

Transportation Services for Chartered Nonpublic and Community School Students Handbook



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**Department of
Education &
Workforce**

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Recognizing the importance of discussing student transportation, the Ohio Department of Education and Workforce (Department) has developed this guide to assist District Administrators, Boards of Education, Community Members and other individuals in developing an understanding of the transportation requirements for chartered nonpublic and community school students.

Your understanding of this process is important to us. For questions or assistance in navigating any of the information provided here, please email or call your area coordinator. See: [Area Coordinator Directory](#)

Ohio Revised Code Section 3327.01 Transportation of Pupils

[Ohio law](#) establishes the requirements for 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, schools, and families as they work together to ensure eligible students receive transportation services from their district of residence. References made to the “parent” are intended to include the guardian or other person in charge of the student in both this Handbook and all Appendices.

If requirements in [state law](#) are met, students enrolled in a chartered nonpublic or community school may be eligible for transportation services by their district of residence.

Requesting Transportation Services

Parents and the school where the student is enrolled are encouraged to notify the school district of residence as soon as possible if they want their child to receive transportation services. Community and chartered nonpublic schools should confirm whether their students would like to receive district transportation before providing this information to districts.

Transportation Eligibility for Chartered Nonpublic and Community School Students

Determine Eligibility for Transportation Services

[Ohio law](#) establishes several requirements that must be met for a student to be eligible for transportation services. Please note that while state law establishes the minimum eligibility for transportation services, local policy may establish transportation services beyond the minimum requirements. Minimum requirements that must be met include:

Nonpublic Schools Hold a Current State-Issued Charter: The Ohio Department of Education and Workforce (Department) has issued a charter¹ for the nonpublic school that the student is attending. Community schools are

1. public schools that do not require a charter.
2. **Residency:** Generally, the student is a resident of the district from which they are requesting transportation.
3. **K-8 Students More Than Two Miles:** Students are enrolled in grades kindergarten through eight and live more than two miles from the school of assignment or attendance.

Note: If local policy provides for transportation services to students who live less than two miles from their school, or in grades nine through twelve, then community and chartered nonpublic school students who live less than two miles from their school or who are enrolled in grades nine through twelve would also be eligible for transportation services.

Determine Eligibility by Thirty Minutes Direct Travel Time

Districts are not required to transport elementary or high school students to and from a chartered nonpublic or community school if the direct travel time exceeds 30 minutes. The time period is determined by driving a school bus from the public building to which the students would be assigned if attending the public school designated by the district of residence to the enrolled chartered nonpublic or community school. Initial eligibility timing for the 30 minutes is the responsibility of the public district.

Please note, chartered nonpublic students with an IEP that identifies transportation as a required related service are eligible for transportation regardless of whether the time necessary for the trip exceeds thirty minutes.

It is suggested that the district follow the procedures listed in ***Appendix 1: Official Bus Timings by the Department of Education and Workforce*** so that the results may be as accurate as possible and consistent with any official timing the Department may conduct.

Note that if a student changes enrollment or attends a new school building location, a district eligibility timing should be conducted for the new location.

If the parent or the community or chartered nonpublic school disagrees with the district's eligibility timing, the parent or school can request an official timing be conducted by the Department. See ***Appendix 1: Official Bus Timings by the Department of Education.***

¹ RC 3301.0732(H) states that pupils attending a nonchartered nonpublic school shall not be entitled to pupil transportation.

If the student is eligible for transportation based on the timing, staff at the school district decide the most appropriate mode of transportation. Students are eligible for transportation following the official timing determination. Even if a student is determined to be eligible for transportation, a school district can make a [determination of impracticality after considering six factors listed in state law](#). If the district determines that transportation is impractical, the district will offer of payment in lieu of transportation for the student.

If transportation is determined to be impractical, the following section will apply.

Ohio Revised Code Section 3327.02 Resolution Declaring Impracticality of Transportation

Determination Student(s) are Impractical to Transport

A school district may determine students are impractical to transport. This is a legal process and each step of the process is summarized in **Appendix 2: PILO Flowchart**. Information about this process is also located on the Department's website at [Payment in Lieu](#).

For students who are eligible for transportation services, a district may make a [determination of impracticality](#). If transportation is impractical, the district must offer the parent payment in lieu of providing such transportation. A determination 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 enrollment².

[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 all the factors, the district's resolution declaring the impracticality of transportation. The resolution must include:

- (1) Each pupil's name;
- (2) The name of the school the child is attending; and

² 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.

- (3) The **detailed** description of the reason(s) for impracticality.

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

- (4) Report its determination to the Department at:
PILOtransportation@education.ohio.gov;
- (5) Issue a letter to the parent and the chartered nonpublic or community school where the student is enrolled that includes a detailed description of the reasons for finding impracticality. It is recommended that the district's detailed description of the reasons for finding impracticality include evidence demonstrating how the district reached its determination. Parents and schools may request a copy of the analysis used to determine impracticality.

Offer of Payment in Lieu of Transportation

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

- (1) Inform the parent of the district's resolution;
- (2) Provide the parent with contract or other form on which the parent has the option to accept or reject the transportation in lieu offer;
- (3) It is recommended that the district also inform the parents that transportation must be provided by the district after mediation is requested until the matter is resolved. See below ***Transportation while Mediation is Pending***.

If the parent 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 involved is less than the full school year.
- If the parent signs a form/contract accepting payment in lieu of transportation, they no longer have the right to receive transportation services for that school year.
- The annual amount of PIL is determined by the Department and posted on the Department's website at: [Payment in Lieu](#)

Materials provided by a district, including the notice of impracticality, must be made available in the native language of parents if requested.

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. Parents can request mediation by contacting an Area Coordinator (see the [Area Coordinators Directory](#)), or the Pupil Transportation Office:

PUPIL TRANSPORTATION OFFICE CONTACT INFORMATION

- (877) 644-6338 *Toll Free*
- (614) 466-4230 *Direct Line*
- Email: PILOtransportation@education.ohio.gov
- Mail: 25 S. Front Street, 3rd Floor, Columbus, OH 43215

Mediation Process

Mediation is an informal process where a neutral person called a mediator helps the parties discuss and try to resolve the dispute. An employee of the Department (Area Coordinator) serves as the mediator. A list of Area Coordinators and the regions of Ohio they serve may be accessed at: [Area Coordinators Directory](#).

When the request for mediation is received by the Department, the Area Coordinator/mediator will do the following:

- Request records from the school district to confirm that the district board of education adopted a resolution determining the student impractical to transport, offered payment in lieu of transportation, and the parent signed a form rejecting payment in lieu of transportation;
- Contact the parent and the school district to schedule a mutually agreeable mediation meeting date and send both parties information regarding the mediation meeting;
- Verify whether the school district is providing transportation to the student;
- If the school district is not providing transportation, prepare a letter ordering the school district to pay the parent for failure to provide transportation after mediation is requested.

During mediation:

- A parent may authorize the chartered 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.

- **The district must provide translation services if requested by one or more of the participants in the mediation.**

After mediation:

- The Area Coordinator/mediator prepares a mediation summary report. The mediator does not make any findings or recommendations but only summarizes the positions of the parties and indicates whether the dispute was resolved or not.

If the mediation session does not resolve the matter, the Office of Pupil Transportation sends a “Notice of Opportunity for Hearing” letter to the parent and the school district. This “Notice” provides information on how to request a hearing under Ohio Revised Code Chapter 119. Either the parent or the district can request a hearing.

If a request for a hearing is made, the Department will conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing will be before a hearing officer who is a licensed attorney. 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.

Following a hearing, or, if no party requests a hearing, the Department will issue a decision. The decision can order that the payment in lieu of transportation will be made or can order the district board of education to provide transportation. The decision of the Department is binding in subsequent years and on future parties if the facts of the determination remain comparable.

The Department must provide translation services if one or more of the participants in the hearing requests this service.

Transportation While Matter is Pending

The school district shall provide transportation for the pupil from the time the parent requests mediation until the matter is resolved. **Appendix 2: PILO Flowchart**

If the Department determines that 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 Department order, the Department will order the school district board to pay 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 later finds that a school district board is not in compliance with the payment order and the affected students are not being transported, 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 will use the deduction to make payments to the chartered nonpublic or community school attended by the student. The Department will continue to make deductions and payments until the school district board either complies with the Department's order or begins providing transportation.

If a chartered nonpublic or community school receives a payment from the Department the school must do one of the following:

- (1) Use the payment to provide acceptable transportation for the affected pupil **OR**
- (2) Pay the entire amount to the parent.

Mediation and Hearing Process: Quick Reference Points

- Mediation cannot start before the school district board of education adopts the resolution of impracticality for a student.
- Mediation cannot start unless a parent has signed a form rejecting payment in lieu of transportation.
- Multiple parents may participate in a mediation session if all of the parents are from the same school.
- A district which has passed a resolution for payment in lieu can still contact or meet with parents without an Area Coordinator being involved or present. The Area Coordinator needs to be present at the mediation meeting.
- If a school district fails to provide transportation after mediation is requested by the parent, the parent can contact the assigned mediator /Area Coordinator to let them know – the Area Coordinator will prepare an order for the district to pay the parent for failure to provide transportation.
- The maximum amount a district must pay a parent if the district failed to provide transportation after mediation is \$2,500. The district pays this amount according to a schedule set by the Department.
- If the mediation session does not resolve the transportation dispute, each parent who participated in mediation will receive a Notice of Opportunity for Hearing letter from the Department.
- After mediation and a Chapter 119 hearing (if requested) has been completed, the Director of the Department will issue an order that is binding as to future parties of interest if the facts in the case remain comparable.
- In future school years, a parent affected by the Department's order may still request mediation and a new Chapter 119 hearing to show that facts have changed, and the prior Department order should not apply.

Additional Transportation Information for Chartered Nonpublic and Community School Students and Schools

Transportation on Days Schools are Open

A school district board of education will provide transportation services to eligible students enrolled in a chartered 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 on that day. However, a board of education is not required to transport elementary or high school students to and from a chartered nonpublic or community school on Saturday or Sunday unless a board of education and a chartered 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 ten days after the beginning of the school term. Districts will share approved bus routes with chartered 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 chartered nonpublic and community schools **not sooner than 30 minutes prior to the beginning of school, not deliver students late to school, or pick them up 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 when a community school or chartered nonpublic school agrees to the use of public transit. The district and affected school should sign a written agreement for the use of public transit for students enrolled in grades kindergarten – eighth grade. 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 (Vans, SUVs, Cars) other than school buses

[Ohio law](#) permits districts to provide transportation to chartered nonpublic and community school students using vehicles originally designed for not more than nine passengers, not including the driver, if certain requirements are met. Community schools may also provide transportation to their own students using these vehicles if requirements are met.

Some, but not all of the requirements to use vehicles other than school buses (typically vans, but may include SUVs or cars) include the following:

- The vehicle cannot be originally designed for more than nine passengers (not including the driver)
- The vehicle has a rooftop sign labelled “School Transportation”
- The name of the school district, or the name of the contractor, if applicable, is clearly marked on the side of the vehicle
- The driver has a valid driver’s license, is certified by their employer as meeting physical and minimum age qualifications, and has a pre-service training completion certificate issued by the Ohio pre-service driver training program
- The driver must have had an FBI/BCI criminal record check within the last 12 months and be enrolled in the AGO’s Rapback system
- The driver must be accustomed to driving the vehicle
- The driver cannot stop on the roadway to load or unload students

Additional information about these vehicles may be accessed on the [Departments website](#); information about [driver requirements](#) may also be accessed on the Departments website.

Transportation of Eligible Students by the Community School

As an alternative to transportation being provided by a school district, a community school may also transport its own students. A community school may do so by entering an agreement with a district to provide transportation or by notifying a school district that it is accepting responsibility for providing or arranging transportation. For more information, see [Community School Transportation Funding](#).

Appendix 1: Official Timings

For questions regarding these procedures, [contact your Area Coordinator](#).

- Students are eligible for transportation services to and from chartered nonpublic or community schools by the public school district in which they reside 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 to in the district (ORC [3327.01](#)).³
- The district where the student resides determines the district school building to which the student would be assigned according to district policy.

District Eligibility Timings

- District eligibility timings **are not** official Department of Education and Workforce timings.
- School districts should determine whether a community school or nonpublic school student is eligible for transportation based on a 30-minute timing as soon as possible after a transportation request is made and promptly communicate the results to the schools and families. If a student is determined to be ineligible based on a district timing, the district should inform the parent that they may request an **official** timing by the Department of Education and Workforce (Department).
- School districts that receive a community or chartered nonpublic school student transportation request or student address change after August 1 **should conduct timings as soon as practical** and communicate to schools and families whether students are eligible based on the 30-minute timing conducted as detailed above. If the school district is unable to conduct the timing within two weeks, the school district should immediately notify the Department and request that the Department conduct an official timing.
- The Department recommends that districts use the same practices for their eligibility timings that apply to the Department's official timings. However, district eligibility timings may be conducted as soon as possible and do not need to be conducted after school is in session.

³ Note that chartered nonpublic students with an IEP that identifies transportation as a required related service must be provided with transportation regardless of whether the time necessary for the trip exceeds thirty minutes.

Department of Education and Workforce Official Timings

[OAC 3301-83-05 \(D\)](#) authorizes the Department to conduct **official timings**.

Procedures for Official Timings Requests

1. If a school district has conducted an eligibility timing and there is a dispute regarding the timing, the district, parent, or the community or chartered nonpublic school attended by the student who disputes the school district timing may request an official eligibility timing be conducted by a Department representative by submitting their request to the school district.
2. Districts are expected to accept any written or electronically submitted request for an official timing and in not more than two business days, forward the request to the Department's regional Area Coordinator.

Procedures for the Official Timing

1. Official timings are to be conducted in the morning when both district schools and the school which the student attends are in session.
2. The district will arrange for a school bus to travel on the most direct morning route that can be travelled by school bus beginning at the District building that the student is assigned to the school that the student attends.
3. The most direct route will be documented using mapping software. Alternative routes with similar or quicker travel time should be considered by the district.
4. The route needs to get students to school before the start of the school day at the school the student attends, **but no sooner** than 30 minutes prior to the start of the school day.
5. The district may invite the parent or community or chartered nonpublic school representative to attend the timing if local board policy and the district's insurance policy permit the parent or school representative to ride the bus. The parent or school representative may also follow the bus during the timing.
6. The district should consult with the parent or community or chartered nonpublic school regarding the route. If the district, and the parent, community school or chartered nonpublic school disagree on the route, the Department will determine the route.
7. At least **24 hours** prior to the scheduled start of the timing, the district is to provide electronic notice to the Department's regional Area Coordinator, parent, and community or chartered nonpublic school. The notice will include the most direct route, after any existing

alternatives have been considered, that can be traveled by yellow school bus, and the timing start time and location.

8. The district will review the route to be followed in advance with the bus driver including the community school or chartered nonpublic school drop-off location.

9. The bus driver will adhere to all relevant traffic laws and operate within the Ohio Pupil Transportation Operation and Safety Rules.

10. The Department will determine whether weather conditions permit the bus to safely travel at appropriate speeds. For example, if high water on the roadway requires the bus to travel 15 miles below the speed limit, this may not be an appropriate speed.

11. The Department will use a device, such as a cellular phone, that clearly measures the elapsed travel time.

12. The timing will begin at the point the bus begins motion at the district-assigned building and end when the bus stops at the bus drop-off point for the chartered nonpublic or community school.

13. If some unusual situation occurs during the eligibility timing, such as an accident, slow traffic solely due to an accident, or a detour, the eligibility timing will be canceled and rescheduled for another day.

14. Once an official timing is completed, the results are recorded and retained on a Timing Form (sample provided in the *Transportation Services for Chartered Nonpublic and Community School Students Handbook*). The Area Coordinator will notify the district, parent and the chartered nonpublic or community school of the results.

15. If the route takes 30 minutes or less, the student is eligible for transportation services. If the route takes more than 30 minutes, the student is not eligible for transportation.

16. If a student is determined to be eligible for transportation based on the official timing, the district should immediately develop a transportation plan for the student and offer transportation services. Should the district determine that transportation of the student is impractical according to ORC [3327.02](#), the date of the official timing determination is the date of the student's eligibility for transportation, and the impracticality determination is to be made within fourteen days according to the statute.

17. The official timing by the Department is final under OAC 3301-83-05(D). 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 OAC 3301-83-05(D).

Appendix 2: PILO Flowchart

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

[Ohio law](#) 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 located within 30 minutes from the assigned public 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.

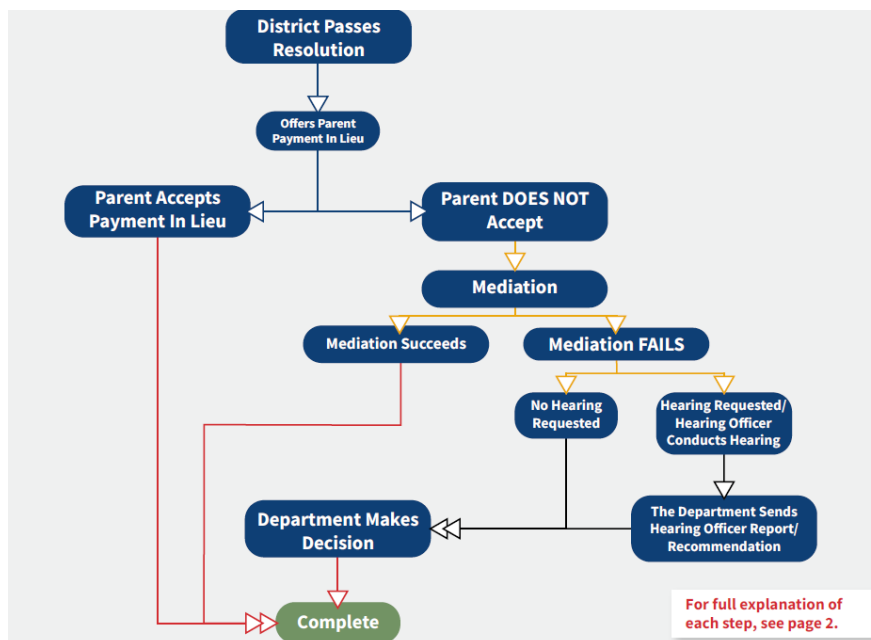
Before deciding not to provide transportation to a student, the school district must consider these six factors:

- The time and distance required to provide transportation;
- The number of pupils to be transported;
- The cost of providing transportation in terms of equipment,
- Whether and to what extent the additional service unavoidably disrupts current transportation schedules; and
- Whether other reimbursable types of transportation are maintenance, personnel, and administration; available.
- Whether similar or equivalent service is provided to other pupils eligible for transportation;

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

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

A district that wishes to provide payment in lieu of transportation to a student must follow the steps below. For a full explanation of each step, see the next page. **If a parent/guardian rejects payment in lieu of transportation and requests mediation, until the Department makes a final decision the district must provide transportation to the student.**



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.
Mediation FAILS	If the parties fail to resolve the dispute in the mediation, the Department will notify all parties and offer an opportunity for a hearing. This hearing will follow the procedure set by Ohio Law .
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 Department 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).
Hearing Officer Report/ Recommendation	When the hearing ends, the hearing officer will issue a report and recommendation within 30 days. The Department sends 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's Office of Legal Counsel will provide the Department Director with all the hearing materials, objections, and responses for review. The Department will 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.
<p>Complete</p> <p>This final decision will be binding in subsequent years on parties and future parties in interest provided the facts of the determination remain comparable.</p>	

Bus Timing Form For Districts and Area Coordinators

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:** _____