use such options.
- Foster parents or other family member(s) are willing and able to transport the child to school at no additional cost (e.g., on the adult's existing commute).
- The child may use 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 the McKinney-Vento Act.
- The child is eligible for transportation under another entitlement such as the IDEA.
- Type 10 Licenses for district staff to transport students.
- Taxis or other contracted private transportation services, when compliant with Type 10 regulations.
- Charter Bus, when compliant with Special Pupil Activity Bus (SPAB) regulations.
- Reimbursement to parents, guardians and students for auto transportation.

#### Resources

1. [U.S. Department of Education Foster Care page](#)
2. [Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care](#)
3. [Oregon Department of Education: Companion Guidance, Ensuring Equity and Access](#)
4. [American Bar Association: Center for Children and the Law: Legal Center for Foster Care and Education](#)
5. [National Center for Homeless Education](#)
6. [Oregon Department of Education's Pupil Transportation page](#)
7. [Oregon Administrative Rules regarding Pupil Transportation](#)