

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 795

Representative Brenner

A BILL

To amend section 3327.01 and to enact sections 1
3327.015 and 3327.016 of the Revised Code 2
regarding transportation of students in grades 3
kindergarten through eight and to declare an 4
emergency. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3327.01 be amended and sections 6
3327.015 and 3327.016 of the Revised Code be enacted to read as 7
follows: 8

Sec. 3327.01. Notwithstanding division (D) of section 9
3311.19 and division (D) of section 3311.52 of the Revised Code, 10
this section and sections 3327.011, 3327.012, and 3327.02 of the 11
Revised Code do not apply to any joint vocational or cooperative 12
education school district. 13

In all city, local, and exempted village school districts 14
where resident school pupils in grades kindergarten through 15
eight live more than two miles from the school for which the 16
state board of education prescribes minimum standards pursuant 17
to division (D) of section 3301.07 of the Revised Code and to 18
which they are assigned by the board of education of the 19

district of residence or to and from the nonpublic or community 20
school which they attend, the board of education shall provide 21
transportation for such pupils to and from that school except as 22
provided in section 3327.02 of the Revised Code. 23

Each school district that requires pupils to register for 24
transportation services shall not require online submission as 25
the only method of registration. A school district shall not 26
close registration for transportation services prior to the 27
first day of July of each school year. If a school district 28
requires transportation services registration at the beginning 29
of each quarter, semester, or other academic term, a school 30
district shall not close registration prior to the first day of 31
the start of the new term. If a pupil misses a deadline set by 32
the school district in accordance with this section, and later 33
requests transportation services, the school district shall 34
commence providing those services within five school days of 35
that request. 36

In all city, local, and exempted village school districts 37
where pupil transportation is required under a career-technical 38
plan approved by the state board of education under section 39
3313.90 of the Revised Code, for any student attending a career- 40
technical program operated by another school district, including 41
a joint vocational school district, as prescribed under that 42
section, the board of education of the student's district of 43
residence shall provide transportation from the public high 44
school operated by that district to which the student is 45
assigned to the career-technical program. 46

In all city, local, and exempted village school districts, 47
the board may provide transportation for resident school pupils 48
in grades nine through twelve to and from the high school to 49

which they are assigned by the board of education of the 50
district of residence or to and from the nonpublic or community 51
high school which they attend for which the state board of 52
education prescribes minimum standards pursuant to division (D) 53
of section 3301.07 of the Revised Code. 54

A board of education shall not be required to transport 55
elementary or high school pupils to and from a nonpublic or 56
community school where such transportation would require more 57
than thirty minutes of direct travel time as measured by school 58
bus from the public school building to which the pupils would be 59
assigned if attending the public school designated by the 60
district of residence. 61

Where it is impractical to transport a pupil by school 62
conveyance, a board of education may offer payment, in lieu of 63
providing such transportation in accordance with section 3327.02 64
of the Revised Code. 65

A board of education shall not be required to transport 66
elementary or high school pupils to and from a nonpublic or 67
community school on Saturday or Sunday, unless a board of 68
education and a nonpublic or community school have an agreement 69
in place to do so before the first day of July of the school 70
year in which the agreement takes effect. 71

In all city, local, and exempted village school districts, 72
the board shall provide transportation for all children who are 73
so disabled that they are unable to walk to and from the school 74
for which the state board of education prescribes minimum 75
standards pursuant to division (D) of section 3301.07 of the 76
Revised Code and which they attend. In case of dispute whether 77
the child is able to walk to and from the school, the health 78
commissioner shall be the judge of such ability. In all city, 79

exempted village, and local school districts, the board shall 80
provide transportation to and from school or special education 81
classes for mentally disabled children in accordance with 82
standards adopted by the state board of education. 83

When transportation of pupils is provided the conveyance 84
shall be run on a time schedule that shall be adopted and put in 85
force by the board not later than ten days after the beginning 86
of the school term. 87

The cost of any transportation service authorized by this 88
section shall be paid first out of federal funds, if any, 89
available for the purpose of pupil transportation, and secondly 90
out of state appropriations, in accordance with regulations 91
adopted by the state board of education. 92

No transportation of any pupils shall be provided by any 93
board of education to or from any school which in the selection 94
of pupils, faculty members, or employees, practices 95
discrimination against any person on the grounds of race, color, 96
religion, or national origin. 97

Sec. 3327.015. (A) The department of education shall 98
establish a procedure under which an individual or a community 99
school may file a complaint alleging that a school district is 100
not in compliance with section 3327.01 of the Revised Code 101
regarding the transportation of pupils enrolled in a community 102
school. The procedure also shall include an investigation by the 103
department of those complaints. 104

(B) (1) A community school may request that the department 105
order a school district to pay a pupil's parent, guardian, or 106
other person in charge of the pupil, an amount equal to the 107
state average daily cost of transportation as determined by the 108

state board of education for the time the pupil did not receive 109
transportation from the district. The school district board 110
shall make payments on a schedule ordered by the department. 111

(2) If the department subsequently finds that a school 112
district board is not in compliance with an order issued under 113
division (B) (1) of this section and the affected pupils are 114
enrolled in a community school, the department shall deduct the 115
amount that the district board is required to pay under that 116
order from any pupil transportation payments the department 117
makes to the district under section 3317.0212 of the Revised 118
Code or other provisions of law. The department shall use the 119
moneys so deducted to make payments to the community school 120
attended by the pupil. The department shall continue to make the 121
deductions and payments required under this division until the 122
district board either complies with the department's order 123
issued under division (B) (1) of this section or begins providing 124
transportation. 125

(C) A community school that receives payments from the 126
department under division (B) (2) of this section shall do either 127
of the following: 128

(1) Disburse the entire amount of the payments to the 129
parent, guardian, or other person in charge of the pupil 130
affected by the failure of the school district of residence to 131
provide transportation; 132

(2) Use the entire amount of the payments to provide 133
acceptable transportation for the affected pupil. 134

(D) The department shall impose a civil fine in the amount 135
of one thousand dollars per pupil that did not receive 136
transportation on the transportation director and superintendent 137

of any school district found to be out of compliance under 138
division (A) of this section. 139

Sec. 3327.016. The board of education of all city, local, 140
and exempted village school districts shall do both of the 141
following: 142

(A) Provide resident school pupils who attend a community 143
school in which a majority of the pupils are enrolled in a 144
dropout prevention and recovery program that is operated by the 145
school with passes, at no cost to the pupil, to a regional 146
transit authority or county transit system, if such a system 147
exists within the territory of the district. 148

(B) In accordance with section 3327.01 of the Revised 149
Code, ensure that resident school pupils who attend a high 150
school community school be provided access to transportation in 151
the same manner as pupils who attend a high school operated by 152
the district. 153

Section 2. That existing section 3327.01 of the Revised 154
Code is hereby repealed. 155

Section 3. For the 2018-2019 school year only, each city, 156
local, and exempted village school district that provides 157
transportation services to resident school pupils in grades 158
kindergarten through eight in the manner prescribed by section 159
3327.01 of the Revised Code, shall provide transportation to any 160
eligible pupil who requests transportation services within five 161
school days of that request without regard to whether the pupil 162
complied with any registration deadline. A request that was made 163
prior to the effective date of this section that was denied 164
shall be reviewed and approved not later than one school day 165
after the effective date of this section. 166

Section 4. This act is hereby declared to be an emergency 167
measure necessary for the immediate preservation of the public 168
peace, health, and safety. This is necessary as students are 169
currently being denied transportation and are missing school or 170
disenrolling as a result of that denial. Therefore, this act 171
shall go into immediate effect. 172