

Transportation Questions and Answers

*This information was provided by Randy Boatman from the
Transportation Department at the Texas Education Agency (TEA)*

1. How does an LEA apply to get reimbursed for transporting a child to the school of origin?

There is no difference in transportation funding eligibility for a homeless student. All students must meet eligibility criteria that are established in the Transportation Allotment Handbook. If eligibility criteria are met, the transportation provided is included with all other eligible student transportation mileage.

2. Is an LEA reimbursed for transporting a child to the school of origin at the same rate as it would be for transporting the student to the school to which the student is zoned?

Yes.

3. If a district runs a Special Ed bus across district lines, can homeless students ride that Special Ed bus even if they are not a Special Ed student, assuming there is space available on the bus?

That is a question best answered by Special Ed persons in each district. All special transportation provided to special-needs students is supposed to be specifically documented in each student's IEP. Since the special-needs-transportation students are provided the special transportation (separate from regular ed students), the district must ensure that transporting a regular ed student along with the special-needs student(s) would not be in conflict with any of the students' IEP special requirements. I recommend all district transportation persons contact their Spec Ed staff to make sure it's okay before transporting any non-special-needs student on the same bus. The decision as to whether or not to transport the regular ed students on the bus is a special ed decision. The Regular Ed student would not be an eligible student on the Special Program route therefore should not be on that eligible rider roster and any part of the turn-by-turn other than what is required to transport the special ed eligible students should not be part of the route description if it's determined to let the student(s) ride.

4. Can an LEA be reimbursed by TEA...

...for providing transportation to the school of origin using transportation methods other than a school bus?

The answer is yes, depending on the transportation provided. A district vehicle that qualifies as a passenger car is a legal vehicle to use; additionally, the district could contract with a commercial transportation company, but that company must also use legal vehicles. The only bus other than a school bus that is legal are buses operated by mass transit authority organizations. Districts may contract with mass transit authorities to provide transportation.

...for reimbursing parents/caregivers for gas?

Not unless the student is (1) special ed and his/her IEP states it's in the best interest of the student for the parent to provide the trans or (2) unless the student meets the criteria for private program as outlined in TEC 42.155 (e) or (g), which is quite limited.

...for reimbursing an LEA employee for transporting the student?

No, if you're talking about using a personal vehicle. If you're talking about using a district owned vehicle then it would not be "reimbursing an LEA employee" but would be district provided transportation and part of that persons salary/wages.

...for reimbursing bus tokens?

Bus passes/tokens are allowed but must be applied for in advance before TEA will provide funding. There is a specific application along with program requirements and documentation that must be done prior to purchasing the passes/tokens and documentation of purchases and issues of them.

5. Under any circumstances, are homeless students to be considered transfer students?

Yes, they can be. A homeless student for transportation purposes is no different than any other student, unless the student is being transported back to school of origin/last attended. If that is not the case then the fact that the student is homeless is not a factor. If where the student is currently residing meets funding eligibility requirements, i.e. two or more miles from the attendance zone campus for that residence's address or in a board designated hazardous traffic condition area if less than two miles, and the parent of the homeless student wants their child to attend a school other than school of origin or the attendance school, the student is considered a voluntary transfer to the other campus and not eligible for transportation funding if the district provides the transportation.

6. Does TEA allow reimbursement for transportation for transfer students?

Only for students who are in grade levels that the home district does not serve, for example, if a district has only grades K-8, so high school students attend the neighboring district, transportation for the high school students could be reimbursed. Voluntary transfers are eligible for state reimbursement only when they are part of a desegregation program.

TRANSPORTATION AND COMPULSORY SCHOOL ATTENDANCE

The McKinney-Vento school of origin transportation provisions apply **only** to students covered by the compulsory education provisions of the Texas Education Code (TEC 25.085). Generally, the Texas compulsory attendance law covers students that are at least 6 (or who are younger than six and have previously attended the first grade) and who have not yet had their 18th birthday. Children who are outside of this range--students in kindergarten or pre-kindergarten, or those who are 18 or older--are not obligated to receive transportation to their school of origin.

However, these children and youth are eligible to receive transportation services comparable to those provided to other students. If the district does provide transportation services to kindergarten and pre-kindergarten students, then homeless kindergarten and pre-kindergarten students should receive the same transportation services.

Similarly, homeless students must receive any other transportation services for which they are eligible; for example, special education transportation.



**National Association
for the Education of Homeless
Children and Youth
www.naehcy.org**

Bridging the gap between home and school.

MEMO

TO: Homeless Liaisons
FROM: Barbara Duffield, NAEHCY Policy Director
RE: Transportation for Formerly Homeless Students Under the McKinney-Vento Act
DATE: January 28, 2005

This memo clarifies the responsibility of local educational agencies (LEAs) to provide transportation to students who complete the academic year at their schools of origin after finding permanent housing.

School stability is critical for academic achievement. Children and youth experiencing homelessness often must change schools due to their residential mobility. As Title X, Part C of the No Child Left Behind Act, the reauthorization of the McKinney-Vento Act provides an essential tool to improve the academic achievement of these students: the ability to remain in the school of origin, when feasible. Children and youth have the right to remain in their schools of origin for the duration of their homelessness and “for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year.” 42 U.S.C. § 11432 (g)(3)(A)(i). This right is limited by feasibility and the wishes of the parent or guardian. If remaining in the school of origin is not feasible (due, for example, to the effect of the commute on the student’s education), or if a parent or guardian prefers that the child attend the local school, the student will not continue in the school of origin. As a result, many students will not remain in the school of origin after finding permanent housing.

When it is feasible and consistent with a parent’s or guardian’s wishes for a student to complete the academic year at the school of origin, transportation is required. Specifically, the Act requires that each “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).” 42 U.S.C. § 11432(g)(1)(J)(iii). The word “homeless” does not even appear in this requirement.¹ This transportation requirement also specifically refers to paragraph (3)(A), which is the paragraph (quoted above) that ensures students the right to remain in the school of origin for the duration of homelessness and “for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year.” This specific reference demonstrates the intent of Congress that transportation be provided for both the duration of homelessness and the remainder of the academic year if permanent housing is found.

¹ This requirement is followed by two subsections focusing on the implementation of the requirement; they assign financial and logistical responsibility for providing transportation to particular LEAs, depending on the location of the student’s housing.

Further, this reference is repeated in relation to transportation elsewhere in the Act. For example, the local liaison's duties include ensuring that students are "assisted in accessing transportation to the school that is selected under paragraph (3)(A)." 42 U.S.C. § 11432(g)(6)(A)(vii). Again, the reference to paragraph (3)(A) clearly incorporates transportation both during the student's homelessness and for the remainder of the academic year. Thus, liaisons must assist with transportation to the school of origin for the remainder of the academic year for those students who acquire permanent housing.

Without transportation to the school of origin, attendance will obviously be impossible for many students. Homelessness is a function of extreme poverty. Most families remain at risk for homelessness even after finding permanent housing. Many simply do not have the resources to transport their children to school. Without the right to transportation provided by the McKinney-Vento Act, many children would be forced to change schools mid-year, undermining the school stability that is the very centerpiece of the Act. Thus, it is the responsibility of local educational agencies (LEAs) to provide transportation to students who complete the academic year at their schools of origin after finding permanent housing.

For information on implementing the McKinney-Vento transportation provisions in Texas, please contact the Texas Homeless Education Office (THEO):

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. For information on the education of children and youth experiencing homelessness in Texas and to obtain contact information for the liaison in your district, please contact:



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