

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 21**

**Representative Luckie**

**Cosponsors: Representatives Phillips, Harwood, Williams, B., Murray, Foley,  
Lehner, Jones, Yuko, Harris**

—

**A B I L L**

To amend sections 3314.09 and 3327.01 and to enact 1  
section 3314.092 of the Revised Code to permit a 2  
school district to surrender the transportation of 3  
its resident high school students attending 4  
community schools to those community schools. 5

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

**Section 1.** That sections 3314.09 and 3327.01 be amended and 6  
section 3314.092 of the Revised Code be enacted to read as 7  
follows: 8

**Sec. 3314.09.** (A) As used in this section and ~~section~~ 9  
sections 3314.091 and 3314.092 of the Revised Code, "native 10  
student" means a student entitled to attend school in the school 11  
district under section 3313.64 or 3313.65 of the Revised Code. 12

(B) Except as provided in section 3314.091 or 3314.092 of the 13  
Revised Code, the board of education of each city, local, and 14  
exempted village school district shall provide transportation to 15  
and from school for its district's native students in accordance 16  
with section 3327.01 of the Revised Code. 17

Sec. 3314.092. (A)(1) A school district board of education 18  
may surrender the transportation of all native high school 19  
students enrolled in community schools, in lieu of the district 20  
transporting those students pursuant to sections 3314.09 and 21  
3327.01 of the Revised Code, if the board, not later than the 22  
first day of June of the school year prior to the school year for 23  
which the surrender is effective, submits a written notice of the 24  
surrender to the governing authority of each community school in 25  
which those native high school students are enrolled. The notice 26  
shall state that the district is planning to transport high school 27  
students during the next school year but is surrendering to the 28  
community school the transportation of its native high school 29  
students enrolled in the community school for that school year, 30  
and that the community school may apply to the department of 31  
education for funding for transporting those students or for 32  
arranging for their transportation. The surrender notice shall be 33  
valid for one school year and may be renewed each subsequent 34  
school year by a notice of renewal submitted in the same manner as 35  
the original surrender notice. If the district board submits a 36  
surrender or renewal notice in accordance with this section, the 37  
district is not required to provide transportation for its native 38  
high school students who are enrolled in the community school even 39  
though it provides transportation to its other native high school 40  
students. The surrender or renewal notice does not apply to 41  
students in grades kindergarten to eight whom the district is 42  
required to transport under sections 3314.09 and 3327.01 of the 43  
Revised Code. 44

(2) A surrender or renewal notice under this section shall 45  
not apply either to any community school that has entered into an 46  
agreement with the school district under division (A) of section 47  
3314.091 of the Revised Code for any school year for which the 48  
agreement is valid or to any community school that has accepted 49

the district's transportation responsibility under division (B) of 50  
that section for any school year for which that acceptance of 51  
responsibility is valid. 52

(B) The governing authority of a community school that 53  
receives a surrender notice under this section may provide or 54  
arrange transportation for high school students enrolled in the 55  
school who would otherwise be transported by the school district 56  
in which the students are entitled to attend school under that 57  
district's transportation policy, for which the governing 58  
authority may apply to the department for funding under division 59  
(C) of this section. The governing authority shall not charge a 60  
fee to any student for transportation for which the governing 61  
authority receives a payment under division (C) of this section. 62  
As used in this section, "entitled to attend school" means 63  
entitled to attend school under section 3313.64 or 3313.65 of the 64  
Revised Code. 65

(C)(1) If a community school governing authority transports 66  
or arranges transportation for high school students under this 67  
section, the department shall make payments to the community 68  
school for each student actually transported or for whom 69  
transportation is arranged by the community school, calculated as 70  
follows: 71

(a) For any fiscal year which the general assembly has 72  
specified that transportation payments to school districts be 73  
based on an across-the-board percentage of the district's payment 74  
for the previous school year, the per pupil payment to the 75  
community school shall be the following quotient: 76

(i) The total amount calculated for the school district in 77  
which the child is entitled to attend school for student 78  
transportation other than transportation of children with 79  
disabilities; divided by 80

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as reported under division (B)(13) of section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under this section. 81  
82  
83  
84  
85  
86

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with division (D) of section 3317.022 of the Revised Code and any rules of the state board of education implementing that division, the payment to the community school shall be the amount so calculated that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student. 87  
88  
89  
90  
91  
92  
93  
94  
95  
96

(2) The department shall deduct the payment under division (C)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (C)(1) of this section in the calculation of the district's transportation payment under division (D) of section 3317.022 of the Revised Code and the operating appropriations act. 97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107

(3) A community school shall be paid under division (C)(1) of this section only for students whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the 108  
109  
110  
111  
112

payments, the community school shall report to the department, in 113  
the form and manner required by the department, data on the number 114  
of students transported or whose transportation is arranged, the 115  
number of miles traveled, cost to transport, and any other 116  
information requested by the department. 117

(4) A community school shall use payments received under this 118  
section solely to pay the costs of providing or arranging for the 119  
transportation of students who are eligible as specified in 120  
section 3327.01 of the Revised Code and this section, which may 121  
include payments to a parent, guardian, or other person in charge 122  
of a child in lieu of transportation. 123

(D) Except when arranged through payment to a parent, 124  
guardian, or person in charge of a child, transportation provided 125  
or arranged for by a community school under this section is 126  
subject to all provisions of the Revised Code, and all rules 127  
adopted under the Revised Code, pertaining to the construction, 128  
design, equipment, and operation of school buses and other 129  
vehicles transporting students to and from school. The drivers and 130  
mechanics of the vehicles are subject to all provisions of the 131  
Revised Code, and all rules adopted under the Revised Code, 132  
pertaining to drivers and mechanics of such vehicles. The 133  
community school also shall comply with sections 3313.201, 134  
3327.02, 3327.09, and 3327.10 of the Revised Code as if it were a 135  
school district. 136

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 137  
and division (D) of section 3311.52 of the Revised Code, this 138  
section and sections 3327.011, 3327.012, and 3327.02 of the 139  
Revised Code do not apply to any joint vocational or cooperative 140  
education school district. 141

In all city, local, and exempted village school districts 142  
where resident school pupils in grades kindergarten through eight 143

live more than two miles from the school for which the state board 144  
of education prescribes minimum standards pursuant to division (D) 145  
of section 3301.07 of the Revised Code and to which they are 146  
assigned by the board of education of the district of residence or 147  
to and from the nonpublic or community school which they attend 148  
the board of education shall provide transportation for such 149  
pupils to and from such school except as provided in section 150  
3327.02 of the Revised Code. 151

In all city, local, and exempted village school districts 152  
where pupil transportation is required under a career-technical 153  
plan approved by the state board of education under section 154  
3313.90 of the Revised Code, for any student attending a 155  
career-technical program operated by another school district, 156  
including a joint vocational school district, as prescribed under 157  
that section, the board of education of the student's district of 158  
residence shall provide transportation from the public high school 159  
operated by that district to which the student is assigned to the 160  
career-technical program. 161

In all city, local, and exempted village school districts the 162  
board may provide transportation for resident school pupils in 163  
grades nine through twelve to and from the high school to which 164  
they are assigned by the board of education of the district of 165  
residence or to and from the nonpublic or community high school 166  
which they attend for which the state board of education 167  
prescribes minimum standards pursuant to division (D) of section 168  
3301.07 of the Revised Code. However, a school district board need 169  
not transport resident community high school pupils when the board 170  
otherwise has elected to transport high school pupils under this 171  
paragraph, as long as it has surrendered transportation of 172  
community high school pupils to the community schools in which 173  
they are enrolled in accordance with section 3314.092 of the 174  
Revised Code. 175

A board of education shall not be required to transport 176  
elementary or high school pupils to and from a nonpublic or 177  
community school where such transportation would require more than 178  
thirty minutes of direct travel time as measured by school bus 179  
from the public school building to which the pupils would be 180  
assigned if attending the public school designated by the district 181  
of residence. 182

Where it is impractical to transport a pupil by school 183  
conveyance, a board of education may offer payment, in lieu of 184  
providing such transportation in accordance with section 3327.02 185  
of the Revised Code. 186

In all city, local, and exempted village school districts the 187  
board shall provide transportation for all children who are so 188  
disabled that they are unable to walk to and from the school for 189  
which the state board of education prescribes minimum standards 190  
pursuant to division (D) of section 3301.07 of the Revised Code 191  
and which they attend. In case of dispute whether the child is 192  
able to walk to and from the school, the health commissioner shall 193  
be the judge of such ability. In all city, exempted village, and 194  
local school districts the board shall provide transportation to 195  
and from school or special education classes for educable mentally 196  
retarded children in accordance with standards adopted by the 197  
state board of education. 198

When transportation of pupils is provided the conveyance 199  
shall be run on a time schedule that shall be adopted and put in 200  
force by the board not later than ten days after the beginning of 201  
the school term. 202

The cost of any transportation service authorized by this 203  
section shall be paid first out of federal funds, if any, 204  
available for the purpose of pupil transportation, and secondly 205  
out of state appropriations, in accordance with regulations 206  
adopted by the state board of education. 207

No transportation of any pupils shall be provided by any	208
board of education to or from any school which in the selection of	209
pupils, faculty members, or employees, practices discrimination	210
against any person on the grounds of race, color, religion, or	211
national origin.	212
<b>Section 2.</b> That existing sections 3314.09 and 3327.01 of the	213
Revised Code are hereby repealed.	214