

“PAYMENT IN LIEU” PROCESS AFFECTING YOUR CHILD’S SCHOOL TRANSPORTATION

[Ohio law](#)¹ requires school districts to transport students in grades K-8 who live more than two miles from their assigned public schools or to a “school of attendance” that is a chartered nonpublic or community school. In some cases, districts may find this impractical. This document outlines what is required of the district in such cases and the options for how parents can respond.

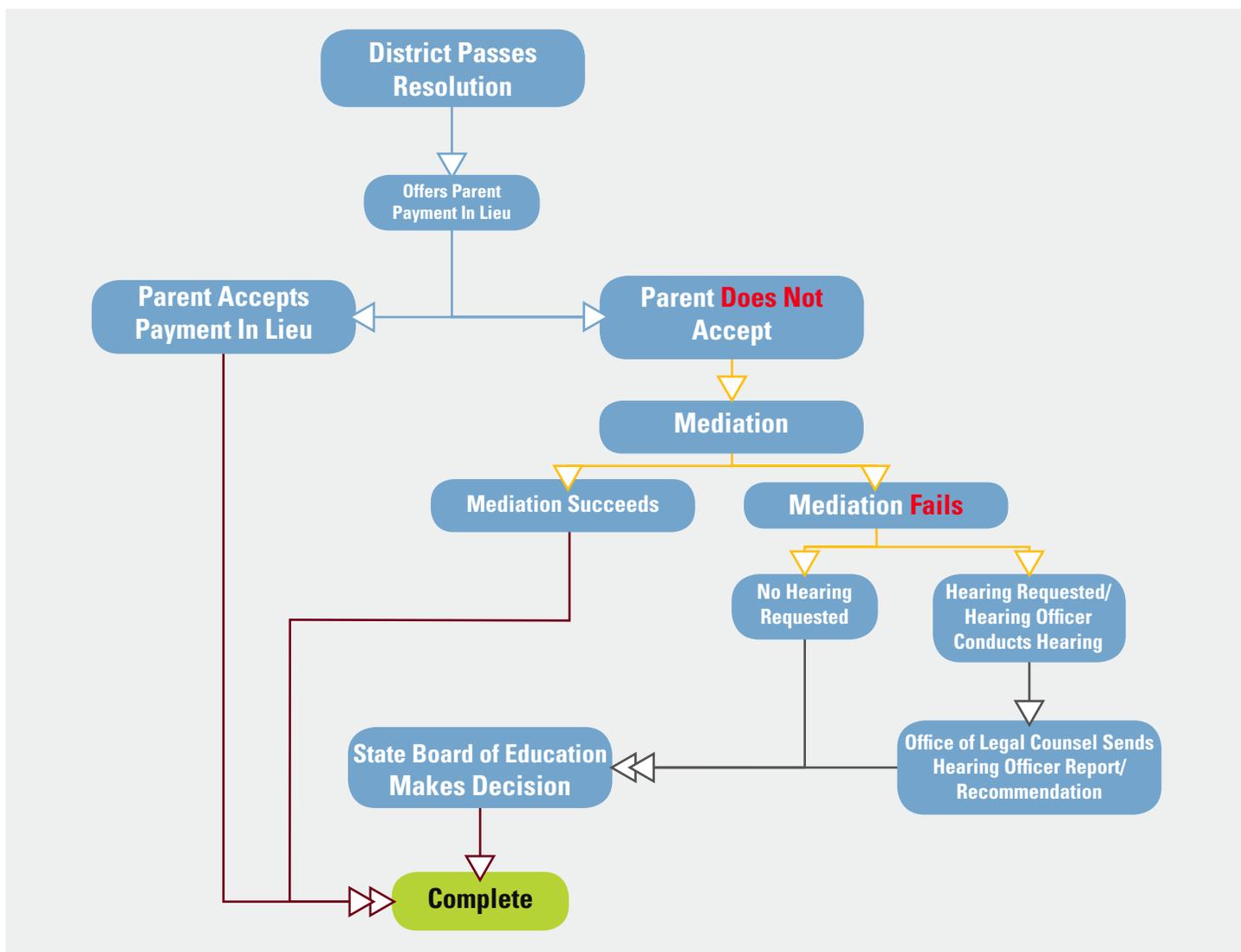
Before deciding not to provide transportation to a student attending a chartered nonpublic or community school, the school district must consider these six factors:

- The time and distance required to provide transportation;
- The number of pupils 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 pupils eligible for transportation;
- Whether and to what extent the additional service unavoidably disrupts current transportation schedules; and
- Whether other reimbursable types of transportation are available.

The Payment in Lieu Process - Parties who may be involved:

- School district and/or the school district’s attorney;
- Parents and pupils and/or their attorney;
- Ohio Department of Education (as facilitator only); and
- Ohio Attorney General’s Office (as the Ohio Department of Education’s legal counsel).

A district that wishes to provide payment in lieu of transportation to a student who attends a chartered nonpublic or community school must follow the steps below. For a full explanation of each step, see page 2. **Until the State Board of Education makes a final decision, the school must provide transportation to the student.**



For full explanation of each step, see page 2.

¹ Ohio Revised Code 3327.01

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Steps in Detail

District Passes Resolution	School district finds transportation impractical and passes a resolution.
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, also referred to as the fact-finding hearing, is generally facilitated by an area coordinator (an Ohio Department of Education 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.
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 . ²
No Hearing Requested	The Office of Legal Counsel will provide all the materials it has received to the State Board of Education 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 Ohio Department of Education. Any party that files objections must send copies to all other parties.
State Board of Education Makes Decision	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 adopt a resolution to approve, disapprove or modify the hearing officer’s recommendation. (<i>Since this is an administrative proceeding, the parties cannot testify at a State Board of Education meeting.</i>) The State Board 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 provided the facts of the determination remain comparable.	

² Ohio Revised Code 119