

**GUIDANCE FOR
IMPLEMENTATION
OF THE MOU
BETWEEN
IDHW AND ISDE
FOR ESSA**



Idaho Department of Health & Welfare
Family and Community Services



4.12.2018
9.13.2018-amended

I. Purpose

Define the process for implementation of the Memorandum of Understanding between the Idaho Department of Health and Welfare Family and Community Services Division (IDHW) and the Idaho State Department of Education (ISDE). This guidance intends to clarify roles, responsibilities and accountability related to the transportation of students in foster care to maintain a student in their school of origin when determined to be in their best interest as outlined in the Every Student Succeeds Act (ESSA). It also outlines how those additional transportation expenses will be paid/reimbursed.

II. Notification and Identification of the Transportation Plan

- A. When a student is either initially placed in foster care, or has a change in foster care placement, the Idaho Department of Health and Welfare (IDHW) social worker will follow the established guidelines and process to make an initial best interest determination regarding placement in their school of origin. When this information is entered into IDHW's database, an electronic notification letter will be automatically sent to the designated foster care liaison, school principal, and the State Department of Education (SDE). Any current and available transportation information will be included within the electronic notification letter.
- B. Following the receipt of the electronic letter, a three-school calendar day timeframe is provided when school is in session to the foster care liaison to allow for input into the initial determination. During the school breaks, the foster care liaison will have a fourteen-calendar day timeframe (unless school resumes within that timeframe) to provide input into the initial determination. If more information is needed, the foster care liaison is responsible to contact the IDHW social worker.
- C. The needs for each student and transportation plan will be treated on an individualized basis. In some circumstances, a transportation plan may already be made (at no additional cost to the LEA) through the IDHW social worker and identified within the electronic letter. In other circumstances, a plan will need to be made through the collaboration of the IDHW social worker and the foster care liaison.

For circumstances where additional coordination and exploration is needed to create a plan for transportation, the additional next steps must be taken:

- D. The foster care liaison will collaborate with neighboring school district for yellow/brown bus transportation to facilitate possible options for transport of a student in foster care. This collaboration could include, but not be limited to, the availability of pre-existing bus routes or stops close to the new foster care placement that cross district boundaries, such as bus routes for magnet schools and transportation for students that are homeless as required by the McKinney-Vento Act.

- E. The student in foster care may already be eligible for transportation covered by other programs. For example, Individuals with Disabilities Education Act (IDEA) funds may be used to pay for transportation services if the child's Individualized Education Plan (IEP) Team determines transportation is a related service that is required in order for a child with disabilities in foster care to receive Free and Appropriate Public Education (FAPE).
- F. The IDHW social worker will continue to collaborate with the foster parent(s), as well as other family members and supports, as appropriate and applicable based on each student's individualized circumstances, to identify possible transportation resources.
- G. The IDHW social worker and foster care liaison will consider private services which may include the following: taxi or shuttle.
- H. After the foster care liaison and IDHW social worker have identified and agreed upon a transportation plan that is safe and developmentally appropriate for the student in foster care, each party must electronically sign off on the plan that has been identified within the electronic letter prior to the implementation of the plan.

III. Funding and Reimbursement

It has been agreed upon that the SDE and LEAs will ensure that all students in foster care receive timely transportation to their school of origin when determined to be in their best interest (as outlined in the ESSA Guidance for Children in Foster Care). If there are additional costs incurred in providing transportation to the school of origin (when it has been determined to be in the student's best interest), the LEA will provide such transportation. For those students in foster care that are determined to be Social Security Title IV-E eligible, IDHW will include those additional transportation costs in IDHW's Title IV-E claim. Following receipt of federal funds, IDHW will provide the funds back to the LEA. Additional costs incurred in providing transportation to the school of origin should reflect the difference between what an LEA otherwise would spend to transport a student to his or her assigned school and the cost of transporting a student in foster care to his or her school of origin. For example, if the LEA provides transportation through an established bus route, there is no additional cost. If the LEA provides special transportation only for the student in foster care (e.g., through a private vehicle or transportation company), the difference between the special transportation costs and the usual transportation costs can be considered additional. If the LEA must reroute busses to transport a student in foster care to one of its schools, the cost of this rerouting can be considered additional cost (ESEA section 1112(c)(5)(B)(ii)).

The IV-E eligibility status of a student in foster care will not be a determining factor in decision making related to transportation arrangements. In order to assist with the facilitation of transportation expenditures, there are three funding sources that are set aside for the specific use of providing transportation for foster care students. They are listed below as follows:

- A. The SDE – Student Transportation Division will reimburse yellow/brown bus expenditures for identified students in foster care to transport to and from school. Specifically, this would only include to and from home location to school location. This amount is determined upon each school district and can be a percentage of up to approximately 85%. However, this percentage rate is defined based upon a school district’s reimbursable transportation formula. On February 8, 2017, the SDE Division of Transportation issued a memorandum concerning the new clarifications and forms required for reimbursable mileage.

- B. The IDHW - Title IV-E Funds – This federal funding source is for children who are eligible for Title IVE foster care maintenance payments (those children who meet the specific requirements set forth section 472 of the Social Security Act). This funding source can reimburse the LEAs for transportation expenditures that are reasonable costs and can include private services such as a taxi or shuttle of approximately 70% (based on the FMAP rate).

The Title IV-E eligibility status of a student in foster care can change from month to month. The LEAs should be aware of the transitory nature of this eligibility and should submit invoices for each period of transportation (i.e. monthly, quarterly) to ensure that all possible transportation expenses can be considered based upon current conditions. Additionally, there are circumstances where eligibility shifts can be retroactively applied up to eight (8) calendar quarters from the point the expense was incurred.

The steps for an LEA to receive reimbursement are as follows:

- i. The LEA initially pays for the transportation cost for the student in foster care.

- ii. The LEA provides the IDHW with a copy of the paid invoice with a completed Request for IV-E Claim form submitted to IDHW via e-mail to the fostercarenotices@dhw.idaho.gov inbox in a secure manner. Incomplete documentation will not be eligible for reimbursement.

- iii. The IDHW includes the eligible expenditures along with other Title IV-E expenditures and submits the claim to the U.S. Department of Health and Human Services on a quarterly basis.

- iv. The U.S. Department of Health and Human Services reimburses the Idaho Department of Health & Welfare for the Tile IV-E eligible students. Depending on timing, reimbursement will fall either within the current quarterly claim, or the upcoming quarterly claim.

- v. The IDHW reimburses the LEA for the Title IV-E portion when applicable. Reimbursement to the LEA will be between 90 and 180 days of the claim being submitted by IDHW to the U.S. Department of Health and Human Services.

C. Title 1 Funds – An LEA may use these funds to pay for additional costs needed to transport foster students to their schools of origin. Please note, however, that funds reserved for comparable services for students that are homeless and youth under section 1113(c)(3)(A)(i) of the ESEA may not be used to provide transportation needed to maintain children in foster care in their schools of origin. Title IV-E funds are specifically designated for the majority of children in foster care. However, there might be a student in foster care that is not Title IV-E eligible.

D. Court-Ordered Tuition Equivalency – Idaho Code 33-1002B(1)
33-1002B. PUPIL TUTION-EQUIVALENCY ALLOWANCES. 1. Districts which educate pupils placed by Idaho court order in licensed homes, agencies, institutions or juvenile detention facilities shall be eligible for an allowance equivalent to forty-two percent (42%) of the previous year's gross per pupil costs calculated on a daily basis. This district allowance shall be in addition to support unit funding and included in district apportionment payments, subject to approval of district applications by the state superintendent of public instruction.

Appendix 1 – Scenarios Guidance for IV- E Claims

These scenarios are intended to provide guidance when completing the Request for IV-E Claim form.

Scenario 1 –

A child had been riding a bus to school, for a total of 13 miles round-trip each day. The child was placed in foster care, and it was determined that it was in the child’s best interest to maintain attending the school of origin. The foster parent(s) and other family supports are not able to provide any transportation. In order to continue riding the bus, an additional route of 7 miles round-trip each day was established. In this scenario, the cost of the additional route of 7 miles round-trip each day is eligible to be submitted for the federal portion of reimbursement. The LEA will need to complete a Request for IV-E Claim form submitted to the IDHW, along with a copy of the paid invoice. This additional route cost will be reimbursed by IDHW if the child is IV-E eligible for the month(s) of the invoice. If the child is not IV-E eligible, the LEA will receive no reimbursement from IDHW.

**The IV-E status of the child must not be part of the consideration in setting up this arrangement.

Scenario 2-

A child was being transported to school by the parent prior to being placed in foster care. It has been deemed in the child’s best interest to stay in the school of origin. The foster parent(s) and other family supports are not able to provide any transportation. In order for the child to continue attending the school of origin, an entire new bus route was established for this child. The new bus route is a total of 14 miles round-trip each day. The cost of the additional route of 14 miles round-trip each day is eligible to be submitted for the federal portion of reimbursement. The LEA will need to complete a Request for IV-E Claim form submitted to the IDHW, along with a copy of the paid invoice. This additional route cost will be reimbursed by IDHW if the child is IV-E eligible for the month(s) of the invoice. If the child is not IV-E eligible, the LEA will receive no reimbursement from IDHW.

**The IV-E status of the child must not be part of the consideration in setting up this arrangement.

Scenario 3 –

A child had been riding a bus to school, prior to being placed in foster care. It was determined to be in the child’s best interest to maintain attending the school of origin. The foster parent(s) and other family supports are not able to provide any transportation. After researching possible bussing options, the only option that could be provided would be an additional 2-hour route each way. The additional 4 hours of transportation were determined to not be in the child’s

best interest, as it would impact the child's overall well-being. A shuttle will be utilized to diminish the amount of travel time to transport the child to and from school each day. The shuttle route will be a total of 22 round-trip miles each day. The cost of the shuttle will be eligible to be submitted for the federal portion of reimbursement. The LEA will need to complete a Request for IV-E Claim form submitted to the IDHW, along with a copy of the paid invoice. This additional cost will be reimbursed by IDHW if the child is IV-E eligible for the month(s) of the invoice. If the child is not IV-E eligible, the LEA will receive no reimbursement from IDHW.

**The IV-E status of the child must not be part of the consideration in setting up this arrangement.

Scenario 4 –

A child was being transported to school by the parent prior to being placed in foster care. It has been deemed in the child's best interest to stay in the school of origin. The foster parent(s) and other family supports are not able to provide any transportation. After researching possible bussing options, the only option that could be provided would be an additional 2 hour route each way. The additional 4 hours of transportation were determined to not be in the child's best interest, as it would impact the child's overall well-being. To diminish the travel time, a staff member from the child's school of origin is able to transport the child to and from school. The miles to and from school each day are a round-trip of 13 miles each day. These 13 miles each day are eligible for reimbursement at the current federal mileage rate (FY17 is \$0.535 per mile).

**The LEA will reimburse the staff member at the current federal mileage rate. The LEA will need to complete a Request for IV-E Claim form submitted to the IDHW, along with a copy of the paid invoice. This additional cost will be reimbursed by IDHW if the child is IV-E eligible for the month(s) of the invoice. If the child is not IV-E eligible, the LEA will receive no reimbursement from IDHW.

**The IV-E status of the child must not be part of the consideration in setting up this arrangement.

Scenario 5 –

A child was being transported to school by the parent prior to being placed in foster care. It has been deemed in the child's best interest to stay in their school of origin. The foster parent(s) are able to provide transportation to and from school each day. The IDHW social worker will work with the foster parent(s) on potential transportation resources that may be available. No additional route will need to be created. In this scenario, there are no miles that are potentially eligible to be submitted to IDHW for reimbursement.

Scenario 6 -

A child had been riding a bus to school, which is a total of 13 miles round-trip each day. The child was placed in foster care, and It was determined to be in the child's best interest to stay in the school of origin. The transportation plan that had been in place will continue to work for the child and family. No additional route will need to be created. In this scenario, there are no miles that are potentially eligible to be submitted to IDHW for reimbursement.