

Indiana Education for Homeless Children & Youth (INEHCY)
McKinney-Vento Homeless Education Program

Transportation FAQ

Federal Guidance

The federal definition of homelessness: [42 U.S.C. §11434]

WHO IS HOMELESS? Homeless students are those who lack a fixed, regular, adequate nighttime residence. This includes students 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 campgrounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals.

The definition includes migratory students who live in the aforementioned situations. Beginning Dec. 10, 2016, “those awaiting foster care placement” are not included in the definition.

If a parent experiencing homelessness chooses to withdraw her child from the school of origin and enroll in a charter school, will the child receive transportation to the charter school?

Answer: Transportation is required to the school of origin, while the student is homeless and until the end of the academic year in which she finds housing (assuming it is in the child’s best interest to remain in the school of origin). If the family chooses to change to a charter school, the child will receive transportation comparable to what other students would receive. So if the charter school does not provide transportation to its students, this child also will not be entitled to transportation. The only exception would be if the lack of transportation presents a particular barrier to enrollment.

A student has been transported to the school of origin during this school year. If the student is re-identified next school year as McKinney-Vento eligible, can the student continue to attend the school of origin, and receive transportation?

Answer: “Yes. Students retain the right to stay in their school of origin – and the right to transportation to their school of origin – for the duration of their homelessness, provided that staying in their school of origin continues to be in their best interest. The best interest decision must take into account student-centered factors, including factors related to the impact of mobility on achievement, education, health, and safety. It also must prioritize the wishes of the parent or, for unaccompanied youth, the youth.

If, after this best interest determination, the LEA determines that it is not in the youth’s best interest to continue in the school of origin, it must provide the child’s or youth’s parent or guardian, or the unaccompanied youth, with a written explanation of the reasons for its determination, including information regarding the right to appeal.

So, all of that is to say that if the student is still homeless at the beginning of next school year, you would need to do a best interest determination; if it still in his or her best interest to attend the school of origin in the next school year, transportation must be provided.”

Family living in District C lost housing 2 years ago and began doubling up in District A. Family enrolled in District A, so there have not been any inter-district transportation needs. Now family moved and is doubled up in District B. District A is asking about who should be sharing transportation with them -- District B, or District C?

Answer: “I look at this in 2 steps. First, what does MV say about paying for school of origin transportation when the student moves out of district: the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth 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 1432(g)(1)(J)(iii)(II)). So the LEA where living is easy— that’s now District B.

Second, what is the LEA of origin? The LEA of origin in this situation is District A since that is the school of origin the students are attending. It is correct that the definition of the school of origin includes the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool. So technically, one student can have two “schools of origin”. But when it comes to transportation, the real question is which school of origin the child is attending— i.e. which school are they seeking transportation to/from. In this case, that’s District A. So District A is the only school of origin that matters. So in this situation, District A and District B “shall agree upon a method to apportion the responsibility and costs” of transportation to the District A school. Or the state could establish a policy that one or the other district pays. Or, if there is no state policy and they can’t agree, they can split it 50/50.”

We have a McKinney-Vento student participating in a special program providing coordinated activities to promote movement from school to post-school activities. The student’s guardian has found a volunteer career opportunity related to the program’s goals. Are we required to provide transportation to that volunteer position?

Answer: It probably depends on how the position fits into your program. Is a volunteer opportunity of this type usually part of the program? In other words, could it be said that the guardian saved the school some work by finding an appropriate volunteer opportunity, which otherwise the school would have had to secure? If so, I think there’s a strong argument to require the transportation, because this would be considered a school activity as part of the career transition program. The Department of Education requires that LEAs provide transportation for extracurricular activities if the lack of transportation poses a barrier.

Which activities are covered under this mandate? Would you call the after school care organizations an extracurricular activity if it is not district-administered, but it is housed at the school? If so, does this depend on whether or not there is an academic component to the program?

Answer: In this scenario, the after school care organizations probably is not an extracurricular activity, because it is not funded or administered by the LEA. The in-kind donation of space to a community agency wouldn’t rise to the level of making it an LEA activity. I don’t think the academic component would be a factor, unless the LEA was providing the academic component. If the after school organizations is providing an academic component, like tutoring or homework help, then transportation would be an allowable use of Title I set-aside funds. But it would not be required.

Under what circumstances must a school district provide transportation to school for students experiencing homelessness?

Answer: The McKinney-Vento Act requires school districts to provide transportation for students experiencing homelessness in three situations. First, school districts must provide transportation to the school of origin upon the request of a parent or guardian, or in the case of an unaccompanied youth, upon the request of the homeless liaison. That is true regardless of whether the district provides transportation for other students or in other circumstances. Second, for other transportation (as opposed to the school of origin), the McKinney-Vento Act requires districts to provide transportation comparable to that provided to housed students. Therefore, if the district transports housed students to the local school or to a summer program, it must also transport students experiencing homelessness. Finally, school districts must eliminate barriers to the school enrollment and retention of students experiencing homelessness. For example, if a student is living on or near an extremely busy intersection, in a very dangerous neighborhood, or is otherwise unable to attend school without transportation, the district must eliminate lack of transportation as a barrier to the child attending school.

How far is too far to travel to the school of origin? What if my state has established a general limit on all school transportation of one hour or 30 miles?

Answer: The McKinney-Vento Act does not specify any mileage or time limit for travel to the school of origin. The Act requires school districts to provide transportation to the school of origin at the request of a parent or guardian or, for unaccompanied youth, at the liaison's request. Therefore, whenever a student is attending the school of origin, transportation is required. A commute so lengthy as to be harmful to the child's educational achievement will weigh against placement in the school of origin. This determination will depend on the student's circumstances. For example, a lengthy commute that may be harmful to a young child may be feasible for an older youth. Similarly, in many rural areas, lengthy commutes to school are common; the commute of a child experiencing homelessness in such an area would need to be evaluated in that context. Therefore, transportation services must rest on the individualized feasibility determination, not blanket limits. State or school district policies that establish blanket limits on transportation without exception for homeless students violate the McKinney-Vento Act. The federal law supersedes these contrary state or local policies.

Is transportation required if the school of origin is in another school district?

Answer: Yes. As long as attendance at the school of origin is reasonable, transportation is required, even if it requires students to cross district lines. If two districts are involved, they must agree upon a method to apportion the cost and responsibility of transportation, or split it equally. States should develop a system to assist with inter-district transportation issues, including disputes between districts regarding apportioning costs and responsibility. The state attorney general's office may also be able to assist. States may have policies about shared fiscal responsibilities. The possibility of nonpayment does not affect districts' obligation to provide transportation. Inter-district disputes cannot delay the immediate enrollment of children in the school selected. Establishing inter-district transportation procedures will be essential to ensure that transportation is arranged quickly for students.

If a student is crossing district lines to remain at the school of origin, which district has primary responsibility to arrange and fund the transportation?

Answer: The McKinney-Vento Act first gives school districts and states the ability to agree upon a method to apportion cost and responsibility. The Act further states that in the absence of agreement, the two districts must apportion cost and responsibility equally. However, responsibility is divided, students must be provided with transportation without delay. In practice, states may wish to designate either the district of origin or the district of residence as the lead agency, to avoid any delays in initiating services while such disagreements are resolved. Any such delays would violate the McKinney-Vento Act's requirement that students be immediately enrolled in the selected school.

Are districts required to provide transportation to alternative schools for homeless students?

Answer: If the student is assigned to an alternative school by the district, then transportation must be provided to the school.

When two states are involved in a dispute regarding provision of transportation and either state absolutely refuses to pay any of the cost, is there a provision for a federally-enforced resolution?

Answer: The states may call the USDE for technical assistance in resolving the dispute. The state attorney general's office also may be able to assist. States may have policies about shared fiscal responsibilities. The possibility of nonpayment does not affect districts' obligations to provide transportation. Inter-state disputes cannot delay the immediate enrollment of children in the school selected. Establishing inter-state transportation procedures will be essential to ensure that transportation is arranged quickly for students. Communication among the involved State Coordinators and liaisons can facilitate the provision of services.

Can a school district pay parents to transport their children?

Answer: Yes. School districts may reimburse parents or youth who have cars and are able to provide transportation, as a cost-effective means to meet the district's obligation. The district cannot mandate that parents transport, but may give the parents the option. These types of reimbursements can be made through W-9 process to parents or youths who are able and willing to drive to school. If the district is reimbursing the parent they reimburse at the district employee reimbursement rate.

Does providing or arranging for transportation mean door-to-door transportation, similar to transportation for students receiving special education services?

Answer: Generally, no. The McKinney-Vento Act does not require door-to-door transportation, unless that is the only appropriate arrangement for a particular student. For example, if a student is living on or near an extremely busy intersection, it may not be appropriate to expect the child to cross the intersection. The mode and details of transportation must not present a barrier to the child's attendance in school.

Does providing access to public transportation qualify as providing transportation?

Answer: Yes, if the public transportation is appropriate. For example, young children cannot be expected to use public transportation alone. In such cases, school districts should provide transit passes for an adult caregiver to escort the child, or provide another form of transportation. Similarly, if traveling to a school of origin on public transit requires an unreasonable length of time, another mode of transportation may be required. The mode and details of transportation must not present a barrier to the child's attendance in school.

If a district doesn't offer transportation to summer school for any students, does it have to provide summer school transportation for students in homeless situations?

Answer: Generally, no. The McKinney-Vento Act requires schools to provide comparable transportation services for students in homeless situations. If the school does not provide transportation to summer school for housed students, then it is generally not required to provide transportation to homeless students. However, if attendance in summer school is required for the student to pass to the next grade, and lack of transportation will prevent the child from participating that presents a barrier to the student's academic success. The district must remove that barrier, so the student must not avoid being retained in the same grade.

Does a school district need to provide transportation for detention?

Answer: A homeless student receiving an after-school detention would be treated comparably to other students who have been detained after school. In some cases, that may mean the school provides after hours transportation.

Is transportation required while a dispute is being resolved?

Answer: Yes, to the extent it would be required if there were no dispute. While disputes are pending, students must be enrolled in the school in which they are seeking enrollment. If that school is the school of origin, the school district(s) involved must provide transportation. If that school is the local school, transportation must be provided to the extent it is not a barrier to attendance. These provisions apply whether the dispute is about school enrollment, school selection, or whether the child or youth is homeless under the McKinney-Vento Act.

If a student's temporary housing is across state lines from the school of origin, is transportation still required?

Answer: Yes. Since the McKinney-Vento Act is a federal law, it applies as in any other situation. Therefore, if the student is attending the school of origin, transportation must be provided at the parent's/guardian's request or at the liaison's request, in the case of an unaccompanied youth. Communication among the involved State Coordinators, liaisons and transportation directors can facilitate the provision of transportation.

May school districts use transportation funds to transport a 19-year-old who is not enrolled in the school district from a shelter to take GED classes?

Answer: The use of federal funds would not be appropriate for this purpose since the student is not enrolled in high school. On the other hand, a homeless student participating in a district's GED program would still be eligible for transportation if the student remains enrolled in high school.

Bus Routes & Schedules

Why is my child's bus late?

Answer: Weather, traffic, driver absenteeism, maintenance difficulties, and unforeseen incidents are responsible for delays in the arrival of school buses in the morning and afternoon.

- Sometimes the bus routes must be doubled out or run as a second load to or from the school due to the regular driver being absent.
- You will need to factor in Traffic
- Drivers check buses before their routes and sometimes find mechanical problems that can cause delays and require driving another bus for that day. This can cause the bus to be late.
- Please know that transportation services are doing everything humanly possible to have all buses running on schedule every day. In the event that your bus does not arrive as scheduled, please allow ten to fifteen minutes before calling the transportation office or the school.

Why can't school provide transportation to different pick-up or delivery locations on different buses on different days?

Answer: According to State law, each student eligible for transportation is permitted one seat on a bus. Providing transportation to and from different locations on different days would require the assignment of multiple seats for those students.

Why can't my child get off wherever they want in the afternoon?

Answer: Student code of conduct states – Students must ride their assigned bus to & from their assigned stop. Switching buses for any reason is strictly prohibited.

How are bus stops determined?

Answer: State regulation requires that schools provide safe, efficient bus routes to all eligible students in our district. Transportation works very hard to keep bus routes less than an hour in order to do so we have to maintain routes that reduce time and mileage wherever possible. Some routes are over one hour, unfortunately with the distance transportation have to travel for some programs and the equipment limitations we have to be creative in our approach to bus routes.

Bus stops are established at easily identified locations accessible to students throughout a geographic area. This assures student safety, bus safety, and service reliability. Every time a school bus stops to pick up and/or drop off students, rider time on the route is increased for the deceleration, stop sequence, loading, seating, safety checks, and acceleration back into traffic flow.

Stopping at every residence along a road can be unsafe as well as an unacceptably inefficient use of resources. If we stopped at every student residence that the bus might pass by, some students would be on the bus for unacceptable lengths of time. In addition, there would be additional fuel consumption and pollution, and some other motorists would be so frequently delayed that they could begin to “take chances” to get past the bus. Problems have also been encountered with identifying the location for the

stop, creating an unsafe 'stop-and-go' hesitancy while a new or substitute driver tries to find the address.

Are bus stops reviewed periodically by transportation?

Answer: Yes, School District transportation supervisor travels throughout the district regularly to assess environmental and traffic changes. Bus drivers report any concerns they may have relating to safe operations at bus stops. During a typical year we will review on our own initiative approximately a third of these stops. We will formally review another 50 per year due to concerns expressed about stop safety by residents.

Capacity

Who determines the number of students permitted on a bus and the distance a student must live from his feeder school to be eligible for transportation?

Answer: Bus loads as well as walking distances are determined by the local district transportation department.

Why are there only 30 students riding some buses and some buses are crowded?

Answer: Decisions regarding each bus route are made by careful planning based on information from the school registration, previous similar routes, and Department of Transportation data. Most routes are fixed during the summer months and changes are made after the first two weeks of school, if not sooner. The more current the information we are given, the better decisions regarding specific routes can be made.

Distance from school, number of buses and drivers, and grouping of students and neighborhoods are factors considered also. Sometimes it is just not possible to have the exact number of students on every run. State and national guidelines allow for up to 20% over capacity seating.

Student Behavior on School Buses

Does the school district have a policy regarding behavior on the school bus?

Answer: Acceptable behavior on a school bus is addressed in the Student Code of Conduct. Student Conduct on School Buses: The bus is an extension of the school day. The Student Code of Conduct remains in effect any time a student is on the school bus (including the assigned bus to and from school, activity buses, sports buses, field trip buses, etc.).

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The bus is an extension of the school day. The Student Code of Conduct remains in effect any time the student is on the school bus (including the assigned bus to and from school, activity buses, sports buses, field trip buses, etc.). Buses are provided for those students whose distance from school or health issues make this service essential. Children should be instructed in the following rules of behavior:

- ✓ Students must obey the driver promptly and be courteous to the driver and to fellow Students. The driver is in full charge of the bus and Students, and has the authority of a classroom teacher.
- ✓ Students must be on time; the bus has to run on schedule and cannot wait for those who are tardy.

- ✓ Athletic equipment brought on the bus must fit between the Student's legs and not be placed on the seat or in the aisle. Care and safety when transporting sports equipment should be considered a priority.

Why did you suspend my child from riding the bus?

Answer: Student discipline and expulsion rules apply to students in homeless situations in the same way they apply to housed students. The same behavior rules apply for ALL students provided district transportation regardless of housing status. Transportation may be suspended for any students displaying extreme or persistent misbehavior.

This would depend on the nature of the "problems", and other accommodations that might be put in place to address them. When a student's actions violate law, School Board policies, or school rules, the student may be suspended by the Principal/School Corporation. ***So while McKinney-Vento does not supersede discipline policies***, it usually is in both the district's and the student's best interest to try to find a way to make the bus transportation work. If it is a serious safety issue, then the district may have to remove the student from the bus. In that case, the district will need to find another transportation option. If a parent driving is not an option, you may need to look at a taxi or other arrangement.

The only legal reason not to provide transportation to the school of origin is if a determination is made that it is not in the child's best interest to remain at the school of origin. The behavior issue may rise to the level of changing the best interest determination, but there would be a lot of other factors involved in that determination.

However, schools must be careful not to discipline or penalize students for behavior related to their homelessness. The failure to provide such exemptions would create a barrier to the retention in school of students experiencing homelessness, in violation of the McKinney-Vento Act.

- ✓ Behavioral expectations on the school bus are much like those in the classroom. Then, factor in the mobility of that "classroom" and traffic, added noise and the size of the "classroom" and you have a potential catastrophe if there are not clear expectations and enforcement. The behavioral expectations on the bus revolve around the individual rights of every person on the bus, including the driver and the collective rights of students and driver as it pertains to SAFETY. Anything that jeopardizes the safety of individuals on the bus is viewed as serious.
- ✓ Most drivers have bus rules or expectations posted on the bus. When there is an infraction, a referral is turned into the school administrator, who is responsible for contacting the student and parent to solve the lack of compliance with bus expectations. The school administrator is solely responsible for consequences based on the incident as described by the driver and student. Most buses have video cameras, which are used to verify incidents. Our goal is never to deny any student transportation to and from school, but we must maintain safety for all students.
- ✓ Denial of bus privileges is the temporary removal of the opportunity to ride the school bus. Such denials are for a period not to exceed five school days.

What do we do when a McKinney-Vento student is causing problems on the bus? Can they be suspended off the bus?

Answer: This would depend on the nature of the "problems", and other accommodations that might be put in place to address them. The bottom line is that the district does need to provide

transportation to the school of origin. So while McKinney-Vento does not supersede discipline policies, it usually is in both the district's and the student's best interest to try to find a way to make the bus transportation work. If it is a serious safety issue, then the district may have to remove the student from the bus. In that case, the district will need to find another transportation option. If a parent driving is not an option, you may need to look at a taxi or other arrangement.

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Why does my child have a seat assignment?

Answer: Bus drivers are required to assign seats to each child riding the bus by Indiana regulations. This is usually done in cooperation with the administrators of the school the bus serves.

Assigned seating helps the driver learn the names of their riders, prevents conflicts on the bus, assures that each student will be seated, and reduces confusion when the students are loading at the stop or at school. Drivers may change the designated seats at any time, even temporarily or during the middle of a ride, to correct or prevent disruptions on the bus. This is rider management, and is not a 'punishment' or disciplinary action. If your child wants to be assigned to a specific location on the bus or to sit with some other rider, they can ask the bus driver to change their assigned seat. The bus driver will determine whether or not the request can be approved.

State Guidance

Indiana Code

❖ IC 20-27-12-0.1 "Appropriate vehicle"

Sec. 0.1. (a) As used in this chapter, "appropriate vehicle" means a vehicle that:

- (1) is owned by the school corporation or contracted for by the school corporation; and
- (2) has a seating capacity of not more than eight (8) passengers, including the driver.

(b) The term includes a car, truck, sport utility vehicle, or minivan.

❖ IC 20-27-12-1 "Original school corporation"

Sec. 1. As used in this chapter, "original school corporation" refers to a school corporation in which a homeless student's school of origin is located.

❖ IC 20-27-12-2 "School of origin"

Sec. 2. As used in this chapter, "school of origin" means the school:

- (1) that a homeless student attended when the student last had a permanent residence; or
- (2) in which the homeless student was last enrolled.

❖ IC 20-27-12-3 "Transitional school corporation"

Sec. 3. As used in this chapter, "transitional school corporation" refers to a School Corporation in which a homeless student temporarily stays.

❖ IC 20-27-12-4 Transportation of homeless student to school of origin; agreement between school corporations; shared responsibility

Sec. 4. (a) If a homeless student temporarily stays in the homeless student's original school corporation but outside the attendance area for the school of origin, the original school corporation shall provide transportation for the homeless student from the place where the homeless student is temporarily staying to the school of origin.

(b) If:

(1) a homeless student's school of origin is located in a school corporation in which the homeless student does not temporarily stay; and

(2) the homeless student does not elect to attend a school located in the school corporation in which the homeless student is temporarily staying; the original school corporation and the transitional school corporation shall enter into an agreement concerning the responsibility for and apportionment of the costs of transporting the homeless student to the school of origin.

(c) If the original school corporation and the transitional school corporation are unable to reach an agreement under subsection (b), the responsibility for transporting the homeless student to the school of origin is shared equally between both school corporations, and the cost of transporting the homeless student to the school of origin is apportioned equally between both school corporations.

❖ **IC 20-27-12-5 Vehicles used to transport homeless students**

Sec. 5. (a) A school corporation may use the following types of vehicles in transporting a homeless student to a school of origin:

(1) If at least four (4) homeless students are being transported to schools in the same school corporation, a special purpose bus must be used to transport the students.

(2) If three (3) or fewer students are being transported to schools in the same school corporation, an appropriate vehicle owned by the school corporation may be used to transport the students.

(b) The driver of a vehicle used to transport homeless students to a school of origin under subsection (a) must meet the qualifications set forth in IC 20-27-9-5(c).

RESOURCES: [INEHCY - Indiana Education for Homeless Children & Youth](#)

For Additional Information Contact:

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