

**ODE Guidelines for School District/School of Origin:
Developing Transportation Procedures
For Students in DHS/Child Welfare Custody under ESSA**

Under Every Student Succeeds Act (ESSA), school districts have new responsibilities for educating students who are in the custody of DHS/Child Welfare (foster student). In particular, ESSA includes a new requirement aimed at improving the educational stability for foster students.

Transportation procedures must ensure that students in foster care needing transportation to their school district/school of origin will promptly receive transportation and that this transportation is provided for the duration of the student's time in foster care.

This document is intended to:

- Assist school districts in understanding their obligations under ESSA regarding transportation for foster students to their school district/school of origin;
- Outline the necessary steps to take when implementing ESSA's transportation requirements; and
- Assist in developing individual foster student school district/school of origin transportation plans.

Questions to Guide Development of ESSA's Local Transportation Procedures

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

Since ESSA requires school districts to collaborate with the state and/or local DHS agencies, the school administrators should document efforts to collaborate. The procedures governing school district/school of origin transportation for children in foster care are a part of the school districts Title I plan.

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 McKinney-Vento staff, as well as the transportation director. It is also appropriate to involve school district leadership, including the superintendent and school board.

2. What are the legal requirements for DHS to ensure educational stability of children in foster care?

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires DHS 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 DHS to ensure the placement of children in foster care takes into account the proximity of the placement to the child's school district/school of origin and to coordinate with school districts to ensure that a child can remain in the school district/school of origin.

Conversations between school districts and DHS should begin with an assessment of the processes in place to promote school stability and placement proximity, as well as a discussion of additional steps DHS and school districts could take to minimize separations of children from the communities and the need for long commutes.

3. Are ODE and DHS accessing federal and state child welfare funds to provide transportation to the school district/school of origin?

Yes, ODE is working with DHS to access funds through Title IV-E to reimburse school districts of origin for the non-reimbursed cost of providing transportation for foster students to their school district/school of origin.

4. Does the state have laws in place regarding transportation responsibilities for children in foster care?

Yes, ORS 339.133 states (revised during 2017 Legislative Session)

(4)(a) An individual who is between the ages of 4 and 21 and who is placed in foster care shall be considered a resident of:

- (A) The school district of origin; or
- (B) The school district where the individual resides due to placement by the Department of Human Services or a tribal child welfare agency if a juvenile court determines it is not in the best interest of the individual to continue attending the school of origin or any other school in the school district of origin, based on consideration of all factors relating to the individual's best interests.

(b) If a juvenile court makes a determination that it is not in the best interest of the individual to continue attending the school of origin, the individual shall be immediately enrolled in a new school, even if the individual is unable to produce records normally required for enrollment.

(c) Individuals who are residents of their school district of origin pursuant to paragraph (a)(A) of this subsection shall:

(A) Remain in the individual's school district of origin and, if applicable, the individual's school of origin for the duration of the individual's time in foster care; and

(B) Be provided, free of charge, transportation between the individual's home and the individual's school district of origin or, if applicable, the individual's school of origin.

(d) The Department of Education, the Department of Human Services, tribal child welfare agencies and school districts shall collaborate to ensure that the provisions of this subsection are implemented.

Under ORS 339.133, the school district of origin is responsible for developing and providing transportation between the student's foster home and the student's school district/school of origin. ODE and DHS are responsible for the non-reimbursed transportation cost associated with providing transportation for a foster child to the school district/school of origin.

School District of Origin Transportation Plans: Elements to Consider

Transportation plans should take into account the unique situation for each student in foster care requiring transportation to the school district/school of origin.

Based on the age of the student, cost-effective means of transportation to consider could include:

- Existing public school bus routes
- Public transportation
- Taxis or other private transportation services
- Walking within safe walk zone(s)
- Foster parent provides transportation to/from school of origin

Transportation procedures must ensure that:

- Students in foster care needing transportation to maintain attendance in the school district/school of origin will promptly receive that transportation in a cost effective manner.

Timeline of implementation:

- DHS must notify the school district/school of origin of a student's placement into foster care or a change in the child's foster care living arrangement within one day of the event.
- The district should assess how quickly transportation from a child's foster care placement to the school district/school of origin can be put in place and identify any gap in services that require an interim transportation plan.
- There should be no delay if a student can be served by an existing bus route.

Duration and changes in a student's transportation needs:

- Transportation to the school district/school of origin must be provided for the duration of the foster student's time in foster care.
- DHS should notify the school district/school of origin within one school day if there is a change in the student's foster care placement that requires adjustment of transportation needs.

School activities beyond classes:

- Districts 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 even if transportation is not provided for other students.

Coordination with other school districts:

- In some cases, providing transportation for foster students to the school district/school of origin by collaborating with other school districts in the area may be cost efficient. In these cases, the school district of origin would be reimbursed by ODE. The local school districts would determine whether to develop any other fiscal arrangements.

McKinney-Vento Act and IDEA:

- 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.
 - Children who have transportation written into their individualized education programs (IEPs) because of 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.

Preschool students within the district:

- If a district offers public preschool education, the district must meet the ESSA requirements for foster students in preschool. ESSA requires that schools district ensure that a child in foster care remains in the preschool of origin.

**School District of Origin Transportation Plans:
Procedures to Consider**

STEP 1:

School district/school of origin documents a process to identify which students in foster care require transportation to maintain attendance in the school district/school of origin.

STEP 2:

DHS child welfare caseworker submits a DHS Foster Care Student Placement: Notification form to the school Foster Care Point of Contact at the foster student's school district/school of origin.

STEP 3:

DHS child welfare caseworker submits a Foster Student School District of Origin Transportation Request form to the Foster Care Point of Contact at the foster student's school district/school of origin.

STEP 4:

School district/school of origin documents in writing how transportation will be provided in order for a foster student to maintain attendance in the school district/school of origin. ESSA mandates that districts provide transportation in a timely and cost-effective manner within **five school days** of placement into foster care or a change of foster care placement.

STEP 5:

Foster Care Point of Contact notifies the foster parent of the school district/school of origin transportation plans.

STEP 6:

School district of origin establishes the cost for providing transportation to the foster student's school district/school of origin. Cost calculation must conform to the guidance provided in Oar 581-023-0040. 581-023-0040(4). ODE will provide additional guidance in this area soon.

STEP 7:

School district of origin submits the Foster Student School District of Origin Transportation Cost ODE Reimbursement Form to ODE for the non-reimbursable cost of providing transportation to student's school district/school of origin on a quarterly basis. **ODE to provide guidance soon.**