**The Role of Transportation to Support Students in Temporary Housing**

**Q&A Document**

**Q: If a charter school does not provide bussing, is a taxi acceptable long term for McKinney Vento students?**

*A: The designated district of attendance is responsible for transporting students in temporary housing who attend a charter school. If the district of origin is designated, it is required to provide transportation up to 50 miles each way. If the district of current location is designated, it is required to provide transportation subject to the mileage limitations applicable to permanently housed students in the district. (Education Law § 3209(4)).*

*Contracting with taxi services to provide transportation to homeless students should not be used as a general practice. However, where LEAs have no other choice, they may arrange for such services on a temporary basis in order to meet the requirements of 8 NYCRR 100.2 (x), which requires the “school district of attendance [to] immediately provide or arrange in the most cost-effective manner for transportation to and from the child's temporary housing location and the school the child legally attends....” When there are no other choices, if the lack of transportation serves as a barrier to a homeless student’s attendance in an educational program, the LEA may also arrange for such services. The use of rideshare services (Uber, Lyft) for any student transportation is not allowed due to safety concerns.*

*For additional charter school concerns, including transportation, please see this* [*NYSED Memo* Charter School Guidance Q&A](https://www.nysteachs.org/_files/ugd/6642c2_d367d09d325946c7a9ac6f59454026b9.pdf)

**Q: With regard to taxis when it says one time, on an individual basis, does that mean that it is only one day or can we provide taxi services for an individual child or family until we are able to figure out another mode?**

*A: If the lack of transportation serves as a barrier for a student in temporary housing to get to school and there are no other options, taxis services may be provided on a short-term basis until alternate transportation services can be provided by the district.*

**Q: How can we ensure that late buses are provided so that children who live out-of-district can participate in after-school programs like our McK-V after-school program which provides SEL education, homework help, cooperative play and time for conversations?**

*A: McKinney-Vento eligible students are entitled to transportation to participate in an extracurricular activity (including before- and after-school programs) if the lack of transportation poses a barrier to the student’s participation, even if it is not provided to permanently housed students. 20 U.S.C. § 6313(c)(3)(C)(ii)(II); N.Y. Education Law § 3209(4)(f); N.Y. Education Law § 3622-a(1); 8 N.Y.C.R.R. § 100.2(x)(6)(vi). Please work with your Transportation Director to set up transportation for McKinney-Vento eligible students to ensure their participation in extracurricular activities.*

**Q: Do we still need to provide transportation to preschool students, if we do not provide transportation for any preschoolers?**

*A: MV eligible preschoolers are eligible for protections under the McKinney-Vento Act and have the right to maintain enrollment and receive transportation to their school of origin. 42 U.S.C. § 11432(g)(3)(I)(i); 42 U.S.C. § 11432(g)(6)(A)(iii); N.Y. Education Law § 3209(1)(i); N.Y. Education Law § 3209(4). Preschools* *have been added to the school of origin definition by the Every Student Succeeds Act, so that transportation to a preschool of origin now is REQUIRED, as long as remaining in that preschool is in the child’s best interest.  This is true, even if the school district does not otherwise provide preschool transportation.  So if a preschooler becomes homeless, and is staying in that preschool of origin, transportation is required. If that preschooler then moves into permanent housing, the child can remain in the preschool of origin for the remainder of the academic year, and transportation is required.*

**Q: If a student’s best interest is to attend school in the local attendance zone, and transportation is not provided in the local attendance zone, are we required to provide transportation in the local attendance zone?**

*A: Transportation is required if there is a barrier for the MV eligible student to attend school within the attendance zone. For transportation that is not to the school of origin, local educational agencies are required to provide transportation that is comparable to that provided to housed students. 42 USC 11432(g)(4)(A). Comparable transportation may mean bus passes and/or reimbursing parent for gas or mileage.*

**Q: We would like clarification about how to negotiate transportation with LDSS. We have had this situation and the LDSS has said we HAVE to provide transportation that cannot and do not have to.**

*A: 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, the school district must transport and the DSS must promptly reimburse the school district. 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.*

*Please refer to the Sample Transportation Protocol, located at* [*https://www.nysteachs.org/transportation*](https://www.nysteachs.org/transportation) *under forms and templates. This protocol helps with communication and coordination between school districts and local departments of social services any time the local department of social services is responsible for arranging transportation for a student in temporary housing. This Protocol is a template that school districts and local departments of social services are encouraged to use. School districts and local departments of social services are also welcome to adapt this protocol to meet their needs.*

**Q: Does the district also have to transport a child who is in temporary housing who attends a private school? District only buses up to 15 miles for private, would it be up to 50 miles since they are covered under MV?**

*A: The McKinney-Vento Act generally covers only students attending public schools, with the exception of students attending a private school through a special education placement made by a public school district (i.e., 853). Although students attending private schools may not receive transportation under McKinney-Vento, they may receive transportation to a private school under New York Education Law Section 3635. In these situations, if the public school district where the family is residing provides transportation to the particular private school to permanently housed students, then they must provide that transportation to students in temporary housing in their district. The family should be requesting transportation to the private/parochial school from the district where currently residing.*

**Q: If a parent was paying for an uber while the MV student was being routed or because the bus never showed, what is the process for the family or school to get reimbursed those funds?**

*A: Title 1 Part A Set Aside funds may be used to reimburse a family for transportation for a student in temporary housing. Please consult with your district’s business office for reimbursement policies and procedures.*

***When proposing to use Title I set-aside and/or ARP HCY funds for these services, LEAs must ensure ALL of the following:***

* *There are no other options.*
* *The transportation is* ***limited to emergency situations or situations where the lack of transportation options serves as a barrier to a homeless student’s participation in an educational program.***
* *The LEA has, using its own internal processes and policies, vetted the transportation companies.  This includes making sure the company has insurance and conducts criminal background checks on all drivers.  The LEA should make this assertion within the budget narrative.*
* *As always with a taxi services, younger children ride with parents/adults.*

**Q: If the length of the trip is now greater than the mileage we allow for private school the family is entitled to the bus up to the new 50 mile limit under MV?**

*A: No, the private school student may not receive transportation under McKinney-Vento, they may receive transportation to a private school under New York Education Law Section 3635. In these situations, if the public school district where the family is residing provides transportation to the particular private school to permanently housed students, then they must provide that transportation to students in temporary housing in their district. The family should be requesting transportation to the private/parochial school from the district where currently residing with the student entitled to transportation up to 15 miles.*

**Q: So if we create an after-school program for McK-V kids and some others, and we want an hour and a half but the district says their late buses leave one hour after school ends, is that a barrier to the full benefit of the program?**

*A: McKinney-Vento students are entitled to transportation to participate in an extracurricular activity (including before- and after-school programs) if the lack of transportation poses a barrier to the student’s participation, even if it is not provided to permanently housed students. If the extracurricular activity is an hour and a half, a student in temporary housing is entitled to participate in the full program and be provided with transportation. See NCHE Brief:* [*Extracurricular Activities and Transportation for Students Experiencing Homelessness*](https://nche.ed.gov/wp-content/uploads/2018/12/extra-curr-trans.pdf)

**Q: Is there an age limit for putting a child in a taxi to get to and from school?**

A: *Contracting with taxi services to provide transportation to homeless students should not be used as a general practice. However, where LEAs have no other choice, they may arrange for such services on a temporary basis**until transportation can be set up by the district. Children in kindergarten through eighth grade should travel with an adult in a taxi.*

**Q: What happens if it is more than five days?**

*A: NYSED recommends that transportation for students in temporary housing is arranged within three school days as a best practice. If transportation takes more than three days, the school district may reimburse the parent for gas/mileage that is incurred to transport the child to school.*

**Q: How is that equitable for those that do not receive transportation for after/before activities due to lack of transportation?**

*A: Local Education Agencies (LEAs) have the responsibility to identify children and youth experiencing homelessness. A main tenet of these school rights and protections of students in temporary housing is school stability*. *According to the McKinney-Vento Act, eligible students are entitled to transportation to participate in an extracurricular activity (including before- and after-school programs) if the lack of transportation poses a barrier to the student’s participation, even if it is not provided to permanently housed students. Question J-11 of the Education for Homeless Children and Youth (EHCY) Program Non-Regulatory Guidance (March, 2017) further clarifies that LEAs must provide transportation to extracurricular activities for homeless students when the lack of transportation is a barrier to their participation” See NCHE Brief:* [*Extracurricular Activities and Transportation for Students Experiencing Homelessness*](https://nche.ed.gov/wp-content/uploads/2018/12/extra-curr-trans.pdf)

**Q: Our school district has a policy to provide transportation to students who live more than 1 mile from the school building. Therefore, those less than one mile from school are required to walk. Can this policy be applied to those students in temporary housing as well - or are we required to provide transportation to MV students regardless of distance to the school building?**

*A: If there is a barrier for the MV eligible student within the one-mile requirement policy of your district, then transportation may need to be provided.*

**Q: New Liaison here, not really sure what my role is in planning a bus route? Do the transport people really take meetings with us? When do we schedule these?**

*A: We encourage McKinney-Vento liaisons to collaborate with District’s Transportation Directors to set up transportation for students living in temporary housing. NYS TEACHS provides a* [*Quick Tips Guide for Transportation Directors*](https://www.nysteachs.org/_files/ugd/6642c2_c5382964b04b48c3b9b2c0fb78b60b51.pdf) *that you may find useful.*

**Q: Do you have a sample transportation log needed for reimbursement?**

*A: NYS TEACHS does not have a sample transportation log. Please consult with your district’s business office.*

**Q: Are there supports to help a student get to an after-school job and then home?**

*A: McKinney-Vento eligible students are entitled to transportation to and from school and to participate in academic and after school programs, if the lack of transportation poses a barrier to a student’s participation. There is not a provision in the McKinney-Vento Act to provide transportation to an after-school job.*

**Q: Would a domestic abuse situation qualify the family for EAF? I had DSS place students out of district for this reason but they told me it was my responsibility to transport the students.**

*A: To qualify for an EAF grant, the applying household must meet the program’s eligibility criteria, which include the presence of a minor child(ren), the existence of an emergency, which must be a result of a* *sudden catastrophic occurrence or situation which threatens family stability and that was unforeseen and beyond the individual’s control (although this is not a requirement for obtaining utility arrears), and the assistance is necessary to avoid destitution of the child. Households must also meet citizenship/immigration requirements, residency, and financial requirements. When determining financial eligibility for EAF, a household’s available income on the date of application, must be at, or below, 200% of the federal poverty level for that household size.* DSS will inform school districts if a family is EAF eligible.

**Off-topic Questions**

**Q: If an unaccompanied homeless youth is in need of outside counseling. Is counseling something that is provided at no cost to the family that the UHY is staying with?**

*A: School district McKinney-Vento Liaisons must make an extra effort to help connect unaccompanied youth with the support and services they may need. 42 U.S.C. § 11432(g)(6)(A)(iv). Title I, Part A funds may be used to provide a wide variety of services to homeless students including counseling services. Please see* [*Guidance on Allowable and Unallowable Expenditures*](http://www.nysed.gov/common/nysed/files/programs/essa/homeless-allowable-unallowable_052920.pdf)

*Most, if not all, McKinney-Vento students would be eligible for Medicaid (under 19 and very low-income). An unaccompanied youth should be able to apply on his or her own, but it may require a phone call or two to find the right person who can understand the situation and assist with the application process. Medicaid/New York State link:* [*https://www.medicaid.gov/state-overviews/stateprofile.html?state=new-york*](https://www.medicaid.gov/state-overviews/stateprofile.html?state=new-york)

**Q: Does McKinney Vento provide students with additional money or assistance for post-secondary education?**

*A: The McKinney-Vento Act addresses students in Prek-12th grade.*

**Q: What about when students are staying with others in illegal apartments, or the landlord has no idea someone is there?**

*A: Regardless of the situation, if a student ‘s housing situation is not fixed, regular and adequate, they are eligible for benefits under the law.*

**Q: What if the student is only "homeless" or in temp. housing half of the school week?**

*A: The term homeless child or youth means an individual who lacks a fixed, regular and adequate primary nighttime residence. If the student is homeless at any point, that student would be MV eligible.*

**Q: What if the UPK program is filled when parent choses "new" school location?**

*A: Based on the McKinney-Vento Act, preschools living in temporary housing are entitled to immediate enrollment. McKinney-Vento requires districts to develop, review and revise policies to remove barriers to the enrollment and retention of students in temporary housing, including preschoolers (see 42 USC §11432[g][1][I]). Your district can apply for a* [***variance***](https://05303efd-44dd-4eb6-9d00-03e00fa3e2be.filesusr.com/ugd/10c789_3a32d771d826463480456d8485649e12.docx?dn=INF_SED_RequestforClassSizeVarianceForm_062518.docx) *so that this student can be enrolled. To get a variance, the Pre-K program should complete this Pre-K Class Size Variance Request and email it to NYSED’s Office of Early Learning at* ***oel@nysed.gov****. For more information, see* [***NYSED 2015 Guidance memo***](https://www.nysteachs.org/_files/ugd/10c789_5eb68cd4708242b98f1ac7364d1d7942.pdf)

**Q: How do we know if the local department of Social Services is involved? How would we know if the family is EAF eligible?**

*A: LEAs should have a local contact with the Department of Social Services as Local Department of Social Services complete the* [*STAC 202*](https://www.oms.nysed.gov/stac/forms/stac_202_form.pdf)*/designation form, only if places in temporary housing by DSS. Here is the Eligibility for Emergency Assistance to Families* [*(EAF) form*](https://otda.ny.gov/policy/directives/2012/INF/12-INF-07-Attachment-1.pdf) *.DSS will inform the school district if the family is EAF eligible.*