

National Center for Homeless Education
Supporting the Education of Children and
Youth Experiencing Homelessness
www.serve.org/nche



McKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

Transporting Children and Youth Experiencing Homelessness

This brief explains the provisions of Subtitle VII-B of the McKinney-Vento Homeless Assistance Act (reauthorized under Title X, Part C of the No Child Left Behind Act; hereafter referred to as the McKinney-Vento Act) related to the transportation of children and youth experiencing homelessness and offers strategies for implementing the law. Briefs on additional topics pertaining to homeless education and related laws may be found at <http://center.serve.org/nche/briefs.php>.

INTRODUCTION

Changing schools may greatly impede the academic achievement and social development of students experiencing homelessness. Students who transfer to a new school often experience educational discontinuity and, as a result, lose academic credits. Moreover, the mobility experienced by these students separates them from their social network and from teachers and school staff who know their academic strengths and weaknesses. Coupled with the distress caused by the loss of housing, and the economic strain that often accompanies this, changing schools puts homeless students at risk of academic failure. Research studies have demonstrated a link between high mobility due

Who is homeless?

(McKinney-Vento Homeless Assistance Act – Title X, Part C of the Elementary and Secondary Education Act – Sec 725)

The term “homeless children and youth”—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
 1. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 2. 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...
 3. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 4. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

to homelessness and poor school performance. (Cunningham, Harwood, & Hall, 2010; Obradović et al., 2009).

TRANSPORTATION UNDER THE MCKINNEY-VENTO ACT

School of Origin Transportation

To counteract the educational disruption caused by mobility, the McKinney-Vento Act provides students experiencing homelessness with the right to continue attending the school of origin¹ or enroll in any public school that nonhomeless students who live in the same attendance area are eligible to attend, according to the student's best interest. When determining a student's best interest, the U.S. Department of Education suggests considering the following feasibility factors in its 2004 Guidance (U.S. Department of Education [ED], 2004, G-4):

Feasibility Factors

- The age of the child or youth;
- The distance of a commute and the impact it may have on the student's education;
- Personal safety issues;
- A student's need for special instruction (e.g., special education and related services);
- The length of anticipated stay in a temporary shelter or other temporary location; and
- The time remaining in the school year.

It also is important to consider the wishes of the parent/guardian and student himself or herself.

If the local liaison and student's parent/guardian determine that it is in the student's best interest to continue his or her education in the school of

¹ *School of origin* is defined as the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled (42 USC 11432(g)(3)(G), 2001).

SUMMARY OF KEY PROVISIONS

- Local homeless education liaisons must ensure that the parent or guardian of a homeless child or youth, or any unaccompanied homeless 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 42 USC 11432 (g)(3)(A).
- Local educational agencies (LEAs) must provide students experiencing homelessness with transportation to and from their schools of origin, if requested by a parent or guardian, or if requested by the local liaison on behalf of an unaccompanied homeless youth.
- If the student's temporary residence and the school of origin are in the same LEA, that LEA must provide or arrange the student's transportation to and from the school of origin. If the student is living outside of the school of origin's LEA, the LEA where the student is staying and the school of origin's LEA must determine how to divide the responsibility and cost of providing transportation, or they must share the responsibility and cost equally.
- In addition to providing transportation to the school of origin, LEAs must provide students in homeless situations with transportation services comparable to those provided to other students.



origin, then the LEA must provide or arrange transportation to and from the school of origin, at the request of the parent or guardian (or in the case of an unaccompanied homeless youth, at the request of the local liaison). For more information about school selection and determining a student's best interest, download NCHÉ's *Guiding the Discussion on School Selection* brief at http://center.serve.org/nche/downloads/briefs/sch_sel_checklist.pdf.

Comparable Services

The McKinney-Vento Act also requires that homeless students be provided services comparable to those offered to other students in the school, including transportation (42 USC 11432(g)(4)(A), 2001).

Removal of Barriers

The intent of the McKinney-Vento Act is to remove roadblocks to a homeless student's educational access and success. According to the Act, State educational agencies (SEAs) must review and take steps to revise any law, regulation, practice, or policy that may act as a barrier to a homeless student's ability to receive the same free, appropriate public education as is provided to other students (42 USC 11431(2), 2001). In reviewing and revising such policies, consideration must be given to issues concerning transportation. Because homeless students often experience challenges not faced by housed students, the provision of services to homeless students may need to extend beyond what is provided to housed students when extraordinary barriers exist.

Prompt Provision of Transportation

According to the McKinney-Vento Act, LEAs are required to implement a coordinated system to ensure that transportation services are provided promptly, including those that allow the parent/guardian of each homeless student (or, in the case of an unaccompanied homeless youth, the youth) to exercise the student's option to attend either the school of origin or the local

attendance area school (42 USC 11432(e)(3)(E)(i)(III), 2001). Further, because the Act requires homeless students to be provided immediate school enrollment, defined as attending classes and participating fully in school activities (42 USC 11434a(1), 2001), LEAs must arrange transportation without delay.

RESOURCES FOR FUNDING TRANSPORTATION

LEA Transportation or General Funds

Providing transportation to and from the school of origin for homeless students when requested is an LEA responsibility mandated in the McKinney-Vento Act. This responsibility exists for all LEAs, even if the LEA does not provide transportation for other students (ED, 2004, H-6) and/or does not receive McKinney-Vento subgrant funding (ED, 2004, H-7). As such, using LEA transportation or general funds to provide transportation for homeless students is an acceptable, and often necessary, option.

McKinney-Vento Subgrant Funds

Under the McKinney-Vento Act, SEAs must distribute a portion of their State McKinney-Vento allocation to districts through a competitive subgrant process. According to the Act, LEAs that receive a subgrant may use these funds to "defray the excess cost" of providing transportation to students experiencing homelessness (42 USC § 11433 (d)(5), 2001). While the law does not define this phrase, the expectation is that the LEA will cover the same level of cost for transporting homeless students as is covered for other students before relying on subgrant funds.

As a best practice, SEA McKinney-Vento subgrant applications should require LEAs to state what portion of the grant, if received, would be allocated for transportation. It is important to remember that subgrants are intended to meet a range of needs for homeless students, not just transportation needs. For questions about the

McKinney-Vento subgrant application process in your State and allowable usages of subgrant funds, contact your State Coordinator for Homeless Education. State Coordinator contact information may be accessed at http://center.serve.org/nche/states/state_resources.php.

Title I, Part A Set-aside Funds

According to Title I, Part A, each LEA must reserve funds as necessary to provide services to homeless children who are attending a school that is not a Title I, Part A school (20 USC 6313(c)(3)(A), 2001). These set-aside funds may be used to provide a range of services and supports; however, these funds may not be used to provide transportation to and from the school of origin while a student is homeless. The U.S. Department of Education determined that since the McKinney-Vento Act mandates that LEAs provide transportation to and from the school of origin, funding the provision of this service through Title I, Part A would constitute supplanting.

Nevertheless, Title I, Part A set-aside funds may be used for other transportation needs for homeless students, such as transportation to enable a formerly homeless student to continue attending the school of origin until the end of the school year in which he or she becomes

permanently housed (ED, 2004, M-2). Title I, Part A set-aside funds also may be used to provide transportation to enable parents to be more involved in their child's education and to enable students to participate in extended day programming with an academic focus.

For more information about the Title I, Part A set-aside for homeless students, download NCHE's *Serving Students Experiencing Homelessness under Title I, Part A* brief at <http://center.serve.org/nche/downloads/briefs/titlei.pdf>.

COLLABORATING TO PROVIDE TRANSPORTATION

Collaboration is key to creating an efficient system of providing transportation for homeless students. Ideally, collaborative relationships are formed prior to an issue involving transportation arising.

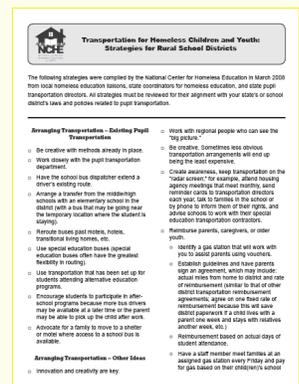
Collaboration among LEA Programs and Departments

Collaboration between the LEA's homeless education and transportation programs is critical to ensuring that transportation for homeless students is provided in a prompt and efficient manner. The LEA's transportation

NCHE TRANSPORTATION RESOURCES

For more information about providing transportation for students in homeless situations, download the following NCHE resources on transportation:

- *Increasing School Stability for Students Experiencing Homelessness: Overcoming Challenges to Providing Transportation to the School of Origin* at http://center.serve.org/nche/pr/incr_sch_stab.php;
- *Transportation for Homeless Children and Youth: Strategies for Rural School Districts* at http://center.serve.org/nche/downloads/rur_trans.pdf;
- NCHE Information by Topic webpage, Transportation: http://center.serve.org/nche/ibt/sc_transport.php; and
- NCHE Sample Forms and Materials webpage, Transportation: <http://center.serve.org/nche/forum/transp.php>.



Transportation for Homeless Children and Youth: Strategies for Rural School Districts

director should work with the local liaison, district leadership, neighboring districts, and homeless service providers to develop effective transportation policies and procedures (ED, 2004, H-4). In addition, school bus drivers should be trained on the McKinney-Vento Act's requirements concerning homeless students. Because bus drivers are often the first and last school personnel to come into contact with students experiencing homelessness in the course of the day, they may develop supportive relationships with the students. Drivers also may assist with identifying students in homeless situations as they observe changes in when and where students are picked up or dropped off.

Many districts utilize special education buses for transporting homeless students. The Office of Special Education Programs (OSEP) allows the use of special education buses for homeless students as long as the transportation needs of all special education students have been met.

Interdistrict Collaboration

Many homeless students cross LEA, county, and even State lines when traveling between temporary living arrangements and school. As such, coordination between LEAs is required in cases of interdistrict transportation (42 USC 11432 (g)(5)(A)(ii), 2001). In cases where it is determined to be in a student's best interest to attend the school of origin, but the student is living in another LEA, the LEA of origin and the LEA in which the student is living must agree upon a method to apportion the responsibility and costs for providing transportation to and from the school of origin. If the LEAs are unable to reach an agreement, the responsibility and costs for transportation must be shared equally (42 USC 11432 (g)(1)(J)(iii)(II), 2001). Inter-district transportation disputes should be resolved at the SEA level (ED, 2004, H-5). It is recommended that LEAs consult with the State Coordinator for Homeless Education to be informed about any policies or practices related to inter-district transportation that may be in place within the State.

Local liaisons and transportation directors from

LEAs that share homeless students should meet regularly to plan efficient ways to arrange transportation. It is best to have a plan in place before the need for transportation arises so that barriers that might delay inter-district transportation may be addressed. These plans may come in the form of informal agreements or formal memoranda of understanding.

Community Collaboration

Local liaisons should establish cooperative relationships with community agencies that serve homeless families, youth, and children. A community-wide commitment to assist homeless families with children and unaccompanied homeless youth can result in resource sharing, including transportation resources. Many LEAs have been able to arrange transportation using shelter or other service vans. Some public transportation systems donate bus passes or other transportation services to school districts for use with homeless students. Community foundations often are willing to contribute to meeting the needs of homeless students, including transportation needs.

Collaboration with Parents

Parents who are experiencing homelessness generally appreciate being included in decisions involving the education of their child(ren), and should be part of the conversation on developing any plans for transporting their children to and from the school of origin. Moreover, parents should be provided with clear expectations for their role in carrying out the plan, such as committing to getting their children to a bus stop on time, notifying the transportation department when a child will not be attending school to avoid unnecessary trips, or following procedures for utilizing gas vouchers.

USING DISCRETION AND SENSITIVITY IN PROVIDING TRANSPORTATION

According to U.S. Department of Education

Guidance, based on the best interest of the student and in consultation with the parent, the LEA ultimately determines the mode of transportation (2004, H-4); however, it is important to ensure that the mode of transportation does not create barriers to a homeless student's education. For example, transportation arrangements should ensure that a homeless student is able to participate for the full school day, neither arriving late nor leaving before the school day has ended. Extremely early pick-up times or public bus transfers for young children also may be problematic and should be considered carefully when arranging transportation.

The mode of transportation also should not stigmatize a homeless student or betray the confidentiality of his or her living status. Bus routes, for example, should be arranged such that students staying in homeless shelters can be picked up and dropped off in such a way as not to reveal their place of temporary residence.

STRATEGIES FOR ESTABLISHING A TRANSPORTATION SYSTEM

- Convene a meeting of local liaisons and transportation directors to establish a plan that may be implemented immediately when transportation is needed for a homeless child. Addressing issues of cost, responsibility, and logistics before the need occurs will prevent delays in a homeless student's school attendance.
- Utilize technology, such as a transportation database, to make electronic transportation requests, maintain current records of homeless students receiving transportation, and determine what specialized bus routes have been established.
- Develop forms, such as homeless student transportation requests, parent agreements, and interdistrict transportation agreements that may be accessed easily at any school or online.

- Explore flexible bus routes that can be implemented easily. Maintain a list of shelters, hotels, motels, campgrounds, and other areas where homeless families may live so that these locations can be included in bus routes on short notice.
- Be aware that students in homeless families and unaccompanied homeless youth move frequently and transportation plans must be adjusted accordingly. Encourage families and youth to inform the local liaison when they are moving.
- Identify a transportation staff member who will serve as the point person to arrange transportation for homeless students.
- Be mindful of State and local policies for pupil transportation safety. McKinney-Vento does not override safety policies.
- If utilizing public transportation, ensure that support is provided for parents to accompany young children to and from school.
- Develop a system of providing gas vouchers/ cards or reimbursements to parents or youth who are able and willing to drive to school.
- Explore possibilities for volunteers, such as retirees, to provide transportation for homeless students. This option should be considered only if pupil transportation safety policies would allow it and if sufficient driver background checks are conducted.
- Explore economical approaches to providing transportation. Brainstorm cost-saving solutions with LEA and community stakeholders.

Providing transportation for students experiencing homelessness eliminates the most often cited barrier to their school enrollment and regular attendance (ED, 2004, H). By establishing transportation plans and collaborative agreements prior to the need for transportation, LEAs ensure that transportation for homeless students is provided in a prompt and effective manner.

MCKINNEY-VENTO ACT EXCERPTS RELATED TO TRANSPORTATION

(1) IN GENERAL- Each State shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following: ...

(J) Assurances that--...

(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

(I) If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the homeless child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

42 USC 11432 (g)(1)(J)(iii)

(4) COMPARABLE SERVICES-Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

(A) Transportation services.

42 USC 11432 (g)(4)(A)

(6) LOCAL EDUCATIONAL AGENCY LIAISON-

(A) DUTIES- Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that--...

- (vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

42 USC 11432 (g)(6)(A)(vii)

(d) **AUTHORIZED ACTIVITIES-** A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:...

- (5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).

42 USC 114323 (d)(5)

2004 NON-REGULATORY GUIDANCE EXCERPTS RELATED TO TRANSPORTATION

G-4. What should a school district consider when determining the extent to which it is feasible to educate a homeless child or youth in his or her school of origin?

As stated above, to the extent feasible, a district must educate a homeless child or youth in his or her school of origin, unless doing so is contrary to the wishes of the parent or guardian. The placement determination should be a student-centered, individualized determination. Factors that an LEA may consider include the age of the child or youth; the distance of a commute and the impact it may have on the student's education; personal safety issues; a student's need for special instruction (e.g., special education and related services); the length of anticipated stay in a temporary shelter or other temporary location; and the time remaining in the school year.

H-1. What responsibilities do SEAs and LEAs have regarding providing transportation services to homeless children and youth?

SEAs and LEAs are responsible for reviewing and revising policies, including transportation policies, that may act as barriers to the enrollment and retention of homeless children and youth in schools in the State. Under the McKinney-Vento Act, homeless children and youth are entitled to receive the transportation and other services that are available to non-homeless students.

SEAs and LEAs must adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison), to or from the "school of origin" (see definition in Appendix A) in accordance with the following requirements:

- If the homeless child or youth continues to live in the area served by the LEA in which the school of origin is located, that LEA must provide or arrange for the child's or youth's transportation to or from the school of origin.
- If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

H-2. How can LEAs ensure that the education of homeless students is not disrupted during inter-district transfers?

LEAs should have in place inter-district (and inter-State, where appropriate) agreements that address potential transportation issues that may arise as homeless students transfer from one district to another.

H-3. May funds under Part A of Title I or Part A of Title V of the ESEA be used to transport homeless students to and from the school of origin?

In general, LEAs may not use funds under Title I, Part A or Title V, Part A to transport homeless students to or from their school of origin. Transportation services to the school of origin are mandated under the McKinney-Vento Act's statute. The "no-supplanting" provisions in Title I and Title V prohibit those funds from being used to support activities that the LEA would otherwise be required to provide.

H-4. Who should be involved in developing and implementing transportation policies for homeless students?

School districts can best address the transportation needs of homeless and other highly mobile students through a team approach. However, based on the best interest of the student and in consultation with the parent, the LEA ultimately determines the mode of transportation. The LEA's transportation director is a key figure in the process and should work with district leadership, the local liaison for homeless students, neighboring districts, and homeless service providers to develop effective transportation policies and procedures.

H-5. Is an LEA required to transport homeless students to and from their school of origin, if needed, while enrollment disputes are being resolved?

Yes. The McKinney-Vento Act's transportation requirements apply while disputes are being resolved. Therefore, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), the LEA must provide or arrange for transportation to and from the school of origin. Inter-district transportation disputes should be resolved at the SEA level. (See section 722(g)(1)(C).

H-6. If an LEA does not provide transportation to non-homeless students, is it required to transport homeless students?

Yes. As discussed above, the statute not only requires an LEA to provide comparable services, including transportation services, to homeless students, it also requires an LEA, at the request of a parent or guardian, to provide or arrange for transportation to and from the school of origin.

H-7. Do LEA transportation responsibilities apply to all LEAs in the State or only to those LEAs that receive a McKinney-Vento subgrant?

This requirement applies to all LEAs in the State.

H-8. Does McKinney-Vento require an LEA to provide transportation services to homeless children attending preschool?

To the extent an LEA offers a public preschool education, McKinney-Vento requires that homeless children have equal access to that preschool education as provided to non-homeless children. Furthermore, the statute requires that the services provided to homeless children be comparable to those provided to non-homeless children. Thus, if an LEA provides transportation for non-homeless preschool children, it must also provide comparable transportation services for homeless preschool children.

REFERENCES

- Cunningham, M., Harwood, R., & Hall, S. (2010). *Residential instability and the McKinney-Vento homeless children and education program*. Washington, DC: Metropolitan Housing and Communities Center, Urban Institute. Retrieved from <http://www.urban.org/uploadedpdf/412115-mckinney-vento-program.pdf>.
- No Child Left Behind Act of 2001. 20 USC 6301.
- Obradovic, J., Long, J. D., Cutuli, J. J., Chan, C.K., Hinz, E., Heistad, D., & Masten, A. S. (2009). Academic achievement of homeless and highly mobile children in an urban school district: Longitudinal evidence on risk, growth and resilience. *Development and Psychopathology, 21*, 493-518.
- U.S. Department of Education. (2004). *Education for Homeless Children and Youth program non-regulatory guidance*. Retrieved from <http://www2.ed.gov/programs/homeless/guidance.pdf>.

This brief was developed by:

National Center for Homeless Education

800-308-2145 (Toll-free Helpline)

<http://www.serve.org/nche>

Updated Fall 2012

NCHE is supported by the U.S. Department of Education Student Achievement and School Accountability Programs. The contents of this brief were developed under a grant from the U.S. Department of Education. However, these contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

Every state is required to have a State Coordinator for Homeless Education, and every school district is required to have a local homeless education liaison. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your State Coordinator is, visit the NCHE website at *http://www.serve.org/nche/states/state_resources.php*.



For more information on the McKinney-Vento Act and resources for implementation, call the NCHE Helpline at 800-308-2145 or e-mail *homeless@serve.org*.

Local Contact Information: