

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 582

Representatives Robinson, Piccolantonio

**Cosponsors: Representatives Brennan, Brewer, Brown, Liston, McNally, Miller, J.,
Mohamed, Russo, Somani, Upchurch, Weinstein**

A BILL

To amend sections 3317.0212, 3317.071, 3327.01, and 1
3327.016; to enact new section 3327.021; and to 2
repeal section 3327.021 of the Revised Code to 3
enact the School Busing Improvement Act 4
regarding transportation of students and to make 5
an appropriation. 6

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

Section 1. That sections 3317.0212, 3317.071, 3327.01, and 7
3327.016 be amended and new section 3327.021 of the Revised Code 8
be enacted to read as follows: 9

Sec. 3317.0212. (A) As used in this section: 10

(1) For fiscal years 2024 and 2025, "assigned bus" means a 11
school bus used to transport qualifying riders. 12

(2) For fiscal years 2024 and 2025, "density" means the 13
total riders per square mile of a school district. 14

(3) For fiscal years 2024 and 2025, "nontraditional 15
ridership" means the average number of qualifying riders who are 16

enrolled in a community school established under Chapter 3314. 17
of the Revised Code, in a STEM school established under Chapter 18
3326. of the Revised Code, or in a nonpublic school and are 19
provided school bus service by a school district during the 20
first full week of October. 21

(4) "Qualifying riders" means the following: 22

(a) For fiscal years 2024 and 2025, resident students 23
enrolled in preschool and regular education in grades 24
kindergarten to twelve who are provided school bus service by a 25
school district, including students with dual enrollment in a 26
joint vocational school district or a cooperative education 27
school district, and students enrolled in a community school, 28
STEM school, or nonpublic school; 29

(b) For fiscal year 2026 and each fiscal year thereafter, 30
students specified by the general assembly. 31

(5) "Qualifying ridership" means the following: 32

(a) For fiscal years 2024 and 2025, the greater of the 33
average number of qualifying riders counted in the morning or 34
counted in the afternoon who are provided school bus service by 35
a school district during the first full week of October; 36

(b) For fiscal year 2026 and each fiscal year thereafter, 37
a ridership determined in a manner specified by the general 38
assembly. 39

(6) "Rider density" means the following: 40

(a) For fiscal years 2024 and 2025, the following 41
quotient: 42

A school district's total number of qualifying riders/ the 43
number of square miles in the district 44

(b) For fiscal year 2026 and each fiscal year thereafter, 45
a number calculated in a manner determined by the general 46
assembly. 47

(7) For fiscal years 2024 and 2025, "riders" means 48
students enrolled in regular and special education in grades 49
kindergarten through twelve who are provided school bus service 50
by a school district, including students with dual enrollment in 51
a joint vocational school district or a cooperative education 52
school district, and students enrolled in a community school, 53
STEM school, or nonpublic school. 54

(8) "School bus service" means a school district's 55
transportation of qualifying riders in any of the following 56
types of vehicles: 57

(a) School buses owned or leased by the district; 58

(b) School buses operated by a private contractor hired by 59
the district; 60

(c) School buses operated by another school district or 61
entity with which the district has contracted, either as part of 62
a consortium for the provision of transportation or otherwise. 63

(B) Not later than the first day of November, for fiscal 64
years 2024 and 2025, or a date determined by the general 65
assembly, for fiscal year 2026 and each fiscal year thereafter, 66
of each year, each city, local, and exempted village school 67
district shall report to the department of education and 68
workforce its qualifying ridership and any other information 69
requested by the department. Subsequent adjustments to the 70
reported numbers shall be made only in accordance with rules 71
adopted by the department. 72

(C) The department shall calculate the statewide 73

transportation cost per student as follows: 74

(1) Determine each city, local, and exempted village 75
school district's transportation cost per student by dividing 76
the district's total costs for school bus service in the 77
previous fiscal year by its qualifying ridership in the previous 78
fiscal year. 79

(2) After excluding districts that do not provide school 80
bus service and the ten districts with the highest 81
transportation costs per student and the ten districts with the 82
lowest transportation costs per student, divide the aggregate 83
cost for school bus service for the remaining districts in the 84
previous fiscal year by the aggregate qualifying ridership of 85
those districts in the previous fiscal year. 86

(D) The department shall calculate the statewide 87
transportation cost per mile as follows: 88

(1) Determine each city, local, and exempted village 89
school district's transportation cost per mile by dividing the 90
district's total costs for school bus service in the previous 91
fiscal year by its total number of miles driven for school bus 92
service in the previous fiscal year. 93

(2) After excluding districts that do not provide school 94
bus service and the ten districts with the highest 95
transportation costs per mile and the ten districts with the 96
lowest transportation costs per mile, divide the aggregate cost 97
for school bus service for the remaining districts in the 98
previous fiscal year by the aggregate miles driven for school 99
bus service in those districts in the previous fiscal year. 100

(E) The department shall calculate each city, local, and 101
exempted village school district's transportation base payment 102

as follows:	103
(1) For fiscal years 2024 and 2025:	104
(a) Calculate the sum of the following:	105
(i) The product of the statewide transportation cost per student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;	106 107 108 109
(ii) 1.5 times the <u>The</u> statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code <u>times either of the following:</u>	110 111 112 113 114 115
<u>(I) For fiscal year 2024, 1.5;</u>	116
<u>(II) For fiscal year 2025, 2.0;</u>	117
(iii) 2.0 times the <u>The</u> statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools <u>times either of the following:</u>	118 119 120 121
<u>(I) For fiscal year 2024, 2.0;</u>	122
<u>(II) For fiscal year 2025, 3.0.</u>	123
(b) Calculate the sum of the following:	124
(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district;	125 126 127 128
(ii) 1.5 times the statewide transportation cost per mile	129

times the number of miles driven for school bus service as 130
reported for qualifying riders for the current fiscal year who 131
are enrolled in community schools or STEM schools; 132

(iii) 2.0 times the statewide transportation cost per mile 133
times the number of miles driven for school bus service as 134
reported for qualifying riders for the current fiscal year who 135
are enrolled in nonpublic schools. 136

(c) Multiply the greater of the amounts calculated under 137
divisions (E) (1) (a) and (b) of this section by the following: 138

(i) For fiscal year 2024, the greater of thirty-seven and 139
one-half per cent or the district's state share percentage, as 140
defined in section 3317.02 of the Revised Code; 141

(ii) For fiscal year 2025, the greater of forty-one and 142
two-thirds per cent or the district's state share percentage. 143

(2) For fiscal year 2026 and each fiscal year thereafter, 144
an amount determined by the general assembly. 145

(F) For fiscal years 2024 and 2025, the department shall 146
pay a district's efficiency adjustment payment in accordance 147
with divisions (F) (1) to (3) of this section. For fiscal year 148
2026 and each fiscal year thereafter, the department shall pay a 149
district's efficiency adjustment payment in a manner determined 150
by the general assembly, if the general assembly authorizes such 151
a payment to districts. 152

(1) The department annually shall establish a target 153
number of qualifying riders per assigned bus for each city, 154
local, and exempted village school district. The department 155
shall use the most recently available data in establishing the 156
target number. The target number shall be based on the statewide 157
median number of riders per assigned bus as adjusted to reflect 158

the district's density in comparison to the density of all other 159
districts. The department shall post on the department's web 160
site each district's target number of riders per assigned bus 161
and a description of how the target number was determined. 162

(2) The department shall determine each school district's 163
efficiency index by dividing the district's number of riders per 164
assigned bus by its target number of riders per assigned bus. 165

(3) The department shall determine each city, local, and 166
exempted village school district's efficiency adjustment payment 167
as follows: 168

(a) If the district's efficiency index is equal to or 169
greater than 1.5, the efficiency adjustment payment shall be 170
calculated according to the following formula: 171

0.15 X the district's transportation base payment calculated 172
under division (E) of this section 173

(b) If the district's efficiency index is less than 1.5 174
but greater than or equal to 1.0, the efficiency adjustment 175
payment shall be calculated according to the following formula: 176

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 177
district's transportation base payment calculated under division 178
(E) of this section 179

(c) If the district's efficiency index is less than 1.0, 180
the efficiency adjustment payment shall be zero. 181

(G) In addition to funds paid under divisions (E), (F), 182
and (H) of this section, each city, local, and exempted village 183
district shall receive in accordance with rules adopted by the 184
department a payment for students transported by means other 185
than school bus service and whose transportation is not funded 186

under division (C) of section 3317.024 of the Revised Code. The 187
rules shall include provisions for school district reporting of 188
such students. 189

(H) (1) For purposes of division (H) of this section, a 190
school district's "transportation supplement percentage" means 191
the following: 192

(a) For fiscal years 2024 and 2025, the following 193
quotient: 194

$$(28 - \text{the district's rider density}) / 100 \quad 195$$

If the result of the calculation for a district under 196
division (H) (1) (a) of this section is less than zero, the 197
district's transportation supplement percentage shall be zero. 198

(b) For fiscal year 2026 and each fiscal year thereafter, 199
a percentage calculated in a manner determined by the general 200
assembly. 201

(2) The department shall pay each district a 202
transportation supplement calculated according to the following 203
formula: 204

The district's transportation supplement percentage X the amount 205
calculated for the district under division (E) (1) (b) of this 206
section X 0.55 207

(I) (1) If a school district board and a community school 208
governing authority elect to enter into an agreement under 209
division (A) of section 3314.091 of the Revised Code, the 210
department shall make payments to the community school according 211
to the terms of the agreement for each student actually 212
transported under division (C) (1) of that section. If a 213
community school governing authority accepts transportation 214

responsibility under division (B) of that section, the 215
department shall make payments to the community school for each 216
student actually transported or for whom transportation is 217
arranged by the community school under division (C) (1) of that 218
section, calculated as follows: 219

(a) For any fiscal year which the general assembly has 220
specified that transportation payments to school districts be 221
based on an across-the-board percentage of the district's 222
payment for the previous school year, the per pupil payment to 223
the community school shall be the following quotient: 224

(i) The total amount calculated for the school district in 225
which the child is entitled to attend school for student 226
transportation other than transportation of children with 227
disabilities; divided by 228

(ii) The number of students included in the district's 229
transportation ADM for the current fiscal year, as calculated 230
under section 3317.03 of the Revised Code, plus the number of 231
students enrolled in the community school not counted in the 232
district's transportation ADM who are transported under division 233
(B) (1) or (2) of section 3314.091 of the Revised Code. 234

(b) For any fiscal year which the general assembly has 235
specified that the transportation payments to school districts 236
be calculated in accordance with this section and any rules of 237
the department implementing this section, the payment to the 238
community school shall be the following: 239

(i) For fiscal years 2024 and 2025, either of the 240
following: 241

(I) If the school district in which the student is 242
entitled to attend school would have used a method of 243

transportation for the student for which payments are computed 244
and paid under division (E) of this section, 1.0 times the 245
statewide transportation cost per student, as calculated in 246
division (C) of this section; 247

(II) If the school district in which the student is 248
entitled to attend school would have used a method of 249
transportation for the student for which payments are computed 250
and paid in a manner described in division (G) of this section, 251
the amount that would otherwise be computed for and paid to the 252
district. 253

(ii) For fiscal year 2026 and each fiscal year thereafter, 254
an amount calculated in a manner determined by the general 255
assembly. 256

The community school, however, is not required to use the 257
same method to transport the student. 258

As used in this division, "entitled to attend school" 259
means entitled to attend school under section 3313.64 or 3313.65 260
of the Revised Code. 261

(2) A community school shall be paid under division (I) (2) 262
of this section only for students who are eligible as specified 263
in section 3327.01 of the Revised Code and division (C) (1) of 264
section 3314.091 of the Revised Code, and whose transportation 265
to and from school is actually provided, who actually utilized 266
transportation arranged, or for whom a payment in lieu of 267
transportation is made by the community school's governing 268
authority. To qualify for the payments, the community school 269
shall report to the department, in the form and manner required 270
by the department, data on the number of students transported or 271
whose transportation is arranged, the number of miles traveled, 272

cost to transport, and any other information requested by the 273
department. 274

Sec. 3317.071. For fiscal ~~years 2022 and 2023~~ year 2025, 275
the department of education and workforce shall implement a 276
program to distribute bus purchasing grants of not less than 277
\$45,000 to city, local, and exempted village school districts 278
for the purpose of replacing the oldest and highest mileage 279
buses in the state assigned to routes. The department shall 280
annually collect age, mileage, and vehicle condition data from 281
districts through its transportation data collection system. 282

Sec. 3327.01. Notwithstanding division (D) of section 283
3311.19 and division (D) of section 3311.52 of the Revised Code, 284
this section and sections 3327.011, 3327.012, and 3327.02 of the 285
Revised Code do not apply to any joint vocational or cooperative 286
education school district. 287

In all city, local, and exempted village school districts 288
where resident school pupils in grades kindergarten through 289
eight live more than two miles from the school for which the 290
director of education and workforce prescribes minimum standards 291
pursuant to division (D) of section 3301.07 of the Revised Code 292
and to which they are assigned by the board of education of the 293
district of residence or to and from the nonpublic or community 294
school which they attend, the board of education shall provide 295
transportation for such pupils to and from that school except as 296
provided in section 3327.02 of the Revised Code. 297

In all city, local, and exempted village school districts 298
where pupil transportation is required under a career-technical 299
plan approved by the department of education and workforce under 300
section 3313.90 of the Revised Code, for any student attending a 301
career-technical program operated by another school district, 302

including a joint vocational school district, as prescribed 303
under that section, the board of education of the student's 304
district of residence shall provide transportation from the 305
public high school operated by that district to which the 306
student is assigned to the career-technical program. 307

In all city, local, and exempted village school districts, 308
the board may provide transportation for resident school pupils 309
in grades nine through twelve to and from the high school to 310
which they are assigned by the board of education of the 311
district of residence or to and from the nonpublic or community 312
high school which they attend for which the director of 313
education and workforce prescribes minimum standards pursuant to 314
division (D) of section 3301.07 of the Revised Code. 315

A board of education shall not be required to transport 316
elementary or high school pupils to and from a nonpublic or 317
community school where such transportation would require more 318
than thirty minutes of direct travel time as measured by school 319
bus from the public school building to which the pupils would be 320
assigned if attending the public school designated by the 321
district of residence. 322

Where it is impractical to transport a pupil by school 323
conveyance, a board of education may offer payment, in lieu of 324
providing such transportation in accordance with section 3327.02 325
of the Revised Code. 326

~~A-Except as provided in section 3327.016 of the Revised~~ 327
~~Code, a board of education shall provide transportation to~~ 328
students enrolled in a community school or nonpublic school in 329
accordance with this section on each day in which that school is 330
open for operation with students in attendance, regardless of 331
whether the district's own schools are open for operation with 332

students in attendance on that day. However, a board of 333
education shall not be required to transport elementary or high 334
school pupils to and from a nonpublic or community school on 335
Saturday or Sunday, unless a board of education and a nonpublic 336
or community school have an agreement in place to do so before 337
the first day of July of the school year in which the agreement 338
takes effect. 339

In all city, local, and exempted village school districts, 340
the board shall provide transportation for all children who are 341
so disabled that they are unable to walk to and from the school 342
for which the director of education and workforce prescribes 343
minimum standards pursuant to division (D) of section 3301.07 of 344
the Revised Code and which they attend. In case of dispute 345
whether the child is able to walk to and from the school, the 346
health commissioner shall be the judge of such ability. In all 347
city, exempted village, and local school districts, the board 348
shall provide transportation to and from school or special 349
education classes for mentally disabled children in accordance 350
with standards adopted by the department of education and 351
workforce. 352

When transportation of pupils is provided the conveyance 353
shall be run on a time schedule that shall be adopted and put in 354
force by the board not later than ten days after the beginning 355
of the school term. The operator of every school bus or motor 356
van owned and operated by any school district or educational 357
service center or privately owned and operated under contract 358
with any school district or service center in this state shall 359
deliver students enrolled in preschool through twelfth grades to 360
their respective public and nonpublic schools not sooner than 361
thirty minutes prior to the beginning of school and to be 362
available to pick them up not later than thirty minutes after 363

the close of their respective schools each day. Further, 364
operators shall not deliver students late to school. 365

The cost of any transportation service authorized by this 366
section shall be paid first out of federal funds, if any, 367
available for the purpose of pupil transportation, and secondly 368
out of state appropriations, in accordance with regulations 369
adopted by the department. 370

No transportation of any pupils shall be provided by any 371
board of education to or from any school which in the selection 372
of pupils, faculty members, or employees, practices 373
discrimination against any person on the grounds of race, color, 374
religion, or national origin. 375

A board of education shall provide transportation as a 376
related service for all children with disabilities living in the 377
school district who are enrolled in a nonpublic school if the 378
school district is provided with supporting documentation from 379
the child's individual education program developed pursuant to 380
Chapter 3323. of the Revised Code or an individual service plan 381
developed pursuant to section 5126.41 of the Revised Code. 382

Sec. 3327.016. (A) As used in this section, "eligible 383
student" means a student entitled to transportation services 384
from the city, local, or exempted village school district 385
pursuant to section 3327.01 of the Revised Code. 386

(B) Each community school established under Chapter 3314. 387
of the Revised Code or chartered nonpublic school shall 388
establish the school's start and end times for a particular 389
school year not later than the first day of April prior to that 390
school year. Each community or chartered nonpublic school shall 391
provide such start and end times to each city, local, or 392

exempted village school district that the school expects will be 393
responsible for providing transportation services to eligible 394
students enrolled in the school for that school year. 395

Each city, local, or exempted village school district that 396
receives start and end times for a chartered nonpublic school 397
under this division shall establish tiers of windows of time 398
that best work for the district in transporting the school's 399
eligible students. If a chartered nonpublic school's start and 400
end times fall within one of those tiers, the district shall 401
notify the school of that fact. If a chartered nonpublic 402
school's start and end times do not fall within one of those 403
tiers, the district shall notify the school of that fact and 404
provide the opportunity for the school to change its start and 405
end times. If such school does not change its start and end 406
times, the district is not required to transport the school's 407
students to and from school. 408

(C) Each city, local, or exempted village school district 409
that receives start and end times ~~as prescribed from a community~~ 410
school under division (B) of this section, or receives start and 411
end times from a chartered nonpublic school that fall within one 412
of the tiers of windows of time under division (B) of this 413
section, shall use those start and end times to develop a 414
transportation plan, including transportation routes and 415
schedules, for eligible students who enrolled in ~~a the~~ community 416
or chartered nonpublic school and shall provide such 417
transportation plan to the community or chartered nonpublic 418
school within sixty days after receiving the information 419
described in that division. If a school provides the start and 420
end times to the school district after the first day of April 421
but before the first day of July, the district shall attempt to 422
provide a transportation plan to the school by the first day of 423

August of that school year. For any eligible student who enrolls 424
in a community school, or a chartered nonpublic school that has 425
start and end times that fall within one of the tiers of windows 426
of time under division (B) of this section, after the first day 427
of July prior to that school year, a district shall develop a 428
transportation plan, including transportation routes and 429
schedules, for that student within fourteen business days of 430
receiving a request for transportation services from the 431
student's parent or guardian. 432

Sec. 3327.021. (A) The department of education and 433
workforce shall monitor each city, local, or exempted village 434
school district's compliance with sections 3327.01 and 3327.016 435
and division (B) of section 3327.017 of the Revised Code. Except 436
as provided in division (B) of this section, if the department 437
determines a consistent or prolonged period of noncompliance on 438
the part of the school district to provide transportation as 439
required under those sections, the department shall deduct from 440
the district's payment for student transportation under Chapter 441
3317. of the Revised Code the daily amount of that payment, as 442
computed by the department, for the number of students who did 443
not receive the required transportation, including students who 444
arrived to school late, under those sections for each day that 445
the district is not in compliance. 446

(B) A school district shall not be penalized under this 447
section if the department determines that extenuating 448
circumstances caused the district's failure to comply. The 449
department shall develop a process under which a district may 450
submit information explaining the extenuating circumstances that 451
led to its failure to comply and on how the department may 452
determine that those circumstances caused the failure. 453

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. 454
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Section 2. That existing sections 3317.0212, 3317.071, 3327.01, and 3327.016 of the Revised Code are hereby repealed. 457
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Section 3. That section 3327.021 of the Revised Code is hereby repealed. 459
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Section 4. All items in this act are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all operating appropriations made in this act, those in the first column are for fiscal year 2024 and those in the second column are for fiscal year 2025. The operating appropriations made in this act are in addition to any other operating appropriations made for these fiscal years. 461
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Section 5. 468

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	1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION AND WORKFORCE				
B	General Revenue Fund				
C	GRF	200502	Pupil Transportation	\$0	\$18,000,000
D	TOTAL GRF General Revenue Fund			\$0	\$18,000,000
E	Dedicated Purpose Fund Group				
F	5VU0	200663	School Bus Purchase	\$0	\$50,000,000

G	TOTAL DPF Dedicated Purpose Fund Group	\$0	\$50,000,000
H	TOTAL ALL BUDGET FUND GROUPS	\$0	\$68,000,000

SCHOOL BUS PURCHASE 470

The foregoing appropriation item 200663, School Bus 471
Purchase, shall be used to distribute bus purchasing grants to 472
city, local, and exempted village school districts pursuant to 473
section 3317.071 of the Revised Code. Notwithstanding any 474
provision of law to the contrary, school bus purchase funds 475
awarded in fiscal year 2025 may be used by recipients through 476
fiscal year 2026. 477

GENERAL REVENUE FUND TRANSFER TO SCHOOL BUS PURCHASE FUND 478

On July 1, 2024, or as soon as possible thereafter, the 479
Director of Budget and Management shall transfer \$50,000,000 480
cash from the General Revenue Fund to the School Bus Purchase 481
Fund (Fund 5VU0). 482

Section 6. Within the limits set forth in this act, the 483
Director of Budget and Management shall establish accounts 484
indicating the source and amount of funds for each appropriation 485
made in this act, and shall determine the manner in which 486
appropriation accounts shall be maintained. Expenditures from 487
operating appropriations contained in this act shall be 488
accounted for as though made in, and are subject to all 489
applicable provisions of, H.B. 33 of the 135th General Assembly. 490

Section 7. This act shall be known as the School Busing 491
Improvement Act. 492