

Transportation Services for Nonpublic and Community School Students

For questions regarding these procedures, contact the Office of Pupil Transportation at Ohio Department of Education (614) 466-4230, or your Area Coordinator's Office

Students enrolled in nonpublic or community schools may be entitled to pupil transportation services from their public school district of residence. The procedures, information and references included in this document are intended to provide guidance for parents in procuring that service, if they are eligible.

Upon enrollment in a nonpublic or community school, the parent/guardian should contact the transportation department of the public school district in which they reside. A written request is strongly suggested. Without this initial contact, the public school district will not have any knowledge of the student's transportation needs.

Upon contact from a parent, staff at the public school district will follow procedures to determine whether the child is eligible for transportation. The following factors will be evaluated:

- 1) Is the child a special education student? Two scenarios exist in this case:
 - a) For attendance at nonpublic schools: If there is an IEP for the child written by the public school, but the parent elects to send the child to a nonpublic school instead of a program designated on the IEP, there is no obligation to provide special education transportation. Instead, the district must offer the student the same transportation as it would for a regular education student.
 - b) For attendance at community schools: If the child has special education needs, the community school (as a public school) has the same obligation to establish an IEP for the child as any other public school. If that IEP identifies pupil transportation as a required related service, the obligation of providing transportation is assigned to the community school. If there is an IEP, but transportation is not identified as a related service, the public school of residence shall provide transportation as it would for a regular education student.

- 2) Is the school selected eligible for services from a public school? The nonpublic school must be approved by the state board of education, or have a letter of intent to be approved. Without one of these in place, no services can be provided.

- 3) If the school is approved, is the student in one of the grades approved?

- 4) Is the student eligible for transportation services, as based upon the public school transportation policy? i.e. If the student is a high school student, and the public school does not transport high school students, then the student would not be eligible for services. In general, transportation is provided on a 'same basis' principle.

- 5) Does the nonpublic or community school meet the 30 minute eligibility test as set by law? Although a nonpublic school may be approved, and the student may fit the 'same basis' eligibility, the nonpublic school must be reachable within 30 minutes by direct travel. This is done in a school bus, on a school day, and during the regular attendance times that a bus would be traveling to the school. The origin of the timing run is the public school building that the child would be assigned to if attending public school. Districts will schedule and complete this time

check, and if they find that it is greater than 30 minutes, will ask for the Ohio Department of Education to supervise another timing run. Districts are encouraged to meet with parents prior to this timing to attain agreement upon the route selected, and are also encouraged to invite the involved parents to ride along and observe. If a timing is over 30 minutes transportation services are not required to be provided.

Timings, once run and supervised by ODE, are considered final and will not be re-run unless approved by the director of pupil transportation for ODE. This approval will not be granted unless it can be demonstrated that the conditions pertaining to the timing have changed substantially.

If it is determined that the school is eligible, the student is eligible, and the timing is 30 minutes or less, staff at the public school will determine the most appropriate transportation available for the student.

Public schools use a number of methods to provide transportation for students, including yellow school buses, public transit buses, taxi service, and in some cases contracts with other school districts or private vendors. All of these modes of transportation will be considered for the eligible student. Parents do not have the choice of type of service offered. If transportation is offered but not used, the school district has no further obligation.

Because of the logistics involved, it is frequently more difficult and expensive for a public school district to arrange for transportation for a nonpublic or community school student. In some cases, the public school may find that it is not practical to provide that transportation.

Ohio Law allows for public schools to determine impracticality of transportation after consideration of a number of factors. Upon that determination, the local public school is then permitted to provide payment- in-lieu of transportation. To enable that action, school boards and parents must complete several steps as follows:

- The public school board will pass a resolution of impracticality
- The public school board will then provide the parent with notification of that resolution, and ask for the parent to accept or reject the determination. At the same time, the board is to provide the parent with information regarding their rights should they reject the determination.
- The parent must acknowledge and return a waiver/contract to the public school indicating their acceptance or rejection.
- For the parent who accepts, the school board will verify attendance for the school identified, and make payment to the parent at the end of the school year.

Parents who decide to reject the determination of impractical transportation may request mediation. That request must be submitted in writing to the superintendent of their public school and to the area coordinator's office of the Ohio Department of Education. Upon receipt of that request, the ODE area coordinator will schedule a fact-finding hearing, wherein the school district and the parent(s) will be allowed to present their reasons.

At the conclusion of that hearing, if both parties are still in disagreement, ODE staff will direct the public school to provide transportation services of some type pending a hearing with the state board in accordance with Chapter 119 of the Revised Code. Following that hearing and a recommendation by the mediator, the state board may approve the payment-in-lieu of

transportation or may order the board of education to continue transporting. That decision is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

Reference: ORC 3327.01
ORC 3327.02