

**GUIDANCE:
LOCAL EDUCATIONAL AGENCY TRANSPORTATION PROCEDURES
For Students in Foster Care**

Under ESSA, local educational agencies (LEAs) are required to provide assurances that they will collaborate with State or local child welfare agencies (CWAs) in the following ways:

- Develop and implement clear written procedures for how transportation will be provided, arranged, and funded for the duration of time students are in foster care;
- Ensure that students in foster care will promptly receive transportation in a cost-effective in accordance with the Fostering Connection Act; and
- Ensure that if there are additional costs incurred in providing transportation to maintain children in foster care in their school of origin (SOO), that the LEA will provide transportation to the SOO if:
 - the local CWA agrees to reimburse the LEA for the cost of such transportation;
 - the LEA agrees to pay for the cost of such transportation; or
 - the LEA and the local CWA agree to share the cost of such transportation.¹

How to use this document:

The following is intended to provide assistance to LEAs in the course of their collaboration with CWAs in developing and implementing a Transportation Procedure for students in foster care.

What to consider and/or include in the development of each Transportation Procedure:

As part of your LEA’s respective transportation plan, below are the individuals to consider identifying in the development of your Transportation Procedures:

Title/Role of Participant in Plan Development	Name of Participant
Title I Director/Coordinator	
LEA Point of Contact (POC)	
LEA DCFS Liaison, as permitted by 105 ILCS 5/10-20.58, if any	
LEA representative that oversees transportation	
CWA POC	
Other (i.e. representative from social services, student	

¹ 20 U.S.C.A. §6312(c)(5)(B)(i)-(ii)(I)-(III); “Ensuring Educational Stability for Children in Foster Care: Transportation Procedures,” U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, 5 (August 31, 2016)

services/pupil services, special education, etc.)	
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[Insert School District /Charter School Name]² Transportation Plan for Students Placed in Foster Care

Language to be Included:

“Foster care students shall be transported in accordance with Section 6312(c)(5)(B) of the Elementary and Secondary Education Act.”

Suggested Sequence of Events:

- When a student is placed in foster care or changes residence while in foster care, the CWA worker assigned to the student, notifies the child’s current school. If the child moves to a new residence and is not in the same school zone, the foster care POC is notified and invited to participate in the Best Interest Determination (BID).
- The CWA worker, foster care POC, and other essential members of BID share information on the appropriateness of the current educational setting. The CWA takes into account this information and the distance from potential placements to the child’s current school in the decision making process
 - The SOO transportation designee identifies potential ways that the child could be transported (see list of options below). This information is given to the foster care POC to include in the BID.
- If the BID decision is that the student will remain in the current school, the foster care POC notifies the SOO transportation designee, who then assists the CWA worker in arranging transportation to and from school.³

Options to Consider:

The following factors should be considered when developing the Transportation Procedures for a foster care student:

- Safety;
- Duration;
- Time of placement change;
- Type of transportation available;
- Traffic patterns;
- Flexibility in school schedule;
- Impact of extracurricular activities on transportation options; and
- Maturity and behavioral capacity.⁴

² “Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care,” U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, 19 (June 23, 2016)

³ “Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care,” U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, (June 23, 2016)

⁴ “Ensuring Educational Stability for Children in Foster Care: Transportation Procedures,” U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, 17, 28 (August 31, 2016)

The following low cost/no cost options should be considered when developing the Transportation Procedure for a student in foster care:

- A pre-existing transportation route;
- A new transportation route;
- Route-to-route hand-offs;
- District-to-district boundary hand-offs;
- Eligibility of the child for transportation through other services such as:
 - Special education students (Individuals with Disabilities Education Act); or
 - Homeless students (McKinney-Vento Act).
- Alternatives not directly provided by [Insert School District /Charter School Name] such as:
 - Contracted services: taxis, student transport companies, uber, lyft, etc.;
 - Public transportation such as city buses, rails, etc. ; and
 - Carpools; or
 - School/District staff.
- Options explored by the CWA worker outside of those provided by the school district, such as reimbursing the foster parents for transportation costs, or including transport in contracts with licensed child placing agencies or group homes.⁵

Funding Options:

1. Title IV-E (however, consider that all children in foster care may not be eligible, tribal foster children may be eligible, and the State CWA is responsible for the non-federal portion);⁶
2. Title I (but funds reserved for comparable services for homeless children & youth may not be used for transportation);⁷
3. If the student has an Individual Educational Program (IEP) that includes provisions for specialized transportation, transportation must be provided by the school district responsible for the student's Free Appropriate Public Education (FAPE). Based on Illinois' special education regulations, any alternative special education placement, whether public or private, assumes specialized transportation is part of the IEP and must be provided for the student to receive FAPE.⁸

Process to Consider if Agreement Cannot Be Reached⁹

The student must remain in his/her school of origin while any dispute regarding transportation costs are being resolved.¹⁰

⁵ "Ensuring Educational Stability for Children in Foster Care: Transportation Procedures," U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, 12, 23, 24 (August 31, 2016)

⁶ "Ensuring Educational Stability for Children in Foster Care: Transportation Procedures," U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, 13 (August 31, 2016)

⁷ "Ensuring Educational Stability for Children in Foster Care: Transportation Procedures," U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, 13 (August 31, 2016)

⁸ 105 ILCS 5/14-1.02 and 14-13.01(b); 23 Ill Admin Code, Section 226.750(b)

⁹ "Ensuring Educational Stability for Children in Foster Care: Transportation Procedures," U.S. Department of Education and U.S. Department of Health & Human Services, 14 (August 31, 2016)

Where to Maintain your Transportation Procedures:

Each LEA should have on file [some version of the above methodology for addressing individual foster care transportation needs].

Additional Resources and support can be found at: <http://www.isbe.net/Pages/Foster-Care.aspx> or by contacting foster@isbe.net

¹⁰ “Ensuring Educational Stability for Children in Foster Care: Transportation Procedures,” U.S. Department of Education and U.S. Department of Health & Human Services, 14 (August 31, 2016)