

3327.01 Transportation of pupils.

Notwithstanding division (D) of section [3311.19](#) and division (D) of section [3311.52](#) of the Revised Code, this section and sections [3327.011](#), [3327.012](#), and [3327.02](#) of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section [3327.02](#) of the Revised Code.

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section [3313.90](#) of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section [3327.02](#) of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils 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.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for mentally disabled children in accordance with standards adopted by the state board of education.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term.

The cost of any transportation service authorized by this section shall be paid first out of federal funds, if any, available for the purpose of pupil transportation, and secondly out of state appropriations, in accordance with regulations adopted by the state board of education.

No transportation of any pupils shall be provided by any board of education to or from any school which in the selection of pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

3327.02 Resolution declaring impracticality of transportation - offer of payment in lieu of transportation.

(A) After considering each of the following factors, the board of education of a city, exempted village, or local school district, or a community school governing authority providing transportation pursuant to section [3314.091](#) of the Revised Code, may determine that it is impractical to transport a pupil who is eligible for transportation to and from a school under section [3327.01](#) of the Revised Code:

- (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.

(B) Based on its consideration of the factors established in division (A) of this section, the board or governing authority may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality.

The board or governing authority shall report its determination to the state board of education in a manner determined by the state board.

(C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following:

- (1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:
 - (a) The resolution;
 - (b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.
- (2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than the amount determined by the general assembly as the minimum for payment in lieu of transportation, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E)

(1)

(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures.

(b) If the mediation does not resolve the dispute, the state board of education shall 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 or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district or governing authority shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.

(F)

(1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to the state average daily cost of transportation as determined by the state board of education for the previous year. The school district board or governing authority shall make payments on a schedule ordered by the department.

(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall 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 under section [3317.0212](#) of the Revised Code or other provisions of law. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation.

(G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following:

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 7/1/2014.

Amended by 129th General Assembly File No. 28, HB 153, §101.01, eff. 6/30/2011.

Amended by 128th General Assembly File No. 9, HB 1, §101.01, eff. 7/17/2009.

Effective Date: 04-08-2003

3301-83-19 Authorized vehicles for transportation of pupils to and from school and school-related events.

The following are authorized vehicles for the transportation of pupils to and from school and school-related events:

(A) School buses

All vehicles designed to carry more than nine passengers, not including the driver, and used to transport pupils to or from school or school-related events shall meet or exceed all applicable federal regulations and the Ohio school bus construction standards. Refer to division (F) of section [4511.01](#) of the Revised Code and rules [4501-5-01](#) to 4501-5-10 of the Administrative Code.

(B) Public transit vehicles

Public transit vehicles includes vehicles owned and operated by regional transit authorities or community transit authorities, or which are privately owned, under contract with a board of education or county board of developmental disabilities and operated on routes designed for the purpose of transporting fare-paying passengers and eligible pupils simultaneously.

Nonconforming vehicles (i.e. ten to fifteen passenger motor vehicles not meeting the FMCSR's for a school bus) shall not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry more than sixteen passengers including the driver.

(C) Vehicles other than school buses

Vehicles originally designed and constructed at the factory for nine or fewer passengers, not including the driver, to be used when school bus transportation cannot be reasonably provided, shall not be routinely used for service to and from regularly scheduled school sessions except for preschool children, special needs children, homeless children, children inaccessible to school buses, or students placed in alternative schools.

This paragraph does not apply to parental transportation of children when not scheduled, arranged, managed, reimbursed, or contracted for by a board of education, school, or county board of developmental disabilities. Requirements for vehicles identified in this section shall include the following:

(1) The vehicle shall be equipped with safety equipment including a fire extinguisher, first-aid kit, body fluid cleanup kit, fuses, spare fuses, and emergency reflectors.

(2) The vehicle shall have a rooftop sign marked "School Transportation."

(3) The name of the school district, or the name of the contractor, if applicable, shall be clearly marked on the side of the vehicle.

(4) These vehicles shall be inspected by a qualified mechanic not less than two times per year. This inspection shall cover at the minimum all applicable sections of the school bus inspection detailed in paragraph (B) of rule [3301-83-11](#) of the Administrative Code. In addition, periodic maintenance intervals shall be established and implemented. Documentation and proof of these inspections and service procedures, in addition to all other vehicle records required under rule [3301-83-14](#) of the Administrative Code, shall be kept on file with the school district transportation department.

(5) It is the responsibility of each vehicle driver to complete and document a daily pre-trip inspection before transporting pupils. The vehicle owner may designate another qualified individual to complete and record portions of the stationary inspection in lieu of the vehicle driver. Pre-trip inspection records shall be kept on file for a minimum of twelve months.

(6) Loading of these vehicles shall be performed in compliance with the passenger, weight, and other associated restrictions as identified by the original equipment manufacturer.

(7) Drivers of these vehicles shall meet all qualifications for school transportation drivers as identified in paragraph (F) of rule [3301-83-06](#) of the Administrative Code and section [3327.10](#) of the Revised Code.

(D) Commercial carriers

Commercial carriers include carriers that are licensed and inspected by the appropriate government agencies to transport passengers for hire. Examples would include railroads, airlines, commercial watercraft, or commercial buses. Nonconforming vehicles (i.e. ten to fifteen passenger vehicles not meeting the FMCSR's for school buses) shall not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry sixteen or more passengers including the driver.

(E) Taxicabs

Taxicabs may be used for transportation of pupils when the use of other modes of transportation as described in this rule are not reasonable as determined by the public school district.

Taxicabs shall be originally designed and constructed at the factory for nine or fewer passengers, not including the driver, and shall, with the exception of the rooftop sign marked "School Transportation," which shall not be required, comply with paragraph (F) of this rule.

The owner or operator of taxicabs shall provide documentation to the school district confirming compliance with this chapter.

The owner or operator of taxicabs shall provide proof of insurance to the school district in the amounts as specified in section [3327.09](#) of the Revised Code for vehicles used in the transportation of school children.

(F) Vehicles not meeting the definitions listed in paragraphs (A) to (E) of this rule do not conform to state and federal law/rule and shall not be used for transportation of pupils to or from school or school related events.

Effective: 07/01/2012

R.C. [119.032](#) review dates: 02/08/2012 and 07/01/2017

Promulgated Under: [119.03](#)

Statutory Authority: [3301.07](#), [4511.76](#)

Rule Amplifies: [3327.08](#), [3327.09](#), [4511.76](#)

Prior Effective Dates: 10/22/84, 7/1/91, 10/5/98, 8/17/01 (Emer.), 11/13/01, 2/25/2007

3314.09 Transportation of native students provided by board of each school district.

(A) As used in this section and section [3314.091](#) of the Revised Code, "native student" means a student entitled to attend school in the school district under section [3313.64](#) or [3313.65](#) of the Revised Code.

(B) Except as provided in section [3314.091](#) of the Revised Code, the board of education of each city, local, and exempted village school district shall provide transportation to and from school for its district's native students in accordance with section [3327.01](#) of the Revised Code.

Effective Date: 04-08-2003

3301-83-01 Calculation of pupil transportation operation payments.

(G) Operational regulations

(1) Only pupils eligible for payment may be included in the counts as reported in paragraph (E)(1) of this rule. An "eligible pupil" must meet the following criteria:

(a) Is one whose place of residence is one mile or more from the school of assignment for public school pupils and school of attendance in case of nonpublic pupils when measured in the following manner: "Measurement of distance originates at a point on the traveled portion of the roadway nearest the primary entrance to the place of residence and then along the most direct route traversable excluding interstate routes by motor vehicle to the school bus loading area nearest and opposite the entrance door used by pupils transported";

3301-35-08 Non-chartered, non-tax supported school.

(G) Pupils attending a non-chartered, non-tax supported school are not entitled to pupil transportation and pupils attending a non-chartered, non-tax supported school are not entitled to auxiliary services.

Ohio Attorney General Opinion No. 83-096

If a nonpublic school adopts a calendar which is asynchronous to the calendar of a local school district, the local school board, if it is required under R.C. 3327.01 to provide transportation to the students of such nonpublic school, must provide such transportation to resident nonpublic school students when the public school district is no open for instruction and is not itself providing transportation for its own public school students.