

Transportation Services for Chartered Nonpublic and Community School Students



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[Ohio law](#) provides requirements on the transportation of students to and from their district, chartered nonpublic school or community school. The procedures, information and references included in this document are intended to support districts and schools as they work together to ensure eligible students receive transportation services from the district of residence. For purposes of this handbook including all appendices, references made to the parent are intended to include the guardian or other person in charge of the student.

A student enrolled in a chartered nonpublic or community school may be entitled to student transportation services from their district of residence. The district is required to provide transportation to and from the chartered nonpublic or community school if the student is eligible for transportation according to [Ohio law](#). Parents or guardians should be encouraged to notify the public district of residence as soon as possible if they wish their child to be considered for transportation services.

Transportation of Students Enrolled in Chartered Nonpublic and Community Schools

Determine Eligibility for Transportation Services

[Ohio law](#) requires the district of residence to transport eligible students to and from their enrolled chartered nonpublic or community school. [Ohio law](#) establishes several factors in identifying whether a student is eligible for transportation services.

1. **Issuance of Charter:** The Ohio Department of Education has issued or is in the process of issuing a charter for the nonpublic or community school that the student is attending.
2. **Residency:** Student is a resident of the district in which he/she is requesting transportation.
3. **K-8 Students More Than Two Miles:** Student is in grades kindergarten through eight and lives more than two miles from the school of attendance.
4. **High school students More Than Two Miles:** Student is in grades nine through 12 and lives more than two miles from the district building they would attend are eligible for transportation services if the district transports resident high school students to district high schools.
5. **Thirty Minutes Direct Travel Time:** A district is not required to transport elementary or high school students to and from a nonpublic or community school where such transportation would require more than 30 minutes of direct travel time as measured by school bus from the enrolled nonpublic or community school to the public school building the students would be assigned if attending the public school designated by the district of residence. If necessary, the district will conduct an eligibility timing that will serve as the initial time requirement for the transportation request.

Determining Eligibility by 30 Minutes Direct Travel Time

A district is not required to transport elementary or high school students to and from a nonpublic or community school where such transportation would require more than 30 minutes of direct travel time as measured by school bus from the enrolled nonpublic or community school to the public building to which the students would be assigned if attending the public school designated by the district of residence. The direct travel time between the district building and the nonpublic or community school must be 30 minutes or less for the student to be eligible. Eligibility timing for the 30 minutes is the responsibility of the public district. The Department recommends that districts follow the procedures listed in **Appendix 1: Official Bus Timings by the Department of Education** so the results may be as accurate as possible.

If the parent or guardian disputes the findings of the eligibility timings, the parent may request an official timing conducted by the Ohio Department of Education [OAC 3301-83-05](#). Requests for official timings should be submitted in writing to the school district and include information as to why the parent or school believes the district's timing is incorrect. ([Area Coordinator Directory](#)) (**Appendix 1: Official Bus Timings by the Department of Education**)

The area coordinator will arrange for an official timing as soon as possible. Official timings, once completed and supervised by a Department representative, are considered final and will not be completed again unless approved by the Department. This approval will not be granted unless it can be demonstrated the conditions pertaining to the original timing have changed substantially. The Department's determination regarding a new timing is final.

If it is determined the student is eligible for transportation, staff at the public district will determine the most [appropriate mode of transportation](#) or declaration of impracticality and offer of payment in lieu of transportation for the student.

Determination of Impractical to Transport

Even if a student is eligible for transportation services, a district may make a [determination of impracticality](#). In this situation, the district must offer the parent or guardian payment in lieu of providing such transportation. Determinations of impracticality must be made not later than 30 calendar days prior to the district's or school's first day of instruction, or within 14 days of the student's enrollment¹.

[Under Ohio law](#), a district may determine it is impractical to transport a student who is eligible for transportation to and from a school after considering each of the following factors:

- (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.

Based on its consideration of the factors, the district's resolution declaring the impracticality of transportation must include:

- (1) Each pupil's name;
- (2) The name of school the child is attending; and
- (3) The reason(s) for impracticality.

The determination of impracticality also may be made by the superintendent and formalized at the next meeting of the school district board of education. The district must also:

- (1) Report its determination to the State Board of Education at: PILOtransportation@education.ohio.gov; and
- (2) Issue a letter to the parent and to the nonpublic or community school where the student is enrolled that includes a detailed description of the reasons for finding impracticality.

¹ In the case of a student who enrolls within 30 calendar days prior to or after the first day of instruction, the determination of impracticality must occur no later than 14 calendar days after the student's enrollment.

Offer of Payment in Lieu of Transportation

After passing the resolution declaring the impracticality of transportation, the district board must offer to provide payment in lieu of transportation. The district will:

- (1) Inform the parent of the district's resolution;
- (2) Inform the parent of the right of the student's parent or guardian to accept the offer of payment in lieu of transportation or to reject the offer and instead request the Ohio Department of Education initiate mediation procedures; and
- (3) Provide the parent a contract or other form on which the parent has the option to accept or reject the payment in lieu of transportation offer.

If the parent or guardian accepts the offer of payment in lieu of providing transportation, the school district board of education must pay the parent an amount that is:

- Not less than 50% of the statewide average cost of pupil transportation for the previous school year;
- No more than the full amount of the statewide average cost of pupil transportation for the previous school year.
- Payment may be prorated if the time period involved is only part of the school year.

Mediation and ORC Chapter 119 Hearing on Declarations of Impracticality

Upon the request of a parent who rejected the payment in lieu of transportation, the Department shall conduct mediation procedures. During mediation:

- A parent may authorize the nonpublic or community school in which the student is enrolled to act on their behalf during the mediation proceedings.
- An attorney or other individual designated by a party may accompany the party to and participate in a mediation.

If the mediation does not resolve the dispute, the state board must 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 district board of education to provide transportation. The decision of the state board is binding in subsequent years and on future parties provided the facts of the determination remain comparable.

Transportation While Matter is Pending

The school district shall provide transportation for the pupil from the time the parent or guardian requests mediation until the matter is resolved. **(Appendix 2: Mediation and ORC Chapter 119 Hearing Process)**

If the Department determines a school district board has failed or is failing to provide transportation from the time the parent requested mediation until the matter is resolved, or following a State Board of Education order, the Department shall order the school district board to pay to the pupil's parent an amount equal to 50% of the cost of providing transportation as determined by the school district board and not more than \$2,500. The school district board shall make payments on a schedule ordered by the Department.

If the Department subsequently finds that a school district board is not in compliance with the payment order and the affected students are enrolled in a nonpublic or community school, the Department will 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. The Department shall use the deduction to make payments to the nonpublic or community school attended by the student and shall continue to do so until the school district board either complies with the Department's order or begins providing transportation.

- A nonpublic or community school that receives payments from the Department must do either of the following:
- (1) Disburse the entire amount of the payments to the parent affected by the failure of the school district of residence to provide transportation or
 - (2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

During a Chapter 119 hearing, only the parent or an attorney who has entered an appearance on the parent's behalf may represent the parent.

Transportation on Days Schools are Open

A school district board of education shall provide transportation services to eligible students enrolled in a nonpublic or community school on each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education is not required to transport elementary or high school students to and from a nonpublic or community school on Saturday or Sunday unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

Adoption of Bus Routes

Bus routes must be run on a time schedule that shall be adopted and put in force by the school district board not later than 10 days after the beginning of the school term. Districts should share approved bus routes with nonpublic and community schools. Chartered nonpublic and community schools should consider requesting updated route sheets quarterly.

Drop Off and Pick Up Times

The operator of every school bus or motor van owned and operated by any district or educational service center or privately owned and operated under contract with any district or service center in this state shall deliver students enrolled in preschool through grade 12 to their respective nonpublic and community schools not sooner than 30 minutes prior to the beginning of school and pick them up not later than 30 minutes after the close of their respective schools each day.

Use of Mass Transit

Districts may use mass transit systems for eligible students in kindergarten through grade 8 only after entering into an agreement with a community school or chartered nonpublic school authorizing such transportation. If a school district elects to transport eligible students in grades 9-12, the district may provide transport by mass transit systems so long as the students make no more than one transfer.

Use of Vehicles other than school buses

If a chartered nonpublic school student lives more than 30 minutes from the chartered nonpublic school and also is not eligible for school district transportation services, or the district has declared transportation of the student impractical, [Ohio law](#) permits a chartered nonpublic school to utilize a vehicle designed for not more than nine passengers to transport students to and from regularly scheduled school sessions.

Transportation of Eligible Students by the Community School

This handbook discusses transportation services provided by public school districts. A community school also may enter an agreement with a district to provide transportation or notify a school district that it is accepting responsibility for providing or arranging transportation. For more information, see [Ohio law](#).

Appendix 1: Official Bus Timings by the Department of Education

For questions regarding these procedures, contact your area coordinator or the Pupil Transportation Office at the Ohio Department of Education (614) 466-4230.

Under [Ohio law](#), students are eligible for transportation services to and from nonpublic or community schools if the school where the student is attending is 30 minutes or less in direct travel time from the public school building that the student would be assigned.

Procedures for Official Timings

1. School districts perform timings to determine eligibility but may also request that a Department of Education representative assist by performing official timings, if, for example, a parent has disputed the school district's own timings.
2. If the parent disputes the school district finding of the eligibility timing, they may request an official eligibility timing be conducted by a Department representative. That written request is made to the public district and sent to an Ohio Department of Education regional area coordinator.
3. Public district staff shall determine the starting and acceptable arrival time and drop-off point for students at the chartered nonpublic or community school. Arrangements must be made to have a school bus travel the most direct route beginning at the collection point at a time that would get the students to school before the start of the school day but no sooner than 30 minutes prior to the start of instruction.
4. The public district of residence must identify the school building determined to be the school of assignment, which is the collection point for the student.
5. The public district of residence may invite the parent or guardian to attend the timing if local board policy and the district's insurance policy permit the parent or guardian to ride the bus. The parent also may follow the bus during the timing.
6. At least 24 hours prior to the start of the timing, all parties must receive in writing the most direct route that can be traveled by yellow school bus, the predetermined drop off point and the predetermined pick-up point. The public district may consult with the parent or guardian regarding the route, but the final determination of the route is the responsibility of the public district.
7. 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 Pupil Transportation Operation and Safety Rules](#).
8. The timing shall be conducted only on days when both the school and district are in session and during the normal route time(s). The weather conditions must permit the bus to safely travel at appropriate speeds.
9. A device that clearly measures the elapsed travel time must be used.
10. The timing shall begin at the point the bus begins motion at the collection point (public building) and end when the bus stops at the bus drop-off point for the chartered nonpublic or community school.
11. If some unusual situation occurs during the eligibility timing, such as an accident, slow traffic due to an accident or a detour, the eligibility timing must be canceled and rescheduled for another day.

12. Once an official timing is completed, the results are recorded and retained on the Timing Form (sample provided on page 12 of this document). The parent and the chartered nonpublic or community school must be informed of the results. If the route takes 30 minutes or less the student is eligible for transportation services. However, a school district may determine that transportation of the student is impractical according to [Ohio Law](#). When this occurs, payment in lieu of transportation must be offered to the parent.
13. If the route takes longer than 30 minutes, the parent must be informed that the child is ineligible for transportation. The official timing by the Department of Education representative is final under [Ohio Administrative Code](#). A second official timing will not be conducted unless it can be demonstrated that the conditions pertaining to the original timing have substantially changed and the Department approves it. The Department's determination regarding a second timing is final under [Ohio Administrative Code](#).

Appendix 2: Mediation for [Payment in Lieu of Transportation Process](#)

A district's offer of payment in lieu of transportation is rejected.

- 1) A mediator is an individual who conducts a mediation. The regional area coordinator for the school district is assigned to conduct a mediation.
- 2) Mediation is a process in which the area coordinator (mediator) facilitates communication and negotiation between the parent and the school district (the parties) to assist them in reaching a voluntary agreement regarding the dispute about transportation of the student.
- 3) The area coordinator collects copies of the school district signed resolution, the form signed by the parent(s) rejecting the payment in lieu offer, and any other records the district or parent(s) wish to submit.
- 4) For purposes of mediation, the parent may provide written authorization for the nonpublic or community school in which the student is enrolled to act on the parent's behalf during the mediation process. Either party may designate an attorney or other individual to accompany the party to and participate in the mediation.
- 5) A mediation meeting is scheduled by the area coordinator with the following attendees:
 - a) Parent of the student and/or the nonpublic or community school that the student attends if the school has been authorized by the parent to act on the parent's behalf;
 - b) Representative(s) from the public district.
 - c) Any attorney or other individual designated by either party to accompany the party to the mediation or participate in the mediation.
 - d) Area Coordinator.
- 6) Agenda for the mediation meeting:
 - a) Area coordinator has everyone sign in and introduce himself/herself.
 - b) If nonparties are present, the area coordinator confirms that the nonparty has been designated by either the parent or the school district to attend and participate in the mediation.
 - c) If the nonparty is the community school or nonpublic school that the student attends, area coordinator confirms whether the school has been authorized to act on the parent's behalf.
 - d) Parents present their position.
 - e) The district presents their position including the reasons why transportation is impractical per ORC 3327.02.
 - f) The area coordinator may offer alternatives and ask questions as needed.

- g) If the matter is resolved, the process is ended with the area coordinator writing a letter to all parties involved with the point of agreement.
 - h) If the matter is unresolved, the area coordinator:
 - Informs the Department Office of Pupil Transportation and submits a written report of the mediation which includes the district's certified resolution and the form signed by the parent rejecting the payment in lieu offer; and
 - Informs the district in writing that the district must continue to provide transportation until the matter is resolved.
- 7) After review of the area coordinator's written report, the Department Office of Legal Counsel notifies all parties of the opportunity for an ORC Chapter 119 hearing;
- a) If no party makes a timely request for a hearing, the Office of Legal Counsel provides all the materials to the State Board of Education to make a final determination.
 - b) If any party makes a timely request for a hearing, the Office of Legal Counsel assigns a hearing officer who works with the parties to agree upon a date and time for the hearing.
- 8) The hearing examiner will set the hearing date and the legal office will notify all parties. A hearing officer shall conduct the hearing.
- 9) According to [Ohio law](#) a party may be represented by an attorney at the hearing.
- 10) The parties (parent and school district) attend the hearing prepared to testify. The parties may also call witnesses to testify and request that exhibits be admitted into evidence.
- 11) A court reporter prepares a stenographic record of the hearing, including a copy of all exhibits admitted into evidence, and files this with the Office of Legal Counsel.
- 12) The hearing officer files a written report and recommendation with the Office of Legal Counsel which:
- Sends copies of the hearing examiner's report and recommendation to all parties to review; the parties may submit written objections within 10 days of their receipt of the report and recommendation.
 - Submits the hearing examiner's report and recommendation and hearing transcript including all admitted exhibits to the State Board of Education.
- 13) The State Board of Education votes to approve, modify or disapprove the hearing examiner's report and recommendation. The Board's decision shall be considered binding in subsequent years on future parties of interest provided the facts of the determination remain comparable.
- 14) A copy of the State Board of Education's decision is sent by Office of Legal Counsel to all parties.

Frequently Asked Questions and Answers

This document is for informational purposes. Parents are encouraged to contact the public district with any additional questions.

- 1) **May mediation occur without a school district board of education resolution?**
Answer: No.
- 2) **If all the parents are from the same school, can a group mediation occur?**
Answer: Yes, from the same school of attendance.
- 3) **How quickly must the State Board of Education decide a Chapter 119 hearing?**
Answer: The State Board of Education makes its own decision.
- 4) **If a school does not provide transportation during mediation, what recourse do the parents have?**
Answer: See paragraph (F) of [ORC 3327.02](#)
- 5) **In the Chapter 119 hearing process, will each parent be contacted by the Department for the opportunity to request a Chapter 119 hearing?**
Answer: Yes.
- 6) **What happens after a Chapter 119 hearing occurs and a new parent requests mediation? Does the initial decision stand or is a new mediation hearing necessary?**
Answer: The state board's order is binding as to future parties of interest if the facts in the case remain comparable.
- 7) **If the hearing officer finds in favor of the parent, is the district out of compliance for the time during the mediation process?**
Answer: Only if the district fails to transport during the mediation process.
- 8) **Is it permissible for a district which has passed a resolution for PILO and about which parents request some type of discussion to have a meeting with the parents involved without an area coordinator being present? Without it being an official mediation session?**
Answer: Yes.
- 9) **What is the amount the district must pay a parent if they fail to provide transportation during the mediation through resolution process?**
Answer: See paragraph (F) of [ORC 3327.02](#)
- 10) **Is there a maximum payment in lieu of transportation? Is there a minimum amount?**
Answer: See paragraph (D) of [ORC 3327.02](#)

BUS TIMING FORM for All Eligibility Timings
Including the public district and area coordinators

ATTENDING SCHOOL NAME:

ADDRESS:

ATTENDING SCHOOL HOURS:

DATE OF TIMING:

SCHOOL ADDRESS TIMING FROM:

DEPARTURE TIME:

BUS MILEAGE READING:

ROUTE TAKEN:

TIME OF ARRIVAL AT SCHOOL:

MILEAGE READING:

DRIVER NAME:

SIGNATURE OF THE INDIVIDUAL COMPLETING THIS FORM:

_____ **DATE:** _____