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: Dr. Stuart Kieschnick

Position: Assistant Superintendent for Curriculum and Instruction

E-mail: skieschnick@nederlandisd.org

Address: 220 N 17th Street, Nederland, TX 77627

Telephone: (409)724-2391

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 transporta-

tion procedures, if DFPS notifies a district, in writing, that the agency 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, the District has taken the following steps to involve the DFPS child welfare contact and the CPS regional director:

- NISD has worked in collaboration with Region 5 ESC and DFPS Services in plan development. (November 2016).

The following District staff were involved in the development of these procedures:

- Assistant Superintendent for Curriculum and Instruction,
- Director of Student Services,
- Director of Transportation.

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 any available grant funds
- Use of local district funds.

TRANSPORTATION STRATEGIES

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

- Arranging transportation by the foster parent or caregiver to the school of origin or to a bus stop on a route to the school of origin, such as when the foster parent lives within a certain distance from the school of origin;
- Arranging transportation by a relative or another adult approved by DFPS with whom the student has a relationship and whose existing commute aligns with the student's transportation need to the school of origin or a bus stop on a route to the school of origin;
- Maximizing the existing District transportation system by exploring ways the student can be transported to an existing bus stop that serves the school of origin (options to transport the student to an existing bus stop could occur through use of public transportation with a bus pass or transportation voucher, or transportation by the foster parent or caregiver, a relative, or another adult approved by DFPS with whom the student has a relationship);
- Using existing intradistrict 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);
- Coordinating with the district in which the student is living to provide transportation to the District boundaries or an existing bus stop within the District;
- 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;

- Contracting with a private transportation company, such as a taxi service, for the student's transportation needs;
- Using public transportation with a bus pass or transportation voucher; or
- Adding a District transportation route.

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 attempt to include the student's DFPS education decision-maker and others who may be involved in education decision-making for the student, such as the student's caseworker, foster parent or caregiver, and the court-appointed special advocate (CASA). 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.

If necessary, the District foster care liaison will identify a short-term transportation strategy that may be used until the final transportation plan is completed so that the student can remain at the school of origin without interruption.

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 or provide transportation through a private vehicle or transportation company, the District may consider as additional costs the cost of rerouting buses or the difference between the special transportation costs and the usual transportation costs.

INDIVIDUAL TRANSPORTATION PLAN ELEMENTS

The individual transportation plan may include:

- A daily transportation strategy;
- One or more backup transportation strategies;
- 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;
- Designation of an adult to accompany younger students, if necessary, such as when public transportation is used;
- For transportation strategies with multiple segments, sign off procedures to ensure that the student safely and successfully completes each segment;
- 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 decision-maker and the foster parent or caregiver, if different from the education decision-maker, will also be asked to sign the plan.

See Exhibit “A” Student in Foster Care Best Interest Factors and Exhibit “B” Individual Transportation Plan Template for Student in Foster Care. Both Exhibits are located in NISD Curriculum Office.