McKinney-Vento Homeless Education Program

Transportation Guidance-Indiana Education for Homeless Children & Youth (INEHCY)

Here are the laws as it relates to transportation for homeless students:

**Indiana Code**

- **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.
  
  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.

  If:

  o a homeless student's school of origin is located in a school corporation in which the homeless student does not temporarily stay; and
  
  o the homeless student does not elect to attend a school located in the school corporation in which the homeless student is temporarily staying;
  
  o 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.
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).

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.

This next law may provide you with another option should you have school bus availability issues, provided you have school owned vehicles. Additionally I am providing an attachment that spells out some other options that you may want to consider for this transportation.
IC 20-27-12-5 Vehicles used to transport homeless students

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(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).
ESSA Guidance: FAQ

Transportation

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

1. SEAs and LEAs are responsible for reviewing and revising policies, including transportation policies that may act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youths in the State. (See sections 721(2), 722(g)(1)(I)). Under the McKinney-Vento Act, homeless children and youths are entitled to receive transportation that is comparable to what is available to non-homeless students. (Section 722(g)(4)(A)).

2. In addition, 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 in accordance with the following requirements:

   ○ If the 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. (Section 722(g)(1)(J)(iii)(I)).

   ○ If the 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 or youth 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. (Section 722(g)(1)(J)(iii)(II)).

Transportation must be arranged promptly to ensure immediate enrollment and so as not to create barriers to homeless students’ attendance, retention, and success. (See sections 721(2), 722(g)(1)(I)).
J-2. How can LEAs ensure that the education of homeless students is not disrupted during inter-district moves?
LEAs should have in place inter-district (and inter-State, where appropriate) agreements—including agreements between charter school LEAs and the geographic LEAs within which the charter school is located—that address potential transportation issues that may arise as homeless students transfer from one district to another.

J-3. Who should be involved in developing and implementing transportation policies for homeless students?
LEAs can best address the transportation needs of homeless 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.

J-4. Is an LEA required to transport homeless students to and from the school of origin while enrollment disputes are being resolved?
Yes. The McKinney-Vento Act's transportation requirements apply while disputes are being resolved. (Section 722(g)(3)(E)(i)). Therefore, at the request of the parent, guardian, or unaccompanied youth, the LEA must provide or arrange for adequate and appropriate transportation to and from the school selected by the parent, guardian, or unaccompanied youth. (Section 722(g)(3)(E)(i)). Inter-district transportation disputes should be resolved at the SEA level. (See section 722(g)(1)(C)).

J-5. Must LEAs continue to provide transportation to and from the school of origin for formerly homeless students who have become permanently housed?
Yes. LEAs must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed. (Section 722(g)(3)(A)(II)).
J-6. If an LEA does not provide transportation to non-homeless students, is it required to transport homeless students?
Yes. As discussed above, the McKinney-Vento Act not only requires an LEA to provide comparable services, including transportation services, to homeless students (Section 722(g)(4)(A)), but 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 (Section 722(g)(1)(J)(iii)).

J-7. What Federal funds may an LEA use to defray the excess cost of school of origin transportation?
An LEA receiving McKinney-Vento subgrant funds may use these funds to defray the excess cost of school of origin transportation as outlined in the response to H-1 (No. 5). An LEA may also use Title I, Part A funds reserved to defray the excess costs of transporting homeless students to and from their school of origin. (ESEA section 1113(c)(3)(C)(ii)(II)).

J-8. How should an LEA calculate the excess cost of transportation for a homeless child or youth to the school of origin?
The excess cost is the difference between what an LEA normally spends to transport a student to school and the cost of transporting a homeless student to school. If the LEA provides transportation through a regular bus route, there is no excess cost. If the LEA provides special transportation only for the homeless student (e.g., through a private vehicle or transportation company), the entire cost can be considered excess. If the LEA must re-route busses to transport a homeless student enrolled in one of its schools, the additional cost of this rerouting can be considered excess cost.

J-9. What happens if the LEA of residence and the LEA in which the school of origin is located do not agree on how to share the cost and responsibility of providing transportation for a homeless child or youth?
In an inter-district situation, if both LEAs are unable to agree upon a method for sharing the cost and responsibility for providing transportation, the LEAs must share the responsibility and costs equally. This holds true even if the two LEAs are located in different States. The SEA should try to help the two LEAs come to an agreement; if the LEAs are in different States, both SEAs should try to arrange an agreement.
Tips for Supporting the Transportation of Homeless Children and Youths

- Transportation has been reported as one of the main barriers to the education of homeless children and youths; thus, coordination between State and school district staff is crucial. Below are some tips for effectively implementing this requirement.
- Convene a meeting of local liaisons and transportation directors to establish a plan that may be immediately implemented when transportation is needed for a homeless child or youth. Addressing issues of cost, responsibility, and logistics before the need occurs will prevent delays in a homeless student’s school attendance.
- Use 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 inter-district 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, recognizing that establishing a stop directly in front of these locations can stigmatize students.
- Be aware that students in homeless families and unaccompanied homeless youths move frequently and that transportation plans must be adjusted accordingly. Encourage families and youths 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.
- Train bus drivers and dispatchers on the rights and needs of homeless students, as well as on the need for sensitivity and confidentiality.
- Be mindful of State and local policies for pupil transportation safety. The McKinney-Vento Act does not override safety policies.
- If using public transportation, offer support if possible so that parents may accompany young children to and from school.
- Develop a system of providing gas vouchers, cards, or reimbursements to parents or youths who are able and willing to drive to school.
- Explore possibilities for volunteers 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.
- Consider economical approaches to providing transportation. Brainstorm cost-saving solutions with LEA and community stakeholders.
Tips for Facilitating Collaboration Between Title I and McKinney-Vento Act Programs

The Title I, Part A program is a significant Federal education resource for the education of homeless children and youths. While McKinney-Vento Act subgrants are received by or cover approximately 20 percent of all LEAs, Title I, Part A homeless education requirements impact homeless children and youths in significantly more LEAs. Therefore, effective coordination between these two programs (given the requirements in both programs to serve homeless children and youths) can have substantive impacts on many homeless students. Consider the following recommendations for facilitating stronger collaboration:

- Ensuring that LEA local liaisons attend Title I conferences and in-service days and that Title I coordinators attend homeless education conferences and in-service professional development days;
- Encouraging local Title I coordinators and LEA local liaisons to work together to develop and implement a plan that identifies ways that Title I funds and programs will serve children and youths experiencing homelessness;
- Encouraging collaboration between the State Title I coordinator and the State McKinney-Vento coordinator on the State Title I plan or the State consolidated plan;
- Sharing Title I and Homeless Education handbooks with other program staff;
- Collecting and sharing within and across districts concrete data on the needs of homeless children and youths;
- Leading district-wide efforts to make organizational accommodations for eligible students, as necessary, in such areas as transportation, remaining in the school of origin, records transfer, class scheduling, and special services that will help them enroll, attend, and succeed in school;
- Ensuring that the needs of highly mobile students are included in the school improvement plans and not addressed as a separate issue;
- Establishing and widely disseminating information on district-wide policies, procedures, and guidelines to identify and serve eligible students;
- Ensuring State Coordinator and local liaison representation on the State Committee of Practitioners; and
- Including homeless parents in Title I parental involvement policies and creating opportunities for homeless parents to be involved.
N-5. Does the McKinney-Vento Act require an LEA to provide transportation services to homeless children attending preschool?

Yes. Consistent with question N-4, the McKinney-Vento Act requires LEAs to provide transportation services to the school of origin, which includes public preschools. (Section 722(g)(3)(I)(i)). Accordingly, transportation to the school of origin must be provided even if a homeless preschooler who is enrolled in a public preschool in one LEA moves to another LEA that does not provide widely available or universal preschool.

Transportation (NAEHCY)

40. Under what circumstances must an LEA provide adequate and appropriate transportation to school for students experiencing homelessness?

A: The McKinney-Vento Act requires LEAs to provide adequate and appropriate transportation for students experiencing homelessness in three situations. First, LEAs must provide adequate and appropriate 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 McKinney-Vento liaison. 42 U.S.C. §11432(g)(1)(J)(iii); see e.g., 2016 Guidance, J-4. 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. 42 U.S.C. §11432(g)(4)(A). Therefore, if the district transports housed students to the local school or to a summer program, it must also transport students experiencing homelessness. Finally, LEAs 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. 42 U.S.C. §§11432(g)(1)(l), (g)(7).

41. 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, for example?

A: The McKinney-Vento Act does not specify any mileage or time limit for travel to the school of origin. The Act requires LEAs to provide transportation to the school of origin at the request of a parent or guardian, or, for unaccompanied youth, at the McKinney-Vento liaison’s request. 42 U.S.C. §11432(g)(1)(J)(iii). Therefore, whenever a student is attending the school of origin, providing 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 and should be
considered as part of the best interest determination. This determination will depend on the student’s circumstances. For example, a lengthy commute may be a more acceptable arrangement for an older youth than for a young child. Similarly, in many rural areas, lengthy commutes to schools 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 and student-centered best interest determination, not blanket limits. See Question 28 for information on the best interest determination process. Applying State or LEA policies that establish blanket limits on transportation to students experiencing homelessness violates the McKinney-Vento Act. The federal law supersedes these contrary state or local policies.

42. Is transportation required if the school of origin is in another LEA?
A: Yes. As long as attendance at the school of origin is in the best interest of the child or youth, provision of 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 else split it equally. 42 U.S.C. §11432(g)(1)(J)(iii)(II). 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 (defined as attending classes and participating fully in school activities) of children in the school selected. 42 U.S.C. §§11432(g)(3)(C), 11434A(1). Establishing inter-district transportation procedures will be essential to ensure that transportation is arranged quickly for students. See also Question 40.

43. 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?
A: The McKinney-Vento Act first gives LEAs and states the flexibility to agree upon a method to apportion transportation cost and responsibility. The Act further states that in the absence of agreement, the two districts must apportion cost and responsibility equally. 42 U.S.C. §11432(g)(1)(J)(iii). 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.
Transportation: Sharing Responsibility

What happens if the LEA of residence and the LEA in which the school of origin is located do not agree on how to share the cost and responsibility of providing transportation for a homeless child or youth?

In an inter-district situation, if both LEAs are unable to agree upon a method for sharing the cost and responsibility for providing transportation, the LEAs must share the responsibility and costs equally. This holds true even if the two LEAs are located in different States.

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?

A: The McKinney-Vento Act first gives LEAs and states the flexibility to agree upon a method to apportion transportation cost and responsibility. The Act further states that in the absence of agreement, the two districts must apportion cost and responsibility equally. 42 U.S.C. §11432(g)(1)(J)(iii). 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.

School of Origin ESSA Transportation Guidance:

- Transportation must be provided to and from the school of origin at the request of the parent or guardian, or, in the case of an unaccompanied youth, at the request of the local liaison.
- Based on the amended definition of school of origin under ESSA, school of origin transportation rights extend to public preschools and receiving schools.
- ESSA removed the word “homeless” from references to school of origin transportation, resulting in transportation for the remainder of the academic year for formerly homeless students who have become permanently housed.

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.

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