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**3301-83-01 Calculation of pupil transportation operation payments.**

(A) Formula for calculation of regular education payment amounts.

(1) Type I (board-owned and operated school buses):

- (a) Funding ~~is shall be~~ computed and distributed as specified in section 3317.0212 of the Revised Code.
- (b) Qualifying ridership ~~is shall be~~ defined according to ~~as the average daily number of qualifying riders who are provided school bus service pursuant to~~ division (A) of section 3317.0212 of the Revised Code.

(2) Type II (contractor-owned and operated school buses):

- (a) Funding ~~is shall be~~ computed and distributed as specified in section 3317.0212 of the Revised Code.
- (b) Qualifying ridership ~~is shall be~~ defined according ~~as the average daily number of qualifying riders who are provided school bus service pursuant to~~ division (A) of section 3317.0212 of the Revised Code.

(3) Other types of transportation service: In accordance with division ~~(F)~~ (G) of section 3317.0212 of the Revised Code, payment ~~will shall~~ be made to each district for transportation service provided for students on other than board-owned or contractor-operated buses. This payment ~~applies shall apply only~~ to eligible students that use transportation services, as reported on the T-1 and T-2 reports submitted to the Ohio department of education and workforce.

- (a) Type III (public utility) - An amount per pupil equal to thirty-five per cent of the ~~state average cost amount~~ as calculated in division (C) of section 3317.0212 of the Revised Code.
- (b) Type V (board-owned vehicles other than school buses) - An amount per pupil equal to fifty per cent of the ~~state average cost~~ amount as calculated in division (C) of section 3317.0212 of the Revised Code.
- (c) Type VI (privately-owned vehicles other than school buses) - An amount per pupil equal to fifty per cent of the ~~state average cost~~ amount as calculated in division (C) of section 3317.0212 of the Revised Code.

(B) Reimbursement for special education transportation.

(1) Reimbursement for special transportation may be approved by the department for children with disabilities attending a special education program approved by the department of education and workforce ~~'s office for exceptional children~~ and/or attending a regular class in a public school, and who have transportation appropriately identified as a related service on their individual education plans.

(2) For eligible children with disabilities, the department ~~will shall~~ calculate reimbursement in accordance with division (C) of section 3317.024 of the Revised Code ~~as follows:~~

- (a) ~~Base amount equals the actual cost of special transportation up to six dollars per instructional day per child and one half the actual cost in excess of six dollars per day.~~
- (b) ~~Base shall be adjusted according to the school district's state share index, or the minimum state share index established in section 3317.0212 of the Revised Code, whichever is larger based upon current~~

**Commented [FH1]:** The language in the rule has been revised to reflect SB 9 (134th GA)'s requirement that restrictive regulatory language be removed. In addition, language that is duplicative of language contained in law or other administrative rules is removed.

**Commented [FH2]:** The cross reference is updated to reflect paragraph remuneration according to HB 110 (134th GA).

**Commented [FH3]:** The title of the agency is updated to reflect changes made by HB 33 (135th GA).

**Commented [FH4]:** The phrase "state average cost" is removed as the term is not used in R.C. 3317.0212(C). This statute provides a method for calculating an amount not a "state average cost."

**Commented [FH5]:** Language is removed from (B)(2) of the rule as R.C. 3317.024 contains the funding calculation language.

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language in the respective biennium budget that addresses such percentages.

~~(e) Formula amount for each district shall be limited by the actual reported cost of special education transportation, and shall also be limited to no more than two hundred per cent of the statewide average cost of transportation per child.~~

~~(d) Final amount as determined in paragraph (B)(2)(c) of this rule shall be prorated as necessary to remain within the budgeted allocation for special education transportation.~~

(3) Reimbursement may be made for transportation of pupils in All vehicles used must be authorized vehicles as defined in rule 3301-83-19 of the Administrative Code. A privately owned vehicle utilized to transport a pupil of the family is not subject to regulation other than that required by state law.

(4) Special education transportation reimbursement does not apply to transportation of Eligible children with disabilities who ride on regular school buses on regular routes ~~are not eligible for special education transportation reimbursement~~. They are to be counted and reported on the department's T-1 and T-2 forms as regular education riders; except that if fifty per cent or more of the passengers on a route are children with disabilities, the cost can be prorated and reported to the department for reimbursement.

(5) The department will provide forms for reporting ~~Re~~ reimbursement claims for transportation of eligible children with disabilities ~~shall be reported on the appropriate form as required by the department.~~

(C) Reporting and annual adjustments

(1) In order to receive transportation operation payments ~~e~~ Each school district will ~~shall~~ file annual reports of all pupils transported, miles traveled, actual costs, and other necessary information for the purposes of calculation and adjustments in amount due. Pupils transported and miles traveled are to ~~shall~~ be reported by vehicle as the average daily number of eligible pupils actually transported and miles traveled during the first full week of October that school is in session for five days. Actual cost is to ~~shall~~ be reported by vehicle on or before the last day of August following the close of the fiscal year.

(2) All adjustments by transportation service type are to ~~shall~~ be made within the first quarter following the close of the fiscal year.

(D) Vehicles approved for use and operational payment: Transportation operation payments may be made for the use of authorized vehicles, as described in rule 3301-83-19, for transportation of pupils to and from school and school related events that conform to state and federal law.

~~(1) Board owned and operated school buses—A vehicle operated by a qualified driver meeting the definition of a school bus successfully passing the annual state highway patrol safety inspection assigned a school bus identification number and painted national school bus chrome with proper black lettering. Vehicle met or exceeded Ohio school bus minimum standards at the time of construction.~~

~~(2) Contractor owned school buses—A vehicle meeting all the requirements of a board owned school bus and requirement of licensing by the Ohio department of highway safety and bonding as required by law.~~

~~(3) Public transit vehicles—Vehicles owned and operated by regional transit authorities, community transit authorities, or privately owned, or taxis, under contract with a board of education and operated on routes designed for the purpose of transporting fare paying passengers and eligible students simultaneously.~~

~~(4) Board owned vehicles other than school buses—A vehicle, nine passenger or less, not including driver,~~

**Commented [FH6]:** Language is updated to align with R.C. 3313.62, which defines a "school week" as five days, and to ensure that payments are based on a full school week of ridership data.

**Commented [FH7]:** Language in (D) is stricken that is duplicative of language in rule 3301-83-19.

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~~with no school bus identification other than school district name.~~

~~(5) Privately owned vehicles other than school buses used in compliance with rule 3301-83-19 of the Administrative Code.~~

~~(6) Privately owned vehicles may include ambulances and/or taxicabs for the purpose of transporting eligible children with disabilities.~~

(E) Operational regulations

(1) Funding will be received for pupils who are eligible for transportation services according to section 3327.01 of the Revised Code. ~~To receive funding for a pupil being transported, the pupil must meet the following criteria:~~

**Commented [FH8]:** Language in (E)(1) is stricken that is duplicative of the transportation eligibility language in R.C. 3327.01, in accordance with R.C. 106.03.

~~(a) Is one whose place of residence is one mile or more from the school of assignment for public school pupils and school of attendance in case of nonpublic and community school pupils when measured in the following manner: "Measurement of distance originates at a point on the traveled portion of the roadway nearest the primary entrance to the place of residence and then along the most direct route traversable excluding interstate routes by motor vehicle to the school bus loading area nearest and opposite the entrance door used by pupils transported"; and~~

~~(b) Is transported from an approved pick up point near the residence, to a school of assignment in the case of public school pupils, and to the school of attendance in the case of nonpublic school pupils and who is returned from the school of assignment or attendance to the designated pick up point; and~~

~~(c) Is enrolled in grades kindergarten through twelve and regularly transported to and from a public school; or~~

~~(d) Is enrolled in grades kindergarten through twelve and regularly transported to and from a nonpublic school chartered by the state board of education and eligible for transportation service; or~~

~~(e) Is enrolled in grades kindergarten through twelve and regularly transported to and from a community school that assumed responsibility for arranging or providing pupil transportation in accordance with section 3314.091 of the Revised Code.~~

(2) Miles traveled to transport eligible pupils participating in an open enrollment program may be reported for payment purposes by the resident district from home to the designated border pick-up point and by the educating school district from the border pick-up point to the building of attendance in the educating district. If the educating district or the resident district provides all the open enrollment transportation for a student, the miles may be reported by the district providing the service.

(3) Miles traveled from bus storage location or school building to first student pick-up, all route miles, and return to storage both a.m. and p.m., including kindergarten miles, are approved for payment purposes.

(4) Miles traveled to and from storage locations outside the county or counties of the school district location are not approved miles for payment purposes. Miles traveled from county line to first pick-up and return to county line are approved miles.

(5) Total annual miles for payment purposes are shall be calculated by multiplying total daily miles by one hundred eighty days.

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- (6) Recalculation of pupil transportation operation payment amount due may be approved when:
- (a) Local board policy or routing is revised to provide transportation service for additional pupils or increased miles on or before the first of February, and providing such change in policy is to continue in effect for the remainder of the school year; or
  - (b) A community or nonpublic school is chartered for operation subsequent to the initial reporting period; or
  - (c) School district erroneously reports, or the department errs in actual calculation of amount due.
- (7) School districts contracting with transit authorities for the purpose of transporting eligible pupils to and from school may be reimbursed if:
- ~~(a) shall require the~~ transit authority director ~~to file~~s with the district board of education actual operational costs in excess of, or less than, reimbursement as provided for by paragraph (A)(3) of this rule by the close of each fiscal year; and
  - ~~(b). Such report shall be filed with the board of education at the close of each fiscal year. The district~~ Each board of education ~~shall file~~s with the department all transit authority and local board costs on or before the twentieth day of July of each year.
- (8) Miles traveled to transport resident preschool children and school age pupils to preschool programs and school-age child-care programs (for example, latchkey programs) are not reimbursable. School age pupils may be counted for reimbursement only once if eligible for routine transportation.

**Commented [FH9]:** Language in paragraph (E)(8) is relocated from rule 3301-83-17(A)(5).