



CALIFORNIA FOSTER YOUTH EDUCATION TASK FORCE

School of Origin Transportation Funding

Now Available for Local Education Agencies

Youth in foster care have the right to attend their school of origin after a home placement change unless their education rights holder determines it is in their best interest to change school placements. Youth also have an accompanying right to transportation to their school of origin. Stability is vital to social-emotional and academic development for youth. In fact, data shows that in California, one third of youth in foster care change schools one or more times during the school year, and each school change leads to decreases in academic achievement. However, this right to transportation can be costly, and identifying sources for funding difficult. (If you want to know more about holding best interest determination meetings, and coordinating transportation to school of origin, see [School of Origin Transportation for Youth in Foster Care](#).)

School of Origin Transportation Funded as Eligible Expenditure in Transportation Plans

The 2022 Budget Act allows school of origin transportation funding as an eligible expenditure in school transportation plans. Communicate with the administrators coordinating your district or county office of education's (COE) transportation plan to ensure the plan includes allocations for school of origin transportation. (For the language in the law, see California Education Code Sections 39800.1 and 41850.1)

Here are some facts about the increased funding for school of origin transportation:

- School districts and COEs can get reimbursed up to 60% for eligible home-to-school transportation expenditures.
- The change in law does not create a new obligation to provide transportation. However, if a district/COE wants to receive this money, they must adopt local plans by April 1, 2023 (updated annually) that describe the transportation services the district/COE will provide.
- Plans must be developed in consultation with stakeholders (e.g. foster youth liaisons, caregivers, and students in foster care).
- Priority must be given to “unduplicated students”, which includes youth in foster care.
- Eligible expenses must involve “activities concerned with conveying students to and from school”, meaning this is designed to facilitate the type of home-to-school transportation required under school of origin laws, and cannot be utilized for field trips, extracurricular participation, etc.
- Funds are not limited by minimum or maximum distance requirements. Therefore, funds can be used to support students who live outside district/COE boundaries.
- In addition to internal resources such as staffing, training, fuel, etc., plans may include entering into contracts with other entities to provide transportation, such as rideshare services or municipal transit systems.

What you can do to help ensure that school of origin transportation is included in discussions around transportation plans:

- Expediently review any existing policies or practices your district/COE may already have with respect to providing school of origin transportation. This might include board policies, administrative regulations, Local Control Accountability Plans, Every Student Succeeds Act memorandum of understanding with child welfare and probation offices, etc.
- Highlight relevant portions of these documents demonstrating existing District or COE obligations to share with transportation and budget staff. *Note that in most cases these plans do not specify the source of funding, so it is likely that no changes will be needed to the plans in order to start utilizing this new source of funding.

Reach out to district/COE's budget and/or transportation staff and make sure they are aware of the district/COE's current transportation agreements and/or policies for youth in foster care. Emphasize:

- The existing requirements to provide transportation to school of origin, as well as the significance of prioritizing this transportation given the importance and impact of school stability on the lives of youth in foster care.
- The need to give priority in the transportation plan to youth in foster care.
- The places where this funding can be used creatively within the confines of the law to meet the unique needs of youth in foster care. For example, funding bus passes for parents as well as children so that they can safely accompany them from home to school, or funding needed repairs to vehicles and training for staff to create more available vehicles and drivers.

For funding questions, you can contact Andrew Peters in School Facilities and Transportation at the California Department of Education at apeters@cde.ca.gov.

New Law Sections:

SEC. 23.

Section 41850.1 is added to the Education Code, to read:

41850.1.

(a) Commencing with the 2022–23 fiscal year and for each fiscal year thereafter, the Superintendent shall apportion to each school district and county superintendent of schools that provides pupil transportation services, a transportation allowance equal to 60 percent of the home-to-school transportation expenditures reported by the school district or county superintendent of schools as determined by its Function 3600 entry in the Standardized Account Code Structure (SACS) report for the prior year, excluding capital outlay and nonagency expenditures. This allowance shall be reduced by the amount of the transportation add-on computed under paragraph (1) of subdivision (h) of Section 42238.02 and adjusted under paragraph (3) of subdivision (h) of Section 42238.02 for a school district or subparagraph (A) of paragraph (2) of subdivision (e) of Section 2574 and adjusted under subparagraph (C) of paragraph (2) of subdivision (e) of Section 2574 for a county superintendent of schools. If this reduction results in an amount less than zero, the transportation allowance under this section shall be zero.

(b) A local educational agency shall be subject to audits required by Section 41020 with respect to this section, including adoption of the transportation plan pursuant to Section 39800.1. The Controller shall include instructions appropriate to the enforcement of this section in the audit guide required by subdivision (a) of Section 14502.1.

(c) The department shall annually collect and publish transportation data from each local educational agency providing pupil transportation services and that receives an apportionment pursuant to this section. The data shall encompass ridership, miles driven, expenditure details, the number of pupils transported, the demographic characteristics of pupils transported, including race, ethnicity, and socioeconomic status, and other data facilitating comparisons among local educational agencies. The department shall determine the specific data elements in consultation with the Legislature and with local experts including the County Office Fiscal Crisis and Management Assistance Team established pursuant to Section 42127.8.

(d) As used in this section, “local educational agency” means a school district or county office of education that is providing school transportation services.

SEC. 14.

Section 39800.1 is added to the Education Code, to read:

39800.1.

(a) As a condition of receiving apportionments under Section 41850.1, a local educational agency shall develop a plan describing the transportation services it will offer to its pupils, and how it will prioritize planned transportation services for pupils in transitional kindergarten, kindergarten, and any of grades 1 to 6, inclusive, and pupils who are low income. The plan shall be adopted by the local educational agency’s

governing board on or before April 1, 2023, and updated by April 1 each year thereafter. The plan shall include the following components:

(1) A description of the local educational agency's transportation services that would be accessible to pupils with disabilities and homeless children and youth, as defined pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

(2) A description of how unduplicated pupils, as defined in subdivision (b) of Section 42238.02, would be able to access available home-to-school transportation at no cost to the pupils.

(b) (1) The plan shall be developed in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts and air quality management districts, parents, pupils, and other stakeholders.

(2) The plan shall be presented and adopted by the governing board of the local educational agency in an open meeting with the opportunity for in-person and remote public comment.

(c) The plan may provide for the local educational agency to partner with a municipally owned transit system to provide service pursuant to this section to middle school and high school pupils.

(d) Nothing in a local educational agency's plan shall preclude a local educational agency from providing no-cost transit passes to pupils.

(e) For purposes of this section, "local educational agency" means a school district or a county office of education.