Foster Care and Homeless Transportation

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Every Student Succeeds Act (ESSA)

In 2017, OCFS worked closely with SED as they developed NYS’ ESSA plan.

Implications for youth in care:

- making a best interest determination
- educational liaisons
- data sharing
- transportation plans
Foster Care Toolkit
Rationale for the Toolkit

When children are faced with imminent danger to life or health or in an abusive environment LDSS places the child in foster care.

Children in foster care face a disruption of relationships and the data shows a decrease in their educational success.

To limit these impacts the toolkit seeks to use the Best Interest Determination.
Purpose for the Toolkit

Clarify the requirements of local school districts including charter schools (LEA) and local departments of social services (LDSS).

Provides guidance and resources which will assist the LEA and LDSS to meet these requirements while ensuring the educational stability of students in foster care.
## Toolkit Overview

| School Stability | Ensure students in foster care attend school that is determined to be in their best interest.  
| *Cost of school transportation IS NOT to be a factor* |
| Related Services | Ensure transportation to that school is provided and, if school changes, immediate enrollment and transfer of school records. |
| Standard Processes | Create a standard process which will assist LEA and LDSS to meet students’ needs quickly, effectively, and sensitively. |
Purpose of the MKV Program

The MKV program addresses the problems that homeless children and youth have faced in enrolling, attending, and succeeding in school.
Eligibility

Children who lack a fixed, regular and adequate nighttime residence—

- Sharing the housing of others due to loss of housing, economic hardship, or similar reason
- Living in motels, hotels, trailer parks, camping grounds, or cars
McKinney-Vento Key Provisions

- School Stability
- Feasibility
- School Selection
- Transportation
- Resolution of Disputes
- Homeless Unaccompanied Youth
- Preschool-Aged Children
- Access to Services
- Segregation
- Title I
Foster Care Transportation
Local Transportation Agreement Between School Districts and Local Districts’ Social Services

Renewed every 2 years

Outlines local transportation procedures

Lists key contacts for foster care issues

Outlines information to be provided by the school district for the Best Interest Determination to be made by the LDSS.

*Transportation agreements must be agreed to between an LEA and its county LDSS(s), as well as with any other LDSS that has children in its care and custody attending school within the LEA.
3244-4a: ...Any cost incurred for such transportation that is allowable up to fifty miles each way

3244-4b: ...such school district shall provide transportation to such child on the same basis as a resident student

3244-4: Excess allowable transportation costs... shall be shared...equally. Excess transportation costs shall mean the difference between what a school district otherwise would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care
Securing the Figures

District of attendance will need to tabulate the transportation cost of a child who is being transported to the school.

District of attendance will need to tabulate and track the transportation cost of each child in foster care.

District of attendance will provide the LDSS with an itemized accounting of the cost.
Transportation Cost

The LDSS and the LEA will split the remaining costs (50/50) after deducting the following from the total cost:

1. The cost of what the school district would otherwise spend to transport a non-foster care student to their assigned school;

2. The amount received in state transportation aid for miles travelled up to 50 miles.
Homeless Transportation
School Of Origin

“School of origin” definition:
The school that a child or youth attended when permanently housed or the school in which a child or youth was last enrolled, including preschool.

MK-V Act Section 722(g)(3)(I)(i)
McKinney-Vento Transportation

LEAs must provide students experiencing homelessness with transportation to and from their school of origin, at a parent’s or guardian’s request (or at the liaisons request for unaccompanied youth).

Even if the LEA does not provide transportation to any of their other students, the LEA must still provide transportation assistance to their homeless students.
McKinney-Vento Transportation

LEAs must provide transportation to and from the school/preschool of origin, including until the end of the year when the student obtains permanent housing, at a parent or guardian’s request (or at the liaison’s request for unaccompanied youth).

11432(g)(1)(J)(iii); Guidance J5
McKinney-Vento Transportation

Up to 50 miles one way

Responsibility of the home district the child resided in prior to homelessness

Responsibility of DSS if the child was placed in emergency housing.

Ed Law Section 3209 and Section 100.2(x) of the Commissioner's Regulations
Thank You

Visit our website –

Contact our office –
Phone: 518-474-6541
email: transportation@nysed.gov