

Office of Federal Programs Newsletter December 2019

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Foster Care: Transportation

Under ESSA, Section 1112(c)(5)(B) the Foster Care Plan was implemented to provide key protections for foster care students and to promote educational stability and success in collaboration with child welfare partners and tribal agencies.

Some foster care children will need transportation provided at an additional cost.

Some examples of transportation with associated costs are:

- A foster parent, relative or other adult provides transportation but needs reimbursement for mileage;
- An agency provides the youth or caretaker with bus passes or other public transportation vouchers;
- An agency contracts with a private transportation company to provide a bus/van/car

USDE guidelines:

Even if an LEA does not transport other students, it must ensure that transportation is provided to children in foster care.

Transportation must be provided in a "cost-effective" manner so low-cost/no-cost options should be explored:

- Pre-existing bus stops or public transportation
- Child is eligible for transportation by other programs (e.g. IDEA)

"Additional costs" represent the difference between what an LEA would normally spend on transportation to the child's assigned school and the cost of transportation to the school of origin.

Examples of additional costs are:

- An LEA provides the youth or caretaker with bus passes or other public transportation vouchers;
- An agency contracts with a private transportation company to provide a bus/van/car;
- A school district reroutes or adds an additional route to accommodate the transportation needs of children in foster care.

Title I is an allowable funding source, although funds reserved for comparable services for homeless children and youth may not be used for transportation of foster care children.

If you have questions, contact Naomi Ward in the Office of Federal Programs at naomi.ward@sde.ok.gov or (405) 522-3218.

Serving Neglected and/or Delinquent Facilities: Requirements and Exceptions

F. 1. The school district in which an entity as described in subsection D of this section exists to serve children in out-of-home placements shall, upon request of the individual or agency operating the entity, provide the educational services to which the children in the entity are entitled subject to the limitations provided in subsection C of this section. No person operating such an entity may contract for the provision of educational services with any school district other than the school district in which the entity is located unless the school district in which the entity is located agrees in writing to allow another school district to provide the educational services or unless the person operating the entity contracts with another school district for the provision of educational services to be provided through remote

Internet-based courses. No person operating such an entity may contract for the provision of educational services with more than one school district.

70 O.S. § 1-113 (OSCN 2019)

The ordinary provision of educational services to neglected and/or delinquent facilities foreseen by the law is that the LEA within whose boundaries a facility is physically located provides such services. There are situations where services are provided to a facility located outside the boundaries of the LEA providing services. In such cases the LEA providing services must obtain a written waiver from the LEA within whose boundaries the facility is located. Such a waiver must be obtained no later than May 1 of the fiscal year prior to the fiscal year in which services are to be rendered. A copy of the waiver must then be sent to the state Title I, Part D coordinator at the Oklahoma State Department of Education by May 31 of that same year.

The above-cited section Title 70 of Oklahoma state law (70 O.S. § 1-113) also allows neglected and/or delinquent facilities to contract for “remote Internet-based courses” with a Local Education Agency (LEA) other than the one within whose boundaries the facility is located. In this case a waiver from the LEA where the facility is located is not necessary. The facility, however, shall inform the local LEA of its intention to contract with another LEA for internet-based services no later than May 1 of the fiscal year prior to that in which such services are to be rendered. A copy of this letter of intent shall also be provided to the state Title I, Part D coordinator at the Oklahoma State Department of Education by May 31 of that same year.

Clarification: What constitutes a “remote Internet-based” course?

A remote, internet-based course does not preclude the presence of a face-to-face teacher, although the presence of a face-to-face teacher is not necessary. The defining characteristic of an internet-based program is an individualized course of study delivered via the internet, in which credits are earned through the completion of assignments and tests on an online platform.

Since LEAs are required to provide services to neglected and/or delinquent students that are comparable to those the students would receive if they were not in a facility, LEAs providing an internet-based program are still required to serve Individualized Education Plans (IEPs), to screen for English Learners, and to develop and serve English Language Academic Plans (ELAPs).

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