

May 23, 2023

To Senator Dolan and the Senate Finance Committee --thank you for the opportunity to testify in opposition to House Bill 33.

I am writing to you today with concern about H.B.33 and some of the challenges it poses to the districts and the impact it could have both financially and operationally. I completely understand that the Department of Education section has many favorable outcomes for the districts. A couple of executive orders with respect to school transportation services poses a few challenges and could prove to be costly to districts. Whereas negating the financial benefits in this bill, I have to believe that is not the intent of this bill or our lawmakers. The areas of concern are EDUCD101 Transportation of grades K-8 private and community school students (RC 3327.01) pg 182, EDUCD92 School vehicle authorization (RC4511.76) pg 182, EDUCD114 Student transportation noncompliance penalty (R.C. 3327.021) pg 155 and EDUCD106 Pupil transportation pilot program (Section: 265.550) pg 185. It is my hope that I will be able to share with you some information for your consideration.

**EDUCD101 Transportation of grades K-8 private and community school students (RC 3327.01) pg. 182**

In order to accommodate 3321.01 in its new language, at Kenston we would need to place an additional 12 buses on the road where 2 buses currently cover the non-public schools we transport since we do shuttle/hub service. The additional cost would be \$1.1 million in day to day operations plus the cost of equipment. Let's not forget the manpower needed to operate the buses in our current climate is also a challenge we face. That would mean we would need 12 more drivers at the minimum and at least 1 more substitute driver. The cost to train those drivers if they do not have CDL's would need to be considered. The time to train a new driver is 3-6 months from start to finish.

**EDUCD114 Student transportation noncompliance penalty (R.C. 3327.021) pg 155**

I understand that this language is better than the current language of the removal of full days of state funding. Please understand that every district is trying their best to transport our state's school children. Keeping in mind that the yellow school bus is the safest form of transportation for our school children. Many districts are evaluating routing, free/paid bus driver training, increasing wages, lowering the cost of benefits and offering attendance incentives just to name a few to entice individuals to drive a school bus and promote perfect attendance to not disrupt service to our families. Like many other businesses all over the United States we are struggling to fill our open positions. To remove funding for something beyond a district's control can only further hinder the efforts of incentivising individuals to the transportation industry. Instead, I ask that we come together to find a better solution to the national bus driver shortage. I have to believe as lawmakers and industry professionals we can come up with some sort of solution versus removing much needed funding.

**EDUCD92 School vehicle authorization (RC4511.76) pg. 182**

Please know that currently we do not have this authorization to transport Regular Education students in a van. So therefore, there is currently no provision to receive funding for headcount and database for van inventory to even capture those numbers currently. Additional language would need to be put in for reimbursements to districts. Again some districts may need to purchase equipment to accommodate this, that simply is not easy to buy at this time. The current cost for a 9 passenger MPV is \$88,426.00. Also, keep in mind that our school children are the safest when riding a yellow school bus.

**EDUCD106 Pupil transportation pilot program (Section: 265.550) pg. 185**

My concerns with this pilot program is that the districts would be competing with the ESC's for the same people to drive for the districts. The next concern I have is how would they get equipment in enough time to start the school year. With a budget of \$1.0 million that gives the 5 ESC's \$200,000.00 each to buy the equipment needed and staff the department. Some of the challenges I see with this is having a person on staff to train, staff, route, answer phones, process reports and facility to house/repair the equipment? Who will maintain the equipment to keep it up to the Ohio State Highway Patrol Standards? Currently, the ESC's are not equipped to run this kind of operation. One solution I have could be to give extra funding to districts who coordinate services with other districts for transportation purposes. This might help with districts who are having an issue with the non-compliance issue. It could incentivize districts to collaborate on a regular basis with neighboring districts.

**Equipment costs and challenges in getting said equipment**

As I mentioned above there may become a need for many districts including Kenston to provide the service this bill is proposing. At Kenston I would have to purchase 12 additional buses. The cost of a bus currently is around \$108,000.00 each. With a turnaround time we are told of 18 months out for orders. In addition to my day to day, in the 2023-2024 school year I would need an additional \$1.3 million to purchase buses. Also I would be out of compliance as I would not have them until sometime in the 2024-2025 school year. This would bring my total for the year 2023-2024 school year to an additional \$2.2 million with current compliance language. This would be the cost of new buses and compliance fines. My overall operational expenses are normally around \$2.2 million.

In a recent request for records at ODE I feel like we are creating laws around what we already have. This seems to be a small issue that can be addressed on an individual basis. None of the other rules are met with such severe consequences. Below I have taken the liberty to list the current laws. Please see the bottom of this testimony.

As mentioned above, I recently asked ODE for a records request of how many districts who have struggled with compliance since this all started. Here is the information that I was provided with:

**2021-2022 School Year**

Total number of non-compliance complaints

66

Number of schools that had complaints of non-compliance

18 districts

Actual districts found to be non-compliant

6 districts

## **2022-2023 School Year**

Total number of non-compliance complaints

271

Number of schools that had complaints of non-compliance

22 districts

Actual districts found to be non-compliant

4 districts

Districts filing court proceedings

Toledo, Dayton, Columbus

I understand that we all want what's best for our students. Riding a school bus is what is best for all our students. Trust me, as a school transportation professional we all want to get our students back and forth from whatever school they attend. Unfortunately, we are faced with many challenges beyond our control. We want to be part of the solution and help our lawmakers and families come up with solutions together. Please amend the language to remove EDUCD101 Transportation of grades K-8 private and community school students (RC 3327.01) pg 182, EDUCD92 School vehicle authorization (RC4511.76) pg 182, and EDUCD106 Pupil transportation pilot program (Section: 265.550) pg 185. Amend the language for EDUCD114 Student transportation noncompliance penalty (R.C. 3327.021) pg 155 to say that no penalties will be imposed, but an improvement plan would be put in place to address the issue. This would be a collaboration of district officials, area coordinators and the pupil transportation office at ODE.

In closing, I ask that lawmakers bring some school transportation professionals at the district level to the table to help come up with language so that we all can be successful in doing what we say we will and what the law stipulates. I also ask that ODE and Area Coordinators deal with a small number of districts and schools of choice on a collaborative basis to help be a mediator between the district, parents and non-public organizations. There is a national bus driver

shortage that we as transportation professionals are desperately trying to figure out. We want every Ohio school student on our buses. I fear HB 33 will only put the industry further behind.

Thank you for your consideration,  
Melody Coniglio CSNT/CDPT  
Director of Transportation, Kenston Local School District  
Region 3 Director, National Association of Pupil Transportation

**The current law for providing transportation to community and non-public schools is 3321.01**

Notwithstanding division (D) of section [3311.19](#) and division (D) of section [3311.52](#) of the Revised Code, this section and sections [3327.011](#), [3327.012](#), and [3327.02](#) of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section [3327.02](#) of the Revised Code.

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section [3313.90](#) of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code.

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

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section [3327.02](#) of the Revised Code.

A board of education shall provide transportation to students enrolled in a community school or nonpublic school in accordance with this section on each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for mentally disabled children in accordance with standards adopted by the state board of education.

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

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

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

Of course we as districts can declare impracticality and offer to pay the families to transport their students. That is 3327.02. Many districts are trying not to go this route. We as transportation professionals want to transport our school children to whatever school their parents choose for them. Here is that law for you.

(A) After considering each of the following factors, the board of education of a city, exempted village, or local school district, or a community school governing authority providing transportation pursuant to section [3314.091](#) of the Revised Code, may determine that it is impractical to transport a pupil who is eligible for transportation to and from a school under section [3327.01](#) of the Revised Code:

- (1) The time and distance required to provide the transportation;
- (2) The number of pupils to be transported;
- (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;
- (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;
- (6) Whether other reimbursable types of transportation are available.

(B) Based on its consideration of the factors established in division (A) of this section, the board or governing authority may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality. Such determination shall be made not later than thirty calendar days prior to the district's or school's first day of instruction, or in the case of a student who enrolls within thirty calendar days prior to the first day of instruction or on or after the first day of instruction, not later than fourteen calendar days after the student's enrollment. The determination may be made by the superintendent and formalized at the next following meeting of the board or governing authority.

The board or governing authority shall report its determination to the state board of education in a manner determined by the state board.

In addition, the board or governing authority shall issue a letter to the pupil's parent, guardian, or other person in charge of the pupil, the nonpublic or community school in which the pupil is enrolled, and to the state board with a detailed description of the reasons for which such determination was made.

(C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following:

- (1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:

(a) The resolution;

(b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than fifty per cent, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. A parent, guardian, or other person in charge of the pupil may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf during the mediation proceedings.

(b) If the mediation does not resolve the dispute, the state board shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district or governing authority shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.

(F)(1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to fifty per cent of the cost of providing transportation as determined by the board or governing authority under division (A)(3) of this section, and not more than two thousand five hundred dollars. The school district board or governing authority shall make payments on a schedule ordered by the department.

(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a

nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section [3317.0212](#) of the Revised Code or other provisions of law. The department shall use the moneys so deducted to make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation.

(G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following:

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

(H) At any time after a parent, guardian, or other person in charge of a pupil requests transportation for a pupil, that parent, guardian, or other person may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf for purposes of this section.