



# Ohio Legislative Service Commission

## Bill Analysis

John Rau

### H.B. 21

128th General Assembly  
(As Introduced)

**Reps.** Luckie, Phillips, Harwood, B. Williams, Murray, Foley, Lehner, Jones, Yuko, Harris

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## BILL SUMMARY

- Permits a school district to surrender the transportation of its resident high school students attending community schools to those community schools.
- Permits a community school that transports a high school student, for whom the student's resident district has surrendered its transportation responsibility, to apply for a state payment.

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## CONTENT AND OPERATION

### Background

#### A school district's obligation to provide student transportation

Each city, exempted village, and local school district generally must transport to and from school any student in grades K to 8 who resides in the district and who is enrolled in a school that is more than two miles from the student's home. This requirement applies to a district's resident students attending the district's own schools, private schools, and community schools.<sup>1</sup> However, a district is not obligated to transport any private or community school student if the direct travel time exceeds 30 minutes, as measured by school bus between (a) the district school building to which the student otherwise would be assigned and (b) the student's private or community school, regardless of distance. This 30-minute rule does not apply to students attending the district's schools.

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<sup>1</sup> R.C. 3327.01.

The law specifically permits, but in most circumstances does not require, school districts to provide transportation for resident high school students who are not disabled.<sup>2</sup> If a district opts to transport high school students, it appears that the district must offer that service to private and community school students, as well as those attending its own schools. Still, a district need not transport any private or community high school student for whom the direct travel time exceeds 30 minutes.<sup>3</sup>

### **Student transportation by community schools**

Existing law provides mechanisms for community schools to take over the responsibility to transport their students. First, a school district and a community school may enter into a bilateral agreement under which the community school will transport its students and receive a payment specified in the agreement, which will be deducted from the district's state transportation payment.<sup>4</sup> Second, a community school may take over the transportation responsibility unilaterally without entering into an agreement with the students' resident school district by notifying the district by January 1 of the previous school year. In that case, the state payment to the community school for each student the school transports will be the per pupil amount that would have been calculated for the district.<sup>5</sup>

### **Surrender of transportation of high school students to community schools**

(R.C. 3314.09, 3314.092, and 3327.01)

The bill provides another mechanism whereby a community school might take over a district's responsibility to transport students to the community school. The bill's new provision, however, does not require agreement or consent of the community school. Rather, the bill specifies that a school district board of education may "surrender" to a community school the transportation of resident high school students enrolled in the community school. To do so, the district board, by June 1 prior to the school year for which the surrender is effective, must submit a written notice to the

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<sup>2</sup> Some students with disabilities may be entitled to a particular form of transportation as a related service under federal and state special education law.

<sup>3</sup> A school district may offer a parent payment in lieu of transportation, if the district determines that transporting a particular student is impractical, in accordance with statutory standards and procedures (R.C. 3327.02, not in the bill).

<sup>4</sup> R.C. 3314.091(A), not in the bill.

<sup>5</sup> R.C. 3314.091(B).

governing authority of the community school. (A "school year" runs from July 1 to June 30.)<sup>6</sup> The surrender will be valid for one school year at a time, but may be renewed annually by a notice of renewal submitted in the same manner as the original surrender notice.

During a school year for which a surrender or renewal notice is effective, the district is not required to provide transportation for its resident high school students who are enrolled in the community school, even though it provides transportation to its other resident high school students. The surrender or renewal notice does not apply to students in grades K to 8, whom the district still must transport in accordance with continuing law.

If a district surrenders its transportation responsibility of high school students to a community school, the community school is not obliged to provide or arrange transportation, either. But if it does, the school may apply to the Department of Education for transportation funding. As in the case of a community school's unilateral takeover of student transportation under continuing law, the state payment to the community school for each high school student it transports will be the amount that would have been calculated for the district for the transportation mode the district would have used.<sup>7</sup> But the community school does not have to use that same mode of transportation. A community school's state transportation payment for a student will be deducted from the state aid account of the resident school district of that student. A community school may not charge a fee to any student for transportation if it receives a state transportation payment for that student.

Also, as is the case under both of the existing community school transportation provisions, if a community school takes over transportation of its high school students under the bill, it must follow all of the same student transportation regulations pertaining to the construction, design, equipment, and operation of school buses and other vehicles.

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<sup>6</sup> R.C. 3313.62, not in the bill.

<sup>7</sup> Current law, for a unilateral takeover, and the bill specify that a community school's per pupil transportation payment, in years for which transportation payments to school districts are based on an across-the-board percentage of the district's previous year's payment, is the per pupil amount of that district's transportation payment times the number of the district's resident students transported by the community school. In years for which the law specifies a formula-derived payment, the community school's per pupil payment is the amount that would have been calculated for each student's resident district under that formula.

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## HISTORY

ACTION

DATE

Introduced

02-18-09

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