

# FOSTER CARE TRANSPORTATION GUIDANCE

## District Resource

Updated January 2025





## FOSTER CARE TRANSPORTATION

### Transportation

Transportation is a critical component of educational stability, to help students remain in their school of origin. To facilitate transportation for foster care students, the LEA must collaborate with ODE and ODHS to ensure that transportation is provided, arranged, and funded, for the duration of the child's time in foster care. ESEA 1112 (c)(5)(B)

Per the Every Student Succeeds Act (ESEA) of 2015, State educational agencies (SEAs) hold specific responsibilities aimed at supporting the educational rights and opportunities of students in Foster Care; this also falls within requirements established under [Title I, Part A \(Title I\) of the Elementary and Secondary Education Act of 1965 \(ESEA\)](#). These rights include access to immediate enrollment in schools regardless of access to records or additional requirements, free transportation to and from school, access to free meals services, and support engaging in academically and socially enriching activities offered by their school district. These rights include access to immediate enrollment in schools regardless of access to records or additional requirements, free transportation to and from school, access to free meals services, and support engaging in academically and socially enriching activities offered by their school district.

Within this context, Foster Care is defined as substitute care for children placed by the Oregon Department of Human Services (ODHS) or a tribal child welfare agency away from their parents and for whom the department or agency has placement and care responsibility, including placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes.

### Title I-A Requirements

Title I funds, available to LEAs, may be used to pay additional costs needed to transport children in foster care to their schools of origin. Please note, however, that funds reserved for comparable services for homeless children and youth under Section 1113(c)(3)(A)(i) of ESEA may not be used to provide transportation for foster care youth.

Even if an LEA does not offer and/or provide transportation to children who are not in foster care, it must ensure that transportation is provided to children in foster care. ESEA 1112 (c)(5)(B)



Title I-A of the Every Student Succeeds Act (ESSA) requires State Educational Agencies and Local Education Agencies to support the educational rights and opportunities of students in Child Welfare or Tribal Foster Care. Student rights and services include:

- Remain in their School of Origin
- Immediate Enrollment regardless of access to records or additional requirements
- Records Transfer
- Access to Free Meals
- Free Transportation to and from school
- State and Local Points of Contact to ensure student rights and services are made available.

### **Determination of Residence: [ORS 339.133](#)**

#### **School Stability and Student Success**

The Every Student Succeeds Act provides all children and youth in foster care with core protections for school stability and school access. Additionally, the passage of the Fostering Connections Act of 2008 was a significant step towards supporting the importance of school stability for children in foster care in Federal law. The legislation requires child welfare agencies to collaborate with educational agencies to keep children in foster care in the same school when living placements change, if remaining in that school is in their best interest. Students who are in foster care are eligible to have the right to school of origin transportation, even if the school is in the same district as where they reside. Due to the pandemic, school buildings may be closed or not be accessible on specific days for students. Students may need continued support and access to their learning through day care centers and other non-school sites who may be open to students as safe learning spaces. Foster care students who participate in online instruction and access learning while at these sites, whether during, before, or after the regular school day, are entitled to transportation similar to that received to a regular school of origin. Below are the considerations to take when determining school of origin:

- School in which the child is enrolled at the time of placement
- Child must remain in the school of origin until a best interest finding is made
- If the child's foster care placement changes, the school of origin is the school in which the child is enrolled at the time of the placement change.
- Child welfare caseworker provides the school transportation form with school of origin information and best interest finding, as it applies, to the school district Foster Care Point of Contact.
- Child welfare caseworker will develop the transportation plan in collaboration with the LEA POC when school notification is provided. This should occur as soon as possible of the student being placed in foster care child welfare custody.
- Best Interest Finding is ONLY needed for changing school of origin



Be sure to reference the U.S. Department of Education's [Ensuring Educational Stability and Success for Students in Foster Care - Non-Regulatory Guidance \(Nov 2024\)](#) for further support.

## ODHS Collaboration

An LEA must collaborate with the local Oregon Department of Human Services (ODHS) caseworkers and offices to develop and implement clear written procedures governing how transportation will be provided, arranged, and funded to keep foster care students in their schools of origin, when in their best interest.

Contact the local ODHS office in your county when questions arise while developing your district transportation plan. An ODHS caseworker should be included in the development of individual student plans.

- [ODHS County Branch Offices](#)
- [Oregon School Directory](#)
- [Oregon Districts by Region](#)

## Transportation for Voluntary Placement in Substitute Care - [OAR 413-020-0070](#)

Under a Voluntary Placement Agreement, the parent or legal guardian retains legal authority over the child and is obligated to continue to exercise and perform all parental authority and legal responsibilities. Transportation for children voluntarily placed in substitute care when the parent is the legal and/or custodial guardian is provided and the child shall be considered a resident for the school purpose in the school district in which the child resides.

## Resources & References

- [ODE Guidelines for Developing Transportation Procedures](#)
- Approved Transportation Costs - [OAR-581-023-0040](#)
- Pupil Transportation - [Type 10 Vehicle Activity Manual](#)
- [Transportation for Students in Foster Care: A Legal and Practical Reference Tool](#) - Schoolhouse Connection
- [ODE Foster Care webpage](#)
- [ODE Foster Care FAQs](#)
- [ODE Pupil Transportation webpage](#)
- [ODE / ODHS Foster Care Technical Assistance Manual](#)
- [DHS & ODE Education Notification & Transportation Process](#)
- [ODHS Foster Care Website](#)
- [2023-2024 ODHS Child Welfare Back to School Updates](#)