



## **Transportation for Students in Foster Care: A Legal and Practical Reference Tool**

Students in foster care often move frequently. They move when they are first brought into care, and case workers may change children's placements multiple times over their time in care. However, students in foster care should not have to change schools every time they change foster placements.

The 2008 Fostering Connections to Success and Increasing Adoptions Act required child welfare agencies to develop a plan for ensuring the educational stability of each child in foster care, including requirements that:

- Child welfare agencies must document in each child's case plan coordination with local educational agencies (LEAs) to ensure children remain in the school in which the child was enrolled at the time of each placement (unless it is not in the child's best interest to remain in that school).
- Every foster child's case plan must include assurances that the placement of the child in foster care takes into account the proximity to the school of origin and the appropriateness of the current education setting.<sup>i</sup>

In 2015, the Every Student Succeeds Act (ESSA) added new provisions to Title I, Part A, to complement the existing requirements in child welfare law. ESSA now requires every state educational agency to collaborate with the state child welfare agency to ensure the educational stability of children in foster care, including assurances that children in care remain in their school of origin, unless it is not in their best interest.<sup>ii</sup>

ESSA also provides a blueprint for allocating responsibility for providing transportation for foster youth to remain in their school of origin. ESSA requires LEAs receiving Title I, Part A funds to collaborate with child welfare agencies to develop written procedures governing how transportation to maintain children in their school of origin will be provided, arranged, and funded. Those procedures must ensure that:

- Children in foster care needing transportation will receive it promptly, in a cost-effective manner, and in accordance with the state ability to use Title IV-E (foster care) funds.
- If there are no additional costs incurred in providing school of origin transportation for children in foster care, the LEA should provide the transportation.
- If there are additional costs incurred, the LEA must provide transportation only if:

- the local child welfare agency agrees to reimburse the costs;
- the LEA agrees to pay the costs; or
- the LEA and child welfare agency agree to share the costs.<sup>iii</sup>

Many states and LEAs have created transportation guidelines and procedures. Samples from [Pennsylvania](#) and [Anchorage](#) are available on our website. In addition, we suggest considering the following questions in developing foster care transportation procedures:

1. How can the child welfare agency increase foster placement options, so children can be stably placed close to their school of origin (i.e., partnering with schools and community agencies in foster parent recruitment and wraparound services to help maintain placements)?
2. Can existing school bus routes be adjusted to accommodate the transportation, including special education and other special bus routes?
3. Is public transportation available and appropriate (i.e., the commute would not be unnecessarily long, and the child is of an appropriate age and has, or is able to acquire, the skills to use public transportation)?
4. Can foster parents provide transportation?
5. Can case workers provide transportation?
6. Are taxis, vans or other options available and safe (i.e., appropriate for the child's age, drivers undergo background checks, etc.)?
7. How can state and local child welfare agencies ensure that Title IV-E foster care maintenance payments and administrative funds are used for school of origin transportation? How can state child welfare funds help defray transportation costs?
8. How can LEAs use Title I, Part A funds set aside to serve neglected children in local institutions and community day programs to provide school of origin transportation? (See 20 U.S.C. §6313(c)(3)(A)(ii)-(iii))

Note: Title I, Part A funds set aside to serve homeless children **cannot** be used for children in foster care.

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<sup>i</sup> 42 U.S.C. §675(1)(G).

<sup>ii</sup> 20 U.S.C. §6311(g)(1)(E)(i)

<sup>iii</sup> 20 U.S.C. §6312(c)(5)(B).