



**Department of
Education &
Workforce**

Payment in Lieu of Transportation

Resolution declaring impracticality of transportation

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Today's Topics

- › What is a declaration of impracticality?
- › District responsibilities through the process
- › Notifying the parent or guardian
- › Acceptance or rejection of PIL & mediation
- › Process after mediation if not resolved

Today's Agenda

1

What Is Impracticality?

Understanding a declaration of impracticality of transportation under ORC 3327.02.

2

District Responsibilities

Review each step the district must follow through the PIL process.

3

Notifying Parent or Guardian

Required notifications to families and nonpublic/community schools.

4

PIL Acceptance or Rejection

Parent options: accept PIL payment or reject and request mediation.

5

After Mediation

Process steps if mediation does not resolve the dispute, including Chapter 119 hearings.

ORC 3327.01 — Transportation for Eligible Students

ORC 3327.01

Public School Students

Any resident student in grades K–8 who lives more than two miles from the public school they attend is eligible for transportation services.

Community & Nonpublic School Students

Eligible only when the direct travel time by school bus from the assigned public school building to the school of attendance is 30 minutes or less.

IEP/ISP — Special Eligibility Provision

ORC 3327.01 also requires transportation for all children with disabilities living in a district who are enrolled in a chartered nonpublic school if the student's:

- **IEP developed under ORC Chapter 3323**
- **Individual Service Plan (ISP) developed under ORC 5126.41**

...includes transportation as a related service — regardless of whether the distance exceeds 30 minutes.



30

MINUTE
RULE

Community &
Nonpublic
School Students

Who Is Eligible?

Public School (K–8)

Any resident student in grades K–8 who lives more than two miles from the school they attend.

Community / Nonpublic School

Students with a 30-minute or less direct travel time by school bus from the assigned public school building to the school of attendance.

Students with IEPs / ISPs

All children with disabilities enrolled in a chartered nonpublic school if their IEP (ORC Ch. 3323) or Individual Service Plan (ORC 5126.41) includes transportation as a related service — regardless of travel time.



Official Bus Timing Process

Ohio OAC 3301-83-05

1

Schedule & Notify

Conduct in morning when both schools are in session. Notify Dept. Area Coordinator, parent & school electronically at least 24 hrs prior.

2

Plan the Route

District arranges bus on most direct route from assigned district building to nonpublic/community school. Document with mapping software; consult with parent/school on route.

3

Conduct the Timing

Bus driver follows all traffic laws & Ohio Pupil Transportation Rules. Timing starts when bus moves; ends when bus stops, neutral set, parking brake set, service door opened.

4

Record Results

Area Coordinator records results on Timing Form and notifies district. District notifies parent(s) and school.

5

Determine Eligibility

≤ 30 min = Eligible. > 30 min = Not Eligible. If eligible, district must develop transportation plan immediately.



Official timing by the Department is final. A second timing requires demonstrated change in conditions and Department approval.

PARENT APPEALING TIMING

OAC 3301-83-05

1

District Times > 30 Min

The public school district conducts an initial (unofficial) timing. If the drive time exceeds 30 minutes, the student is found ineligible for transportation.

2

Parent Requests Official Timing

The parent may dispute the district's determination and request an official timing conducted by a DEW Area Coordinator.

3

Official Timing by DEW

The Area Coordinator conducts the official timing. Both schools must be in session. The timing follows all prescribed procedures under OAC 3301-83-05.

Key Facts

Official timing is FINAL — a second timing will not be conducted unless conditions have substantially changed and the Department approves it.
Initial eligibility timing is the district's responsibility. The official timing is conducted by the Area Coordinator only when a parent disputes the district's finding.



Best Practice: Follow Each Step

ORC 3327.02



Transportation Is the Rule

Ohio presumes ALL eligible students will be provided transportation. The default is to transport.



Impracticality Is the Exception

The only way a district may avoid providing transportation is to declare a student impractical to transport under ORC 3327.02.



Follow Every Step Required by Law

To declare a student impractical to transport, districts must follow each step outlined in RC 3327.02 — skipping any step is non-compliant.

Community & Nonpublic School Notification

ORC 3327.016



School Responsibility

Each community school (Ch. 3314) or chartered nonpublic school must:

- **Establish start & end times**
no later than April 1 prior to that school year
- **Provide those times to each responsible district**
for all districts expected to provide transportation to eligible enrolled students



District Responsibility

Upon receiving start/end times, each city, local, or exempted village district must:

- **Develop a transportation plan**
routes & schedules for eligible students — within 60 days of receiving times
- **If times received after April 1 but before July 1**
attempt to provide the plan by August 1 of that school year
- **If a student enrolls after July 1**
develop a transportation plan within 14 business days of receiving a parent/guardian request

ORC 3327.02 — Payment in Lieu of Transportation

ORC 3327.02

After considering ALL of the following six factors, a board of education may determine it is impractical to transport an eligible pupil:

1

The time and distance required to provide the transportation

2

The number of pupils to be transported

3

The cost of providing transportation (equipment, maintenance, personnel & administration)

4

Whether similar or equivalent service is provided to other eligible pupils

5

Whether the additional service unavoidably disrupts current transportation schedules

6

Whether other reimbursable types of transportation are available

Best Practice: Support Your PIL Determination with Evidence

ORC 3327.02

Example Scenario

A district determines a student is impractical to transport due to the cost of yellow school bus service and the absence of alternative transportation options.



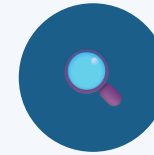
Prepare a Detailed Cost Analysis

Document the full cost of providing the transportation service, including equipment, maintenance, personnel, and administration.



Cost Per Pupil Is Key

The cost of transportation per pupil may be a determining factor in the impracticality analysis. Calculate and document this clearly.



Address All Six Statutory Factors

Evidence should speak to each factor in ORC 3327.02(A). Incomplete documentation leaves the district vulnerable in a dispute.

Declaring Impracticality of Transportation

ORC 3327.02(B)

Step 1

Board Must Consider & Adopt a Resolution

After considering the six factors in ORC 3327.02(A), the board of education or governing authority must consider and adopt a formal resolution declaring the impracticality of transportation.

Step 2

Resolution Must Include Pupil Names & Reason

The resolution must include each affected pupil's name and the specific reason(s) for the impracticality determination.

Step 3

Timing Deadlines

Determination must be made no later than 30 calendar days before the first day of instruction — or, for students who enroll within 30 days of the first day of instruction (or after), no later than 14 calendar days after enrollment.



The superintendent may make the preliminary determination, but it must be formalized at the next board meeting to be valid.

Offering Payment in Lieu of Transportation

ORC 3327.02



Report to the Department

The district must report its impracticality determination to the Ohio Department of Education and Workforce at:

PILOtransportation@education.ohio.gov

Acceptable proof includes dated copies of the board resolution, notices, or signed documents.



Notify All Required Parties

The district must issue a written letter with a detailed description of the reasons for the determination to:

- The pupil's parent, guardian, or person in charge
- The nonpublic or community school where the pupil is enrolled
- The Ohio Department of Education and Workforce

Offering PIL — What the District Must Provide

ORC 3327.02(C)

After passing the resolution declaring impracticality, the board or governing authority must offer payment in lieu of transportation by doing the following:

Inform the Parent / Guardian of Both:

1

- › (a) The board resolution declaring impracticality
- › (b) The right to accept or reject the PIL payment offer, and the right to request mediation from the Department

Issue a Contract or Form That Gives the Parent the Option To:

2

- › Accept the board's offer of payment in lieu of transportation
- › Reject the board's offer of payment in lieu of transportation

Guidelines for informing the parent are established by the Department of Education and Workforce.



Payment Range

MINIMUM

Not less than 50%

of the Department's average cost of pupil transportation for the previous school year

MAXIMUM

Average cost per pupil

as determined by the Department for the previous school year



Prorated Payments

Payment may be prorated if the time period involved is only a part of the school year.



Contract Required

The district must issue a signed contract or form documenting the parent's acceptance.



Report to Department

Report accepted determinations to:
PILOtransportation@education.ohio.gov

Parent Rejects PIL — Mediation & Hearing Process

ORC 3327.02(E)

1

Parent Requests Mediation

Upon rejection, the parent may request the Department to conduct mediation. The nonpublic/community school may also be authorized to act on the parent's behalf.

2

Transportation Provided During Mediation

The district MUST provide transportation from the time the parent requests mediation until the matter is fully resolved. This is required by statute.

3

If Mediation Fails — Chapter 119 Hearing

If mediation does not resolve the dispute, the Department shall conduct a hearing per ORC Chapter 119. The Department may approve the PIL or order the district to provide transportation.

4

Department Decision Is Binding

The Department's decision is binding in subsequent years and on future parties in interest, provided the facts of the determination remain comparable.

Failure to Transport — Department Enforcement

ORC 3327.02(F)

F(1) — Penalty

If the Department determines a school district board or governing authority has failed or is failing to provide transportation as required or ordered, the Department shall order the board to pay the pupil's parent or guardian:

50% of the cost of providing transportation (as determined under ORC 3327.02(A)(3))

Not more than \$2,500 — on a payment schedule ordered by the Department

F(2) — Deduction

If the district remains non-compliant with an F(1) order and the affected pupils are enrolled in a nonpublic or community school, the Department shall deduct the required amount from any pupil transportation payments owed to the district (under ORC 3317.0212). Those funds will be paid directly to the nonpublic or community school. Deductions continue until the district complies or begins providing transportation.



ORC 3327.02 — Summary of Required Steps

ORC 3327.02

1

Board Resolution

School Board passes a resolution declaring the student impractical to transport. Superintendent may make a preliminary determination, but it must be formalized at the next board meeting.

2

Notify & Offer PIL

District notifies parents and offers PIL, including the parent's right to accept or reject, and the right to request mediation.

3

Parent Accepts

If the parent accepts, district pays the PIL amount (50%–100% of average per-pupil transportation cost) and reports to the Department.

4

Parent Rejects → Mediation

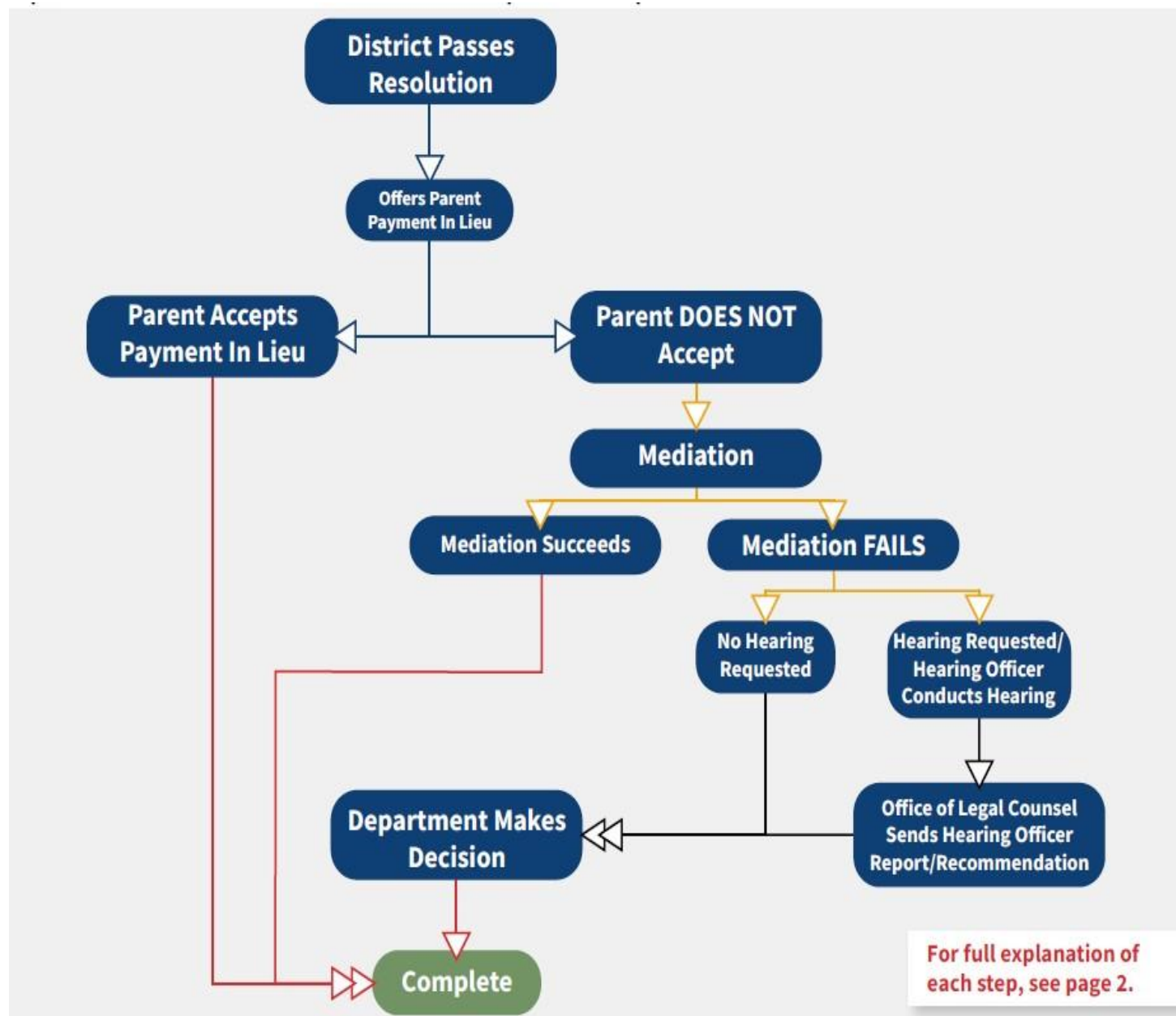
Parent may reject PIL and request mediation. District must provide transportation from the time of request until resolution.

5

Mediation Fails → Hearing

If mediation fails, either party may request a Chapter 119 hearing. DEW Director issues an Order approving or rejecting the PIL.

Payment in Lieu Flow Chart



PAYMENT IN LIEU- STEPS IN DETAIL

District Passes Resolution	School district finds transportation impractical and passes a resolution. The superintendent may make this determination first, as long as it is formalized at the next following meeting of the local board of education.
Offers Parent Payment In Lieu	District notifies the affected family and offers payment in lieu of transportation.
Parent Accepts Payment In Lieu	District pays parent payment in lieu.
Parent DOES NOT Accept	The parent may reject the payment in lieu and request mediation.
Mediation	Mediation is generally facilitated by an area coordinator (an Ohio Department of Education and Workforce employee) who will work with the district and family to see if they can come to an agreement.
Mediation Succeeds	District and parent come to an agreement.

PAYMENT IN LIEU- STEPS IN DETAIL

Mediation FAILS	The parties fail to resolve the dispute in the mediation, and 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 . ⁴
No Hearing Requested	The Office of Legal Counsel will provide the Department Director with all the materials it has received to make a final determination.
Hearing Requested/ Hearing Officer Conducts Hearing	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 Ohio Revised Code Chapter 119).
Office of Legal Counsel Sends Hearing Officer Report/ Recommendation	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 Department. Any party that files objections must send copies to all other parties.
Department Makes Decision	The Department will consider the hearing officer's report and recommendation, as well as any objections and responses, and issue an order to approve, disapprove or modify the hearing officer's recommendation. The Department will make its decision solely on the record of the hearing, the report of the hearing officer and any objections or responses from the affected parties.
Complete This final decision will be binding in subsequent years on parties and future parties in interest provided the facts of the determination remain comparable.	

PIL Payment Amounts — School Year 2026-2027

ORC 3327.02(D)

Pursuant to ORC 3327.02 and Section 265.190 of HB 33 (135th GA), if the parent accepts the offer of payment in lieu of transportation, the district must pay an amount within the following range:

MINIMUM

\$636.75

50% of the average cost of pupil transportation
for the previous school year (2025–2026)

MAXIMUM

\$1,273.50

Average cost of pupil transportation per pupil
for the previous school year (2025–2026)

 Prorated Payments: Payment may be prorated if the time period involved is only part of the school year.
 Report accepted determinations to: PILOtransportation@education.ohio.gov



QUESTIONS?

EDUCATION.OHIO.GOV



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