



# Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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## Transportation of Students

Generally, a school district must provide transportation for students in grades K-8 who live more than two miles from school, whether they attend district schools; public community schools; science, technology, engineering, and mathematics (STEM) schools; or private schools that hold a state charter. There are exceptions, however, such as when transportation to a community or STEM school or private school exceeds 30 minutes, or when the district board determines transportation to be impractical and offers to pay a parent instead. But students in certain circumstances, such as students with disabilities and homeless students, are entitled to transportation regardless of age or distance from school. Moreover, a district may choose to transport any student it is not legally required to transport.

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## Required transportation of elementary students

State law generally requires each city, exempted village, and local school district to transport to and from school any student in grades K-8 who resides in the district and is enrolled in a school that is more than two miles from the student's home.<sup>1</sup> A district is required to transport resident students attending the following:

1. The district's own schools;
2. Private schools;
3. Community schools (commonly called "charter schools," these are public schools that operate independently of a school district under a contract with a sponsoring entity);
4. STEM schools (public science, technology, engineering, and mathematics schools).

Students who have been awarded tuition scholarships under the state scholarship programs are entitled to transportation to and from the private school they attend in the same manner as other private school students.<sup>2</sup> The mandate to transport private school students applies only to students enrolled in private schools that have received a charter from the Director of Education and Workforce.<sup>3</sup>

A district may choose to transport students it is not required to transport and may receive transportation funding from the state for transporting those students.<sup>4</sup> Furthermore, a district may offer a payment in lieu of providing transportation to the parent of a student it is required to transport, upon a finding that it is impractical to transport that student (see below).

### **"30-minute rule" for students of private, community, and STEM schools**

A district is not obligated to transport any private, community, or STEM school student if the direct travel time exceeds 30 minutes, by school bus, between (1) the district school building to which the student otherwise would be assigned and (2) the student's school, regardless of distance. The 30-minute rule does not apply to students attending the district's own schools.<sup>5</sup>

### **District obligation to transport during the week**

A district must provide transportation to students enrolled in a private or community school as required by law on each day the school is open for operation with students in attendance, regardless of whether the district's own schools are open that day.

With that said, a school district is not required to transport elementary or high school students to or from a private or community school on Saturday or Sunday, unless the district and

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<sup>1</sup> R.C. 3327.01.

<sup>2</sup> R.C. 3310.04, 3310.41, and 3310.60.

<sup>3</sup> R.C. 3301.0732(H) disqualifies a student attending a private school that does not have a state charter from receiving transportation services.

<sup>4</sup> R.C. 3317.0212(A)(4).

<sup>5</sup> R.C. 3327.01.

the student's school have an agreement in place to do so before July 1 of the school year in which the agreement takes effect.<sup>6</sup>

## Optional transportation of high school students

The law specifically permits, *but in most circumstances does not require*, school districts to provide transportation for resident high school students. If a district opts to transport high school students, it appears that the district must offer that service to private, community, and STEM school students, too. Still, a district need not transport any private, community, or STEM school student for whom the direct travel time is more than 30 minutes. The law prohibits a district board from reducing the transportation it provides to students it is not required to transport after the first day of the school year. This means if the district provides transportation to these students on the first day of the school year, it must continue to do so with the same frequency and number of routes for the entire school year.<sup>7</sup>

## Determinations of impracticality

A school district may offer a parent payment instead of transportation, if it determines that transporting a particular student is impractical.<sup>8</sup> In making the determination of impracticality, the district board must consider all of the following:

1. Time and distance involved in the transport;
2. Number of students to be transported;
3. Cost of equipment, maintenance, personnel, and administration;
4. Whether similar or equivalent service is provided to other students;
5. Whether and to what extent the additional service unavoidably disrupts current transportation schedules; and
6. Whether other reimburseable types of transportation are available.

After considering these factors, the district board may adopt a resolution declaring the impracticality of transportation and then report its determination to the Department of Education and Workforce.

The district board must issue a letter that includes a detailed description of the reasons for the determination to the student's parent, the student's school, and the Department. The district board must also inform the student's parent of the right to either (a) accept the offer of payment or (b) reject the offer and request the Department to mediate.

If the parent accepts the offer, the payment must be at least 50% of, but cannot exceed, the amount determined by the Department as the average cost of student transportation for the

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<sup>6</sup> R.C. 3327.01.

<sup>7</sup> R.C. 3327.01 and 3327.015.

<sup>8</sup> R.C. 3327.02.

previous school year. According to the Department, the maximum amount for the 2024-2025 school year was \$1,167.72.<sup>9</sup>

If the parent rejects the offer, the district must provide transportation for the student until the matter is resolved either through mediation or by the Department. If mediation does not resolve the dispute, the Department must conduct an administrative hearing and may approve the payment in lieu of transportation or may order the district to provide transportation.

If the Department determines that a district has failed to provide transportation after mediation is requested or as ordered by the Department, the Department must order the district to pay the parent an amount equal to 50% of the cost of transportation and not more than \$2,500. If the Department subsequently finds that a district is not in compliance with its order and the students are enrolled in a private or community school, the Department must deduct the amount the district is required to pay from the district's state aid account. The Department must pay the deducted money to the private or community school. That school must either disburse the entire amount to the parent or use it to provide acceptable transportation for the student.

The decision of the Department in an impracticality matter is binding in subsequent years and on future parties, provided the facts remain comparable.

At any time after a parent requests transportation for a student, the parent may authorize the student's private or community school to act on the parent's behalf for the purposes of payment in lieu of determinations, including in any mediation proceedings.<sup>10</sup>

## **Required transportation in special circumstances**

### **Special education students**

School districts have broader responsibilities for transporting students with disabilities, regardless of grade level. The law requires a district to transport students whose physical disabilities make them unable to walk to and from their schools or special education classes. In the case of a dispute, the statute specifies that the health commissioner (of the health district) is the judge of the student's ability to walk.<sup>11</sup>

Public schools are required under state and federal special education law to identify and provide special education and related services for students with physical, learning, or developmental disabilities.<sup>12</sup> The services must be provided in accordance with the child's individualized education program (IEP), which is developed by school officials and the student's parent.<sup>13</sup> Under both state and federal law, "related services" include "transportation and developmental, corrective, other supportive services . . . as may assist a child with a disability to benefit from special education."<sup>14</sup> Accordingly, depending on the student's needs, as outlined in

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<sup>9</sup> [Payment in Lieu of Transportation \(PDF\)](#), which is available on the Department of Education and Workforce website: [education.ohio.gov](https://education.ohio.gov).

<sup>10</sup> R.C. 3327.02.

<sup>11</sup> R.C. 3327.01.

<sup>12</sup> R.C. 3313.64 and 3323.02.

<sup>13</sup> R.C. Chapter 3323 and 20 United States Code (U.S.C.) 1400 *et. seq.*

<sup>14</sup> 20 U.S.C. 1401(26). See also R.C. 3323.01.

the IEP, the transportation requirement can include “travel in and around school buildings” and acquiring specialized equipment, such as adapted buses, lifts, and ramps.<sup>15</sup>

School districts must also provide transportation as a related service for students living in the school district who are enrolled in a nonpublic school if the school district receives supporting documentation from the child’s IEP or an individual service plan developed by a county board of developmental disabilities.<sup>16</sup>

### **Career-technical education students**

In accordance with federal law and a plan adopted by the Department of Education and Workforce, each city, exempted village, and local school district must provide career-technical education courses for the students enrolled in their schools and for resident private school students. A district might satisfy its obligation by providing the services itself, by contracting with another district to provide the services, or by belonging to a joint vocational school district (JVSD).<sup>17</sup> In compliance with that state plan, each city, exempted village, and local district must transport high school students enrolled in career-technical programs at another district, including a JVSD, from their assigned high school to those programs.<sup>18</sup>

### **Interdistrict open enrollment students**

Each school district must have in place a policy on the open enrollment of another district’s students. The policy must either permit enrollment of students from adjacent districts only, permit enrollment of students from all other districts, or prohibit interdistrict open enrollment altogether. A district enrolling a student under its open enrollment policy, upon request, must provide transportation for the student within the boundaries of the district on the same basis as it transports its own resident students from a regular school bus stop. Moreover, the district may use state transportation subsidies to reimburse the student’s parent for the reasonable cost of transporting the student to the bus stop, if the student’s family has an income below the federal poverty line.<sup>19</sup>

### **Homeless students**

State and federal law entitles a “homeless child or youth” to attend school either in the school district in which the child’s shelter is located or at the child’s “school of origin,” regardless of where the child’s parent is residing. A “homeless child or youth” is an individual who lacks “a fixed, regular, and adequate nighttime residence,” and the “school of origin” is the school the child attended when permanently housed or the school in which the child was last enrolled.<sup>20</sup> Federal law further provides that if the child continues to live in a school district in which the child’s school of origin is located, the district must arrange transportation to and from school for the child. If a homeless child’s living arrangements in the district terminate, and the child begins

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<sup>15</sup> 34 Code of Federal Regulations 300.34(c)(16).

<sup>16</sup> R.C. 3327.01.

<sup>17</sup> R.C. 3313.90. See also 20 U.S.C. 2342.

<sup>18</sup> R.C. 3327.01.

<sup>19</sup> R.C. 3313.98 and 3313.981(E).

<sup>20</sup> R.C. 3313.64(F)(13) and 42 U.S.C. 11432 and 11434a.

living in another district but continues to attend the school of origin, the two districts must agree to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the two districts cannot reach an agreement, they must share the responsibility and costs equally.<sup>21</sup>

## **School delivery and pick-up timeline**

The operators of school buses or motor vans operated by or under contract with school districts or educational service centers must deliver students no sooner than 30 minutes prior to the beginning of school and be available to pick students up no later than 30 minutes after the close of the school each day. Further, the law prohibits operators from delivering students late to school.<sup>22</sup>

## **Compliance with transportation requirements**

The Department of Education and Workforce must monitor school district compliance with the transportation requirements of state law. A district is considered out of compliance if, for either five consecutive school days or ten days within a school year:

1. Students transported to and from school arrive more than 30 minutes late to school;
2. Students transported by a school bus are picked up more than 30 minutes after the end of the school day;
3. Students scheduled to be transported by school bus are not transported by the school bus at all due to failure of the bus to arrive; or
4. The district has been noncompliant with any other transportation requirements set by law.

However, any school day in which any of those circumstances occurs because of inclement weather does not count toward a determination of noncompliance. Also, there is an exception for late pick-up of students who are enrolled in after-school academic services provided by the school and supervised by a school employee for no more than 60 minutes. In this case, students must be picked up within 60 minutes of the end of the school day. The school must be considered noncompliant if any student is picked up more than 60 minutes after the end of the school day.

If the Department finds that a school district is out of compliance, it must notify the district. The first time a district receives notification of noncompliance, the district must create a corrective action plan and submit it to the Department within one week of receiving the notification. If a district is subsequently found to be out of compliance, the Department must withhold 25% of the district's daily payment for student transportation for each day the district is determined to be out of compliance, beginning with the first day after the district submitted its corrective action plan. A district may be found to be out of compliance two more times within the same school year, with 25% of its daily state transportation funding withheld for each day the district is determined to be out of compliance. If a district is found to be out of compliance

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<sup>21</sup> 42 U.S.C. 11432(g)(1)(J)(iii).

<sup>22</sup> R.C. 3327.01.

for a fifth time in one school year, the Department must withhold 100% of the district's daily state transportation aid until the Department determines that the district is no longer out of compliance. The cumulative calculation of a district's noncompliance resets at the beginning of each school year.<sup>23</sup>

## **Transportation by community schools**

The law provides specific mechanisms for community schools to take over the responsibility to transport their students. First, a school district and community school may enter into a bilateral agreement, under which the community school will transport its students and receive a payment specified in the agreement.<sup>24</sup>

Second, a community school may take over the transportation responsibility unilaterally without entering into an agreement with the students' resident school district. To do so, an existing community school must notify the district by August 1, and a newly opening school must notify the district by April 15 prior to its first year of operation.<sup>25</sup>

The state payment to the community school for each student the school transports will be the amount that would have been calculated for the district for the transportation mode the district would have used. Nevertheless, the community school is not required to use that same mode of transportation. If a community school takes over this responsibility unilaterally and subsequently relinquishes the responsibility, it may not take over the responsibility again without the district's consent.<sup>26</sup>

In the case of either a bilateral agreement or a unilateral assumption of the transportation responsibility, a community school may provide or arrange transportation for other enrolled students who are not eligible for transportation and may charge a fee for those students up to the cost of the transportation service.<sup>27</sup>

Like a school district, a community school that takes over the responsibility to transport students unilaterally may determine that transportation for a particular student is impractical and instead offer a payment in lieu of transportation.<sup>28</sup>

## **Transportation by STEM schools**

Generally, school districts must provide transportation for resident students attending STEM schools in the manner as for those attending private schools. However, a district is not required to provide transportation if the proposal for the establishment of a STEM school, as it was approved by the STEM Committee of the Department of Education and Workforce, provides for the transportation of students to and from that school.<sup>29</sup>

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<sup>23</sup> R.C. 3327.021.

<sup>24</sup> R.C. 3314.091(A).

<sup>25</sup> R.C. 3314.091(B).

<sup>26</sup> R.C. 3314.091(B) and (D) and 3317.0212(I).

<sup>27</sup> R.C. 3314.091(C)(2).

<sup>28</sup> R.C. 3327.02.

<sup>29</sup> R.C. 3326.20.



## **Reimbursement for transportation of College Credit Plus students**

The College Credit Plus Program (CCP) allows high school students to enroll in college courses on a full- or part-time basis and to receive either college credit only or both high school and college credit. Students in public high schools and private high schools (chartered and nonchartered) are eligible to participate.

If a school district provides transportation for students in grades 11 and 12, the law permits the parent of a CCP student opting for both college and high school credit to apply to the district board for full or partial reimbursement for the necessary costs of transporting the student between the high school and the college. Similarly, if a community school provides or arranges transportation for its students in grades 9-12, the parent of a CCP student enrolled in the community school also opting for both college and high school credit may apply to the community school's governing authority for full or partial reimbursement. These reimbursements appear to be limited to students with financial need.<sup>30</sup>

## **Transportation by private schools**

State law expressly permits a private school to charge a fee for transportation, regardless of whether the student is eligible for transportation by a school district, if the school's governing authority purchased the vehicle transporting the student without using state or federal funds. A private school, under the same circumstances, may charge a fee to transport a student to and from school-sponsored activities, including extracurricular activities.

A private school also may charge a fee to a parent or guardian who chooses to decline transportation services from their child's resident school district and use transportation provided by the private school instead. The fee may not exceed the per student cost of the transportation. However, this provision also states that it does not relieve school districts from any statutory duty to provide transportation to students enrolled in a chartered nonpublic school.<sup>31</sup>

## **Transportation by parents**

Districts and schools must transport students using only school buses or other vehicles authorized under rules adopted by the Department of Education and Workforce and the Director of Public Safety. The rules, however, do not apply to parents transporting their own children. Specifically, the rules' scope of application expressly states that they do not apply to "parental transportation that is provided outside the authority of a school or education program, or by any parent for [the parent's] own children."<sup>32</sup> It appears, therefore, that parents are free to arrange car pools or transport their own children individually, as long as the district or school does not play a role in arranging the transportation.

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<sup>30</sup> R.C. 3365.08.

<sup>31</sup> R.C. 3327.07.

<sup>32</sup> O.A.C. 3301-83-04.



## **Transportation using mass transit system**

State law addresses a school district's use of vehicles operated by a mass transit system to transport students eligible for transportation services to and from a private or community school. Specifically, districts are prohibited from providing or arranging transportation for a student who is enrolled in any of grades K-8 in a private or community school using a mass transit system, unless the district enters into an agreement with the student's school authorizing such transportation.

On the other hand, a district may transport an eligible student enrolled in any of grades 9-12 in a private or community school using a mass transit system without an agreement with the student's school. However, the district must ensure that they are assigned to a route that does not require more than one transfer.<sup>33</sup>

## **Transportation using nine-passenger vehicles**

Generally, under the Department's rules, a vehicle designed to carry nine or fewer passengers (not including the driver) cannot be used routinely for regularly scheduled school sessions, except for transporting preschool children, special needs children, homeless children, foster children, children who are inaccessible to school buses, students placed in alternative schools, or for work programs.<sup>34</sup>

However, school districts, community schools, and chartered nonpublic schools may use nine-passenger vehicles to transport students to and from a community school or chartered nonpublic school in certain circumstances. School districts may only use such vehicles for regularly scheduled school sessions if the number of students transported is nine or fewer and the district regularly transports students to that community school or chartered nonpublic school. Community and chartered nonpublic schools may use nine-passenger vehicles when a resident school district has declared transportation of a student impractical, when a student does not live within 30 minutes of the community or chartered nonpublic school and the student's resident district is not required to transport the student, or the community or chartered nonpublic school governing authority has offered to transport its students in lieu of the students being transported by their resident district.<sup>35</sup>

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<sup>33</sup> R.C. 3327.017.

<sup>34</sup> O.A.C. 3301-83-19.

<sup>35</sup> R.C. 4511.76.