



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.¹ 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.² By rule of the State Board of Education, the mandate to transport private school students applies only to students enrolled in private schools that have received a charter from the State Board.³

A district may choose to transport students it is not required to transport and may be eligible for subsidies from the state for expanding transportation to students in grades K-12 who live more than *one mile* from their schools.⁴ 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.

Transporting students on the weekend

A school district also is not required to transport elementary or high school students to or from a nonpublic or community school on Saturday or Sunday, unless the district and 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.⁵

¹ R.C. 3327.01.

² R.C. 3310.04, 3310.41, and 3310.60.

³ Ohio Administrative Code (O.A.C.) 3301-35-08(G).

⁴ R.C. 3317.0212(A)(1).

⁵ R.C. 3327.01.

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.⁶ 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. As in the case of elementary students, a district may be eligible for a subsidy for transporting high school students who live more than one mile from their schools. 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.⁷

Determinations of impracticality

A school district may offer a parent payment instead of transportation, if it determines that transporting a particular student is impractical.⁸ 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 State Board. The district board must 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 of Education to mediate.

If the parent accepts the offer, the payment must be at least \$250, but cannot exceed the amount determined by the Department as the average cost of student transportation for the previous school year. According to the Department, the maximum amount for the 2019-2020 school year was \$1,077.09.⁹

⁶ R.C. 3327.01.

⁷ R.C. 3327.015.

⁸ R.C. 3327.02.

⁹ <http://education.ohio.gov/getattachment/Topics/Finance-and-Funding/School-Transportation/School-Transportation-Finance/Payment-in-Lieu-of-2019-2020-1.pdf.aspx?lang=en-US>.

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 State Board. If mediation does not resolve the dispute, the State Board 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 State Board, the Department must order the district to pay the parent an amount equal to the state average daily cost of transportation for the previous year. If the Department subsequently finds that a district is not in compliance with its order and the affected 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 State Board in an impracticality matter is binding in subsequent years and on future parties, provided the facts remain comparable.

Required transportation in special circumstances

Special education students

School districts have broader responsibilities for the transportation of 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.¹⁰

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.¹¹ 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.¹² 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."¹³ Accordingly, depending on the student's needs, as outlined in the IEP, the transportation requirement can include "travel in and around school buildings" and acquiring specialized equipment, such as adapted buses, lifts, and ramps.¹⁴

Career-technical education students

In accordance with federal law and a plan adopted by the State Board, each city, exempted village, and local school district must provide career-technical education courses for

¹⁰ R.C. 3327.01.

¹¹ R.C. 3313.64 and 3323.02.

¹² R.C. Chapter 3323 and 20 United States Code (U.S.C.) 1400 *et. seq.*

¹³ 20 U.S.C. 1401(26). See also R.C. 3323.01.

¹⁴ 34 Code of Federal Regulations 300.34(c)(16).

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).¹⁵ 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.¹⁶

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.¹⁷ 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.¹⁸

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.¹⁹ 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 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.²⁰

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

¹⁵ R.C. 3313.90. See also 20 U.S.C. 2342.

¹⁶ R.C. 3327.01.

¹⁷ R.C. 3313.98.

¹⁸ R.C. 3313.981(H).

¹⁹ R.C. 3313.64(F)(13) and 42 U.S.C. 11432 and 11434a.

²⁰ 42 U.S.C. 11432(g)(1)(J)(iii).

receive a payment specified in the agreement that will be deducted from the district's state transportation payment.²¹

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 January 1 of the previous school year, and a newly opening school must notify the district by April 15 prior to its first year of operation.²²

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.²³

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.²⁴

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.²⁵

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, provides for the transportation of students to and from that school.²⁶

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.

²¹ R.C. 3314.091(A).

²² R.C. 3314.091(B).

²³ R.C. 3314.091(B) and (D).

²⁴ R.C. 3314.091(C)(2).

²⁵ R.C. 3327.02.

²⁶ R.C. 3326.20.

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.²⁷

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, the 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.²⁸

Transportation by parents

Districts and schools must transport students using only school buses or other vehicles authorized under rules adopted by the State Board 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."²⁹ 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.

²⁷ R.C. 3365.08.

²⁸ R.C. 3327.07.

²⁹ O.A.C. 3301-83-04.