

## TRANSPORTATION FOR STUDENTS IN TEMPORARY HOUSING IN NEW YORK STATE

Housing Situation	Transportation	Responsibility	Funding Sources	Legal Authority
<b>Temporarily Housed <u>Within</u> the School District</b>	<p>Student is entitled to transportation to their school of origin<sup>1</sup>, including public preschool (e.g., pre-k), even if the student is temporarily housed in a different school zone.</p> <p>If the student transfers to a local school zoned for where they are temporarily residing, they are entitled to transportation comparable to permanently housed students, unless the lack of transportation poses a barrier to the student's attendance in school.</p>	The school district where the student is enrolled is responsible for transportation.	<p>State transportation aid<sup>2</sup> (claimed by district where student is enrolled)</p> <p>AND</p> <p>If the student attends the school of origin, Title I, Part A set-aside funds for expenses not reimbursed by State transportation aid</p>	<p>20 U.S.C. § 6313(c)(3)(C)(ii)(II); 42 U.S.C. § 11432(g)(1)(j)(iii)(I); 42 U.S.C. § 11432 (g)(4)(A); N.Y. Education Law § 3209(4)(c); N.Y. Education Law § 3209(4)(d); N.Y. Education Law § 3209(6)(b); N.Y. Education Law § 3622-a(1); 8 N.Y.C.R.R. § 100.2(x)(6)(iii)-(iv).</p>
<b>Temporarily Housed <u>Outside</u> of the School District, but not in Department of Social Services Emergency Housing Placement</b>	<p>Student is entitled to transportation to and from the school of origin, including public preschool (e.g., pre-k), up to 50 miles one way, unless the commissioner certifies that a distance greater than 50 miles is in the best interest of the student. Parent may also be entitled to transportation if student cannot travel alone.</p>	The school district where the student is enrolled is responsible for transportation.	<p>State transportation aid (claimed by district where student is enrolled)</p> <p>AND</p> <p>Title I, Part A set-aside funds for expenses not reimbursed by State transportation aid</p>	<p>20 U.S.C. § 6313(c)(3)(C)(ii)(II); 42 U.S.C. § 11432(g)(1)(j)(iii); N.Y. Education Law § 3209(4)(c); N.Y. Education Law § 3622-a(1); 8 N.Y.C.R.R. § 100.2(x)(6)(iv).</p>
<b>Temporarily Housed <u>Outside</u> of the School District in a <u>Department of Social Services (DSS) Emergency Housing Placement</u></b>	<p>Student is entitled to transportation to and from the school of origin, including public school (e.g., pre-k), up to 50 miles one way, unless the commissioner certifies that a distance greater than 50 miles is in the best interest of the student. Parent may also be entitled to transportation if student cannot travel alone.</p>	<p>The local department of social services (DSS) is responsible for transportation if it places a student in emergency housing outside of the school district and the student is eligible for Emergency Assistance for Families (EAF). This includes children who attend pre-k and students who attend school at a BOCES. If DSS requests that the school district provide transportation, <b>the school district must transport and the DSS must promptly reimburse the school district.</b> If student is not eligible for EAF or if DSS places the family in emergency housing within the school district, the school district is responsible for transportation.</p>	<p>If school district transports, DSS reimburses the school district. School district cannot claim State transportation aid for expenses reimbursed by DSS.</p> <p>DSS receives federal Temporary Assistance for Needy Families (TANF) funding for transportation expenses.</p>	<p>42 U.S.C. § 11432(g)(1)(j)(iii); N.Y. Education Law § 3209(4)(a).</p>
<b>Temporarily Housed <u>Outside</u> of the School District in a <u>Runaway and Homeless Youth (RHY) Program</u></b>	<p>Student is entitled to transportation to and from the school of origin, including public school (e.g., pre-k), up to 50 miles one way, unless the commissioner certifies that a distance greater than 50 miles is in the best interest of the student. Parent may also be entitled to transportation if student cannot travel alone.</p>	The school district where the student is enrolled is responsible for transportation.	<p>Full reimbursement from the New York State Education Department using the <a href="#">RHY Transportation Reimbursement Form</a>.</p>	<p>42 U.S.C. § 11432(g)(1)(j)(iii); N.Y. Education Law § 3209(4)(b); 8 N.Y.C.R.R. § 100.2(x)(6)(iv).</p>
<b>Temporarily Housed in a <u>Neighboring State</u></b>	<p>Student is entitled to transportation to and from the school of origin, including public school (e.g., pre-k).</p>	If the NY school district where the student is enrolled and the school district in the other state cannot agree to a method of assigning responsibilities and costs, the responsibilities and costs are split equally.	<p>State transportation aid</p> <p>AND</p> <p>Title I, Part A set-aside funds for expenses not reimbursed by State transportation aid</p>	<p>20 U.S.C. § 6313(c)(3)(C)(ii)(II); 42 U.S.C. § 11432(g)(1)(j)(iii)(I); N.Y. Education Law § 3209(4)(g); N.Y. Education Law § 3622-a(1).</p>

<sup>1</sup> The "school of origin" is the school the student attended when last permanently housed and/or the school the student last attended.

<sup>2</sup> School districts receive State Aid for approved transportation expenses based on ratios calculated using the district's relative wealth, geographic size, and population density. For more information see [https://stateaid.nysed.gov/trans/trans\\_info.htm](https://stateaid.nysed.gov/trans/trans_info.htm).

Housing Situation	Transportation	Responsibility	Funding Sources	Legal Authority
<b>Temporarily Housed and would like to Participate in an Academic or Extracurricular Activity</b>	Student is entitled to transportation to participate in an extracurricular activity (including before- and after-school programs) if the lack of transportation poses a barrier to the student's participation, even if it is not provided to permanently housed students.	The school district where the student is enrolled is responsible for transportation OR DSS if the student is placed in a DSS shelter outside of the school district and student is EAF-eligible. See previous section for more information on DSS.	State transportation aid if the extracurricular activity is housed at the school AND Title I, Part A set-aside funds for expenses not reimbursed by State transportation aid. If DSS is responsible for transportation, see previous section for more information.	20 U.S.C. § 6313(c)(3)(C)(ii)(II); 42 U.S.C. § 11432(g)(1)(F)(iii); N.Y. Education Law § 3209(4)(f); N.Y. Education Law § 3622-a(1); 8 N.Y.C.R.R. § 100.2(x)(6)(vi).
<b>Temporarily Housed and Attending Summer School</b>	If transportation is provided to permanently housed students, temporarily housed students must be provided with transportation too. If transportation is not provided to permanently housed students, a student in temporary housing is entitled to transportation if the lack of transportation poses a barrier to the student's participation in summer school.	School district where the student is enrolled is responsible for transportation.	State transportation aid AND Title I, Part A set-aside funds for expenses not reimbursed by State transportation aid	20 U.S.C. § 6313(c)(3)(C)(ii)(II); 42 U.S.C. § 11432(g)(4)(A); 42 U.S.C. § (g)(1)(F)(iii); N.Y. Education Law § 3209(4)(e); N.Y. Education Law § 3622-a(6); 8 N.Y.C.R.R. § 100.2(x)(6)(v).
<b>Permanently Housed and Attending the Same School for the Remainder of the School Year or Terminal Grade</b>	School districts are required to provide transportation for the remainder of the school year in which a student becomes permanently housed, and for one additional year if that year is the student's last year in the school building (also referred to as the terminal grade).	School district where the student is enrolled is responsible for transportation.	State transportation aid (claimed by district where student is enrolled) School district where student is enrolled can bill the school district where the student is now permanently housed for transportation costs not reimbursed by State transportation aid	42 U.S.C. § 11432(g)(1)(j)(iii); 42 U.S.C. § 11432(g)(3)(A)(i); N.Y. Education Law § 3209(4)(i); N.Y. Education Law § 3622-a(1); 8 N.Y.C.R.R. § 100.2(x)(6)(iv).
<b>Attending a Charter School</b>	In general, the same transportation rules apply for charter schools: if a student in a charter school becomes homeless, the student is entitled to transportation for the duration of homelessness, through the remainder of the school year in which the student becomes permanently housed, and for one additional year if that year is the student's last year in the school building (terminal grade).	<b>Designated school district.</b> <sup>3</sup> The designated school district is responsible for transporting the student in temporary housing if transportation not otherwise provided by a local department of social services. The student can designate either the school district of origin or the school district of current location. <i>Note:</i> The designated school district may be different from the school district in which the charter school is located. <b>On days when the designated school district is not in session, the charter school must arrange for transportation.</b> OR <b>Local department of social services,</b> if the student was placed in emergency housing outside of the designated school district and the student is eligible for EAF (see above).	State transportation aid (claimed by designated school district) AND If the charter school is the student's school of origin, Title I, Part A set-aside funds for expenses not reimbursed by State transportation aid. If DSS is responsible for transportation, see above.	20 U.S.C. § 6313(c)(3)(C)(ii)(II); 42 U.S.C. § 11432(g)(1)(j)(iii)(I); N.Y. Education Law § 2853(4)(b); N.Y. Education Law § 3209(2)(h); N.Y. Education Law § 3622-a(1); N.Y. Education Law § 3635(1)(b); 8 N.Y.C.R.R. § 100.2(x)(4)(viii); 8 N.Y.C.R.R. § 100.2(x)(6).

<sup>3</sup> The designated district is also responsible for payment of charter school tuition and possibly other services, such as special education services. See: [http://www.nysteachs.org/media/NYSED\\_Charter%20School%20Guidance.pdf](http://www.nysteachs.org/media/NYSED_Charter%20School%20Guidance.pdf)