



POLICY BRIEF - AB 490 IMPLEMENTATION

SCHOOL TRANSPORTATION:

Youth in foster care face tremendous barriers to educational success due to frequent disruptions in their home and school placements. In order to address these obstacles, AB 490 provides foster youth with the right to remain in their school of origin (if doing so is in the youth's best interests) for the remainder of the school year when a child welfare or probation agency moves them to a new placement. EDUC. CODE § 48853.5(d)(1). Students in foster care also have the right to remain in their school of origin if any dispute arises as to their school placement, pending the resolution of the dispute. EDUC. CODE § 48853(c). AB 490 also mandates that access to extracurricular and enrichment activities that are available to all students are also available to all foster youth. EDUC. CODE §§ 48850(a) & 48853(g).

The “Foster Youth Services Report¹” confirms that transportation, or the lack thereof, is a major obstacle to ensuring appropriate educational placement for foster youth. As it states, “[AB 490] did not specify who is responsible for transporting the foster youth to and from the school of origin, how transportation disputes to remain in the school of origin are to be resolved, or provide any funding for transportation . . . The unintended consequence is that school placement decisions are sometimes based on transportation time and cost factors rather than on the best interest of the student.” It is also difficult for foster youth to participate in extracurricular and enrichment activities that are available after regular school hours if their transportation options are limited.

To help overcome this challenge to implementation of the laws, AB 490 encourages local educational and county placing agencies “to collaborate to ensure maximum utilization of available federal moneys . . . and access any other funding sources to promote the well-being of foster children through educational stability.”

Considerations:

1) School Transportation for Foster Youth – Child Welfare’s Responsibility:

The juvenile court places a child in foster care under the care and supervision of the child welfare agency and that agency is ultimately responsible for ensuring that the child receives the care to which she or he is entitled. (e.g. WELF. & INST. CODE §§ 16501-16501.1; CDSS Manual of Policies & Procedures (MPP) 31-405 *et seq.*, 31-320.11). Under existing law the child welfare agency is thus responsible for placement of the child and ensuring that the child is transported to school. Transportation is a component

¹ “Report to the Governor and the Legislature” Foster Youth Services Program (Education Code sections 42920-42925) Counseling, Student Support, and Service Learning Office, California Department of Education (February 15, 2006), <http://www.cde.ca.gov/ls/pf/fy/documents/fylegreport2005.pdf>

of the foster care maintenance payment and is a federally reimbursable cost under Title IV-E, but the basic foster family home rate is not intended to cover the extraordinary expenses of long commutes to school.

Child welfare agencies have low and no cost options to ensure that foster children are transported to their schools of origin. First and foremost the child welfare agency has an obligation to take into consideration the child's school placement and educational needs whenever making a placement decision (WELF. & INST. CODE §§ 16010(a) & 16501.1(c); MPP 31-206.351). If a child cannot be placed near his or her school of origin, the agency can consider whether the caregiver should transport the child to school. (MPP 31-420; 22 Cal. Code Reg. §§ 84078(d) & 84079(a)(4)). If not, the agency may consider:

- whether there is a specialized care rate that may be paid to the caregiver to cover extraordinary transportation costs,
- whether county transportation workers or services are available to transport the child to school,
- whether mandated or discretionary educational funding is available for transportation (e.g. for foster youth who are awaiting placement and who benefit from federal McKinney -Vento laws or whose special education plans specify a need for transportation).

2) School Transportation for Foster Youth: Education's Responsibility:

Education Code provisions already exist concerning school transportation. (See, EDUC. CODE § 39800 *et seq.*). School districts have the discretion to provide home to school transportation for their students and they are allocated monies from the state for doing so. (See, EDUC. CODE § 41850 *et seq.*). During fiscal year 2005-2006, CDE distributed \$563,808,000 (See, <http://www.cde.ca.gov/fg/fo/profile.asp?id=85>) to over a 1000 school districts for "home to school" and special education-related transportation. (See, <http://www.cde.ca.gov/fg/fo/r14/documents/pupiltr06apptsch1.xls>.) While districts are allowed to charge the parents or guardians of transported students a fee for such transportation, they must exempt indigent pupils from such a charge. EDUC. CODE § 39807.5(d).

- What can be done to ensure that county placing agencies take full advantage of transportation services already provided by school districts?
- Would it be beneficial to suggest amendments to existing transportation related statutes and regulations to require that school districts receiving state allocations for school transportation take into account the transportation needs of foster youth enrolled in the district?
- Although no bottom-line responsibility is delineated under AB 490 for the cost of transporting a youth to his or her school of origin, such provisions did exist when the bill was initially introduced. At one point, AB 490 included transportation-related provision similar to the provisions of the McKinney-Vento legislation. These provisions were amended out of the bill by the

Senate Education Committee on the basis that they would likely “result in significant mandated costs to school districts.”

- Could appropriate transportation-related language that was amended out of AB 490 be included in current transportation statutes (so that they apply to school districts that receive transportation funding)?
- Could some of the categorical funds distributed for school transportation be set-aside to address the transportation needs of foster youth?

It may be helpful to approach and involve education-related organizations for guidance and/or collaboration on this issue, e.g., the:

- Association of California School Administrators (ACSA),
- California School Boards Association (CSBA),
- CDE Office of School Transportation (CDE), &
- California Association of School Transportation Officials (CASTO).

3) Should the language of AB 490 be clarified to specify which entity has the ultimate responsibility to ensure that transportation needs of students in foster care are met in regard to their right to remain in their school of origin?

4) **Collaboration:** In the absence of statewide changes to the laws, local placing agencies (child welfare and probation), educational agencies and caregivers can and should work together to take advantage of funding available to each of them, and to forge agreements about how they can share the responsibility for foster youth’s transportation needs. For instance, stakeholders could:

- Make agreements about which agencies will cover the cost of transportation for foster youth (e.g. this could include an agreement for reciprocity between neighboring school districts);
- Establish a process for promptly holding team meetings, which could include agencies, caregivers and other participants, when transportation questions need to be resolved (and perhaps agree about who will pay for transportation for the brief period until the meeting can be held); and/or
- Partner to create a “volunteer transportation team” made up of retired community members to provide transportation to and from school of origin across district lines. These volunteers could be supervised by one of the stakeholders in partnership with the child welfare agency.