

**PROCEDURES FOR PROVIDING TRANSPORTATION
FOR CHILDREN IN OUT-OF-HOME CARE (Foster Care)**

R 411.3

The District recognizes that in the absence of any separate state or federal transportation obligation that may apply in a specific situation, the federal law related to the educational stability of children in foster care establishes transportation-related obligations that are shared among the school district of residence, the school district of attendance (if different), and the applicable child welfare agencies.

When a child in foster care who resides in the District may require transportation to a school of origin that is located outside of the District, a representative of the relevant child welfare agency, a representative of the school of origin, or the child's agency-designated foster parent or adult caregiver should notify the District as soon as practicable if there is a need to involve the District in the transportation planning process. Notice may be given in writing or verbally directly to the District's designated point of contact for the education of children in foster care, or in writing to the applicable building principal. Upon receiving notice, the District's designated point of contact for the education of children in foster care, or his/her designee, will participate in the transportation planning process for the child. Subject to any written agreements with the other agencies that are involved in the transportation planning, the District shall seek the development of a written transportation plan that includes substantially the same provisions and approvals as the plans that the District pursues when the child's school of origin is located in the District (see below).

When a child in foster care is entitled to transportation to the child's school of origin and the school of origin is a District school, the District's procedures for arranging such transportation are as follows:

A. Transportation Planning

1. A representative of the relevant child welfare agency or the child's agency-designated foster parent or adult caregiver should give clear notice to the District, as soon as practicable, that a child in foster care needs, or may need, transportation to a District school that is the child's school of origin. Such notice may be given in writing or verbally directly to the District's designated point of contact for the education of children in foster care, or in writing to the applicable building principal.

2. After the District receives notice of a new or pending foster care placement for which a District school would be considered the child's school of origin and for which the child needs or may need transportation, the District will promptly begin the process of establishing an individualized transportation plan. The transportation plan for the child shall be established in consultation with appropriate District staff, appropriate representatives of the child welfare agency (such as the child's caseworker), representatives of any separate resident school district (if applicable), and may also include obtaining input from others who may be involved in education or other decision-making for the child, such as the foster parent or other designated caregiver.
3. The transportation plan for the child will normally be in writing and will normally include the following information:
 - a. A transportation strategy for providing transportation to and from the school of origin on school days, inclusive of identifying:
 - the mode(s) or method(s) of transportation,
 - the person or entity responsible for providing the transportation, and
 - if applicable, the person or entity who is responsible for making any specific arrangements that are necessary to the implementation of any method or mode of transportation.
 - b. To the extent applicable, a description of how the child's school-related transportation will be funded, particularly when the planned transportation involves additional costs as defined under applicable laws and regulations.
 - c. Identification of any further approvals that must be obtained or any contracts or intergovernmental agreements that must be executed in order to implement the transportation plan (e.g., for purposes of funding).
 - d. A communication protocol that the District, representatives of the applicable child welfare agency, and other relevant persons (such as the child's foster parent) will use in order to:

- address any questions or concerns that arise with the transportation plan (including considering possible adjustments to the child's transportation plan),
- communicate to the District, as soon as possible, any relevant changes in the child's out-of-home placement that are relevant to the transportation plan, including prompt communication to the District from the child welfare agency who is responsible for the child's care and placement that there is a likely or imminent change in the child's status as a child who is in an out-of-home placement (e.g., that the child will be exiting foster care).

B. Transportation Strategies

Applicable federal law requires procedures to ensure that children in foster care who need transportation to the school of origin promptly receive that transportation, and to ensure that such transportation is arranged and provided in a cost-effective manner that is reasonable under the specific circumstances.

Possible methods of transportation, the reliability, safety, distance, and overall commuting time associated with possible methods, and the effect that particular transportation arrangements may have on the child's education and well-being are factors that are relevant to consider for purposes of both the educational placement decision (i.e., whether the student should attend his/her school of origin) and in preparing a transportation plan for a child who is placed at his/her school of origin.

The cost of transportation may not be considered when determining which school enrollment is in a child's best interest, but the cost and funding of different possible methods of transportation are relevant in arranging a transportation plan for a child who is placed at his/her school of origin.

C. Funding for Providing Transportation if Additional Costs Are Involved

If the transportation plan for a child in foster care involves additional costs, as defined/allowed under applicable state and federal laws and regulations, the plan will identify the means by which the child's transportation will be funded.

When the District is involved in preparing a transportation plan under these procedures, the Business Manager or his/her designee shall, upon request, identify an average transportation cost per student any time the participants in the planning process are considering a transportation option that is likely to involve qualifying additional costs.

Except to the extent that any law or regulation is enacted that provides specific and overriding funding directives, the District will attempt to pursue, and may expressly agree with one or more child welfare agencies to mutually implement, the following priorities and options for funding any additional transportation costs:

1. Unless both the District and the applicable child welfare agency mutually agree that an alternative funding approach is more appropriate to the specific circumstances, the District and agency will first prioritize any funding sources that represent additional aid/funding that would not otherwise be available to use for other purposes if transportation to the school of origin involving additional costs were not being provided for a child. That is, additional funding means an amount of money that the District or agency would not otherwise be entitled to receive and to use for another qualified purpose if the child were not being provided with the transportation in question.
2. If the available additional aid and funding does not sufficiently address the funding of any additional costs of transportation, then the District and each applicable child welfare agency will evaluate and attempt to reach agreement on a means of funding the child's school transportation plan using other strategies and sources of funds.

D. Disputes Related to the Transportation of a Child in Foster Care

Except to the extent that any law or regulation is enacted that provides any over-riding dispute resolution directives or procedures, if there is disagreement between or among the parties that are involved in determining the method of transportation to the child's school of origin and/or the funding of any additional costs associated with providing such transportation, the District will attempt to pursue, and may expressly agree with one or more child welfare agencies to mutually implement, the following dispute resolution procedures:

1. A meeting will be scheduled that involves the Business Manager (or a qualified and knowledgeable senior-level designee) of each applicable school district and child welfare agency. The parties will attempt to self-mediate the dispute. By mutual agreement, the parties may involve a third party to act as neutral mediator in this process.
2. If the attempt to self-mediate is unsuccessful, or if all relevant parties mutually agree to proceed directly to this step, the parties will attempt to utilize any dispute-resolution process that may be offered by a state-level agency for this purpose (e.g., by the Department of Public Instruction and/or the Wisconsin Department of Children and Families).
3. If the dispute is not resolved after attempting the dispute-resolution methods listed above (to the extent available), then the parties may pursue any other mutually-agreeable means of resolving the dispute, or, in the absence of such agreement, any party may take such additional steps as are deemed necessary to protect its interests and achieve a resolution to the dispute.

Interim Methods of Transportation. In the event of a dispute regarding the method of transportation that will be used to transport a child to his/her school of origin, the District will attempt to identify and make a good-faith effort to arrange for the implementation of a short-term (interim) transportation strategy that will be used for a defined period of time so that the child can promptly receive transportation to the school of origin.

Interim Funding of Transportation. In the event of a dispute between the District and one or more other educational or child welfare agencies regarding the amount of or the means of funding additional costs of transportation to a child's school of origin that is located within the District, the District and any such agency will attempt to define a mutually-agreed-upon, interim funding arrangement that will be implemented for a defined period of time so that the child can promptly receive transportation to the school of origin. In the absence of a voluntary interim funding arrangement, and in order to promptly provide transportation while a dispute is pending, the District will attempt to pursue, and may have an express agreement with one or more child welfare agencies to mutually implement, a default interim funding arrangement under which the District will pay for the disputed additional costs of transportation on an interim basis until the funding dispute is resolved

if the child's school transportation occurs solely within the boundaries of the District, and (2) the child welfare agency that is responsible for the placement and care of the child will pay for the disputed additional costs of transportation on an interim basis until the funding dispute is resolved if the transportation is to/from any location(s) outside of the boundaries of the District.

The final resolution of a funding dispute may require the full or partial reimbursement of funds that were expended under an interim arrangement for the payment of the costs of additional transportation during the pendency of a funding dispute.

To the extent the procedures above conflict with any specific written agreement that the District reaches with a child welfare agency or other party, the specific written agreement shall govern the interactions involving the District and such agency or other party.

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