

TRANSPORTATION OF
STUDENTS IN FOSTER
CARE

The Every Student Succeeds Act (ESSA) addresses additional protections for students in foster care and establishes a system of joint responsibility for school districts, the state education agency, and the state and local child welfare agencies to ensure the educational stability of students in foster care. [See TEA's Foster Care and Student Success website at <http://tea.texas.gov/FosterCareStudentSuccess/> and the U.S. Department of Education and Health and Human Services' *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* at <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.]

ESSA requires each Texas school district to collaborate with the Texas Department of Family and Protective Services (DFPS) to develop and implement clear, written procedures for how transportation to maintain a student in foster care in his or her school of origin (unless it is not in the student's best interest) will be provided, arranged, and funded. The procedures must ensure that the transportation will be provided promptly, in a cost-effective manner, in accordance with federal child welfare Title IV-E funding requirements [section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A))], and ensure that if there are any additional costs incurred in providing transportation to maintain the student in his or her school of origin, the district will provide the transportation if:

- The child welfare agency agrees to reimburse the district for the additional costs;
- The district agrees to pay the additional costs; or
- The child welfare agency and district agency split the additional costs.

By December 10, 2016, and annually thereafter as directed by TEA, each school district must provide an assurance to TEA in the district's Title I Plan and eGrants application that the district has transportation procedures meeting the above requirements.

DEFINITIONS

ADDITIONAL COSTS

Additional costs reflect the difference between what the District would spend to transport a student to the assigned school and the cost of transporting a student in foster care to his or her school of origin. Title I, Part A funds may be used to pay for additional transportation costs in Title I districts.

SCHOOL OF ORIGIN

The school of origin is the school in which a student is enrolled at the time of placement in foster care or a change in placement. A student in foster care is entitled to remain enrolled in his or her school of origin unless it is determined not to be in the student's

best interest to stay at that school. Texas law allows a student in foster care to remain at the school of origin through the highest grade level offered by that school, even if the student exits foster care.

BEST-INTEREST
DETERMINATION

DFPS makes the final decision regarding whether it is in a student's best interest to remain in the school of origin. District staff may be asked to provide information on the "educational best interest" of the student to support education decision-making based on what is best for the student academically, including social and emotional development. [See FFC(EXHIBIT) for educational best-interest factors.] The federal *Non-Regulatory Guidance* provides a list of factors that should be considered in determining the student's educational best interest. Transportation costs or funding cannot be considered as a factor in making the best interest determination.

DISTRICT FOSTER
CARE LIAISON

The District foster care liaison is a District employee who facilitates the enrollment in or transfer to a public school of a student in the District who is in the conservatorship of the state. The District's foster care liaison is considered the designated point of contact for collaboration with DFPS on transportation procedures.

The District has designated the following staff person as the District foster care liaison in the TEA AskTED system:

Name: Jennifer Jones or designee

Position: Title I Specialist

E-mail: jjones03@sisd.net

Address: 12440 Rojas Dr. El Paso, Texas 79928

Telephone: 915-937-1605

FOSTER CARE

Foster care means 24-hour substitute care for children placed away from their parent or guardian and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, homes of relatives and kin, group homes, emergency shelters, residential facilities, child-care institutions, and pre-adoptive homes.

CHILD WELFARE
AGENCY

In Texas, the DFPS is the relevant child welfare agency for collaboration on transportation procedures. Child Protective Services (CPS) is the division of DFPS that works with districts on issues related to students in foster care.

CHILD WELFARE
CONTACT

A district receiving Title I, Part A funds must collaborate with the DFPS-designated contact, including efforts to develop transportation procedures, if DFPS notifies a district, in writing, that the agen-

cy has designated an employee to serve as a point of contact for the district. The CPS Regional Education Specialists and the CPS Service Program Administrators will serve as the points of contact in each region. Contact information for these individuals will be published on the DFPS, Child Protective Services webpage at https://www.dfps.state.tx.us/Child_Protection/State_Care/education.asp.

TITLE IV-E FUNDS

The Social Security Act allows federal child welfare Title IV-E funds to be used for food, clothing, shelter, and reasonable travel for the student in foster care to remain in the school in which the student is enrolled at the time of placement. These funds are part of the caregiver reimbursement rates for children placed in a foster home; however, children in foster care who are placed with a relative or kin may not be eligible for Title IV-E funds. Because there is currently not a mechanism for direct reimbursement or distribution to school districts of Title IV-E funds, districts are encouraged to consider other funding mechanisms for additional transportation costs to the school of origin.

GENERAL
TRANSPORTATION
PROCEDURES

To ensure that transportation is provided promptly when it is determined that a student in foster care will remain in the school of origin, the District has developed the following transportation procedures. These procedures will guide the development of an individual transportation plan for a student needing transportation to his or her school of origin. The district must ensure transportation is provided to the school of origin while any disputes regarding additional costs are resolved.

In developing these procedures, regular meetings were held with members of the regional Foster Care Education Coalition (FCEC). The members include, but are not limited to, Region 19 Education Service Center staff; School District Foster Care Liaisons; Region 10 CPS Education Specialist; CPS Program Administrators; and Foster Care Placement Agencies. The procedures for submitting transportation requests by DFPS to the district were adopted by the FCEC on November 15, 2016.

The following District staff was involved in the development of these procedures: State and Federal Programs Director, Special Education Director, Assistant Superintendent for Administrative Services, Chief Academic Officer, Transportation Director, Chief Financial Officer, and Foster Care Liaison

FUNDING
STRATEGIES

The District and DFPS have identified the following funding options that may be implemented if additional costs to transport a student in foster care to the school of origin are determined:

- Cost sharing between the school district of attendance and the school district where the student is living;
- Use of the District's Title I funds;
- Use of Medicaid reimbursements if an IEP for a student receiving special education services will include transportation as a related service;

TRANSPORTATION
STRATEGIES

The following transportation strategies may be considered in achieving transportation to a student's school of origin:

(Adjust the items below to include those agreed upon by the District and DFPS. Consider any strategies that have been used successfully to transport students who are homeless to and from their school of origin and effective practices currently used to share transportation costs with neighboring districts, community partners, or others.)

- *DFPS will contact the District Foster Care Liaison*
- *The District Transportation Department will receive a request via email from the Foster Care Liaison*
- *The District Transportation Department will develop the transportation plan by determining the route, collaborating with area districts (if necessary), providing the bus number(s) and pick-up / drop-off times to the District Foster Care Liaison*
- *DFPS and the CPS Education Specialist will accept or deny the plan based on the student's best interest*
- *If the plan is denied, DFPS will determine where the student will enroll in school*
- Using existing intra-district transportation options that allow students to be transported within the District, such as routes for students who are homeless, students attending magnet programs, or students receiving special education services (this option may require the addition of a bus stop on an existing route or that an existing route be rerouted to accommodate the transportation needs);
- Evaluating whether an IEP for a student receiving special education services will include transportation to the student's special education program at the school of origin as a related service;
- Adding a District transportation route; or

INDIVIDUAL
TRANSPORTATION
PLAN

Unless DFPS determines that it is not in the best interest of a student in foster care to remain in the school of origin, the District foster care liaison will take steps to promptly collaborate with relevant DFPS staff, including the DFPS child welfare contact, on how transportation to the school of origin will be provided, arranged, and funded.

When possible, and to allow for adequate consideration of the student's needs, individual transportation planning will begin in advance of placement changes and will occur in coordination with the consultation on the student's educational best interest. [See FFC(EXHIBIT) for educational best interest factors.]

The District foster care liaison will convene a meeting to establish an individualized transportation plan for the student. The liaison will include the DFPS Education Specialist. The District foster care liaison may also involve other District staff, as appropriate. The liaison will involve the District transportation director if the individual transportation plan will involve adjustments to existing bus routes.

In evaluating transportation options to the school of origin, participants will prioritize student safety, cost effectiveness, reliability, and time and distance of the commute.

DETERMINING
ADDITIONAL COSTS

To identify whether additional costs will be incurred in an individual transportation plan to transport the student to the school of origin, the foster care liaison will consult with the District transportation director to calculate the cost of transporting the student to the school that the student would otherwise attend, which will be used as a comparison. In accordance with the federal *Non-Regulatory Guidance*, if the District is able to provide transportation through an established bus route, there are no additional costs. If the District will reroute buses the District may consider as additional costs the cost of rerouting buses and the usual transportation costs.

INDIVIDUAL
TRANSPORTATION
PLAN ELEMENTS

The individual transportation plan may include:

- A daily transportation strategy;
- Transportation strategies to allow participation in after-school and extracurricular activities;
- A description of the funding strategy that will be used if additional costs to transport the student to the school of origin are identified;
- Identification of who is responsible for each aspect of the transportation strategy;

- A communication protocol between the District and DFPS when transportation for a student is no longer needed; and
- A regular review process for adjusting transportation strategies when circumstances change.

The final individual transportation plan will require a signature by the foster care liaison and a District official who has authority to approve any additional expenditures. The DFPS education specialist will also be asked to sign the plan.

Approved:

Jose Espinoza, Ed. D. Superintendent
November 30, 2016

Board Committee Review:
December 6, 2016