

# The Role of Transportation in Supporting Students in Temporary Housing Under the McKinney-Vento Act



**Presented By: NYS TEACHS**  
**Thursday, November 18, 2021**  
**9:30-11:00 am**



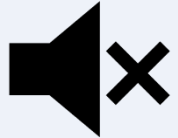
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# Webinar Norms

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Your microphone will be automatically muted.



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The in-webinar chat will allow you to communicate with the panelists and the host only.

For questions, please email Rita Danis at [RDanis@measinc.com](mailto:RDanis@measinc.com). She will get back to you as soon as she is able.



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# Housekeeping

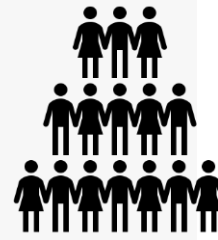
- Today's session will be **recorded**.
- We will ask you **poll questions** periodically throughout the session and ask you to **answer two questions in the chat**. There will be a brief **survey** at the end.
- We won't be able to answer questions about specific situations in the chat today, but we welcome you to call the **Help Line** to discuss these issues at **800-388-2014**.
- The **Help Line is open 24 hours a day**. If you leave a message you will be **called back by the next business day**.



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# Who Is In The Room?



## Are you a...

- New McKinney-Vento Liaison (1<sup>st</sup> Year)
- McKinney-Vento Liaison (2-4 years)
- McKinney-Vento Liaison (5 – 9 years)
- McKinney-Vento Liaison (10 + years)
- Transportation Director
- Other School/District Staff

## Which region are you from?

- |                  |                  |
|------------------|------------------|
| * Western Region | * Capital Region |
| * Finger Lakes   | * Hudson Valley  |
| * Central Region | * New York City  |
| * Southern Tier  | * Long Island    |
| * Mohawk Valley  | * North Country  |



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# Welcome!

## Outcomes

By the end of today's webinar, participants will be able to:

- Describe the **transportation provisions in the McKinney-Vento Act**.
- Identify the **benefits of providing transportation** to students experiencing homelessness.
- **Use our transportation guide** to enhance future decision-making.
- Plan **how to address challenges** in providing transportation for McKinney-Vento eligible students.
- **Access resources** that support decision-making around transportation.



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# Today's Agenda



Welcome/Setting Purpose



Transportation and the McKinney-Vento Act



Provision of Transportation for Eligible Students and Checks for Understanding



Challenges and How to Address Them



Session Feedback/Sharing Resources



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# Introduction: Transportation of School Children in NY



- Every year, New York State transports **2.3 million children** to school, using more than 50,000 school buses.
- Over the course of the average school year, **student passengers will board or step down from a school bus 1,656,000,000 times.**



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Source: New York Association for Pupil Transportation

# Why is Transportation an Important Benefit for Students?

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*Please put your answer in the chat.*



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# Stability is Key for Students in Temporary Housing



School stability

- affects **academic achievement**
- impacts **social/emotional learning**
- Mitigates the **effects of stress** caused by loss of housing

*Transportation plays a major part in ensuring school stability!*



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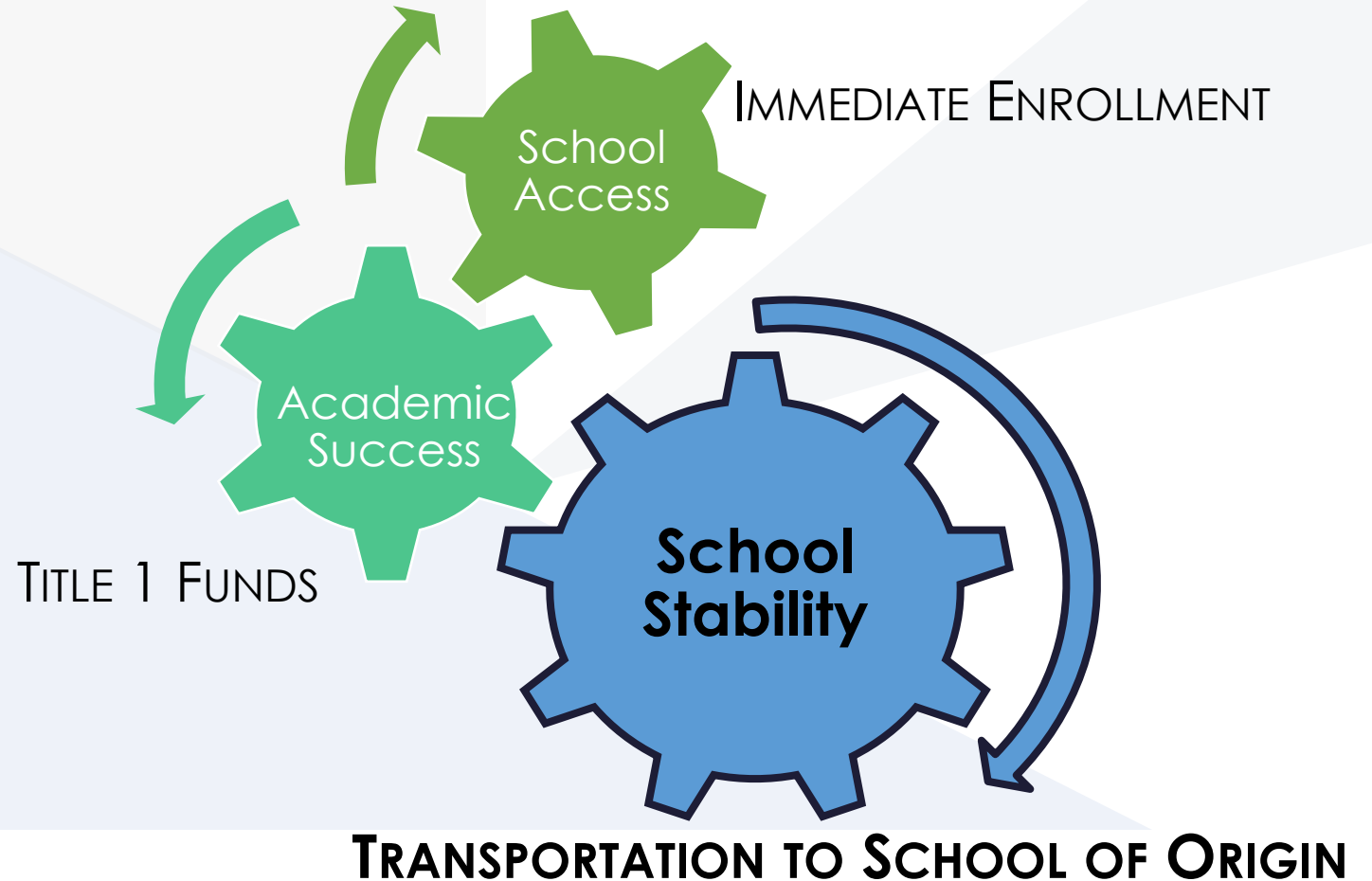
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# McKinney-Vento Homeless Assistance Act

- Federal Law established in 1987
- Reauthorized in 2015 as part of ESSA

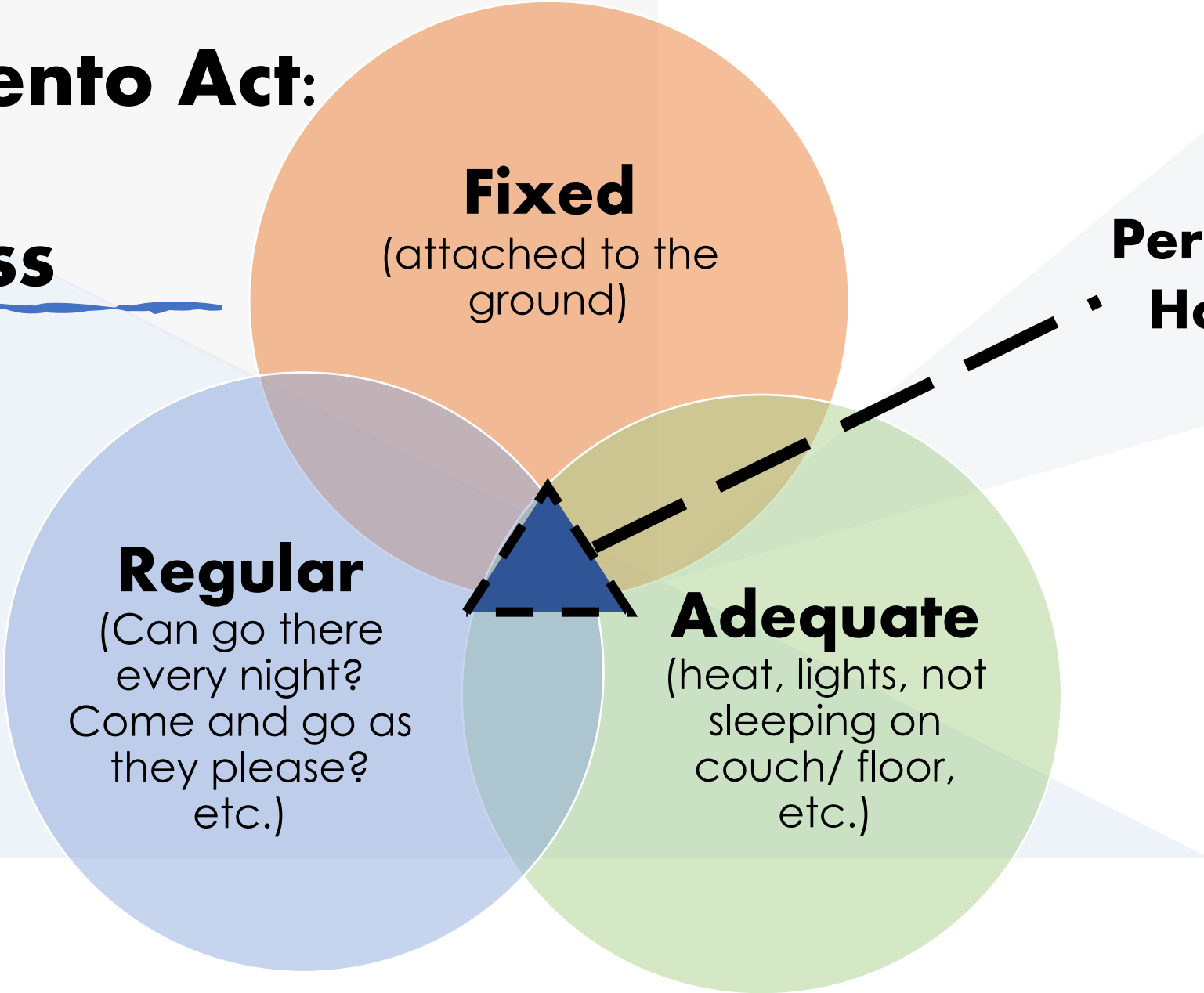


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# McKinney-Vento Act: Definition of Homelessness

The term homeless children and youth means individuals who lack a fixed, regular and adequate nighttime residence.



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# McKinney-Vento Act: Definition of Homelessness



Children and youths who are:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “**doubled-up**”);
- Living in **motels, hotels, trailer parks, or camping grounds** due to the lack of alternative adequate accommodations;
- Living in emergency or transitional **shelters**; or are **abandoned in hospitals**;



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# McKinney-Vento Act: Definition of Homelessness



Children and youths who...

- Have a primary nighttime residence that is a **public or private place not designed for, or ordinarily used as, a regular sleeping accommodation** for human beings;
- Are **living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations**, or similar settings; and

**Migratory children** who qualify as homeless because they are living in circumstances described above.

**Unaccompanied youth** living in the above circumstances.



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# Why Transportation is Addressed

The McKinney-Vento Act is intended to **remove barriers** between students and their participation in school life.

Lack of transportation may act as a **barrier in getting to school**, affecting the attendance of many students in transitional housing. The **inclusion of transportation in the McKinney-Vento Act enhances students' opportunity for academic success.**

It is **up to school districts to figure out how to address the barrier** of transportation.



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# Transportation for Students in Temporary Housing



Students experiencing homelessness, including preschoolers, are entitled to transportation to the school of origin.



Students who move into permanent housing are entitled to transportation throughout the remainder of the school year, and an additional year, if it is the child's terminal grade in the school.



Students who enroll locally are entitled to transportation comparable to that which their permanently housed peers receive, and the elimination of barriers in order to enroll and attend school.



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42 USC § 11432(g)(1)(J)(iii), 11432(g)(3)(A)(i)(II); Education Law § 3209(1), 3209(2)(c), 3209(2)(d), 3209(4)(i); 8 NYCRR §§ 100.2(x)(2), 100.2(x)(6)(iv); Non-Regulatory Guidance, Question J-5.



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# Modes of Transportation



- Yellow school bus
- Approved van/taxi services
- Reimbursement for gas/mileage
- Bus route shared with neighboring school district or BOCES
- Bus or train passes
- Other types of transportation approved by district's transportation department



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# McKinney-Vento Liaison Responsibilities vis-a-vis Transportation

Local liaisons must ensure that the parent or guardian of a homeless child, or any unaccompanied youth

- is **fully informed of all transportation services**, including transportation to and from the school of origin, and
- is **assisted in accessing transportation to the school selected** in accordance with the best interest determination.

➡ Transportation should be arranged **within three days** if possible.



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# **In a few words, how have you facilitated transportation for McKinney-Vento students?**

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*Please put your answer in the chat.*



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# Collaboration between MV Liaison + School Transportation Director

- **Who should make MV eligibility decisions?**
  - MV Liaisons make eligibility determinations. Transportation staff, like other school staff, are important eyes and ears.
- **Best practices:**
  - District should involve transportation director at earliest point in eligibility and school selection process.
  - District should review MV determinations at the end of each year so that Transportation Directors have time to plan for fall routes.
- **Remember:**
  - No limit to homelessness time-frame if student continues to meet MV definition.
  - Districts must make MV eligibility decisions on a case-by-case basis.



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# Which District is Responsible for Providing Transportation?



District of the school student attended when last permanently housed  
(**School of Origin**)



District of the school student most recently attended  
(**Also possibly a School of Origin**)



District of the school serving the area where student is temporarily living  
(**New Local School**)

**Rule of thumb: The student may choose to attend any of these schools. The district where the student attends school is usually the LEA that is responsible for transportation.**



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# Transportation to (Pre)school of Origin

State law defines preschool as publicly funded:



Pre-k programs administered by a local educational agency (LEA) or NYSED



Head Start programs administered by an LEA



Preschool services under the Individuals with Disabilities Act (IDEA) administered by an LEA

School of origin protections, **including transportation**, are available for **preschoolers**

- Preschoolers are entitled to transportation to school of origin **even if transportation is not provided to permanently housed children who attend the same program.**
- SED Memo, 2/28/17: [Information on Transportation of Prekindergarten Students under Four Years of Age](#)



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Education Law § 3209(1)(g), 3209(2), 3209(4); 8 N.Y.C.R.R. § 100.2(x)(1)(iv); see also Non-Regulatory Guidance, Questions I-1, N-4, N-5



# Obligations of the Local Department of Social Services

- **LDSS is responsible for transporting students who meet criteria** (LDSS placed in temporary housing outside the school district where student is enrolled + student EAF\*-eligible), **including**:
  - **Students with Individualized Education Plans** (IEPs), including specialized transportation services
  - **Preschool students**
- If LDSS requests that the designated school district of attendance provide or arrange for this transportation, **LDSS must fully and promptly reimburse the school district** for the cost as determined by the school district.
  - District does not receive transportation aid for student. It **bills the LDSS** for entire cost of transportation.

\* Emergency Assistance to Families (EAF) Program is a federal program which provides assistance to deal with crisis situations.

Education Law §3209(4)(a), NYS Field Memo #2-2017, item 12



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# Decision-Making and Transportation

Use the **Transportation Guide** to make decisions. It identifies housing situations, responsibility, funding source and legal authority.

We will provide an **overview** of the guide and **then take a closer look at some housing situations** and what transportation is provided in them.



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# Transportation Guide

<https://nysteachs.org/topic-resource/transportation-guide-for-students-in-temporary-housing/>

Guide to transportation **summarizes transportation obligations**, funding sources, and legal authority for situations involving students in temporary housing. The guide **addresses nine situations**.

 <b>TRANSPORTATION FOR STUDENTS IN TEMPORARY HOUSING IN NEW YORK STATE</b>				
Housing Situation	Transportation	Responsibility	Funding Sources	Legal Authority
<b>Temporarily Housed <u>Within</u> the School District</b>	Student is entitled to transportation to their school of origin <sup>1</sup> , including public preschool (e.g., pre-k), even if the student is temporarily housed in a different school zone.  If the student transfers to a local school zoned for where they are temporarily residing, they are entitled to transportation comparable to permanently housed students, unless the lack of transportation poses a barrier to the student's attendance in school.	The school district where the student is enrolled is responsible for transportation.	State transportation aid <sup>2</sup> (claimed by district where student is enrolled) <b>AND</b> If the student attends the school of origin, Title I, Part A set-aside funds for expenses not reimbursed by State transportation aid	20 U.S.C. § 6313(c)(3)(C)(ii)(II); 42 U.S.C. § 11432(g)(1)(j)(iii)(I); 42 U.S.C. § 11432 (g)(4)(A); N.Y. Education Law § 3209(4)(c); N.Y. Education Law § 3209(4)(d); N.Y. Education Law § 3209(6)(b); N.Y. Education Law § 3622-a(1); 8 N.Y.C.R.R. § 100.2(x)(6)(iii)-(iv).
<b>Temporarily Housed <u>Outside</u> of the School District, but not in Department of Social Services Emergency Housing Placement</b>	Student is entitled to transportation to and from the school of origin, including public preschool (e.g., pre-k), up to 50 miles one way, unless the commissioner certifies that a distance greater than 50 miles is in the best interest of the student. Parent may also be entitled to transportation if student cannot travel alone.	The school district where the student is enrolled is responsible for transportation.	State transportation aid (claimed by district where student is enrolled) <b>AND</b> Title I, Part A set-aside funds for expenses not reimbursed by State transportation aid	20 U.S.C. § 6313(c)(3)(C)(ii)(II); 42 U.S.C. § 11432(g)(1)(j)(iii); N.Y. Education Law § 3209(4)(c); N.Y. Education Law § 3622-a(1); 8 N.Y.C.R.R. § 100.2(x)(6)(iv).
<b>Temporarily Housed <u>Outside</u> of the School District in a <u>Department of Social Services (DSS) Emergency Housing Placement</u></b>	Student is entitled to transportation to and from the school of origin, including public school (e.g., pre-k), up to 50 miles one way, unless the commissioner certifies that a distance greater than 50 miles is in the best interest of the student. Parent may also be entitled to transportation if student cannot travel alone.	The local department of social services (DSS) is responsible for transportation if it places a student in emergency housing outside of the school district and the student is eligible for Emergency Assistance for Families (EAF). This includes children who attend pre-k and students who attend school at a BOCES. If DSS requests that the school district provide transportation, <b>the school district must transport and the DSS must promptly reimburse the school district</b> . If student is not eligible for EAF or if DSS places the family in emergency housing within the school district, the school district is responsible for transportation.	If school district transports, DSS reimburses the school district. School district cannot claim State transportation aid for expenses reimbursed by DSS.  DSS receives federal Temporary Assistance for Needy Families (TANF) funding for transportation expenses.	42 U.S.C. § 11432(g)(1)(j)(iii); N.Y. Education Law § 3209(4)(a).



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42 USC § 11432(g)(1)(J)(iii), 11432(g)(3)(A)(i)(II); Education Law § 3209(1), 3209(2)(c), 3209(2)(d), 3209(4)(i); 8 NYCRR §§ 100.2(x)(2), 100.2(x)(6)(iv); Non-Regulatory Guidance, Question J-5.



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# Housing Situation #1

## Temporarily Housed Within the School District

### Who is responsible?

The district where the student is enrolled is responsible for transportation.

- Student is entitled to transportation to their school of origin, including public preschool, even if the student is temporarily housed in a different school zone.
- If a student transfers to a local school zoned for where they are temporarily residing, they are entitled to transportation comparable to permanently housed students.



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# Ana



Ana's family became homeless after a flood ruined their home in Albany. They are temporarily doubled up with her aunt and uncle in an apartment elsewhere in Albany while Ana's family figures out where they can move to next.

District of origin: Albany School District  
School of origin: Pine Hills Elementary  
Locally zoned school:  
Eagle Point Elementary

***Ana's family can decide which school is in her best interest to attend: Pine Hill Elementary or Eagle Point Elementary. She is eligible for transportation to either school in Albany School District.***



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# Check for Understanding #1



Ana can get transportation to either the locally zoned school where she is staying or to the school she previously attended.

- A. True
- B. False
- C. Not Sure



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# **Housing Situation #2**

**Temporarily Housed  
Outside of the School  
District** (but not in a DSS  
emergency housing placement)

## **Who is responsible?**

The school district where the student is enrolled is responsible for transportation.

- Student is entitled to transportation to and from the school of origin, including public preschool, up to 50 miles one way, unless the commissioner certifies that a distance greater than 50 miles is in the best interest of the student.
- Parent may also be entitled to transportation if student cannot travel alone.



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# John



District of origin:  
Newburgh School District

District of current location:  
Poughkeepsie School District

John's family became homeless after his dad lost his job. They couldn't find affordable housing in Newburgh so they are temporarily doubled up with family friends living in Poughkeepsie.

***John's family can decide which district it would be in his best interest to attend. He will receive transportation, as long as the distance is under 50 miles, one way (except if the commissioner grants permission for more than 50 miles).***



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# Check for Understanding #2



As McKinney-Vento Liaison, you make the decision which school district is best for John to attend: Newburgh or Poughkeepsie.

- A. True
- B. False
- C. Not Sure



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# **Housing Situation #3**

## **Temporarily Housed Outside the School District in a DSS Emergency Housing Placement**

### **Who is responsible?**

The local DSS is responsible for transportation if it places a student in emergency housing outside of the school district and student is eligible for emergency assistance for families (EAF).

- Student is entitled to transportation to and from the school of origin, including public preschool up to 50 miles one way, unless the commissioner certifies that a distance greater than 50 miles is in the best interest of the student.
- Parent may also be entitled to transportation if student cannot travel alone.



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# Kayla



Kayla is a first grader who lived in an apartment in Greenburgh with her mom who works as a server. A pipe recently burst in the apartment and the landlord decided not to renovate at this time. The local DSS determined that Kayla and her mom were eligible for emergency assistance for families (EAF) and placed them in a shelter in White Plains.

District of origin:  
Greenburgh School District  
  
District of current location:  
White Plains School District

***Kayla's mom can choose whether Kayla attends school in Greenburgh or White Plains. Kayla and her mom are eligible for transportation to and from school. DSS is responsible for transportation, which may be provided by the school district or the LDSS.***



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# Check for Understanding #3



Who is  
responsible for  
Kayla's  
transportation?

- A. Greenburgh School District
- B. White Plains School District
- C. The local Department of Social Services
- D. Not sure



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# Housing Situation #4

**Temporarily Housed and would like to Participate in an Academic or Extracurricular Activity**

- Student is entitled to transportation to participate in an extracurricular activity if the lack of transportation poses a barrier to the student's participation, even if it is not provided to permanently housed students. This includes before and after school programs.

## **Who is responsible?**

The school district where the student is enrolled is responsible for transportation. DSS is responsible if the student is in a DSS shelter outside of district and is eligible for Emergency Assistance for Families.



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# Jose



District of origin:  
Garden City School District

District of current location:  
Uniondale School District

Jose moved to the US with his father while his mother stayed behind in Guatemala. He and his father lived in Garden City until his father died this past summer. Jose enrolled in Uniondale School District as an unaccompanied homeless youth this fall. He wants to play soccer for Uniondale Senior High School.

***Jose is eligible to join the soccer team and receive transportation if not having transportation is a barrier to participate--even if other team members don't receive transportation. Jose is also eligible for transportation to summer school for the same reason.***



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# Check for Understanding #4



Local students provide their own transportation home after soccer games. Should Jose still join the soccer team if he doesn't have a way home?

- A. Yes
- B. No
- C. Not Sure



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# Housing Situation #5

**Permanently Housed and Attending the Same School for the Remainder of the School Year or Terminal Grade**

- School districts are required to provide transportation for the remainder of the school year in which a student becomes permanently housed, and for one additional year if that year is the student's last year in the school building (also referred to as the terminal grade).

## **Who is responsible?**

The district where the student is enrolled is responsible for transportation.



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# Li



Li is in 8<sup>th</sup> grade. Her family was living in Lockport until her parents lost their jobs. They have been temporarily housed in Buffalo since June 2020. Her parents recently found new work and a permanent residence in West Seneca.

District of origin: Lockport SD

District of current location: Buffalo Public Schools

District of new residence: West Seneca School District

***Li's family can decide if it is in her best interest to finish out the school year in Buffalo or to transfer to a school in West Seneca. The school district where she enrolls provides transportation, but the new district of permanent residence pays for transportation (West Seneca School District).***



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# Check for Understanding #5



When a student moves into permanent housing during the school year, transportation to their previous school is no longer available.

- A. True
- B. False
- C. Not Sure



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# Housing Situation #6

## Attending a Charter School

### Who is responsible?

The designated school district or the local Department of Social Services--The parent or unaccompanied youth can designate either the school district of origin or the school district of current location.

In general, the same transportation rules apply for charter schools: Transportation is provided

- for the duration of homelessness
- through the remainder of the school year in which the student becomes permanently housed, and
- for one additional year, if that year is the student's last in the school building.



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# Abdul



Abdul was a sophomore attending the Charter School of Educational Excellence in Yonkers when his family was last permanently housed. His family is now temporarily staying with his grandmother in Mount Vernon.

District of origin:  
Yonkers School District

District of current location:  
Mount Vernon School District

***Abdul can continue to attend his charter school. Yonkers School District is the designated school district of attendance and provides transportation if the charter school doesn't have its own transportation.***



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# Check for Understanding #6

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**A student who  
loses housing is no  
longer eligible to  
attend a charter  
school.**

- A. True
- B. False
- C. Not Sure



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# **Housing Situation #7**

## **Temporarily Housed Outside the School District in a RHY\* Program**

### **Who is responsible?**

The school district where the student is enrolled is responsible.

- Student is entitled to transportation to and from the school of origin, up to 50 miles one way, unless the commissioner certifies that a distance greater than 50 miles is in the best interest of the student.

\*Runaway and Homeless Youth Program



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# Peter



Peter ran away from his family home in Henrietta and is temporarily housed in a Runaway and Homeless Youth (RHY) Program in Rochester.

District of origin:  
Henrietta School District

District of current location:  
Rochester School District

***Peter can attend his school of origin in Henrietta School District or a local school in the Rochester School District. RHY costs are fully reimbursable.***



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# Check for Understanding #7

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**A runaway can  
continue to attend  
school in the district  
of his family's  
home.**

- A. True
- B. False
- C. Not Sure



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# Transportation Challenges



- **Bus driver shortage**
- **Coordination problems** with other districts and/or Departments of Social Services
- **Long distances in rural areas**
- **Logistics and Funding** can be problematic for districts to manage



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# Bus Driver Shortage

- **Low pay, poor benefits, and lack of support** are prompting the national bus driver shortage. The average school bus driver in Albany is paid \$36,030.\*
- In a survey in April 2021, **nearly four-fifths (78%) of respondents indicated that the bus driver shortage is a problem.** Only 17% of respondents called it a non-issue.\*\*
- **The impact is huge:** Longer drive times, later pick-up and drop-offs, more students are walking to school or more kids are packed onto buses with consolidated routes. The **pandemic has aggravated the shortage.**



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\* [www.salary.com](http://www.salary.com)

\*\*Ed Week, Nov 4, 2021



# Other Transportation Challenges

- **Coordination with other districts and DSS**

Districts have differing policies and routes that must be coordinated. Also the leadership across districts may have different protocols. There is not always a history of collaboration.

- **Long distances in rural areas**

Distances between rural districts can be vast. Combined with the shortage of bus drivers, it is difficult for such districts to fulfill their transportation obligations.

- **Logistics and funding**

Districts can struggle to arrange and pay for transportation needs. Some districts may not be aware of all of the resources that are available to them.



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# Tips for Providing Transportation

1. Set up meetings and **collaborate** with local McKinney-Vento Liaisons and Transportation Directors.



2. Use technology to **streamline the processes** used for requesting transportation and finding bus routes.



3. Develop **shared forms**.



4. Explore **flexible bus routes** that can be implemented easily, based on known temporary housing locations.



5. **Plan** for unforeseen circumstances.



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# Tips for Providing Transportation

6. Identify a **transportation point person** for students in temporary housing.



7. **Train bus drivers** and dispatchers on McKinney-Vento eligibility.



8. Abide by **safety standards**.



9. **Allow parents to accompany young children** on public transportation.



10. Develop systems that **allow parents/youth to drive themselves to school** if they are willing and able.



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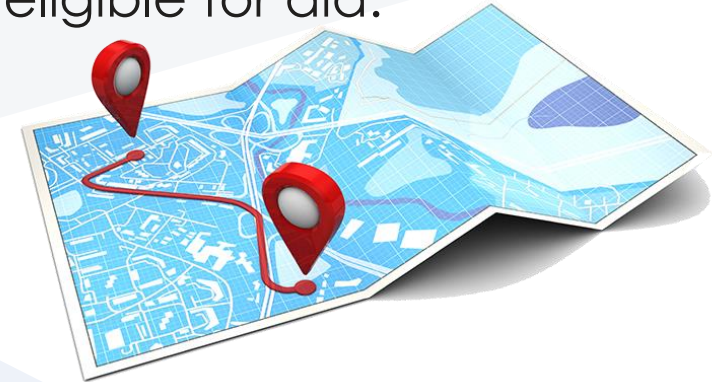
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# Key Ways to Address Challenges in 2021-2022

- Pick up and drop off at a **shared BOCES**.
- **Share routes** with neighboring LEAs, see [Sample Transportation Protocol](#).
- Check to **see if any of the private schools or charter schools you transport to are close to the temporary residence of the child**. This would be an add-on to an existing contract or incorporated into a district run and both ways are eligible for aid.
- **Reimburse** parent or unaccompanied youth for **gas mileage**.
- Rural school districts should consult [NCHE's Strategies for Rural School Districts](#), which has **extensive suggestions for rural districts**.
- MV grant funds and/or Title I Part A Set-Aside funds **can be used to purchase bus passes**.
- **ESSER funds** may be accessed to defray costs as well.



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# **Title<sup>1</sup> Part A Set-Aside and ESSER Funds**

Remember that districts may use Title I Part A Set-Aside funds to defray the excess costs of transporting homeless students to and from their school of origin.

***Q: What is the excess cost of transportation for a student experiencing homelessness?***

***A: It is the difference between what an LEA normally spends and the cost of transporting a student who is homeless.\****



In 2020, more than \$13 billion in CARES Act Funding was set aside for the Elementary and Secondary School Emergency Relief Fund. LEAs can use these funds to recruit bus drivers, give them raises and pay benefits to them.



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\*USDE Non-Regulatory Guidance, Questions J-7, J-8

# Key Points



- When a student attends a school in the district of origin, the ***district of origin is responsible for providing transportation.***
- The ***district of attendance is usually the LEA responsible for providing transportation.*** Note that some students do not wish to attend the school of origin.
- If a family is ***placed by DSS in emergency housing outside the district of attendance and the student is EAF-eligible, DSS is responsible*** for transportation.
- Transportation ***should be arranged by the district or responsible agency within 3 business days and students can be transported up to 50 miles each way*** if that is in the best interest of the child.



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# More Key Points



- **Preschool students** in publicly funded programs are eligible for transportation.
- The transportation of students in **Runaway and Homeless Youth Programs** is fully refundable.
- A student who moves into permanent housing is entitled to **transportation to and from their school of origin for the remainder of the academic year.**
- School districts can **tap into McKinney-Vento funds, Title 1 Set-Aside Funds and ESSER funds** to pay for transportation expenses for students in temporary housing.



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# **Survey**

**Please take a few moments to complete our survey.**



[https://docs.google.com/forms/d/e/1FAIpQLSePFNylZ9VYNw5IsweKCW6ApbJaQopkZQCcXULTuPAmCr4Sng/viewform?usp=sf\\_link](https://docs.google.com/forms/d/e/1FAIpQLSePFNylZ9VYNw5IsweKCW6ApbJaQopkZQCcXULTuPAmCr4Sng/viewform?usp=sf_link)

***Responses are used in the planning of upcoming Professional Learning sessions.***



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# Resources

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- NYS TEACHS: [Transportation Guide for Students in Temporary Housing](#)
- NCHE Brief: [Transporting Children and Youth Experiencing Homelessness](#)
- [Sample Transportation Protocol](#) from NYS TEACHS
- NCHE: [Transportation Strategies for Rural School Districts](#)
- OTDA Administrative Directive: [Transportation from LDSS for Students who are Homeless](#)
- NCHE: [National Association of State Directors of Pupil Transportation Services Resolution to Support the Transportation of Homeless Children and Youth](#)



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# Technical and Education Assistance Center

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- **Help Line** (800-388-2014)
  - **Website** (<https://nysteachs.org>)
  - **Web-Based Trainings**
- Next Webinar: School Selection and Enrollment, Thursday, December 16<sup>th</sup>*
- **Outreach Materials**

For outreach materials, email Ailin Mendoza: [amendoza@measinc.com](mailto:amendoza@measinc.com)



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