

Transportation Services for Chartered Nonpublic And Community Schools



PUPIL TRANSPORTATION OFFICE

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For questions regarding any of the procedures in this guide, contact the Ohio Department of Education’s Pupil Transportation Office at (614) 466-4230 or the area coordinator’s office at education.ohio.gov/Area-Coordinators.

Chapter 1: Transportation Services for Chartered Nonpublic And Community School Students

Students enrolled in chartered nonpublic or community schools may be entitled to student transportation services from their public school districts of residence. The procedures, information and references included in this document are intended to provide guidance for parents and guardians procuring that service if they are eligible.

Upon enrollment in a chartered nonpublic or community school, the parent or guardian must contact the transportation department of the public school district in which the student resides. The request should be made in writing. Without this request, the public school district will be unaware of the student's transportation needs and will not be able to accurately determine a student's eligibility for transportation services.

Upon contact from a parent or guardian, staff at the public school district will follow procedures to determine if the student meets eligibility requirements for transportation. The following factors will be evaluated.

- 1) Is the student a student with a disability? If yes, several scenarios may exist:
 - a) For attendance at chartered nonpublic schools: If the student has an Individualized Education Program (IEP) written by the public school of residence but the parent elects to send the student to a chartered nonpublic school instead of a program designated on the IEP, the public school district has no obligation to provide special education transportation.¹ Instead, the public school district must offer the student the same transportation it would for a student not on an IEP. However, there may be situations in which the public district agrees to provide transportation as an equitable service to the nonpublic schools through use of the public district's proportionate share of Individuals with Disabilities Education Act (IDEA) funds. Transportation for these students would be indicated as a service on an Individualized Services Plan (ISP);
 - b) For attendance at community schools: If the student is receiving special education, the community school (as a public school) has the same obligation to adopt and implement an appropriate IEP for the student as any other public school. If the student's IEP specifies student transportation as a required related service, the obligation of providing transportation is assigned to the community school. If there is an IEP but transportation is not identified as a related service, the public school district of residence should provide transportation as it would for a student not on an IEP;
 - c) In cases where a student is the recipient of either a Jon Petersen Scholarship or Autism Scholarship, transportation services are provided to the recipient the same as would be provided for a regular education student, and according to Ohio Revised Code 3327.01 and Section 1(a) of this manual for scholarship students attending chartered nonpublic schools.²
- 2) Is the school selected eligible for services from a public school? The chartered nonpublic or community school must be approved by Office of Community Schools for a sponsorship agreement or have a letter of intent to be approved. Without one of these in place, no services can be provided. Districts may confirm the existence of a nonpublic or community school by searching the Ohio Educational Directory System (OEDS). To access OEDS, visit <http://education.ohio.gov/Topics/Data/Ohio-Educational-Directory-System-OEDS>.

¹ There also may be a situation in which a student has never had an IEP at the public district as the student's education always has been provided at a chartered nonpublic school. In that situation, the public district has no obligation to provide special education transportation, unless it is an agreed upon service between the public district and nonpublic school through the provision of equitable services.

² Also note scholarship students can attend non-chartered non-tax supported schools.

In determining if a school is approved by the State Board of Education, a district may discover the school actually is a non-chartered, non-tax nonpublic school, also known as an “08 School,” pursuant to Ohio Administrative Code 3301-35-08. While such schools must report specific data to the Department of Education on an annual basis, enrolled students are not entitled to transportation services per OAC 3301-35-08(G)³. However, students with disabilities attending non-chartered, non-tax supported schools may be entitled to transportation services if they are agreed upon services between the public district and the nonpublic school.

- 3) Are students in grades 9-12 eligible for transportation services? This is based on the public school district’s transportation policy. Pursuant to Ohio Revised Code 3327.01, if the public school district does not transport students in grades 9-12, then those students in grades 9-12 attending nonpublic or community schools would not be eligible for transportation services. In general, transportation is provided to nonpublic or community school students the same level of service as the public school district provides its own students.
- 4) Does the chartered nonpublic or community school meet the 30-minute eligibility test as set by ORC 3327.01? Although a school may be approved by the State Board of Education and the student may fit the same level of service eligibility, the school must be reachable within 30 minutes by direct travel. This is done in a school bus, on a school day and during the regular attendance times that a bus would be traveling to the school. The origin of the timing run is the public school building the student would be assigned to if attending public school. Public school districts will schedule and complete this time check and, if they find that it is greater than 30 minutes, will ask for the Ohio Department of Education (the Department) to supervise another timing run. Public school districts are encouraged to meet with the parents or guardians prior to this timing to attain agreement upon the route selected, and districts also are encouraged to invite the involved parents or guardians to ride along and observe. If a timing is 30 minutes or more, transportation services are not required to be provided.⁴

Timings, once run and supervised by a Department representative, are considered final and will not be re-run unless approved by the director of Pupil Transportation for the Department. This approval will not be granted unless it can be demonstrated the conditions pertaining to the original timing have changed substantially.

If it is determined the student is eligible and is attending an eligible school (meaning the timing is fewer than 30 minutes), staff at the public school district will determine the most appropriate mode of transportation available for the student.

Public school districts use a number of methods to provide transportation for students, including yellow school buses, public transit buses, taxi service and, in some cases, contracts with other school districts or private vendors.⁵ All these modes of transportation shall be considered for the eligible student. Parents or guardians cannot require a district to provide a specific mode of transportation. If transportation is offered by the district but declined, the public school district has no further obligation.

- 5) Does ORC 3327.02 allow for public school districts to determine the impracticality of transportation, on an individual student basis, after consideration of a number of factors? Based on the factors listed in ORC 3327.02 and the determination of impracticability, the local public school district is then permitted to offer payment in lieu of transportation to the parent or guardian. The allowed amounts for payment in lieu of

³ Appendix D

⁴ Reference Ohio Revised Code 3327.01

⁵ Reference Ohio Revised Code 4511.01, OAC 3301-83-19

transportation can be found on the Department's [Payment in lieu of transportation for school year webpage](#).

To declare a student impractical to transport, boards of education and parents or guardians must complete several steps as follows:

- a) The public school district's board of education will pass a resolution declaring transportation to be impractical for the particular student(s);⁶
- b) The public school district's board of education then will provide the parent or guardian with notification of that resolution and ask for the parent or guardian to accept or reject the determination. At the same time, the board of education is to provide the parent or guardian with information regarding the family's rights, should it choose to reject the determination;⁷
- c) The parent or guardian must acknowledge and return the waiver form to the public school district confirming acceptance or rejection; and
- d) For the parent or guardian who accepts, the public school district will verify attendance for the school identified and make payment to the parent/guardian at the end of the school year.

Parents and guardians who reject the board of education's determination that transportation is impractical may request mediation. That request shall be submitted in writing to the superintendent of the school district, the area coordinator from the Department assigned to that county, or the Pupil Transportation Office of the Department. The area coordinator will schedule mediation, wherein the area coordinator meets with the public school district representatives and the parent or guardian. At the mediation, each party will be allowed to present their reasons for supporting or disputing the board of education's decision.

At the conclusion of the mediation, if both parties are unable to reach a resolution, the area coordinator will advise the public school district or governing authority of the community school that ORC 3327.02 requires the district or governing authority to continue to provide transportation services of an appropriate type pending a decision by the State Board of Education in accordance with Chapter 119 of the Ohio Revised Code.

If the parties fail to resolve the dispute in the mediation, the matter is referred to the Department's Office of Legal Counsel. The Office of Legal Counsel will notify all parties and offer an opportunity for a hearing. This hearing will follow the procedure set by Ohio Law under Chapter 119 of the Ohio Revised Code.

The Department will assign the matter to a hearing officer and the hearing officer shall conduct a hearing. Following the hearing and a submission of a recommendation by the hearing officer, the State Board of Education will make a determination. The State Board of Education may approve the payment in lieu of transportation or order the public school district's board of education to continue transporting the student. The State Board of Education's decision is binding in subsequent years and on future parties of interest provided the facts of the determination remain comparable.

⁶ Appendix I

⁷ Appendix H

Chapter 2: General Procedures

Steps to Request Transportation Service

- 1) The parent or guardian formally makes the request for transportation from the public school district of residence for a student enrolled in a chartered nonpublic or community school. *(Note: It is recommended chartered nonpublic and/or community schools cooperate with parents and public school districts of residence by providing demographic and other necessary information in a timely and complete manner.)*

Determining Eligibility Requirements

- 2) The public school district of residence must determine whether the requesting student meets the following eligibility requirements:
 - a) He or she attends a chartered nonpublic or community school that is approved by Office of Community Schools for a sponsorship agreement or has a letter of intent to be approved;
 - b) The chartered nonpublic or community school is greater than two miles from the student's residence or a distance fewer than two miles established by local district policy for public school students. A public school district must apply the transportation policy of the district equally to students regardless of which schools they attend. Distance measurements are made from the curb of the residence to the entrance door used by the students of the nonpublic school via traversable roadways;⁸
 - c) The chartered nonpublic or community school is fewer than 30 minutes from the collection point (public school building to which the students would be assigned if attending the public school designated by the district of residence for the student).⁹ The collection point is the public school building the student would be assigned to attend if the student was enrolled in the public school district. The 30 minutes is measured from the collection point to the unloading point at the chartered nonpublic or community school via the most direct route traveled by yellow school bus from the public school building to the chartered nonpublic or community school during normal transportation time¹⁰ (see Chapter 3 of this document for procedures to be followed in determining time); and
 - d) The chartered nonpublic or community school student must be enrolled in grades K-8. If the public school district provides transportation services as a matter of district policy for public school students in grades 9-12, the district must provide transportation to chartered nonpublic or community schools for students in grades 9-12.

If a chartered nonpublic or community school student meets these requirements, he or she is eligible for transportation, and the public school district of residence has the responsibility to transport. The district may fulfill this responsibility by any authorized mode of transportation as identified in ORC 4511.76 and OAC 3301-83-19.

Transportation by School Bus

⁸ Appendix C

⁹ Appendix G

¹⁰ Reference [OAC 3301-83-01 \(E\)\(1\)\(a\)](#)

- 3) The requirement to provide transportation by yellow school bus or other carrier is a statutory obligation and payment in lieu of transportation (Type IV) is the exception.¹¹ The public school district of residence must strictly comply with the requirements of ORC 3327.01 and 3327.02 before making payment in lieu of transportation to parents or guardians of students who attend nonpublic or community schools.

The public school district must transport eligible students to school in a manner that allows them to arrive at school on time and subsequently picks them up in a timely manner, after a full day of school, even if the time schedule does not coincide with that of the public school district. The obligation to transport these students continues even on days when the public schools are closed or not in session.¹²

- 4) The bus stop established for eligible students in grades K-8 must be no more than one-half mile from the student's residence.¹³ That transportation may include a transfer to another bus at a collection point designated for that purpose by the school district.

Payment in Lieu of Transportation

- 5) The public school district of residence may only consider making payment in lieu of transportation for an eligible student based on one or more of the following considerations found in ORC 3327.02:¹⁴
- The time and distance required to provide such transportation;
 - The number of students to be transported;
 - The cost of providing transportation in terms of equipment, maintenance, personnel and administration;
 - Whether similar or equivalent service is provided to other students eligible for transportation;
 - Whether and to what extent the additional service unavoidably disrupts current transportation schedules; and/or
 - Whether other reimbursable types of transportation are available.
- 6) After the public school district of residence has collected the necessary data to justify payment in lieu of transportation, the board of education of the public school district must pass a resolution declaring transportation to be impractical. The resolution shall include the student's name and reason for the impracticality.¹⁵

Parent Waiver and Notification of Rights

- 7) Parents and guardians shall be informed of the following items by the public school district of residence:¹⁶
- The board of education resolution, which shall include each pupil's name and reason for impracticality; and

¹¹ Appendix H

¹² Appendix F

¹³ OAC 3301-83-13

¹⁴ Appendix A

¹⁵ Appendix A

¹⁶ Appendix I

- b) Parent and guardian rights (including the right to accept or reject/decline the district's offer of payment in lieu of transportation).
- 8) Parents and guardians shall be issued a waiver on which they are given the option to **accept** or **reject** the district's offer of payment in lieu of transportation¹⁷.
- a) If a parent or guardian accepts the offer, the district shall retain the signed waiver form, along with the board of education resolution, and file these documents locally. These documents shall be retained for a period of at least five years. Payment shall then be made by the district to the parents or guardians at the end of the school year;
 - b) The amount paid by the board shall be an amount that is not less than the amount determined by the General Assembly as the minimum for payment in lieu of transportation and not more than the amount determined by the Ohio Department of Education as the average cost of student transportation for the previous school year. The allowed amounts for payment in lieu of transportation can be found on the [Department's website](#). Payment may be prorated if the time period involved is only part of a school year.

Parent Rejection of Payment in Lieu of Transportation

- 9) Parents and guardians of students who reject the offer of payment in lieu of transportation may request mediation as prescribed by ORC 3327.02. The process also is detailed in Chapter 4 of this document.
- 10) If a resolution cannot be made during the mediation, the Department shall direct the public school district to continue to provide transportation for the student until the matter is resolved either:
- a) By and between the parent or guardian and public school district of residence; or
 - b) Following a hearing conducted by a hearing officer assigned by the Department in accordance with ORC 119 and subsequently approved or rejected by the State Board of Education.

¹⁷ Appendix L

Chapter 3: Procedures for Conducting an Official Eligibility Timing

Upon written request for an official timing or a request for an appeal of a district's timing, the area coordinator will contact the public school district with regard to the following arrangements:

- 1) Public school district staff shall determine the starting and acceptable arrival time for students at the chartered nonpublic or community school.¹⁸ Arrangements shall be made to have a school bus travel the route beginning at the collection point¹⁹ at a time that would get the students to school near the acceptable arrival time with consideration of bell time.
- 2) The public school district of residence shall identify the school determined to be the school of assignment, which is the collection point for the student.
- 3) The public school district of residence shall invite the parent or guardian to attend the official timing. The parent or guardian may ride along in accordance with local board policy.
- 4) The most direct route that can be traveled by yellow school bus shall be determined in advance and documented in writing and submitted to all parties involved 24 hours prior to the start of the timing.
- 5) The route to be followed shall be reviewed in advance with the bus driver. The bus driver shall adhere to all relevant traffic laws and operate within the Ohio Student Transportation Operation and Safety Rules.
- 6) Official timings shall be conducted only on days when both schools involved are in session and during the normal route time(s).
- 7) To determine the official timing, the area coordinator shall use a device that clearly measures the elapsed travel time.
- 8) The timing shall commence at the point the bus begins motion at the collection point (public school building) and ends when the bus stops at the bus drop-off point for the chartered nonpublic or community school.
- 9) If some unusual situation occurs during the official timing (such as an accident, slow traffic due to an accident or a temporary detour) the official timing shall be canceled and rescheduled for another day.
- 10) Once an official timing has been completed, the area coordinator must send a letter²⁰ to the superintendent of the public school district and Office of Pupil Transportation documenting the results and declaring the chartered nonpublic or community school student's eligibility or ineligibility for transportation services based upon the 30 minute rule.²¹
- 11) Once an official timing has been completed, additional timings shall not be performed without the written authorization of the Pupil Transportation director or designee of the Ohio Department of Education.

Chapter 4: Procedures for Conducting Mediation for Payment in Lieu of Transportation Disputes

¹⁸ A student's arrival time at school may not shorten the instructional day.

¹⁹ Appendix A

²⁰ Appendix H

²¹ Appendix A

As stated in ORC 3327.02(E)(1)(a), “Upon the request of a parent, guardian, or other person in charge of the student who rejected the payment in lieu of transportation, the Department shall conduct mediation procedures.”

- 1) Mediation shall be scheduled within a reasonable amount of time when requested by the parent, guardian or other person in charge of the student.
- 2) Upon receipt of a request, the area coordinator will take the following actions:
 - a) Contact the public school district and request a copy of the board of education resolution and the signed waiver form indicating the parent or guardian has rejected the offer;
 - b) Set up a mutually acceptable date and location for all parties to attend a mediation. Every effort shall be made to schedule that mediation within 15 business days of receipt of a documented request.
- 3) Attendees at the mediation meeting will be:
 - a) Parent or guardian of the chartered nonpublic or community school student;
 - b) Representative(s) from the public school district of residence;
 - c) The area coordinator or other Ohio Department of Education personnel;
 - d) The parent or guardian and/or the public school district may invite legal counsel for the entire process.
- 4) The objective of the mediation is to attempt to clarify the issue with the area coordinator serving as the mediator. The area coordinator helps to mediate the dispute between the parties but does not rule on the merits of either party’s presentation nor does he or she indicate a decision in the case.
- 5) Agenda for the mediation meeting:
 - a) Area coordinator calls the meeting to order;
 - b) Area coordinator has everyone sign in and introduces himself/herself;
 - c) Parent or guardian of the chartered nonpublic or community school student and/or legal counsel shall present reasons why the student should be transported. The area coordinator may ask questions for clarification;
 - d) The public school district and/or legal counsel shall present reasons why transportation is impractical. The presentation should include data collected and reviewed with respect to the six reasons for impracticality as identified in ORC 3327.02 and upon which the board of education resolution was passed. The area coordinator may ask questions for clarification;
 - e) The area coordinator may offer an alternative not considered and ask questions as needed to develop a clear understanding of the parties’ positions;
 - f) If the concern is resolved, the process is ended with the area coordinator writing a letter to all parties involved with the points of agreement. Transportation service shall be provided to the student as determined by the agreement;
 - g) If the concern is unresolved, the area coordinator informs the director of Pupil Transportation for the Department and submits the Fact Finding Report, which is a written report of the mediation session. That written report also must include copies of the board of education resolution with the respective

treasurer's certification. The signed parent/guardian waivers indicating non-consent to the matter also shall be included;

- h) The area coordinator informs both parties that they may continue to pursue consensus on the matter and, having gained such, may submit a written request to the Pupil Transportation Office of the Department to terminate the need for a hearing;
 - i) If the concern is unresolved, the area coordinator advises the school district in writing that the district has a legal obligation under ORC 3327.02 to continue to provide transportation for the duration of the due process period until a determination is made by the State Board of Education.
- 6) Following receipt of the mediation packet from the area coordinator, the director of Pupil Transportation for the Department, or his or her designee, will review the packet for completeness and file it with the Office of Legal Counsel at the Department. The Department then takes the following actions:
- a) If the parties fail to resolve the dispute in the mediation, the matter will be referred to the Department's Office of Legal Counsel. The Office of Legal Counsel will notify all parties and offer an opportunity for a hearing. This hearing will follow the procedures as outlined in a Chapter 119;
 - b) If no one requests a hearing, the Office of Legal Counsel will provide all the materials it has received to the State Board of Education to make a final determination;
 - c) If at least one party asks for a hearing, the Office of Legal Counsel assigns a hearing officer who will work with the parties to find a mutually agreeable date and time for the hearing. The hearing will follow all procedures outlined in Ohio law pursuant to Chapter 119;
 - d) When the hearing ends, the hearing officer will issue a report and recommendation within 30 days. The Department's Office of Legal Counsel must send copies of the hearing officer's report and recommendation to all parties. Each party that receives the hearing officer's report and recommendation will have 10 days to submit written objections to the Ohio Department of Education. Any party that files objections must send copies to all other parties;
 - e) All parties will be notified of the time and place the State Board of Education will consider the hearing officer's report and recommendation, as well as any objections and responses, and vote to adopt a resolution to approve, disapprove or modify the hearing officer's recommendation. Parties are not permitted to testify at the State Board of Education meeting. The State Board will make its decision solely on the record of the hearing, the report and recommendations of the hearing officer and any objections or responses from the affected parties.
- 7) The hearing officer shall:
- a) Set the date of the hearing to be conducted in either Columbus or virtually;
 - b) Notify all parties involved of the date and location of the hearing; and
 - c) Conduct the hearing.
- 8) Parent or guardian of involved student and/or legal counsel shall:
- a) Attend the hearing in Columbus or virtually;
 - b) Incur their own expenses; and

- c) Be prepared to testify.
- 9) The public school district of residence and/or legal counsel shall:
- a) Attend the hearing in Columbus or virtually;
 - b) Incur their own expenses; and
 - c) Be prepared to testify.
- 10) The hearing officer shall make written recommendations to the State Board of Education.
- 11) After an approval, disapproval or modification of the report and recommendation of the hearing officer by the State Board of Education, the action shall be considered binding in subsequent years and any future parties of interest provided the criteria remain comparable and facts remain the same.

Appendix A: Excerpts from ORC 3327.01, 3327.015 and 3327.02

3327.01 Transportation of Pupils.

Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend the board of education shall provide transportation for such pupils to and from such school except as provided in section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts the board shall provide transportation to and from school or special education classes for educable mentally retarded children in accordance with standards adopted by the state board of education.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term.

The cost of any transportation service authorized by this section shall be paid first out of federal funds, if any, available for the purpose of student transportation, and secondly out of state appropriations, in accordance with regulations adopted by the state board of education.

No transportation of any students shall be provided by any board of education to or from any school which in the selection of students, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin.

3327.015 Reduction of student transportation prohibited

No board of education of a school district shall reduce the transportation it provides to students the district is not required to transport under section [3327.01](#) of the Revised Code, but that the district chooses to transport, during a school year after the first day of that school year.

3327.02 Resolution declaring impracticality of transportation; payment in lieu of transportation.

(A) After considering each of the following factors, the board of education of a city, exempted village, or local school district, or a community school governing authority providing transportation pursuant to section 3314.091 of the Revised Code, may determine that it is impractical to transport a pupil who is eligible for transportation to and from a school under section 3327.01 of the Revised Code:

- (1) The time and distance required to provide the transportation;
- (2) The number of pupils to be transported;
- (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;
- (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;
- (6) Whether other reimbursable types of transportation are available.

(B) Based on its consideration of the factors established in division (A) of this section, the board or governing authority may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality.

The local board or governing authority shall report its determination to the state board of education, only if it is submitted to the state board for a chapter 119 hearing.

(C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following:

- (1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:
 - (a) The resolution;
 - (b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

- (2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.
- (D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the child an amount that shall be not less than the amount determined by the department of education as the minimum for payment in lieu of transportation, and not more than the amount determined by the department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.
- (E) (1)
- (a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures.
- (b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the board of education to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.
- (2) The school district or governing authority shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.
- (F) (1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to the state average daily cost of transportation as determined by the state board of education for the previous year. The school district board or governing authority shall make payments on a schedule ordered by the department.
- (2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section 3317.0212 of the Revised Code or other provisions of law. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation.
- (G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following:
- (1) Disburse the entire amount of the payments to the parent, guardian, or other person in control of the pupil affected by the failure of the school district of residence to provide transportation;
- (2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

Appendix B: ORC 3314.09

[Transportation of Native Students Provided by Board of Each School District](#)

- (A) As used in this section and section 3314.091 of the Revised Code, "native student" means a student entitled to attend school in the school district under section 3313.64 or 3313.65 of the Revised Code.
- (B) Except as provided in section 3314.091 of the Revised Code, the board of education of each city, local, and exempted village school district shall provide transportation to and from school for its district's native students in accordance with section 3327.01 of the Revised Code.

Appendix C: Excerpt from OAC 3301-83-13(B)

[School Bus Routes and Stops](#)

(B) School bus stop location

Policies and procedures shall be developed by administrators and transportation personnel to ensure school bus stop locations are designated in safe locations and shall include the following:

- (1) Pupils in grades kindergarten through eight may be required to walk up to one-half mile to a designated bus stop.

Effective: 3/26/2020

Five Year Review (FYR) Dates: 1/10/2020 and 03/26/2025

Promulgated Under: [119.03](#)

Statutory Authority: [3301.07](#), [4511.76](#)

Rule Amplifies: [3327.01](#), [3327.12](#), [4511.76](#)

Prior Effective Dates: 10/22/1984, 07/01/1991, 10/05/1998, 11/13/2001, 02/25/2007, 07/01/2012

Appendix D: Excerpt from OAC 3301-35-08 (G)

[Non-Chartered, Non-Tax Supported Schools](#)

(G) Pupils attending a non-chartered, non-tax supported school are not entitled to pupil transportation and pupils attending a non-chartered, non-tax supported school are not entitled to auxiliary services.

A non-chartered, non-tax supported school is not entitled to nonpublic administrative cost reimbursement.

Effective: 4/24/2015

Five Year Review (FYR) Dates: 04/24/2020

Promulgated Under: [119.03](#)

Statutory Authority: [3301.07](#)

Rule Amplifies: [3301.07](#), [3313.48](#), [3313.536](#), [3313.65](#), [3317.06](#), [3317.063](#), [3327.01](#)

Prior Effective Dates: 9/1/83

Appendix E: Syllabus of Ohio Attorney General Opinion 83-096

Sample: Eligibility Timing Letter

Syllabus:

If a nonpublic school adopts a calendar which is asynchronous to the calendar of a local school district, the local school board, if required under RC 3327.01 to provide transportation to the students of such nonpublic school, must provide transportation to resident nonpublic school students when the public school is not open for instruction and is not itself providing transportation for its own public school students.

Anthony J. Celebrezze
Attorney General
21 December 1983

Appendix F: Sample Eligibility Timing Letter

Report of Supervised Timing for Transportation Eligibility

Date

VIA ELECTRONIC MAIL ONLY

Superintendent
School District Name
District mailing address

Dear Superintendent:

The Ohio Department of Education received a request to determine the eligibility of students for transportation attending _____ from _____.

The timing occurred on date to be inserted., at 0:00 a.m. at the bus pick-up point at school name, school address (the delivery and pick-up point for students attending the school), along the most direct route traversable by a school bus, to the bus drop-off point at school district name and address. The traffic conditions were normal, and the driver followed all traffic signage and signals as required by law.

The official timing was ____ minutes and ____ seconds. As a result, school district name is not required to transport students attending school name after June 30, 2020. Pursuant to the new requirements in Ohio Revised Code 3327.015, school district must continue transporting students attending school name for the remainder of the 2019-2020 school year.

Please contact me at email address or ###-###-#### if you have any questions.

Sincerely,

Area Coordinator
Ohio Department of Education

ROUTE TRAVELED:

Appendix G: Sample Notification of Mediation

Dear [parent/guardian]:

Following your request for mediation regarding your student's transportation, we have scheduled a mediation for [date], which will begin promptly at [time]. The meeting will be held at [location].

The purpose of this mediation is to discuss the practicality of transportation by [public school district] for your student to the [school name].

During this mediation, your public school district of residence will provide information explaining why it has passed a board resolution to declare transportation to be impractical for your student. Similarly, you will be afforded the opportunity to present your position as to why you believe transportation is practical.

The factors that are considered with respect to impracticality of transportation are defined in Ohio Revised Code 3327.02 as follows:

- 1) The time and distance required to provide the transportation;
- 2) The number of students to be transported;
- 3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- 4) Whether similar or equivalent service is provided to other students eligible for transportation;
- 5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules; and
- 6) Whether other reimbursable types of transportation are available.

Please remember, the purpose of mediation is to discuss the issue of impracticality, and the goal is to reach an understanding between both parties to resolve the matter.

If we are unable to resolve the dispute in this mediation, the matter will be referred to the Ohio Department of Education, which will assign a hearing officer to conduct a Chapter 119 hearing.

If you have questions about this process, I may be reached by calling [phone number] or by email at [e-mail address].

Respectfully,

[Name], Area Coordinator
Ohio Department of Education

Appendix H: Sample Notification of Rights Letter

Dear Parent/Guardian:

Your request for school transportation for your student has been reviewed by district staff. After a careful evaluation of all available options, it has been determined it is impractical to provide transportation for your student to the school you have selected.

One or more of the following factors were considered in arriving at this determination in accordance with Ohio Revised Code 3327.01 and 3327.02:

- 1) The time and distance required to provide the transportation;
- 2) The number of pupils to be transported;
- 3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- 4) Whether similar or equivalent service is provided to other pupils eligible for transportation;
- 5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;
- 6) Whether other reimbursable types of transportation are available.

As required by law, [district's board of education/school's governing authority] has passed a resolution confirming the impracticality of transportation in this case and is reporting that fact to the State Board of Education for its consideration.

Ohio Revised Code authorizes [boards of education/governing authorities] to offer payment in lieu of transportation in cases where it is impractical to transport a pupil by school conveyance. The amount of the 'in lieu of' reimbursement is set by Ohio law and calculated by the Ohio Department of Education.

You have the right to *accept* this offer of payment in lieu of transportation or *reject* the offer and request the Ohio Department of Education to initiate mediation procedures. For either action, you must sign the enclosed form in the appropriate place and return it prior to the date specified on the form. In the event your form is not returned prior to that date, the [district/governing authority] will take no further action with regard to your transportation request and will not be held responsible for transportation services or payment in lieu of transportation.

By indicating your acceptance on the enclosed form and returning it prior to the specified date, you agree to provide transportation for your student. Following verification of enrollment at the indicated school at the end of the school year, payment in lieu of transportation will be made to you *directly from [district/governing authority]*.

Parents or guardians who decide to reject the determination of impractical transportation may request mediation. Such requests must be submitted to the district superintendent of this school district *and* its regional area coordinator of the Ohio Department of Education. Upon receipt of that request, Department staff will schedule a mediation, wherein the school district and the parent or guardian will be allowed to present their positions.

Appendix I: Information to include in a Payment in Lieu of Transportation Board Resolution

Board Resolution declaring transportation to be impractical

School Year

Name of Student(s)

School of attendance

Reason(s) for impracticality

Follow guidance listed in ORC 3327.02

Payment to be offered

Date of acceptance or rejection

Parents rights to request mediation

Process for mediation and who to contact