

## **IMPORTANT NOTE REGARDING “Six Strategies for Meeting Transportation Requirements”**

The following article, “Six Strategies for Meeting Transportation Requirements,” has useful information for districts regarding transportation services for students who are homeless, but **the article does not address the specific transportation responsibilities mandated by New York State law.** In particular, the requirements mentioned in two sections of the article, “Feasibility” and “What If School of Origin Is in Another District” are substantially different in New York State.

### **Feasibility**

In New York State, parents of students who are homeless, or the students themselves if they are unaccompanied youth, have the right to decide whether the student will attend the school of origin or the local school. Also, in New York State, students have the right to transportation to the school of origin if it is not more than 50 miles each way. It is considered feasible or in the best interests of the student if the student is traveling less than 50 miles each way; there is not a separate best interests or feasibility determination made by the district.

### **What If School of Origin Is in Another District?**

Under the McKinney-Vento Act, a federal law, in cases where districts cannot agree on which will provide and pay for transportation, the district where the student is temporarily residing and the district where the student attends school must share the responsibility and costs. To avoid such disagreements, New York State law makes clear which districts are responsible for transporting students who are homeless. As a result, in New York State, districts are not required to share costs.

If a student who is homeless **attends the school of origin**, the following agencies are responsible for providing and paying for the student’s transportation to school:<sup>1</sup>

- **Local department of social services (DSS)**, if the student was placed in a family shelter outside of the school district of origin and the child is eligible for Emergency Assistance for Families (DSS can contract with school districts for the provision of transportation services);
- **Runaway and homeless youth (RHY) residential program**, if the program is outside of the school district of origin and the RHY residential program is able to provide the transportation;
- **School district of origin** in all other cases.

If a student who is homeless **attends the local school in** the district where the student is currently temporarily housed, the **local school** is responsible for providing and paying for the student’s transportation.<sup>2</sup>

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<sup>1</sup> McKinney-Vento Sec. 722(g)(1)(J)(iii); N.Y. Educ. Law Sec. 3209(4); 8 N.Y.C.R.R. Sec. 100.2(x)(6).

<sup>2</sup> McKinney-Vento Sec. 722(g)(4)(A); N.Y. Educ. Law Sec. 3209(4)(d); 8 N.Y.C.R.R. Sec. 100.2(x)(6)(iii).



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## Six Strategies for Meeting Transportation Requirements

For many homeless students, the most important service your district will provide is transportation to and from the student's "school of origin," as required under NCLB's amendments to the McKinney-Vento homeless education program. At first blush, complying may look simple: Just get the students from wherever they're currently living—in a shelter, doubled up with relatives, in transitional housing, or the like—to the school they last attended, or which they attended when they were last permanently housed. But it can be expensive—and you can't use your Title I, Part A funds to pay for it. Plus the logistics can be a huge challenge, especially for districts that are large or spread out.

But you can be creative in your approach to this problem, says Linda Cook, categorical programs director for California's North Sacramento School District. With her help, we'll tell you what the law requires, and give you six different strategies your district can use for complying. That way, you can choose the alternative that's easiest or most economical for a particular student, Cook explains.

### What the Law Requires

Section 722(g)(1)(J) of McKinney-Vento, as amended by NCLB Title X, generally requires districts to provide or arrange transportation for homeless students to and from their school of origin at the request of each student's parent. But there's a key limitation. Section 722(g)(3)(A) says that placing the student at the school of origin must be in the student's "best interest." And in determining the student's best interest, Section 722(g)(3)(B) says that to the extent "feasible," your district must keep the student in the school of origin—unless the parent decides otherwise.

In some cases, the parent may prefer to have the student enroll in the school closest to where they're staying, rather than in the school of origin. But if the parent opts for the school of origin, your district will usually have to transport the student there. Unless your district determines that enrolling the student in the school of origin isn't feasible, or otherwise isn't in the student's best interest, the parent's decision will prevail.

### What's Feasible?

The law doesn't define "feasible"; instead, Section G-4 of the U.S. Department of Education's (ED's) draft homeless education guidance says that districts must make placement decisions on an individual basis, and lists a number of factors districts can consider. These include the student's age and need for special services; the commuting distance to the school of origin and the impact it may have on the student's education; the length of time the family expects to stay in transitional housing; and the time remaining in the school year.

But none of the listed factors address what's often a major concern for districts: cost. Guidance Section H-3 bars districts from using Title I, Part A (or Title V, Part A) funds to pay for this transportation. That means coming up with the money from other sources, which is a big challenge. With so many competing needs to fill, your district may be tempted to include cost as a factor in your feasibility analysis. But doing so could be risky, Cook warns, since there's no express authority to let your district decide what's too expensive for a particular homeless student. That's why it's helpful to have several different transportation strategies, giving your district options that may be more cost-effective.

*Insider Says:* When homeless students enroll in their school of origin, be sure to let them stay there for the rest of the school year, even if they get permanent housing within another school's attendance area. That's required under Section 722(g)(3). Cook says. But in these cases the law doesn't require a district to pay for this transportation. Your district may want to continue doing so anyway, to avoid students' having to transfer midyear—which can harm student performance.

### Strategy #1: Help Families Get Housing Near Schools of Origin

By helping families find temporary or permanent housing near the school of origin, your district can minimize or even eliminate the need to provide transportation. Many homeless families would prefer to live near their children's

schools of origin because it's less disruptive for both the parents and the students. And there may be housing options that would keep the students in their school of origin's attendance area, but finding these options may not be easy.

Under Section 722(g)(6), one of the duties of district homeless liaisons is to identify homeless youth by coordinating with other entities. That means your liaisons should already be in contact with shelters, charities, and other public or private bodies that can help families find affordable temporary or permanent housing. Once the family is living in the school of origin's attendance area, the student would get transportation on the same basis as other students.

### Strategy #2: Reroute School Buses

This option is the one that's most familiar: Regular school buses may be able to stop at local shelters or other transitional housing locations, such as motels or campgrounds, and pick up homeless students. But districts often don't have the flexibility to move transportation routes around at will, particularly if the rerouting will add significant length to the routes. On a per-student basis, this option can be very expensive if you end up using a large bus to transport just a few students over long distances.

### Strategy #3: Offer Transit Passes

If you have public transit available in your district, your district can pay for transit passes for homeless students. Some transit agencies may have reduced-price cards available for students, or for people who meet income requirements (for example, parents of homeless students), which can make this an even more economical alternative.

If you obtain passes for young students, be sure to include passes for the parents as well, because it may not be safe to have small children negotiate public buses or trains by themselves. And it may violate your state's law, too, Cook says.

### Strategy #4: Use Public Assistance Transportation

Contact providers of public assistance transportation to see if they can serve your homeless students. For example, many communities operate van routes to help workfare recipients get to their jobs, or "paratransit" services for the

elderly and people with disabilities. These services are often available even in areas with little or no mass transit—and they may have underused capacity that could enable them to transport homeless students to school.

### Strategy #5: Reimburse for Gas

Another option Cook's district has used is reimbursing homeless families for gas if they have access to a vehicle. Her district reimburses using the same per-mile rate as for district employees traveling on official business. She has homeless families sign the same forms, too, so she has a record of what the district spends.

But sometimes homeless families may have so little cash that they can't afford to wait for the reimbursement. In those cases, her district has issued a prepaid gas card in a low amount, and then deducted further reimbursements from the initial card value.

### Strategy #6: Use Taxi, Van Services

A final option is to use taxi or van services. This can also be an expensive option, but in some cases it may be the only one available. If you choose this strategy, make sure you comply with state or local laws, Cook cautions. Only certain companies may be approved for government agency use. ■

#### INSIDER SOURCE

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### What If School of Origin Is in Another District?

The obligation to provide transportation can cross district boundaries, notes Linda Cook, a California categorical programs director. Section 722(g)(1)(J)(iii)(II) says that if a homeless student lives in one district, but the school of origin is in a second district, the two districts must agree on a way to apportion the responsibility and costs for the student's transportation. For example, the first district could take the student by bus to the district line, where the student would then transfer to a bus operated by the second district. Or if the same public transit system serves both districts, the districts could split the costs of a single transit pass.

If you're in an area where districts have overlapping boundaries—for example, you're in a secondary school district that encompasses several elementary school districts—you may discover that more than one district is serving students from the same family. That can be wasteful and can duplicate services, and may not help the students effectively. So keep communication lines open with homeless coordinators in "feeder" districts. That way, you'll find out about opportunities to coordinate services together and save money.