

**San Diego County Office of Education (SDCOE)  
Transportation of McKinney-Vento Students Across LEA Boundaries  
Memorandum of Understanding (MOU)**

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**Statutory Context**

**School Selection**

Section 722(g)(3)(A) of the federal McKinney-Vento Homeless Assistance Act provides children and youth experiencing homelessness with the right to school selection, as follows:

The local educational agency (LEA) serving each child or youth shall, according to the child's or youth's best interest—

- (i) continue the child's or youth's education in the school of origin for the duration of homelessness—
  - (I) in any case in which a family becomes homeless between academic years or during an academic year; and
  - (II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or
- (ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

**Definition of *School of Origin***

Section 722(g)(3)(l)(i) defines *school of origin* as “the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.”

**Determining School Selection Best Interest**

Section 722(g)(3)(B) outlines how best interest is to be determined when considering the school selection of a child or youth experiencing homelessness, stating that LEAs must:

- (i) presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
- (ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth;
- (iii) provide a written explanation if the child or youth is placed in a school other than the one requested, including information about the right to appeal.

- (iv) in the case of an unaccompanied youth, ensure that the LEA homeless liaison assists in placement or enrollment decisions, gives priority to the views of the unaccompanied youth, and provides notice to the youth of the right to appeal.

### **School of Origin Transportation**

If it is determined to be in the best interest of a child or youth experiencing homelessness to continue attending the school of origin, transportation will be provided as follows under Section 722(g)(1)(J)(iii):

The State and its LEAs will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin in accordance with the following, as applicable:

- (I) If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the LEA in which the school of origin is located.
- (II) If the homeless child's or youth's living arrangements are in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the LEAs are unable to agree upon such a method, the responsibility and costs for transportation shall be shared equally.

### **Agreement Among Participating LEAs**

For the purpose of facilitating cooperation among LEAs in the transportation across LEA boundaries of children and youth experiencing homelessness, all participating LEAs signing this MOU acknowledge and agree to the following:

1. **Eligibility Determination:** In the case of transportation that will be shared due to the crossing of LEA lines, the *enrolling LEA* holds the responsibility for determining whether the child or youth is eligible for McKinney-Vento rights and services according to the McKinney-Vento definition of *homeless child or youth* in Section 725(2).
2. **Notification of Services:** The enrolling LEA will ensure parents, guardians, and unaccompanied youth within each LEA are fully informed of all transportation services, including transportation to the school of origin, available to them (Section 722(g)(6)(A)(viii)).
3. **Timely and Appropriate Transportation:** Transportation will be arranged as promptly as possible and will ensure the safe and timely transportation of the child or youth to and from school. Transportation arrangements may need to be made on a case-by-case basis considering the unique circumstances of each child or youth.
4. **Charter Schools:** Charter schools often do not have geographic boundaries for admissions. When coordinating shared transportation with a charter school, the geographic boundaries of the LEA in which the charter school is located will be used to determine

shared transportation arrangements to allow for an equitable solution for involved LEAs.

5. **Mode of Transportation:** Each LEA ultimately determines the mode of transportation they will offer but must ensure that the transportation provided does not create additional barriers to full school participation for the child or youth being transported. LEAs are not required to provide identical modes of transportation for every child or youth.
6. **Cost-Sharing Arrangements:** If one LEA is able and willing to provide transportation both to and from school, and the other participating LEA agrees to this arrangement, the LEA providing transportation may invoice the other LEA for 50% of the cost of transportation. Participating LEAs should establish policies to facilitate invoicing and payment or utilize SDCOE auditor transfers, as needed.
7. **Special Education Considerations:** If a child's or youth's Individualized Education Program (IEP) includes transportation as a related service under the Individuals with Disabilities Education Act (IDEA), the McKinney-Vento programs of the involved LEAs may share the cost of any excess mileage needed to transport the child or youth to the school of origin, when appropriate and by mutual agreement between each LEA's IDEA and McKinney-Vento programs..

**IN WITNESS WHEREOF**, the parties hereto have executed this Memorandum of Understanding as a statement of their mutual intentions and understanding, as of the dates written below on the following signature pages:

**Transportation of McKinney-Vento Students Across LEA Boundaries MOU  
Signature(s) of Participating LEA(s)**

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LEA Name

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By (Authorized Signature)

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Name (Type or Print)

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Title

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Date