

## Impact to Transportation Funding for Children Awaiting Foster Care Based on Changes in the Every Student Succeeds Act

The McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) was amended by the Every Student Succeeds Act (ESSA) on December 10, 2015. One of the key provisions is that “children awaiting foster care” was removed from the definition of “homeless children and youths”. Under this provision, schools cannot use McKinney-Vento funds to serve children and youth who are in and awaiting foster care. Districts will no longer be able to access state special education funds that have been available to cover the additional costs of transporting students awaiting foster care to their school of origin. This affects students initially placed for foster care on or after December 10, 2016. Students that are awaiting foster care before December 10, 2016 would be eligible to generate Special Education Aid to cover their additional transportation cost until the end of the school year. However, students that are awaiting foster care on or after December 10, 2016 would not be eligible to generate Special Education Aid for transportation. No special education transportation dollars will be available for children awaiting foster care beginning in the 2017-2018 school year. This does not relieve a district’s obligation to provide transportation to the school the children were enrolled at the time of placement.

ESSA provides that Local Education Agencies (LEAs) receiving Title IA funds collaborate with state or local child welfare agencies on local procedures for transportation for students in foster care. Child welfare agencies must ensure that children placed in foster homes or awaiting foster care stay in the school in which the children were enrolled at the time of placements (unless it is not in their best interest to do so). Therefore, LEAs and child welfare agencies should work together to ensure that school transportation is provided when needed.

**Past Practice:** In the past, MDE provided guidance that students initially placed in the foster system in Minnesota may meet the McKinney-Vento definition of homeless until the required court hearings have been completed and the student is formally placed into long term foster care. Districts were instructed to have each district’s and charter school’s homeless liaison interview these families and students to make the actual determination. If the homeless liaison determined that a student does meet the homeless definition, whether through the initial foster placement or otherwise, the Minnesota Automated Reporting Student System (MARSS) coordinator flagged the student on MARSS as homeless. The student would have been eligible for special transportation to the school of origin and the district would have been reimbursed the additional transportation costs through Special Education Aid.

**New Guidance:** Until the provision takes place on December 10, 2016, a student awaiting foster placement may still be considered to be homeless by the district or charter school’s homeless liaison. This would authorize the payment of state special education aid to cover the additional cost of transportation for the student through the end of the 2016-17 school year as a formerly homeless student.

Minnesota Statutes 123B.92 provides, in part, state aid for transportation of homeless students:

*For purposes of computing special education initial aid under section 125A.76, the cost of providing transportation for children with disabilities includes (A) the additional cost of transporting a homeless student from a temporary nonshelter home in another district to the school of origin, or a formerly homeless student from a permanent home in another district to the school of origin but only through the end of the academic year; and (B) depreciation on district-owned school buses purchased after July 1, 2005, and used primarily for transportation of pupils with disabilities, calculated according to paragraph (a), clauses (ii) and (iii). Depreciation costs included in the disabled transportation category must be excluded in calculating the actual expenditure per pupil transported in the regular and excess transportation categories according to paragraph (a). For purposes of subitem (A), a school district may transport a child who does not have a school of origin to the same school attended by that child's sibling, if the siblings are homeless.*

Beginning December 10, 2016, students that are identified as children awaiting foster care are no longer considered homeless and will therefore not be eligible for McKinney-Vento services unless they meet the revised definition of “homeless children and youths”. The students would no longer be eligible to be reported as homeless on MARSS. The students would not qualify for Special Education Aid for transportation. According to ESSA, the district would be responsible to provide transportation to the school of origin for students awaiting foster care if applicable. However, the cost would not be eligible in UFARS under Finance Code 728 for Special Education Aid. In addition, the student cannot be reported in MARSS with 06 - Special Transportation Category if the student is provided modified transportation because he/she is awaiting foster care.

## **How Many Children in Foster Care or Awaiting Foster Care Will Require Transportation To Stay in the Same School?**

**Children Not Requiring Transportation:** Not every child in foster care or awaiting foster care requires transportation to remain in their current school. For example, the following categories of children will not require transportation:

- Children who are placed within the school boundaries and are within walking distances.
- Children whose “best interest” prescribes that they should be immediately enrolled in a new school.
- Children who have completed high school.

**Children Requiring Transportation at Minimal or No Additional Cost:** Some students requiring transportation can be transported for minimal or no additional cost. Here are some examples:

- Children who meet the definition of “homeless” children under the McKinney-Vento Act. If the district or charter school’s homeless liaison identifies a student awaiting foster care as also homeless, i.e. children living in emergency and transitional shelters, children abandoned in hospitals, unaccompanied homeless youth, etc., special transportation may

be provided because of the homelessness. The district would receive additional funding for providing special transportation through Special Education Aid.

- Children who have transportation written into their IEPs for special education accommodations or adaptations. If the related service of transportation is written into a student's IEP based on the student's disability, the district may claim the cost under special education transportation and receive additional funding through Special Education Aid.
- Children who are placed within the school boundaries and can access regular transportation.
- Children who move within the same school district may access available transportation options across attendance lines. For example, school districts that have existing transportation options such as magnet schools, special education and McKinney-Vento routes. If students of different categories ride on the same bus, for example a regular student riding on a special education bus, a cost-per-student would need to be determined. Allocated expenditures would need to be reported in the appropriate finance dimensions.

### **Can Title, Part A homeless set-aside funds be used to fund transportation for homeless children?**

The Every Student Succeeds Act (ESSA) authorizes the use of Title I, Part A funds for transportation to the school of origin for homeless children and youth for costs of transportation if other state and local funding sources are exhausted. Title IA funds can also be used to help fund other kinds of transportation, such as transportation to early childhood education programs, extra-curricular activities and academic enrichment services for homeless children and youth. However, Title I, Part A funds cannot be used for transportation of children in or awaiting foster care.

### **Title IV-E Dollars**

Federal child welfare reimbursement dollars are available to assist with transportation. To be eligible for IV-E reimbursement, the child must meet all eligibility requirements under Title IV-E of the Social Security Act for foster care, including that the child has been:

- Removed from an income-eligible home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child,
- Placed in the care of the child welfare agency, and
- Placed with a licensed foster family home or in a licensed child-care institution.

These costs can be reimbursed for Title IV-E eligible children in the following ways by:

- Including transportation in a child's Minnesota Assessment of Parenting for Children and Youth (MAPCY), the assessment that calculates the foster care maintenance payment to the foster parent for the care of the child.

- Making a separate payment for a child's transportation costs to foster parents through mileage reimbursement or gas cards.
- Making separate payments to another provider, such as the local school district or third party provider.
- Paying for public transportation through the use of bus cards.

**Program Guidance:** Districts and charter schools should seek other resources to cover their transportation expenditures for transporting students in foster care or awaiting foster care. Local counties may have funds available.

**Other Provisions:** Students in foster care or awaiting foster care continue to be eligible for free meals, Title I services before and after the December 10, 2016 change. Including future years.

**Contact Information:** If you have questions or need further information, contact:

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