



McKinney-Vento Homeless Education Program

Transportation FAQ

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.

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 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



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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 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 responsibility. 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 iniating 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 refuses to contribute, 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 responsibility. The possibility of nonpayment does not affect districts' obligations to provide transportation. Inter-state disputes cannot delay the immediate enrollment of children in the



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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.

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 cannot 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 cannot 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. If the LEA determines that summer school placement is *necessary* for the McKinney Vento eligible student, they would be required to provide transportation.

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.

Does McKinney Vento eligibility for transportation continue if the student is staying temporarily in another state?

Answer: Yes. Since the McKinney-Vento Act is a federal law, it applies as in any other situation. 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: A homeless student participating in a district's GED program would be eligible for transportation since 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.



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. Some routes are over one hour, unfortunately with the distance traveled 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.

Special Needs Transportation

How can I receive transportation for my special needs child?

Answer: The student's IEP team determines transportation needs. Transportation is based solely on the needs of the student and in accordance with the law. The Educational Diagnostician or Building Administrator will complete and send a special needs transportation request to our office for processing.

How long does it take to set up transportation for my special needs child?

Answer: Three to Five (3-5) business days are needed to obtain all emergency information, process routing information, contact drivers and communicate with parents and other professionals involved.

What is the average time length of the ride for special needs students?

Answer: Average me on a school bus varies by district. McKinney Vento transportation may exceed a typical length of bus ride, however consideration of the average travel time for all students in-district is a good place to begin the discussion around best interest and feasibility.

LEAs must remember: Parent / Student voice are prioritized in these decisions; Transportation assignments should be made case-by-case when commute time is in question - consider each situation individually when making best interest determination; Convenience is not a factor in transportation assignment - best interest; prioritization of enrollment in school of origin, and student / parent voice are prioritized

Why can't last minute changes be granted?

Answer: SAFETY is our main goal and concern with student transportation. Changes may be granted for consistent schedules within the child's regular route. LEAs are expected to coordinate transportation services for McKinney Vento eligible students "IMMEDIATELY," however to ensure a safe and appropriate route is set, immediate may mean within days - the goal to begin transportation access should always be the next full school day.



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.).

Student Conduct on School Buses:

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.

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.

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 education for 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.



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- 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: 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. If the student is creating a safety risk to themselves or others while riding a bus, then alternative options for transportation should be considered. 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.

The goal of McKinney Vento legislation is to identify and eliminate barriers to education for homeless youth - the LEA cannot in turn make transportation a barrier.

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: If the family chooses to leave the school of origin and enroll in 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. **If the student is attending the charter school when homelessness occurs, transportation must be provided even if transportation is not provided for general student 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



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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.

Which activities are covered under the requirement for transportation?

Answer: Extra curricular activities that qualify for the provision of transportation are any activities sponsored by or provided by the LEA. These activities would represent equitable participation and access for McKinney Vento students. After care programs or chosen activities are not a part of the transportation provision requirement if they are not funded / sponsored / coordinated by the LEA.

For Additional Information Contact: mckinneyventopoc@doe.in.gov.