Ohio Revised Code

Section 3327.021 Compliance with transportation requirements.

Effective: October 3, 2023

Legislation: House Bill 33

(A) As used in this section, "out of compliance" means that, for a period of five consecutive school days or ten school days within a school year, at least one of the following has occurred on each of those days:

(1) Students transported to and from school by a school bus arrive more than thirty minutes late to school;

(2) Students transported to and from school by a school bus are picked up more than thirty minutes after the end of the school day;

(3) Students scheduled to be transported to and from school by a school bus are not transported by school bus at all due to the failure of the bus to arrive;

(4) A school district has been noncompliant with any other transportation requirements under Chapter 3327. of the Revised Code.

Any school day in which any of the conditions in divisions (A)(1) to (4) of this section occur due to inclement weather shall not be counted towards the determination of noncompliance under this section.

(B) The department of education and workforce shall monitor whether each city, local, or exempted village school district is out of compliance. If the department determines that a district is out of compliance, the department shall notify a school district that it is out of compliance. The first time a district receives notification of noncompliance, it shall create a corrective action plan and submit that plan to the department within one week of receiving notification of the department's determination. If a district is subsequently found to be out of compliance, the department shall withhold twenty-five per cent of the district's daily payment for student transportation under Chapter 3317. of the Revised Code, as computed by the department, for each day that the district is determined to be out of

compliance, beginning with the first day after the district has submitted the corrective action plan. A district may be found out of compliance two more times within the same school year, with twenty-five per cent of its daily state transportation funding withheld for each day it is determined to be out of compliance.

If a district is determined to be out of compliance for a fifth time in the course of a school year, the department shall withhold one hundred per cent of its daily state transportation aid until the department determines that a district is no longer out of compliance.

The department shall reset the calculation of a district's noncompliance to zero at the beginning of each school year.

(C) For each day, including the initial period that determined noncompliance, that the district is found to be out of compliance under this section and any of the conditions in divisions (A)(1) to (4) of this section occur, the department of education and workforce shall calculate the daily amount of that payment on a per-pupil basis and disburse that per-pupil amount to the district or school in which the pupil is enrolled. The district or school shall then remit those funds to the parent, guardian, or other person in charge of each pupil who did not receive proper transportation while the district was out of compliance. Funds shall be disbursed out of the amount withheld by the department under division (B) of this section.

(D) This section does not affect the authority of a school district to provide payment in lieu of transportation in accordance with section 3327.02 of the Revised Code.

Beginning with disputes regarding determinations of school district noncompliance with transportation obligations arising after December 1, 2023, the department shall issue a determination within thirty days of receiving notice of the dispute. The department may delay a determination to within forty-five days of receiving a dispute notice if the department notifies all affected parties in advance that the determination will be delayed.