

Developing Transportation Procedures For Students in ODHS | Child Welfare Custody under ESSA

ODE Guidelines for School District/School of Origin

What the Law Says

Under Every Student Succeeds Act (ESSA), school districts have new responsibilities for educating students who are in the custody of ODHS/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, including changes in placement.

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 district transportation procedures?

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

To ensure the procedures are appropriate and reasonable, the Title I Director should consult and coordinate with other federal programs, including Special Education and McKinney-Vento staff, and 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 ODHS to ensure the educational stability of children in foster care?

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires ODHS 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 ODHS to ensure that 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 ODHS 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 ODHS and school districts could take to minimize the separation of children from their communities and the need for long commutes.

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

Yes, ODE is working with ODHS 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.

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

Yes, Oregon Revised Statute [\(ORS\) 339.133](#), Determination of Residence 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 ODHS 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

School District | School of Origin transportation plans should consider the unique situation of each foster care student who requires transportation.

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

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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

- ODHS 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 implemented 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 Student 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.
- ODHS 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 for providing transportation for extracurricular activities, such as summer education programs, sports, tutoring, and other 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 Individuals with Disabilities Education Act ([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 with individualized education programs (IEPs) with transportation outlined to accommodate their special education needs.

An obligation of a district to provide transportation as part of a child's IEP as a "Related Service" under IDEA takes precedence and 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 school districts ensure that a child in foster care remains in the preschool of origin.

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Procedures to Consider

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.
2. **ODHS Child Welfare caseworker** submits an [ODHS Foster Care Student Placement: School Notification Form](#) to the Foster Care Point of Contact at the foster student’s school district/school of origin.
3. **ODHS 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.
4. **School District |School of Origin** documents in writing how transportation will be provided 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.
5. **District Foster Care Point of Contact** notifies the foster/resource parent of the school district/|school of origin transportation plans.
6. **School District of Origin** establishes the cost of transportation to the foster student’s school district |school of origin. The cost calculation must conform to the guidance provided in OAR 581-023-0040-581-023-0040(4).

See: [ODE Pupil Transportation and Fingerprinting](#)

- [ODE Oregon Administrative Rules](#) –
 - OAR [581-023-0040](#) Approved Transportation Costs for Payments from the State School Fund
7. School district of origin submits the [Foster Student School District of Origin Transportation Reimbursement Form](#) in the [ODE Foster Care Transportation Reimbursement Submission Portal](#) for the non-reimbursable cost of providing transportation to the student’s school district | school of origin every quarter, following the state grant reimbursement schedule.

Reimbursement Schedule

Quarter	Service Dates	Due Dates for District Form Submission
Q1	Jul 1 - Sep 30	2nd Friday in Nov
Q2	Oct 1 - Dec 31	2nd Friday in Feb
Q3	Jan 1 - Mar 31	2nd Friday in May
Q4	Apr 1 - Jun 30	2nd Friday in Aug

8. Once reviewed and approved by ODE, ODHS is invoiced. Once ODE receives payment, funds are populated in the grant management system, and district Fiscal contact is notified, and funds can be claimed. Further details on this process can be found in the [ODE Foster Care Student Transportation Reimbursement Manual](#).