

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 187

Senator Cates

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A B I L L

To amend sections 3313.981 and 3327.01 of the Revised Code to require school districts to provide transportation to the school of attendance for each resident student under sixteen years of age whose parent requests transportation.

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

Section 1. That sections 3313.981 and 3327.01 of the Revised Code be amended to read as follows:

Sec. 3313.981. (A) The state board shall adopt rules requiring all of the following:

(1) The board of education of each city, exempted village, and local school district to annually report to the department of education all of the following:

(a) The number of adjacent district or other district students, as applicable, and adjacent district or other district joint vocational students, as applicable, enrolled in the district and the number of native students enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(b) Each adjacent district or other district student's or

adjacent district or other district joint vocational student's 20
date of enrollment in the district; 21

(c) The full-time equivalent number of adjacent district or 22
other district students enrolled in vocational education programs 23
or classes described in division (A) of section 3317.014 of the 24
Revised Code and the full-time equivalent number of such students 25
enrolled in vocational education programs or classes described in 26
division (B) of that section; 27

(d) Each native student's date of enrollment in an adjacent 28
or other district. 29

(2) The board of education of each joint vocational school 30
district to annually report to the department all of the 31
following: 32

(a) The number of adjacent district or other district joint 33
vocational students, as applicable, enrolled in the district; 34

(b) The full-time equivalent number of adjacent district or 35
other district joint vocational students enrolled in vocational 36
education programs or classes described in division (A) of section 37
3317.014 of the Revised Code and the full-time equivalent number 38
of such students enrolled in vocational education programs or 39
classes described in division (B) of that section; 40

(c) For each adjacent district or other district joint 41
vocational student, the city, exempted village, or local school 42
district in which the student is also enrolled. 43

(3) Prior to the first full school week in October each year, 44
the superintendent of each city, local, or exempted village school 45
district that admits adjacent district or other district students 46
or adjacent district or other district joint vocational students 47
in accordance with a policy adopted under division (B) of section 48
3313.98 of the Revised Code to notify each adjacent or other 49
district where those students are entitled to attend school under 50

section 3313.64 or 3313.65 of the Revised Code of the number of 51
the adjacent or other district's native students who are enrolled 52
in the superintendent's district under the policy. 53

The rules shall provide for the method of counting students 54
who are enrolled for part of a school year in an adjacent or other 55
district or as an adjacent district or other district joint 56
vocational student. 57

(B) From the payments made to a city, exempted village, or 58
local school district under Chapter 3317. of the Revised Code, the 59
department of education shall annually subtract both of the 60
following: 61

(1) An amount equal to the number of the district's native 62
students reported under division (A)(1) of this section who are 63
enrolled in adjacent or other school districts pursuant to 64
policies adopted by such districts under division (B) of section 65
3313.98 of the Revised Code multiplied by the adjusted formula 66
amount for the district; 67

(2) The excess costs computed in accordance with division (E) 68
of this section for any such native students receiving special 69
education and related services in adjacent or other school 70
districts or as an adjacent district or other district joint 71
vocational student; 72

(3) For the full-time equivalent number of the district's 73
native students reported under division (A)(1)(c) or (2)(b) of 74
this section as enrolled in vocational education programs or 75
classes described in section 3317.014 of the Revised Code, an 76
amount equal to the formula amount times the applicable multiple 77
prescribed by that section. 78

(C) To the payments made to a city, exempted village, or 79
local school district under Chapter 3317. of the Revised Code, the 80
department of education shall annually add all of the following: 81

(1) An amount equal to the adjusted formula amount for the district multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section;

(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students, except for any adjacent or other district joint vocational students, receiving special education and related services in the district;

(3) For the full-time equivalent number of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(c) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section;

(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to twenty per cent of the adjusted formula amount for the district.

(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:

(1) An amount equal to the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;

(2) An amount equal to the full-time equivalent number of

students reported pursuant to division (A)(2)(b) of this section 113
times the formula amount times the applicable multiple prescribed 114
by section 3317.014 of the Revised Code. 115

(E)(1) A city, exempted village, or local school board 116
providing special education and related services to an adjacent or 117
other district student in accordance with an IEP shall, pursuant 118
to rules of the state board, compute the excess costs to educate 119
such student as follows: 120

(a) Subtract the adjusted formula amount for the district 121
from the actual costs to educate the student; 122

(b) From the amount computed under division (E)(1)(a) of this 123
section subtract the amount of any funds received by the district 124
under Chapter 3317. of the Revised Code to provide special 125
education and related services to the student. 126

(2) The board shall report the excess costs computed under 127
this division to the department of education. 128

(3) If any student for whom excess costs are computed under 129
division (E)(1) of this section is an adjacent or other district 130
joint vocational student, the department of education shall add 131
the amount of such excess costs to the payments made under Chapter 132
3317. of the Revised Code to the joint vocational school district 133
enrolling the student. 134

(F) As provided in division (D)(1)(b) of section 3317.03 of 135
the Revised Code, no joint vocational school district shall count 136
any adjacent or other district joint vocational student enrolled 137
in the district in its formula ADM certified under section 3317.03 138
of the Revised Code. 139

(G) No city, exempted village, or local school district shall 140
receive a payment under division (C) of this section for a 141
student, and no joint vocational school district shall receive a 142
payment under division (D) of this section for a student, if for 143

the same school year that student is counted in the district's 144
formula ADM certified under section 3317.03 of the Revised Code. 145

(H) Upon request of a parent, and provided the board offers 146
transportation to native students of the same ~~grade level and~~ 147
~~distance from school~~ age under section 3327.01 of the Revised 148
Code, a city, exempted village, or local school board enrolling an 149
adjacent or other district student shall provide transportation 150
for the student within the boundaries of the board's district, 151
except that the board shall be required to pick up and drop off a 152
nonhandicapped student only at a regular school bus stop 153
designated in accordance with the board's transportation policy. 154
Pursuant to rules of the state board of education, such board may 155
reimburse the parent from funds received under division (D) of 156
section 3317.022 of the Revised Code for the reasonable cost of 157
transportation from the student's home to the designated school 158
bus stop if the student's family has an income below the federal 159
poverty line. 160

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 161
and division (D) of section 3311.52 of the Revised Code, this 162
section and sections 3327.011, 3327.012, and 3327.02 of the 163
Revised Code do not apply to any joint vocational or cooperative 164
education school district. 165

~~In all~~ Except as otherwise provided in this section and in 166
section 3327.02 of the Revised Code, each city, local, and 167
exempted village school ~~districts where~~ district shall provide 168
transportation to each resident school ~~pupils in grades~~ 169
~~kindergarten through eight live more than two miles~~ pupil who is 170
less than sixteen years of age and whose parent or legal guardian 171
has requested in writing that transportation be provided. 172
Transportation shall be provided to each such pupil to and from 173
the school for which the state board of education prescribes 174

minimum standards pursuant to division (D) of section 3301.07 of 175
the Revised Code and to which ~~they are~~ the pupil is assigned by 176
the board of education of the district of residence or to and from 177
the nonpublic or community school which ~~they attend the board of~~ 178
~~education shall provide transportation for such pupils to and from~~ 179
~~such school except as provided in section 3327.02 of the Revised~~ 180
~~Code~~ the pupil attends. 181

In all city, local, and exempted village school districts 182
where pupil transportation is required under a career-technical 183
plan approved by the state board of education under section 184
3313.90 of the Revised Code, for any student attending a 185
career-technical program operated by another school district, 186
including a joint vocational school district, as prescribed under 187
that section, the board of education of the student's district of 188
residence shall provide transportation from the public high school 189
operated by that district to which the student is assigned to the 190
career-technical program. 191

In all city, local, and exempted village school districts the 192
board may provide transportation for resident school pupils ~~in~~ 193
~~grades nine through twelve~~ who are sixteen years of age or older 194
to and from the high school to which they are assigned by the 195
board of education of the district of residence or to and from the 196
nonpublic or community high school which they attend for which the 197
state board of education prescribes minimum standards pursuant to 198
division (D) of section 3301.07 of the Revised Code. 199

A board of education shall not be required to transport 200
elementary or high school pupils to and from a nonpublic or 201
community school where such transportation would require more than 202
thirty minutes of direct travel time as measured by school bus 203
from the public school building to which the pupils would be 204
assigned if attending the public school designated by the district 205
of residence. 206

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.

In all city, local, and exempted village school districts the board shall provide transportation for all children who are so crippled 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 educable mentally retarded 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.

Section 2. That existing sections 3313.981 and 3327.01 of the

Revised Code are hereby repealed. 238

Section 3. Sections 1 and 2 of this act shall take effect 239

July 1, 2008. 240