

EDUCATION TRAVEL REIMBURSEMENT

California Department of Social Services



QUESTIONS AND ANSWERS (Q&A)

This Q&A provides policy clarification and guidance to County Child Welfare and Probation Departments as well as to Foster Care Providers for education travel reimbursements in response to questions received on the subject. Public Law (PL) 110-351 amended Title IV-E of the Social Security Act to provide for the cost of reasonable travel for the child to remain in the “school of origin” as an allowable foster care maintenance cost.

Multiple Children Traveling:

Question #1: Is a caregiver reimbursed for each child even if they are driving a sibling group to the same school?

Answer: Yes, the caregiver receives a reimbursement for each child who is receiving a foster care maintenance payment and for whom the travel plan is to be transported to the school of origin by the caregiver.

Question #2: If there are multiple children traveling to different schools, what is the distance to be paid for each child?

Answer: If there are multiple children in the home traveling to different schools, the reimbursement is to be paid per child for the distance from the home to each child’s school roundtrip.

Proration of Reimbursement:

Question #3: If the foster parent works near the child’s school of origin, and is the primary means of transportation for the child, is the foster parent still eligible to receive the education travel reimbursement?

Answer: Yes, the caregiver would be eligible for the reimbursement as long as the child is attending his school of origin and the child’s agreed upon plan is for the caregiver to transport the child to school. The caregiver is being paid a rate based on mileage driving the child to and from school and driving to work is not a factor in being eligible for this reimbursement.

Question #4: Is the caregiver eligible to receive the education travel reimbursement during summer break or during months off for children attending year round school?

Answer: Yes, a caregiver is eligible for the reimbursement during summer break, or when the child is off track while attending year round school as long as the child remains in the home. Providers should be made aware that due to this provision, the provider is expected to transport the child (ren) to school activities such as sports activities and social activities, and foster parents should be attending any required conferences, at no additional travel reimbursement expense. See All County Letter (ACL) 11-51 for more information on the rate methodology.

Question #5: Will there be a proration of the education travel reimbursement if there is only one placement for a partial month?

Answer: Yes, there is a proration if there is only placement for a partial month. The education travel reimbursement is part of the monthly foster care maintenance payment. Therefore, if a child is placed less than the full month in a foster home and the monthly maintenance payment is prorated, the education travel reimbursement should be prorated as well.

Question #6: If there is a placement change in the middle of the month and both caretakers require the education travel reimbursement, how is the reimbursement prorated?

Answer: Each caregiver would be paid a prorated amount of the applicable education travel reimbursement for the number of days the child was in his/her care.

Question #7: Will the education travel reimbursement be prorated if the child is out of school while taking a family vacation?

Answer: No, there will be no proration of the education travel reimbursement if the child is out of school to attend a family vacation. The education travel reimbursement rate was developed to accommodate for vacations, year round schools etc.

Public and Other Transportation:

Question #8: Do counties need to retain documentation showing the price of public transportation passes?

Answer: Yes, records need to include documentation including how the determination was made for the amount of the public transportation costs.

Question #9: Are foster parents able to be reimbursed if the school district provides free public transportation for all children?

Answer: No, the foster parent would not be eligible for the education travel reimbursement if the child is being transported on a free public bus or at the expense of the school district.

Question #10: Can a caregiver pay someone for alternative transportation for a child? For example, if the caregiver cannot drive the child to the school of origin, can they pay someone else to drive the child to school and still be eligible for the reimbursement?

Answer: Yes, a caregiver can pay someone else to transport the child and the caregiver would be eligible for the education travel reimbursement rate?

Multiple Transportation Plans:

Question #11: If the child is being driven 6-10 miles per day to the bus stop, would the foster parent be entitled to a reimbursement payment for a bus pass and a payment for miles driven?

Answer: Yes, if a provider is transporting a child 6-10 miles per day to the bus stop, would be foster parent be entitled to a reimbursement for a bus pass and a payment for miles driven. If however the school is providing the bus pass or other free public transportation, the provider is only entitled to the reimbursement for miles driven.

Question #12: We have a number of children with multiple part transportation plans. For example: They are being driven from a home in San Mateo County to the CalTrain station about 10 miles one way, and they used a CalTrain pass (\$36) to Santa Clara County, then use a VTA County Transit Pass (\$45) to get to school. What is the provider entitled to?

Answer: Providers are to be reimbursed for each mode of travel as identified in the child's travel plan. In this case, the provider and county have agreed to a plan where the child is transported by the provider to a public transportation hub, and then takes two different forms of public transportation. Here, the provider would be eligible for reimbursement for the mileage driven to the CalTrain Station and the reimbursement of the two passes, \$50 for the CalTrain pass and \$50 for the VTA pass.

Claiming/Documentation Questions:

Questions #13: We currently claim administrative costs based on quarterly time studies. Should we claim each child or will you automatically take a quarterly time study and multiply by 4?

Answer: County Fiscal Letter 11/12-05 has claiming instructions for both the assistance and administrative costs for the education travel reimbursement.

Question #14: Are specific eligibility forms required for the education travel reimbursement or is it up to the counties to develop and decide?

Answer: The CDSS is not requiring the counties to use specific forms to document eligibility. Travel plans, etc. If counties would like to develop specific eligibility forms for education travel reimbursement they are encouraged to do so.

Question #15: Do our records need to include documentation of the number of miles between home and school?

Answer: Yes, your documentation needs to include how the determination was made for the amount and range of miles to be paid. Counties must document the caregiver's eligibility for education travel reimbursement as part of the foster care maintenance payment and must document how the cost was determined, but the case plan need not be finalized or adopted by the court prior to initializing the reimbursement. These decisions and determinations will ultimately be documented in the education stability component of the child's case plan. See ACL 12-70 for more information on case plan assurances.

Question #16: Do we need a claim form for each foster parent for each month's mileage reimbursement claim?

Answer: If counties would like to develop specific eligibility forms for education travel reimbursement they are encouraged to do so, however the state isn't making a requirement to do so.

Question #17: A Foster Family Agency (FFA) asked the following question: We have a process where we can pass the education travel reimbursement through to the foster parent, much like a clothing allowance. If one of our staff is doing the driving we'll have to create a new process for that. Is there any documentation required after the fact to set aside for audit purposes?

Answer: It is always a good idea to document what you are doing. The education travel reimbursement will need to be in the child's case plan along with how that travel will be accomplished. So if the FFA provider staff is doing the driving, it should be noted in the child's case plan. ACL 11-51 allows the FFA to retain the education travel reimbursement.

Question #18: Is it the State's intention to reimburse caregivers retroactively, even if the child for whom transportation was provided is no longer in their care?

Answer: Yes, the counties will reimburse caregivers retroactively, even if the child for whom the transportation was provided is no longer in their care as long as there is documentation that, while placed with the caregiver, the child's travel was for the caregiver to transport the child to school and that the transportation was actually provided.

General Questions:

Question #19: What types of homes are eligible for the education travel reimbursement?

Answer:

- Licensed Foster Family Homes
- Approved Relatives
- Small Family Homes
- Non-Relative Extended Family Members
- Certified Foster Homes
- Foster Family Agencies (Including ITFC/MTFC)
- Dual Agency Rate Homes

Question #20: To what extent do we verify that the provider actually transported the child during the period of reimbursement?

Answer: Counties have flexibility to determine the appropriate method of verification that the child is being transported to school in a manner consistent with his/her plan. The child's Social Worker would be able to determine if that has been accomplished through the child's attendance records, report cards, speaking to the caregiver, speaking to the child at monthly face to face visits etc. If a concern is raised that the plan to transport the child to school is no longer appropriate, should immediately address the issue in order to ensure that the child's education is not disrupted.

Question #21: Will the education travel reimbursement be paid in a separate check to the FFA, or as an addition to the monthly payment?

Answer: Counties may choose to pay the education travel reimbursement as part of the monthly payment or as a separate check. Regardless of the method, the amount of the check towards education travel reimbursement should be identified as such.

Question #22: Will A Notice of Action (NOA) precede the education travel reimbursement payment?

Answer: A NOA must be issued to the provider in situations where the education travel reimbursement is no longer applicable or the payment is changed.

Question #23: If a child is placed in a home and has an Individual Education Plan (IEP) requiring transportation to be provided by the school district or local education agency, is the caregiver eligible for the education travel reimbursement?

Answer: No, if a child has an IEP that specifies the child's school district or local education agency will provide transportation to school, the child is not eligible for the education travel reimbursement.

Case Plan Questions:

Question #24: If a youth changes placement and wants to remain in the same school, is the new caregiver eligible for the reimbursement for transporting the child to that school?

Answer: Education travel reimbursement is available to pay for costs related to transporting a child to his or her school of origin, based on the child's educational stability plan. Education Code Section 48853.5(e) defines school of origin as:

- The school that the foster child attended when permanently housed, or
- The school in which the foster child was last enrolled, or
- A school that the foster child attended within the preceding fifteen months and with which that child has connections.

If the school the child was last enrolled in meets a definition of the school of origin, the caregiver who transports the child to the school would be eligible for education travel reimbursement if the child and the child's education rights holder determine that it is in the child's best interest to return to the school of origin.

There are many factors in determining the school of origin. Generally, the child's education rights holder is responsible for determining which school is in the child's best interest to attend. The child's parent may be the education rights holder or the juvenile court may have appointed another responsible adult as the education rights holder to make educational decisions for the child. If there is a conflict regarding the identification of the school of origin, or if there is another option, Education Code 48853.5 requires the "education liaison" from the school, with the agreement of the foster child and the education rights holder, to determine which school is the school of origin, based on the best interest of the child. The educational liaison for foster care is a staff person designated by the local education agency to assist the child with transferring in and out of school, transferring records, credits and grades to a new school, and to notify the child's attorney and the child welfare agency if a foster child is to be expelled from school. If there is no education rights holder or there is a disagreement regarding what is best for the child, the parties may bring the issue to the juvenile court for resolution.

Question #25: If after attending a new school, the child wants to return to a school they had previously attended, would the foster parent be eligible for the reimbursement?

Answer: Yes, the caregiver would be eligible to receive the reimbursement if the child and the child's education rights holder determine that it is in the child's best interest to return to a school that meets the definition of a school of origin and the foster parent is transporting the child to the school.

Question #26: Is the travel reimbursement allowed for a child who is the subject of a petition under Welfare and Institutions Code section 300, but who has not yet been adjudicated a dependent?

Answer: The education travel reimbursement is for any child who receives a foster care maintenance payment and remains in the school of origin. The child is eligible to receive a foster care maintenance payment at the time of detention and placement in out-of-home care, therefore education travel reimbursements are available to children who are in temporary custody as long as a foster care maintenance payment is being paid on behalf of the child.

Question #27: Should counties keep a separate copy of the case plan for their eligibility staff because the eligibility staff has no access to the child's case plan?

Answer: The counties have discretion to determine the type of documentation to be retained in order to justify the payment of education travel reimbursement and where that documentation should be kept. Documentation that justifies the education travel reimbursement may be county-specific forms, internet maps documenting the distance from the home of the caregiver to the school of origin, the appropriate section of the child's case plan related to education stability, etc.

REFERENCES:

- THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008 (PL 110-351)
- ASSEMBLY BILL (AB) 1612, CHAPTER 725, STATUTES OF 2010
- AB 1933, CHAPTER 563, STATUTES OF 2010
- ALL COUNTY LETTER (ACL) 10-12, ACL 11-51, ACL 12-70