



National Center for Homeless Education
Supporting the Education of Children and
Youth Experiencing Homelessness
<http://nche.ed.gov>



MCKINNEY-VENTO LAW INTO PRACTICE BRIEF SERIES

Transporting Children and Youth Experiencing Homelessness

This NCHE brief:

- summarizes the key provisions related to the transportation of children and youth experiencing homelessness included in the McKinney-Vento Act;
- suggests transportation implementation strategies at the state and local levels; and
- recommends resources for funding transportation costs.

INTRODUCTION

Changing schools may greatly impede the academic achievement and social development of students experiencing homelessness. Research studies have demonstrated a link between high mobility due to homelessness and poor school performance (Cunningham, Harwood, & Hall, 2010; Obradovic, Long, Cutuli, Chan, Hinz, Heistad & Masten, 2009). 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 students in homeless situations at risk of academic failure.

Subtitle VII-B of the McKinney-Vento

McKinney-Vento Definition of *Homeless** 42 U.S.C. § 11434a(2)

The term “homeless children and youth”—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence...; and
- B. includes —
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - ii. 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...;
 - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - iv. 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).

Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A of the Every Student Succeeds Act, (42 U.S.C. § 11431 et seq.; hereafter the *McKinney-Vento Act*) guarantees rights and services to remove educational barriers for homeless children and youths. This brief explains the Act's provisions related to the transportation of children and youth experiencing homelessness, and suggests strategies for implementation. Briefs on additional homeless education topics are available at <https://nche.ed.gov/briefs.php>.

KEY TRANSPORTATION PROVISIONS 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 origin 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 [42 U.S.C. § 11432(g)(3)(A)]. The term "school of origin" means 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 [42 U.S.C. § 11432(g)(3)(I)(i)]. When a homeless child or youth completes the final grade level served by the school of origin, the term "school of origin" includes the designated receiving school at the next grade level for all feeder schools [42 U.S.C. § 11432(g)(3)(I)(ii)].

If a McKinney-Vento eligible child or youth continues to live in an area served by the local educational agency (LEA) in which the school of origin is located, the child's or youth's transportation to and from the school of origin must be provided or arranged by the LEA in which the school of origin is located [42 U.S.C. § 11432(g)(1)(J)(iii)(I)]. If the homeless child's or youth's living arrangements in the area served by the LEA 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 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 are unable to agree upon such a method, the responsibility and costs for transportation must be shared equally [42 U.S.C. § 11432(g)(1)(J)(iii)(II)].

SUMMARY OF KEY MCKINNEY-VENTO TRANSPORTATION PROVISIONS

- Local liaisons must ensure that the parent or guardian of a homeless child or youth, and any unaccompanied 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 the best interest determination [42 U.S.C. § 11432(g)(6)(A)(viii)].
- Local educational agencies (LEAs) must provide homeless students with transportation to and from the school of origin at the request of a parent or guardian (or in the case of an unaccompanied youth, the local liaison) [42 U.S.C. § 11432(g)(1)(J)(iii)].
- If the child's or youth's living arrangements in the area served by the LEA of origin terminate and the child or youth, though continuing the child's or youth's education in the school of origin, 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 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 LEAs are unable to agree upon such a method, the responsibility and costs for transportation shall be shared equally [42 U.S.C. § 11432(g)(1)(J)(iii)(II)].
- 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 in the school [42 U.S.C. § 11432(g)(4)(A)].

Children and youth experiencing homelessness have the right to remain in their school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year, 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)]. Further, 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 (ED, 2017, Question J-5). The law requires the State and the LEAs in the State to adopt policies and practices to ensure that transportation to and from the school of origin is provided upon request. If the LEA determines that it is in the student's best interest to continue his or her education in the school of 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) [42 U.S.C. § 11432(g)(1)(J)(iii)]. For more information about school selection and determining a student's best interest, download NCHE's *School Selection* brief at https://nche.ed.gov/downloads/briefs/school_selection.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 U.S.C. § 11432(g)(4)(A)].

Removal of Barriers

The intent of the McKinney-Vento Act is to remove barriers to educational access and success for children and youth experiencing homelessness. 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 the identification of, or the enrollment, attendance, or success in school of, homeless children and youth [42 U.S.C. § 11431(2)]. In

reviewing and revising such policies, consideration must be given to issues concerning transportation. Because students in homeless situations 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

The McKinney-Vento Act requires schools to immediately enroll homeless students [42 U.S.C. § 11432(g)(3)(C)], with "enrollment" defined as "attending classes and participating fully in school activities" [42 U.S.C. § 11434a(1)]. Therefore, LEAs must arrange transportation without delay. 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. The law also requires LEAs to coordinate transportation services with other LEAs [42 U.S.C. § 11432(g)(5)(A)(ii)]. Such coordination ensures that each LEA understands its responsibility in minimizing educational disruption for a student experiencing homelessness that may be caused by the lack of transportation.

Determining the Mode of Transportation

According to the U.S. Department of Education's (ED) *Education for Homeless Children and Youths Program Non-Regulatory Guidance*, based on the best interest of the student and in consultation with the parent, the LEA ultimately determines the mode of transportation. While many options exist for transporting homeless students, the mode the LEA selects must align with SEA and LEA pupil transportation policies and safety standards and must not create a barrier to the student arriving to school on time or cause an undue burden on the parents or student.

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 and/or does not receive McKinney-Vento subgrant funding. 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. LEAs that receive a subgrant may use these funds to “defray the excess cost” of providing transportation to students experiencing homelessness [42 U.S.C. § 11433(d)(5)]. While the law does not define this phrase, the expectation

is that the LEA 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 https://nche.ed.gov/states/state_resources.php.

Title I, Part A Funds

Funds reserved for homeless students under Title I, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, may be used to provide children and youth experiencing homelessness with services not ordinarily provided to other students, including transportation to and from the school of origin [20 U.S.C. § 6313(c)(3)(C)(ii)]. For more information about using Title I funds to support the education of homeless students, download NCHE’s *Serving Students Experiencing Homelessness under Title I, Part A* brief at <https://nche.ed.gov/downloads/briefs/titlei.pdf>.

NCHE TRANSPORTATION RESOURCES

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

- *Homeless Liaison Toolkit*, Chapter 7: Transportation and Appendix 7a: Memorandum of Understanding: https://nche.ed.gov/pr/liaison_toolkit.php
- *Increasing School Stability for Students Experiencing Homelessness: Overcoming Challenges to Providing Transportation to the School of Origin*: https://nche.ed.gov/pr/incr_sch_stab.php
- Resources by Topic webpage, Transportation: https://nche.ed.gov/ibt/sc_transport.php
- *Transportation for Homeless Children and Youth: Strategies for Rural School Districts*: https://nche.ed.gov/downloads/rur_trans.pdf

COLLABORATING TO PROVIDE TRANSPORTATION

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

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 pupil transportation director should work with the local liaison, district leadership, neighboring districts, and homeless service providers to develop effective transportation policies and procedures. In addition, school bus drivers should be trained on the McKinney-Vento Act's requirements concerning students in homeless situations. Because bus drivers are often the first and last school personnel to come into contact with McKinney-Vento students over 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. ED's Office of Special Education and Rehabilitative Services (OSERS) allows the use of special education buses for homeless students as long as the transportation needs of all special education students have been met (U.S. Department of Education [ED], 2013). See the related August 2013 ED Dear Colleague Letter at <https://nche.ed.gov/downloads/osers-colleague-ltr-aug-2013.pdf>.

Inter-district Collaboration

Many students experiencing homelessness 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 inter-district transportation [42 U.S.C. § 11432(g)(5)(A)(ii)]. As noted previously, 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 U.S.C. § 11432(g)(1)(J)(iii) (II)]. Inter-district transportation disputes should be resolved at the SEA level (ED, 2017, Question J-4). In cases where districts are finding it difficult

to agree on a transportation arrangement, 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 (ED, 2017, Question J-9). LEAs should consult with their State Coordinator to be informed about any policies or practices related to inter-district transportation that may be in place within the State.

Local liaisons and pupil transportation directors from LEAs that share McKinney-Vento students should meet regularly to plan efficient ways to provide 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 could take the form of informal agreements or formal memoranda of understanding.

Community Collaboration

Local liaisons should establish cooperative relationships with community agencies that serve families, youth, and children experiencing homelessness. A community-wide commitment to support homeless families with children and unaccompanied homeless youths can result in resource sharing, including sharing 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 McKinney-Vento students. Community foundations often are willing to contribute to meeting the needs of vulnerable students, including the transportation needs of students in homeless situations.

Collaboration with Parents

Parents who are experiencing homelessness appreciate being included in decisions involving the education of their children, 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 prevent unnecessary trips, or following procedures for utilizing gas vouchers. In some instances, LEAs will develop a written transportation agreement between the LEA and parent that is helpful in holding all parties accountable.

USING DISCRETION AND SENSITIVITY IN PROVIDING TRANSPORTATION

Based on the best interest of the student and in consultation with the parent, the LEA ultimately determines the mode of transportation; but the mode of transportation must 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 arrangement. 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 THE EFFICIENT TRANSPORTATION OF CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS

NCHE recommends the following strategies for the efficient provision of transportation for children and youth experiencing homelessness:

- Convene a meeting of area local liaisons and pupil 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, including when providing inter-

district transportation, before the need occurs will prevent delays in a McKinney-Vento student's school attendance.

- Utilize technology, such as a transportation database, to make electronic transportation requests, maintain current records of McKinney-Vento 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.
- Be aware that families and youth experiencing homelessness often move frequently, and transportation plans must be adjusted accordingly. Encourage families and youth to inform the local liaison when they are moving.
- Identify a district transportation staff member who will serve as the point person to arrange transportation for McKinney-Vento students.
- Be mindful of state and local policies for pupil transportation safety. The McKinney-Vento Act does not override safety policies.
- If utilizing public transportation, ensure that assistance 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 students experiencing homelessness. This option should be considered only if pupil transportation safety policies 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.

CONCLUSION

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

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>
- 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.
- Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 et seq. Retrieved from <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapterubchapter6/partB&edition=prelim>
- U.S. Department of Education, Office of Special Education and Rehabilitative Services. (2013). Dear Colleague Letter. Retrieved from <https://nche.ed.gov/downloads/osers-colleague-ltr-aug-2013.pdf>

U. S. Department of Education. (2017). *Education for Homeless Children and Youths Program non-regulatory guidance*. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf>