

3301-83-01

Calculation of pupil transportation operation payments.

~~(A) Authority – Pupil transportation operation payment amount for each school district shall be determined as prescribed by the general assembly in section 3306.12 of the Revised Code.~~

~~(B) Eligibility – Payment for pupil transportation operation shall be made to all city, exempted village, and local school districts eligible for school foundation funding as provided for by Chapter 3306. of the Revised Code.~~

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

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

(a) Funding shall be computed and distributed as specified in section ~~3306.12~~ 3317.0212 of the Revised Code.

(b) Qualifying ridership shall be defined as the average daily number of ~~enrolled pupils actually qualifying riders who are provided school bus service riding~~ pursuant to division (A) of section 3317.0212 of the Revised Code. ~~paragraph (E)(1) of this rule.~~

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

(a) Funding shall be computed and distributed as specified in section 3317.0212 ~~3306.12~~ of the Revised Code.

(b) Qualifying ridership shall be defined as the average daily number of ~~enrolled pupils actually riding~~ qualifying riders who are provided school bus service a bus pursuant to division (A) of section 3317.0212 of the Revised Code. ~~paragraph (E)(1) of this rule.~~

(3) Other types of transportation service: In accordance with division ~~(FK)~~ of section ~~3317.0212~~3306.12 of the Revised Code, payment shall be made to each district for transportation service provided for students on other than board-owned or contractor_ operated buses. This payment 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.

(a) Type III (public utility) - An amount per pupil equal to thirty-five per cent of the state average cost as calculated in division (C) of section 3317.0212~~3306.12~~ of the Revised Code.

~~(b)~~ Type IV (payment in lieu of transportation) - An amount per pupil equal to ~~thirty-five per cent of the state average cost as calculated in division (C) of section 3306.12 of the Revised Code.~~

~~(e)~~(b) Type V (board-owned vehicles other than school buses) - An amount per pupil equal to fifty per cent of the state average cost as calculated in division (C) of section ~~3306.12~~ 3317.0212 of the Revised Code.

~~(d)~~(c) Type VI (privately-owned vehicles other than school buses) - An amount per pupil equal to fifty per cent of the state average cost as calculated in division (C) of section ~~3306.12~~ 3317.0212 of the Revised Code.

~~(4)~~ Payment for extra service miles for regular education children run on days public school is not in session may be made for types I, II, V, and VI. Payment shall be calculated by multiplying the extra miles by an amount per mile equal to thirty five per cent of the state average cost as calculated in division ~~(D)~~ of section ~~3306.12~~ of the Revised Code.

~~(D)~~(B) Reimbursement for special education transportation.

(1) Reimbursement for special transportation may be approved by the ~~department's~~ department office of pupil transportation for children with disabilities attending a special education program approved by the department's office ~~of~~ 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 shall calculate reimbursement 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 language in the respective biennium budget that addresses such percentages ~~by the greater of sixty per cent or the district state share percentage.~~

(c) 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)(D)~~(2)(c) of this rule shall be prorated as necessary to remain within the budgeted allocation for special education transportation.
- (3) 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) 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) Reimbursement claims for transportation of children with disabilities shall be reported on the appropriate form as required by the department ~~department's center for school finance~~.

~~(E)(C)~~ Reporting and annual adjustments

- (1) Each school district 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 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. Actual cost shall be reported by vehicle on or before the ~~last~~first day of August following the close of the fiscal year.
- (2) All adjustments by transportation service type shall be made within the first quarter following the close of the fiscal year.

~~(E)(D)~~ Vehicles approved for use and operational payment

- (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, 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.

~~(G)~~(E) Operational regulations

- (1) To receive funding for a pupil being transported, the pupil must meet the following criteria: ~~Only pupils eligible for payment may be included in the counts as reported in paragraph (E)(1) of this rule. An "eligible pupil" must meet the following criteria:~~
 - (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) ~~Nonresident non-open enrollment pupils regularly transported may be reported for payment purposes only when such pupils are released by the district of residence.~~

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 shall be calculated by multiplying total daily miles by one hundred eighty days.
- (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 nonpublic school is chartered for operation subsequent to the initial reporting period; or:
 - (c) School district erroneously reports or ~~the Ohio department of education~~ 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 shall require the transit authority director to file with the board of education actual operational costs in excess of, or less than, reimbursement as provided for by paragraph ~~(A)~~(3) of this rule. Such report shall be filed with the board of education at the close of each fiscal year. Each board of education shall file with the ~~Ohio~~ department of education all transit authority and local board costs on or before the twentieth day of July of each year.

~~(8) Type IV, payment to parent or guardian in lieu of transportation service for eligible pupils whose transportation is deemed impractical by school conveyance, must be declared as being impractical by board of education resolution. Payment under this type will not be made for pupils who live within two miles of their school of attendance.~~

~~Post-secondary transportation shall be reported as type IV when pupils are eligible for such reimbursement under law and any rules adopted by the state board of education.~~

~~(9) For payment purposes, all school districts providing transportation service to nonpublic or vocational schools on days public schools are not in session and shuttle service to joint vocational schools may report on forms provided by the Ohio department of education such additional miles.~~

Effective:

Five Year Review (FYR) Dates: 2/6/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4511.76, 3301.07
Rule Amplifies: 4511.76
Prior Effective Dates: 11/01/1975, 12/28/1977, 12/28/1979, 03/22/1982,
04/01/1984, 05/01/1986, 04/01/1988, 05/01/1992,
05/06/1994, 10/01/2004, 05/19/2006, 02/25/2007,
03/25/2010

TO BE RESCINDED

3301-83-03

Purpose.

The purpose of Chapter 3301-83 of the Administrative Code is to reduce and prevent, to the greatest extent possible, death or injury to pupils and to ensure uniform, economical and efficient pupil transportation operations.

Effective:

Five Year Review (FYR) Dates: 2/6/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4511.76, 3301.07
Rule Amplifies: 4511.76
Prior Effective Dates: 03/31/1975, 08/01/1980, 10/22/1984, 10/05/1998

TO BE RESCINDED

3301-83-03

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Effective:

Five Year Review (FYR) Dates: 2/6/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 4511.76, 3301.07
Rule Amplifies: 4511.76
Prior Effective Dates: 03/31/1975, 08/01/1980, 10/22/1984, 10/05/1998

3301-83-04

Scope and definition.

The rules in this chapter are designed to establish minimum requirements for a safe pupil transportation program, including management, general operation, maintenance of school buses and other transportation vehicles, training of personnel, pupil management, driver qualifications and emergency procedures.

The rules in this chapter shall apply to all student transportation operations pursuant to section 4511.76 of the Revised Code.

As contained in this chapter, "school bus owner" means the board of education of a city, local or exempted village school district, the governing board of an educational service center, county boards of ~~mental retardation and~~ developmental disabilities, and the governing authority of all non-public schools, community schools, private contractors and head start programs.

The rules in this chapter shall not apply to parental transportation that is provided outside the authority of a school or education program, or by any parent for their own children.

Effective:

Five Year Review (FYR) Dates: 2/6/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3301.07, 4511.76
Rule Amplifies: 3301.07, 3327.08, .3327.09, and 3327.10; 4511.76
Prior Effective Dates: 10/22/1984, 07/01/1991, 10/05/1998, 11/13/2001,
05/23/2008

3301-83-05 **Administration.**

Responsibility for administration of pupil transportation operation and safety rules

(A) The state agencies responsible for pupil transportation may assist in pupil transportation operation and safety by providing:

- (1) Leadership;
- (2) Management;
- (3) Safety programs; and
- (4) Training programs.

(B) The state agencies responsible for pupil transportation shall assist in pupil transportation operation and safety by providing:

- (1) Disbursement of state funding;
- (2) Standards for school bus construction;
- (3) Rules for pupil transportation operations; and
- (4) Forms and reports.

(C) All school bus owners may designate a transportation ~~Director~~director/supervisor to administer the transportation program and ~~shall~~ be responsible for the management and supervision of:

- (1) Personnel;
- (2) Safety;
- (3) Training;
- (4) Operations; and
- (5) Maintenance.

(D) The Ohio department of education shall assist city, exempted, village, and local school districts by performing official timings to determine whether pupils attending non-public or community schools are eligible for transportation in accordance with section 3327.01 of the Revised Code. Eligibility shall be determined by measuring the most direct route 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 to

the school bus loading area nearest and opposite the entrance door used by pupils transported at the attending non-public or community school.

Effective:

Five Year Review (FYR) Dates: 2/6/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3301.07, 4511.76
Rule Amplifies: 4511.76
Prior Effective Dates: 10/22/1984, 07/01/1991, 10/05/1998

3301-83-09

Pupil instruction.

- (A) ~~All school districts shall implement a program to provide safety~~ ~~be given~~ ~~Safety instruction shall~~ ~~be given~~ to all regularly transported pupils in grades kindergarten through ~~third~~ ~~three~~ within two weeks after the commencement of classes each school year pursuant to section 3327.16 of the Revised Code and in accordance with the guidance provided by the Ohio department of education (www.education.ohio.gov). ~~(see section 3327.16 of the Revised Code)~~. The program shall include but not be limited to:
- (1) Safe walking practices to and from the bus stop.
 - (2) Wearing of light-colored or reflective clothing when going to and from the bus stop in darkness.
 - (3) How and where to wait safely for the bus including how to avoid personal risks involving strangers.
 - (4) What to do if the bus is late or does not arrive.
 - (5) How to enter and leave the bus safely. This instruction shall include the potential hazards regarding the snagging of clothing, backpacks, or other items, as well as items which may be dropped around or under the bus.
 - (6) Safe riding practices (including instruction on rule 3301-83-08 of the Administrative Code, pupil transportation management policies).
 - (7) Safely crossing the highway before boarding and after leaving the bus.
 - (8) Respect for the rights and privileges of others.
 - (9) The dangers of trespassing in a railroad right-of-way and other dangerous areas.
- (B) Pupils enrolled in grades four through twelve and regularly transported shall be properly instructed in safety procedures on and around the school bus.
- (C) Passengers participating in nonroutine use of school buses shall receive safety instructions at the beginning of the bus trip. (The return portion of a round trip event is excluded from this requirement.) Instruction shall include identification of safety exits, the requirement to keep aisles clear, the requirement to remain seated while the bus is in motion, and other rules as adopted by local policy.
- (D) The procedure in paragraphs (A), (B), and (C) of this rule may require modification for pre-school and special needs children.

Effective:

Five Year Review (FYR) Dates: 2/6/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3301.07, 4511.76
Rule Amplifies: 3327.16, 4511.76
Prior Effective Dates: 10/22/1984, 07/01/1991, 10/05/1998, 05/23/2008,
07/25/2013

3301-83-10

Personnel training program.

(A) Minimum school bus driver training requirements

The Ohio pre-service school bus driver training program, as instituted by the Ohio department of education shall be successfully completed by each beginning driver. Upon completion of the following requirements and meeting all driver qualifications described in rule 3301-83-06 of the Administrative Code, a school bus driver training certificate from an Ohio pre-service school bus driver training ~~instructor~~ instructor, which shall expire six years from the date of issuance, shall be issued to the driver.

(1) To achieve an acceptable level of competence, a minimum of twelve hours of on-the-bus instruction is required and shall be completed prior to a driver being assigned to operate a school bus with pupils on board. This instruction shall consist of:

- (a) Pre-trip inspection, control systems and dashboard instrumentations, and mirror adjustment;
- (b) Identification of acceptable driving techniques;
- (c) Starting the engine;
- (d) Position of hands for steering;
- (e) Shifting ~~and/or~~ the automatic and/or standard transmissions;
- (f) Off road CDL maneuvers including alley docking procedures (45/90 degree), straight line backing, off-set backing, parallel parking blind side, parallel parking sightside;
- (g) Starting into traffic and pulling to the curb;
- (h) Entering and leaving the freeway;
- (i) Stopping for emergencies;
- (j) Speed control;
- (k) Changing lanes;
- (l) Passing;
- (m) Intersections - stop and through;
- (n) Left and right turns;

- (o) Turn-arounds;
- (p) Loading and unloading pupils;
- (q) Railroad crossings;
- (r) Practice driving utilizing a detailed route sheet;
- (s) Emergency evacuation procedures;
- (t) Miscellaneous items to include at least the following:
 - (i) Special driving situations;
 - (ii) Special trips;
 - (iii) Regular trip restrictions;
 - (iv) Environmental compliance issues;
 - (v) Fatigue and wellness;
 - (vi) Handling equipment and cargo; and
 - (vii) Hours of service requirements.
- (u) Student management; and
- (v) School bus security.

~~(2) Upon meeting all driver qualifications described in rule 3301-83-06 of the Administrative Code, which include an Ohio school bus driver training certificate, and upon obtaining a valid CDL, the driver shall~~

- ~~(a) Observe a route with an experienced driver with students onboard; and~~
- ~~(b) Drive a route with an experienced driver and students onboard.~~

~~(3)~~(2) Fifteen hours minimum of pre-service classroom instruction shall be completed prior to operating a school bus with pupils on board. This instruction shall consist of the following:

- (a) School bus and commercial driver license requirements;
- (b) Public relations;

- (c) Pre-driving instructions;
 - (d) Driving the bus;
 - (e) Defensive driving;
 - (f) Pupil management, including bullying behaviors;
 - (g) Safety and emergency procedures;
 - (h) Use of first aid and blood borne pathogens equipment;
 - (i) Transporting the preschool and special needs children, including a practical overview of the characteristics and needs of those individuals;
 - (j) Fuel conservation, ~~and~~ air quality and other environmental issues;
 - (k) Radio/cellular phone communication;
 - (l) Motor vehicle laws and Ohio pupil transportation operation and safety rules;
 - (m) School district policies; and
 - (n) Drug and alcohol requirements.
- (3) The school bus driver will demonstrate familiarity with the topics covered in the pre-service training at the completion of the pre-service training.
- (4) Upon meeting all driver qualifications described in rule 3310-83-06 of the Administrative code, which include an Ohio school bus driver training certificate, and upon obtaining a valid CDL, the school bus driver shall:
- (a) Observe a morning and afternoon route with pickup and discharge of students with an experienced school bus driver; and
 - (b) Drive a morning and afternoon route performing pickup and discharge of students with an experienced school bus driver; and
 - (c) Comments from the experienced school bus driver shall be listed on the T-9 form.
- (4)(5) Each school bus owner shall provide and require additional training for drivers and bus aides who transport pre-school and special needs students. Such training shall be completed prior to operating a bus with pre-school and special needs children on board and shall include:

- (a) Appropriate behavior management, including bullying behaviors;
 - (b) Physical handling;
 - (c) Effective communication;
 - (d) Use and operation of adaptive equipment;
 - (e) An understanding of related behaviors and/or the particular disabling conditions; and
 - (f) Administer health care according to their qualifications and the needs of the student.
- ~~(5) In unusual circumstances, with the exception of safety and emergency procedures, pupil management and school bus owner policies, the fifteen hours of classroom instruction may be completed within the first three months of employment. A temporary certificate shall be issued for operation of a school bus during the training period. A satisfactory state and federal criminal background check must be completed prior to the issuance of the temporary certificate. Such temporary certificates can only be issued to individuals attempting to certify for the first time or drivers whose pre-service certificate has not expired within the last twelve months.~~
- (6) To be considered valid, all portions of the training required by this rule shall be completed and reported to the ~~Ohio department of education~~ within a twelve-month period. Pre-service and re-certification classes are valid for twelve months from the last day class is completed. Once the requirements have been met and the on-the-bus instructor has signed the application for the Ohio pre-service school bus driver training certification, T-9 form, the school bus owner shall sign and file the T-9 form with the ~~is signed by the school bus owner, it shall be filed with the Ohio department of education~~ within thirty days in the method as prescribed by the department.
- (7) Supporting documentation of records of completion of the requirements in paragraph (A) of this rule shall be filed with the ~~Ohio department of education~~ in the method prescribed by the department prior to a school bus driver training certificate being issued. Copies of original records shall be maintained by the school bus owner for a minimum of six years.
- (8) Upon approval of the department and in the case of unusual circumstances, with the exception of safety and emergenc procedures, pupil management and school bus owner policies, the fifteen hours of classroom instruction may be completed within forty-five days of employment. A temporary certificate shall be issued

for the operation of a school bus during the training period. A satisfactory state and federal criminal background check must be completed prior to the issuance of the temporary certificate. Temporary certificates shall only be issued to first time drivers seeking certification or drivers with current unexpired pre-service certificates.

(B) Annual in-service training

The board of education or governing board/administrator shall require all regular and substitute school bus drivers, all drivers of vehicles other than school buses, and bus aides to attend an annual inservice training program. This training may be offered in one session, or multiple sessions as determined by each employer. The employer may also recognize, but is not required to accept training offered by other sources in lieu of their own program. School bus drivers and aides shall ~~must~~ participate in a minimum of four hours of training. The training shall be based on a needs assessment that must include one or more of the following:

- (1) School bus and commercial driver license requirements;
- (2) Public and staff relations;
- (3) Equipment and care, including the operation of all adaptive equipment needed to safely transport pre-school and special needs students;
- (4) Driving the bus;
- (5) Defensive driving;
- (6) Highway/railroad grade crossing safety;
- (7) Pupil management, including bullying behaviors;
- (8) Safety and emergency procedures;
- (9) Use of first aid and blood borne pathogens equipment;
- (10) Transporting the preschool and special needs children;
- (11) Motor vehicle laws and Ohio pupil transportation operation and safety rules;
- (12) Signs, signals and pavement markings;
- (13) Fuel conservation;
- (14) Radio/cellular phone communications;

(15) Detailed route sheets.

(C) Pupil transportation director/supervisor training

Pupil transportation administrators are required to participate in a minimum of four hours of related training annually. School bus owners should encourage and support directors/supervisors of pupil transportation to attend local, regional, state and national workshops and conferences devoted to the management, supervision, organization and technical components of pupil transportation.

(D) School bus mechanic training

Each school bus owner shall provide the opportunity for school bus maintenance personnel to participate in an annual workshop or training seminar, with a minimum of four hours of instruction, in one or more of the following areas:

- (1) Preventive maintenance procedures;
- (2) Repair procedures for each type of vehicle in the fleet and its special equipment;
- (3) Servicing procedures for equipment;
- (4) Inspection of the vehicle and its equipment;
- (5) Recovery procedures for vehicles involved in an accident or breakdown;
- (6) Preparation of maintenance records;
- (7) Parts and equipment purchasing and storage; and
- (8) Establishment of parts inventory control procedures.

(E) On-the-bus instructors

- (1) All school bus owners shall select and have a designated on-the-bus instructor or contract to obtain the services of a certified on-the-bus instructor. ~~The recommended number of on-the-bus instructors is one per twenty drivers.~~
- (2) On-the-bus instructor(s) shall be trained and certified by an Ohio pre-service school bus driver training instructor. On-the-bus instructor(s) shall attend annual in-service trainings as scheduled and provided by the Ohio pre-service school bus driver training instructor.

- (3) An on-the-bus instructor verification shall be indicated in the ~~Ohio department's of education's~~ web-based driver's record (SFPS) and shall remain valid unless revoked by the Ohio pre-service school bus driver training instructor.
- (a) The Ohio pre-service school bus driver training instructor shall revoke the on-the-bus status in the event he/she does not attend the annual required in-service training conducted by the Ohio pre-service school bus driver training instructor or does not receive individual evaluation by the Ohio pre-service school bus driver training instructor;
- (b) The Ohio pre-service school bus driver training instructor may revoke or suspend the on-the-bus instructor status upon the request of the school bus owner.
- (4) When appropriate, the Ohio pre-service school bus driver training instructor or other certified on-the-bus instructor may provide all or part of on-the-bus instruction in lieu of the assigned on-the-bus instructor.
- (5) Prior to a school bus driver training certificate being issued, records of time, test scores, names, districts and other required documentation of on-the-bus instruction shall be maintained and filed with the ~~Ohio department of education~~ in the method prescribed by the department. Copies of original records will be maintained by the school bus owner.

(F) Certification renewal for school bus drivers

A school bus driver shall be certified by an on-the-bus instructor and subsequently approved by an Ohio pre-service school bus driver training instructor and issued a new certificate upon successful completion of the requirements every six years. Application for a renewal certificate shall be made no later than thirty days prior to the expiration of the current certificate. The completion of certification requirements may occur anytime in the twelve months prior to application. No school bus driver shall transport pupils without a current certificate.

- (1) ~~A minimum of nine~~ Nine hours ~~minimum~~ of the Ohio pre-service school bus driver training classroom instruction shall be completed prior to applying for renewal certification. That instruction shall consist of the following:
- (a) Public relations;
- (b) Pupil management, including bullying behavior;
- (c) Pre-trip inspection;

- (d) Driving the bus;
 - (e) Defensive driving;
 - (f) Fuel conservation;
 - (g) Transporting preschool and special needs children;
 - (h) Safety and emergency procedures;
 - (i) Radio/cellular phone communications; and
 - (j) Motor vehicle laws and Ohio pupil transportation operation and safety rules.
- (2) The driver will demonstrate their familiarity with the topics covered at the completion of the class.
- (3) A driving performance evaluation and review shall be completed prior to applying for certification. The evaluation and review shall consist of the following:
- (a) Identification of acceptable driving techniques, including the following:
 - (i) Position of hands for steering;
 - (ii) Braking;
 - (iii) Following distance;
 - (iv) Speed control; and
 - (v) Observing traffic conditions ahead.
 - (b) Intersections - stop and through;
 - (c) Left and right turns;
 - (d) Curves;
 - (e) Changing lanes;
 - (f) Passing;
 - (g) Railroad crossings;
 - (h) Loading and unloading pupils;

- (i) Turn-arounds;
 - (j) Entering and leaving the freeway;
 - (k) Starting into traffic and pulling to the curb;
 - (l) Stopping for emergencies;
 - (m) Pre-trip inspection; and
 - (n) Mirror adjustment.
- (4) The driver shall have four opportunities to successfully demonstrate the driving skills as follows:
- (a) A certified on-the-bus instructor designated by the school district or private operator shall administer the first three opportunities.
 - (b) A fourth opportunity to demonstrate driving skills, if necessary, shall be administered by an Ohio pre-service instructor. The driver must be offered appropriate driving instruction prior to this fourth opportunity.
- (5) The certification requirements for classroom instruction, pursuant to paragraphs (F)(1) and (F)(2) of this rule, may be substituted with successful completion of the Ohio pre-service advanced school bus driver training course within twenty-four months prior to the expiration of the current certificate.
- (6) The certification requirements for driving skills, pursuant to paragraphs (F)(3) and (F)(4) of this rule, may be substituted with participation in a state and/or regional school bus driver safety road-e-o, and achieving a minimum of eighty percent of the possible points, within twenty-four months prior to the expiration of the current certificate.
- (7) All other requirements for school bus drivers as described in paragraph (B) of rule 3301-83-06 of the Administrative Code are required to be met prior to application for a renewal certificate.
- (8) Records of completion of the requirements in paragraphs (F)(1) to (F)(7) of this rule shall be maintained and filed with the ~~Ohio~~ department of education in the method prescribed by the department before a certificate of successful completion is issued. Copies of original records will be maintained by the school bus owner for a minimum of six years.

- (9) The certificate of any person who ~~can not~~ cannot provide proof of having operated a school bus during the previous twenty-four months shall be considered invalid. That person must then successfully satisfy the certification requirements described in paragraphs (A)(1) to (A)(6) or (F)(1) to (F)(7) of this rule, as applicable, of this rule prior to resuming transportation of pupils.
- (G) An Ohio pre-service school bus driver training instructor may suspend or revoke a driver's certification. An owner of a school bus may refer a certified driver to the pre-service school bus driver training instructor for certification review. Drivers who fail the certification process shall have any and all school bus driving certifications revoked by the ~~Ohio department of education~~.

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Certification

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10/01/2004, 05/23/2008, 07/25/2013

3301-83-12

Safety procedures.

(A) School bus stops

- (1) Alternately flashing amber lamps are to be used to warn motorists that the bus is stopping to take on or to discharge passengers.
- (2) Alternately flashing red lights and a stop sign are to be used to inform motorists that the bus is stopped on the roadway to take on or discharge passengers.
- (3) Before receiving or discharging pupils, the bus shall be driven to the right side of the paved or traveled portion of the roadway and brought to a full stop.
- (4) The bus driver shall be the only operator of the service entrance door. The door shall not be opened to load or unload pupils until traffic has cleared the bus or come to a complete stop in all directions.
- (5) The bus driver shall not use the service door control to actuate warning lights. The door shall remain in a securely closed position while the bus is in motion.

(B) Railroad grade crossings

(1) General procedures

- (a) The driver of any school bus, with or without passengers, shall come to a complete stop, set the parking brake, shift to neutral, turn off the warning lamp master switch if necessary, fully open the service door, and look and listen in both directions along the track or tracks for approaching engines, trains, or train cars.
- (b) For improved vision and hearing, a window at the drivers left shall be opened and radios and other noisy equipment (e.g. fans) shall be turned off upon approaching the crossing and remain off until the bus has cleared the crossing.
- (c) The school bus driver shall shift the bus into gear, look and listen, close the service door, release the parking brake, and drive across the tracks in an appropriate gear without shifting.
- (d) After a train has passed the crossing, the bus driver shall not drive the bus onto any tracks until the driver is certain that no train, hidden by the first train, is approaching on an adjacent track.
- (e) Crossing when flashing or audible signals malfunction is only permitted when authorized in accordance with section 4511.62 of the Revised Code.

- (2) Weather conditions - during wet, stormy or foggy weather, before placing part of the bus on the tracks, the driver shall determine that the crossing can be made safely.
- (3) Behavior of passengers at railroad crossings - when any school bus is stopped for any railroad track, the driver shall direct all passengers to be silent until the crossing is completed. A signal for silence shall be given by the school bus driver approximately three hundred feet from the crossing.
- (4) The school bus driver shall follow procedures described in the Ohio pre-service ~~preservice~~ driver training manual (www.education.ohio.gov).

(C) School bus turn-around

- (1) Whenever possible, the bus shall be clearly visible to the other motorists five hundred feet in both directions.
- (2) Whenever possible, turn-arounds shall not be scheduled at intersections where the vehicle must cross a lane of traffic to back.
- (3) Four-way hazard lights shall be actuated unless prohibited by local ordinance.
- (4) The driver shall sound the horn twice before backing or have an audible signal while backing.
- (5) The driver shall not back the school bus at pick-up or discharge locations while pupils are outside the vehicle.

(D) Loading and unloading at school facilities

- (1) When it is necessary to load or unload pupils off the school grounds, the bus shall be positioned and parked (with parking brake set) so that pupils do not cross the roadway to get to or from the bus.
- (2) Student warning~~Warning flasher~~ lights shall be deactivated when loading and unloading on school grounds or when loading and unloading from a school bus stopped in a school zone curbside on the roadway adjoining the school grounds.
- (3) Parking for loading and unloading on school grounds shall be bumper to bumper or diagonal. Either method used shall exclude any necessity for backing the school bus. The rear and/or side emergency exits shall remain accessible at all times.

- (4) Pupils in the loading area shall be properly supervised by the building principal or designee.
- (5) Except when loading or unloading pre-school or special needs children, the driver shall remain on the bus while pupils are loading and unloading.

(E) General operations:

- (1) Headlights shall be actuated during operation of the school bus.
- (2) A white, flashing strobe light, individually switched, may be used, when unfavorable atmospheric conditions or time of day limit visibility (e.g. fog, rain, snow, darkness).
- (3) Four-way hazard lights shall be activated at railroad crossings and turn-arounds unless prohibited by local ordinance.
- (4) The school bus driver shall not leave a vehicle ~~school bus~~ unattended with pupils on board except when loading or unloading pre-school and special needs children or in the event of an emergency. Drivers who must leave the bus ~~their driver's position~~ for these purposes shall not leave the immediate vicinity of the bus, except for an emergency. Immediate vicinity is a ten-foot radius of the school bus.
- (5) The school bus driver shall not leave the vehicle ~~bus~~ until the brakes are set, the engine stopped and the ignition key removed, with the exception for buses equipped with wheelchair lifts or diesel engines that require the engine to be running.
- (6) At the conclusion of each route or trip, the driver shall ensure all passengers have left the bus by visually inspecting each seat position. Additional procedures for drivers post-trip inspections are detailed in the Ohio pre-service ~~preservice~~ driver training manual. (~~education.ohio.gov~~)

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Certification

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3301-83-14

Records and reports.

Each school transportation vehicle owner or operator shall maintain and make available for inspection the following records for the management and reporting of the pupil transportation program.

(A) Maintenance and repair:

- (1) Records to document that reported mechanical deficiencies discovered during inspections were corrected.
- (2) A maintenance and repair record for each school transportation vehicle.
- (3) Documented proof of pre-trip inspection for each school transportation vehicle must be kept on file for no less than twelve months.

(B) An accounting system for fuel consumption and costs for routine and non-routine use of school buses and annual operating costs by vehicle and by fleet as prescribed by the Ohio department of education form T-2, if applicable.

(C) A pupil accounting system that details assigned:

- (1) School bus;
- (2) School bus stop;
- (3) School of attendance, student name and address, telephone number, date of birth, and grade.

(D) A record of routine and non-routine daily and annual miles driven by vehicle and by fleet.

(E) A reporting of the numbers of regular and substitute school bus drivers, mechanics, supervisors, secretaries, clerks and drivers aides.

(F) Maintain and file a copy of the following documents:

- (1) School bus driver training records
- (2) Ohio pre-service school bus driver training certificate
- (3) Drug and alcohol training certificate
- (4) Blood-borne pathogens training certificate
- (5) BMV report

(6) Annual inservice training records

(7) Criminal record check

(8) Physical examination report

(9) Local certificate issued pursuant to section 3327.10 of the Revised Code.

The physical examination, criminal record, BMV report, and the drug and alcohol test results are to be kept confidential

(G) Maintain and file "School Vehicle Accident Report" (www.education.ohio.gov):

File with the department's office of pupil transportation a report (T10 form) of any school bus or van accident that results in a fatality, an injury or vehicle or property damage in excess of one thousand dollars. Reports shall be submitted within fifteen days of the accident or occurrence.

(H) Submit reports as required by the ~~Ohio~~ department of education.

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10/01/2004, 03/25/2010, 07/01/2012

3301-83-15

Emergency and evacuation procedures.(A) Emergency procedure -

Each school bus owner shall adopt a policy for handling emergencies on school buses while pupils are being transported. Such a policy shall include, but not necessarily be limited to, procedures for handling any medical emergencies of pupils while they are being transported. Each school bus owner shall provide training to all school bus drivers transporting pupils to ensure that the drivers understand the policy and their responsibilities. No school bus driver shall transport pupils unless the driver has received such training.

These policies shall include procedures for when and how to notify parents if their students were on a transportation vehicle involved in an accident.

This policy shall be developed in cooperation with all those whose services would be required in the event of emergencies. The transportation director/supervisor, school administrators, teachers, drivers, maintenance and service personnel and students shall be provided instruction in the procedures to be followed in the event of:

(1) Accident procedure -

The policy shall describe how to protect the accident scene; evacuate and control students; evaluate the need for medical assistance; notify the responsible law enforcement agency, school officials and emergency services; collect and record data essential to the preparation of required reports; and communicate with parents and/or guardians.

(2) Disability of driver procedure-

~~The policy shall describe Procedures for handling~~ situations in the event of illness, injury, or disability of the bus vehicle driver, ~~shall be included in the policy.~~

(3) School vehicle bus failure procedure -

The policy shall describe procedures for securing the vehicle bus, disposing of and controlling passengers, notifying school officials, securing alternate equipment, and repairing and recovering the disabled school vehicle bus.

(4) Inclement weather conditions procedure -

The pre-emergency policy shall provide instruction as to school closings, delayed take-ups and/or early dismissals.

(5) Tornado procedure -

The policy shall provide procedures for drivers and students in the event of tornado sightings and/or warnings.

- (6) Policies shall also be developed to address other dangerous and/or threatening situations (weapons, assaults, unauthorized attempted boardings, and impeding the movement of the school vehiclebus).

(B) Evacuation procedure -

The superintendent or designee shall organize and conduct three emergency exit drills for all students who ride school buses to and from school.

- (1) Each of the following ~~three~~ emergency procedures shall be conducted at least once annually:
- (a) Everyone exists through the front entrance door;
 - (b) Everyone exists through the rear emergency door; and
 - (c) Front half exits through the front door and rear half exits through the rear door.
- (2) The transportation director/supervisor in cooperation with building principals ~~All drills shall be arrange arranged and schedulescheduled all drills. by the transportation director/supervisor in cooperation with building principals.~~ The drills shall be supervised by at least one staff person other than the driver assigned to the route.
- (3) Drills shall be held on school property when possible and not on the bus route.
- (4) The driver shall remainstay in the bus during evacuation drills. The parking brake must be set, ignition turned off; and transmission in gear or park.
- (5) Children shall not take lunch boxes, books, etc., when they leave the bus.
- (6) Pupils shall assemble at a distance of at least one hundred feet from the bus induring an "emergency drill" and remain there until given further directions.
- (7) Emergency evacuation drills of preschool and special needs children may require modification of the procedures listed in paragraph (B) of this rule.

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3301-83-17

Authorized and unauthorized passengers.

(A) Authorized passengers:

- (1) Pupils enrolled in approved programs who are eligible for transportation services authorized or required by state and federal law and school bus owner policy.
- (2) Children attending an approved pre-school program authorized and directed by the board of education or county board of developmental disabilities.
- (3) Resident pre-school children and parent(s) or guardian who are participating in school-sponsored special programs that require attendance of both. This includes parent and child participating in a graduation, reality, and dual-role skills (GRADS) or similar type program.
- (4) School officials may authorize transportation of a school-age visitor to the home of a regular school bus passenger upon proper parental authorization on a space-available basis which does not displace regular riders.
- (5) Resident pre-school children and school age pupils may be transported to pre-school programs and school-age child-care programs (for example, latchkey programs). These extra miles are not reimbursable. School age pupils may be counted for reimbursement only once if eligible for routine transportation (see rule 3301-83-01 of the Administrative Code).
- (6) Resident pre-school special needs children are to be transported to school district pre-school special education programs within the district and outside the district if assigned by the school district of residence. If transportation is necessary for pre-school special needs children to receive a free and appropriate education it must be provided at no cost to the parent or guardian.
- (7) School districts may enter into contractual agreements to provide transportation service for latchkey programs under the provisions of sections 3313.207, 3313.208, and 3313.209 of the Revised Code; and to provide transportation service for pre-school and ~~child day care providers programs~~ child day care providers programs under provisions of division (C) of section 3313.646 of the Revised Code.
- (8) Ohio works first participants and the elderly may be transported under the provisions of paragraphs (FH)(1) to (FH)(5) of rule 3301-83-16 of the Administrative Code and according to policy and procedure of the school bus owner.

- (9) School bus owners may establish a volunteer bus rider assistance program pursuant to section 3327.16 of the Revised Code. Qualified adults, including parents, or responsible older pupils may be authorized.

(B) Unauthorized passengers:

- (1) Family members of school bus drivers who are not enrolled in any of the approved school programs, unless adults appointed as chaperones ~~chaperons~~ on non-routine trips.
- (2) School employees, on routine bus routes, unless assigned by proper school officials as part of their duties.
- (3) Adults not enrolled in any of the approved programs, unless assigned by proper school officials as bus monitors.

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3301-83-18

Passenger capacity.

- (A) Seating shall be provided that will permit each passenger to sit in a position which will provide maximum protection by the barrier and does not exceed the school bus manufacturer's rated capacity if applicable, and shall be adjusted according to each passenger's individual physical size.
- ~~(B) The number of passengers in a school bus shall not exceed the school bus manufacturer's rated capacity. Seating shall be adjusted according to the passengers individual physical size.~~
- ~~(C)~~(B) No person shall stand while the school bus is in motion, with the exception of bus aides and driver training staff, in the official performance of their duties.

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3301-83-19

Authorized vehicles for transportation of pupils to and from school and school-related events.

The following are authorized vehicles for the transportation of pupils to and from school and school-related events:

(A) School buses

All vehicles designed to carry more than nine passengers, not including the driver, and used to transport pupils to or from school or school-related events shall meet or exceed all applicable federal regulations and the Ohio school bus construction standards. Refer to division (F) of section 4511.01 of the Revised Code and rules 4501-5-01 to 4501-5-~~0440~~ of the Administrative Code.

(B) Public transit vehicles

Public transit vehicles includes vehicles owned and operated by regional transit authorities or community transit authorities, or which are privately owned, under contract with a board of education or county board of developmental disabilities and operated on routes designed for the purpose of transporting fare-paying passengers and eligible pupils simultaneously.

Nonconforming vehicles (i.e. ten to fifteen passenger motor vehicles not meeting the FMCSR's for a school bus) shall not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry more than sixteen ~~sixteen~~ passengers including the driver.

(C) Vehicles other than school buses

Vehicles originally designed and constructed at the factory for nine or fewer passengers, not including the driver, to be used when school bus transportation cannot be reasonably provided, shall not be routinely used for service to and from regularly scheduled school sessions except for preschool children, special needs children, homeless children, foster children, children inaccessible to school buses, ~~or~~ students placed in alternative schools or for work programs. This paragraph does not apply to parental transportation of children as set forth in rule 3301-83-04 of the Administrative Code.

~~This paragraph does not apply to parental transportation of children when not scheduled, arranged, managed, reimbursed, or contracted for by a board of education, school, or county board of developmental disabilities.~~ Requirements for vehicles identified in this section shall include the following:

- (1) The vehicle shall be equipped with safety equipment including a fire extinguisher, first-aid kit, body fluid cleanup kit, fuses, spare fuses, and emergency reflectors.
- (2) The vehicle shall have a rooftop sign marked "School Transportation."
- (3) The name of the school district, or the name of the contractor, if applicable, shall be clearly marked on the side of the vehicle.
- (4) These vehicles shall be inspected by a qualified mechanic not less than two times per year. This inspection shall cover at the minimum all applicable sections of the school bus inspection detailed in paragraph (B) of rule 3301-83-11 of the Administrative Code. In addition, periodic maintenance intervals shall be established and implemented. Documentation and proof of these inspections and service procedures, in addition to all other vehicle records required under rule 3301-83-14 of the Administrative Code, shall be kept on file with the school district transportation department.
- (5) It is the responsibility of each vehicle driver to complete and document a daily pre-trip inspection before transporting pupils. The vehicle owner may designate another qualified individual to complete and record portions of the stationary inspection in lieu of the vehicle driver. Pre-trip inspection records shall be kept on file for a minimum of twelve months.
- (6) Loading of these vehicles shall be performed in compliance with the passenger, weight, and other associated restrictions as identified by the original equipment manufacturer.
- (7) Drivers of these vehicles shall meet all qualifications for school transportation drivers as identified in paragraph (F) of rule 3301-83-06 of the Administrative Code and section 3327.10 of the Revised Code.

(D) Commercial carriers

Commercial carriers include carriers that are licensed and inspected by the appropriate government agencies to transport passengers for hire. Examples would include railroads, airlines, commercial watercraft, or commercial buses. Nonconforming vehicles (i.e. ten to fifteen passenger vehicles not meeting the FMCSR's for school buses) shall not be used for the transportation of pupils by any carrier unless they exceed ten-thousand pounds GVWR or are designed to carry sixteen or more passengers including the driver.

(E) Taxicabs

Taxicabs may be used for transportation of pupils when the use of other modes of transportation as described in this rule are not reasonable as determined by the public school district.

Taxicabs shall be originally designed and constructed at the factory for nine or fewer passengers, not including the driver, and shall, with the exception of the rooftop sign marked "School Transportation," which shall not be required, comply with paragraph (F) of this rule.

The owner or operator of taxicabs shall provide documentation to the school district confirming compliance with this chapter.

The owner or operator of taxicabs shall provide proof of insurance to the school district in the amounts as specified in section 3327.09 of the Revised Code for vehicles used in the transportation of school children.

- (F) Vehicles not meeting the definitions listed in paragraphs (A) to (E) of this rule do not conform to state and federal law/rule and shall not be used for transportation of pupils to or from school or or school related events.

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(Emer.), 11/13/2001, 02/25/2007, 07/01/2012

3301-83-21

Supplementary provisions for county boards of developmental disabilities.

(A) As used in this rule, the following definitions apply:

- (1) "Behavioral support plan" means a written statement for a special needs child that is developed and implemented in accordance with paragraph (E) of rule 3301-51-02 of the Administrative Code.
- (2) "Individualized habilitation plan" means a written plan of intervention and action that is developed on the basis of a comprehensive evaluation.
- (3) "County board" means a county board of developmental disabilities.
- (4) "Department" means Ohio department of education.

(B) The county board shall provide transportation services for children ages three to twenty-one eligible for transportation and enrolled in department-funded programs. The nature and extent of transportation services to be provided to each individual served shall be determined through the individualized education program or behavioral support plan process. The determination shall be reviewed annually.

- (1) When it is determined through the individualized education program or behavioral support plan process that transportation other than that provided by the county board is an integral part of the education or habilitation of the individual, the county board shall provide reimbursement for transportation to the parent or guardian. Under these circumstances, written agreement between the county board and the parent or guardian shall be obtained prior to the provision of such transportation services. Documentation of this agreement shall be kept on file.
- (2) Reimbursement of transportation costs paid to a parent or guardian may be approved as part of the transportation operating subsidy from the department with prior written agreement between the county board and the parent or guardian.

(C) The county board shall meet or exceed the insurance requirement for transportation vehicles and pupils as identified in Chapter 3327. of the Revised Code.

(D) A school bus driver shall have a current and valid "American Red Cross" first-aid certificate or equivalent first aid training.

(E) All new bus drivers, assistants, and substitutes shall attend, prior to their assignment to a bus with passengers on board, an orientation which includes a review of the vehicle operator's manual and a practical overview of the characteristics and needs of individuals to be transported.

- (F) The county board shall adopt a policy and procedures that ensure assistance is provided to individuals while being transported on county board vehicles when the individualized education program or behavioral support plan indicates a need for such assistance.
- (G) Individuals shall be picked up and returned to their residences unless other arrangements have been agreed upon by the county board program and the responsible parent or guardian.
- (H) All pupil transportation provided for children ages three through twenty-one must comply with all pupil transportation rules as identified in Chapter 3301-83 of the Administrative Code and rule 3301-51-10 of the Administrative Code.

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CERTIFIED ELECTRONICALLY

Certification

02/06/2019

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3301-83-22

Vehicle maintenance.

School buses and other vehicles used to transport school children shall be maintained in safe operating condition through a systematic preventative maintenance program.

All school buses being used for pupil transportation must be presented to the Ohio department of public safety for inspection, and shall not be operated with students on board without a current inspection sticker signifying that they have passed such inspection.

The Ohio state highway patrol shall be notified within forty-eight hours ~~fifteen days~~ of any school buses involved in motor vehicle accidents, ~~which result in mechanical damage, or that are damaged in excess of one thousand dollars.~~

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3301-83-23

Employment of school bus and van drivers with certain criminal convictions.

~~The purpose of this rule is to provide for the safety and well-being of students using pupil transportation services, and pursuant to sections 3327.10, 3319.39 and 3319.40 of the Revised Code, set employment eligibility and rehabilitation standards for those individuals with certain criminal convictions seeking employment as a school transportation driver and those individuals currently employed as school transportation drivers.~~

~~The rule establishes offenses for which employment and a determination of rehabilitation for a position as a school transportation driver are expressly forbidden and sets forth conditions under which a determination of rehabilitation is possible.~~

~~If a person who is employed by a school or school transportation provider is arrested, summoned, or indicted for an alleged violation of a listed offense, the superintendent of the school or chief executive officer of the transportation provider shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person.~~

(A) Definitions

- (1) “Applicant” means one who is under final consideration for appointment or employment as a pupil transportation driver.
- (2) “Criminal records check” has the same meaning as in section 109.572 of the Revised Code. For the purposes of this rule, “date of criminal records check” shall mean the date of receipt of the results of a background check requested by a district or employer, which shall be time-stamped by the district on the date of receipt by the district.
- (3) “School” means a school district as described in section 3311.01 of the Revised Code, a municipal school district as described in section 3311.71 of the Revised Code, an educational service center, a community school, a county department of developmental disabilities, a chartered non-public school, or a preschool program.
- (4) “Employee” means a current employee of a school district or employer as a school transportation driver who is subject to the requirements of a background check pursuant to section 3327.10 of the Revised Code.
- (5) “Offense” for the purposes of this rule means an offense as listed in sections of the Revised Code as listed in this rule and includes any municipal ordinance, law of this state, another state, or the United States that is substantially equivalent to one of the offenses referred to in this rule.

- (6) “Non-rehabilitative offense” means a criminal offense that would prohibit an employer from hiring or continuing employment of such an individual, and are the following:
- (a) Sexually-oriented offenses: section 2907.02 (rape), 2907.03 (sexual battery), 2907.04 (unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), 2907.06 (sexual imposition), 2907.07 (importuning), 2907.21 (compelling prostitution), 2907.22 (promoting prostitution), 2907.23 (procuring), 2907.25 (prostitution; after positive HIV test), 2907.31 (disseminating matter harmful to juveniles), 2907.32 (pandering obscenity), 2907.321 (pandering obscenity involving a minor), 2907.322 (pandering sexually oriented matter involving a minor), or 2907.323 (illegal use of a minor in nudity-oriented material or performance) of the Revised Code or a violation of former section 2907.12 (felonious sexual penetration) of the Revised Code.
 - (b) Child-related violent offenses: section 2905.01 (kidnapping), 2905.02 (abduction), 2905.05 (criminal child enticement), or 2919.23 (interference of custody) of the Revised Code that would have been a violation of section 2905.04 (child stealing) of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, divisions (B)(1), (B)(2), (B)(3), or (B)(4) of section 2919.22 (endangering children) of the Revised Code.
 - (c) Violent offenses: section 2903.01 (aggravated murder), 2903.02 (murder), 2903.03 (voluntary manslaughter), 2903.04 (involuntary manslaughter), 2903.06 (vehicular manslaughter and assault), 2903.08 (vehicular manslaughter and assault), 2903.09 (vehicular manslaughter and assault), or 2909.24 (terrorism) of the Revised Code.
 - (d) “Other violence-related offenses,” which mean a violation of the following sections that occurred either within twenty years prior to the date of the current application for a position as a school transportation driver or, for a current employee, within twenty years prior to the date of the current criminal records check: 2903.11 (felonious assault), 2903.12 (aggravated assault), 2911.01 (aggravated robbery), 2911.02 (robbery), 2911.11 (aggravated burglary), or 2923.161 (improper discharge firearm at or into habitation; school-related offenses) of the Revised Code; 3716.11 (placing harmful objects in food/confection), 2919.12 (unlawful abortion) of the Revised Code.
 - (e) “Drug offenses,” which mean a violation of the following sections that occurred either within ten years prior to the date of the current

application for a position as a school transportation driver or, for a current employee, within ten years prior to the date of the current criminal records check: section 2925.02 (corrupting another with drugs), 2925.03 (trafficking in drugs), 2925.04 (illegal manufacture of drugs or cultivation of marihuana), 2925.05 (funding of drug or marihuana trafficking), or 2925.06 (illegal administration or distribution of anabolic steroids) of the Revised Code.

- (f) “Non-violent theft offense,” which means a violation of section 2911.12 (burglary) of the Revised Code that occurred either within ten years prior to the date of the current application for a position as school transportation driver with the district or, for a current employee, within ten years prior to the date of the current criminal records check.
- (g) “Major motor vehicle offenses,” which means a violation of section 4511.19 (operating a motor vehicle under the influence), of the Revised Code, that occurred within ten years prior to the date of the current application for a position as a student transportation driver or within ten years prior to current records check for a current employee; and 4511.20 (reckless operation), 4510.11 (driving under suspension), 4510.14 (driving under OVI suspension), or 4511.194 (physical control while under the influence) of the Revised Code, that occurred either within six years prior to the date of the current application for a position as student transportation driver, or for a current employee, within six years prior to the date of the current records check.
- (h) “Other offenses,” which mean a violation of the following sections that occurred either within five years prior to the date of the current application for a position as school transportation driver, or for a current employee, within five years prior to the date of the current criminal records check: 2903.13 (assault), 2903.16 (failing to provide for a functionally impaired person), 2903.21 (aggravated menacing), 2903.34 (patient use or neglect), 2907.08 (voyeurism), 2907.09 (public indecency), division (A) of section 2919.22 (endangering children), 2919.24 (contributing to unruliness or delinquency of a child), 2919.25 (domestic violence), 2923.12 (carrying concealed weapons), 2923.13 (having weapons while under disability), or 2925.11 (possession of a controlled substance that is not a minor drug possession offense) of the Revised Code.
- (i) “Other motor vehicle offenses,” which means a violation of section 4511.75 (violation of school bus warning lights), 4511.21 (school zone speed limit) while operating a school vehicle, or 4511.62 (railroad crossing

violation) of the Revised Code; that occurred either within one year prior to the date of the current application for a position as student transportation driver, or for a current employee, within one year prior to the date of the current records check.

- (B) No provider of school transportation services shall employ an applicant upon learning that he/she has pled guilty to, been found guilty by a jury or court of, or convicted of any violation of a non-rehabilitative offense as listed in paragraph (A)(6) of this rule. In addition, the district shall release an employee from employment upon learning that he/she has pled guilty to, been found guilty by a jury or court of, or convicted of any violation of a non-rehabilitative offense as listed in paragraph (A)(6) of this rule. Likewise, a district shall release from employment an individual if the results of a criminal records check indicate that, pursuant to this rule, the applicant does not qualify for employment.
- (C) A provider of school transportation services maintains the discretion whether to employ or retain in employment an individual who has been deemed rehabilitated pursuant to this rule. A provider of school transportation services may employ an applicant or continue to employ an individual that has previously pled guilty to, been found guilty by a jury or court of, or convicted of an offense listed in division (B)(1) of section 3319.39 of the Revised Code, if all of the following conditions for rehabilitation are met:
- (1) The offense is not a non-rehabilitative offense as listed in paragraph (A)(6) of this rule;
 - (2) At the time of the offense, the victim of the offense was not a person under eighteen years of age or enrolled as a student in a school.
 - (3) The applicant or employee provides written confirmation of his/her efforts at rehabilitation and the results of those efforts. Written confirmation may include a statement by a court, parole officer, probation officer and/or counselor, or another source as approved by the employer that the applicant or employee has been rehabilitated.
 - (4) A reasonable person would conclude that the applicant's hiring or the retention of the employee would not jeopardize the health, safety, or welfare of the persons served by the employer, based upon information pertinent to the following factors:
 - (a) The nature and seriousness of the crime;
 - (b) The extent of the applicant or employee's past criminal activity;

- (c) The age of the applicant or employee when the crime was committed;
 - (d) The amount of time elapsed since the applicant or employee's last criminal activity;
 - (e) The conduct and work activity of the applicant or employee before and after the criminal activity;
 - (f) Whether the applicant or employee has completed the terms of his probation or deferred adjudication;
 - (g) Evidence of rehabilitation;
 - (h) Whether the applicant fully disclosed the crime to the district and/or employer;
 - (i) Whether employment could have a negative impact on the local education community;
 - (j) Whether employment could have a negative impact on the state-wide education community;
 - (k) If the employer is a private employer, information regarding the individual's criminal background check and any subsequent actions by the contractor must be disclosed to any entity contracting for school transportation services;
 - (l) Any entity contracting for transportation services is not bound by the determination of a private employer to re-employ an individual in accordance with this section; and
 - (m) Any other factor the employer considers relevant.
- (D) It is the applicant or employee's duty to provide written evidence that the conditions specified in paragraph (C) of this rule are met. If the applicant or employee fails to provide such evidence or if the employer determines that the proof offered by the applicant or employee is inconclusive or does not establish proof of rehabilitation, the applicant shall not be hired or the employee shall be released from employment. Any doubt shall be resolved in favor of protecting the persons served by the school transportation provider.
- (E) Except as otherwise specified in this rule, the provisions of this rule are also applicable to records of convictions that have been sealed pursuant to section 2953.32 of the

Revised Code or any municipal ordinance or law of this state, another state, or the United States that is substantially equivalent to section 2953.32 of the Revised Code.

- (F) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of an offense listed in division (B)(1) of section 3319.39 of the Revised Code shall not prevent an applicant's hiring or the retention of an employee if the applicant or employee has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.;
- (G) As a condition of initial or continued employment pursuant to the requirements of this rule, the district may request the applicant or employee to be evaluated by a licensed provider (e.g. physician, psychologist, psychiatrist, independent social worker, professional counselor, chemical dependency counselor, etc.) and/or successfully complete a recognized and/or certified treatment program relevant to the nature of the conviction. (Unless otherwise specified in an employee contract, labor agreement, or other similar agreement, the employee or applicant shall bear all direct and associated costs of the evaluation and treatment program.) Failure on the part of an applicant or employee to comply with the district's request pursuant to this paragraph may be considered by the district as a factor against initial or continued employment.
- (H) Prior to rendering a decision on employment, the employer shall provide an opportunity for a meeting to an employee, if requested by the individual, so that he/she may provide evidence of rehabilitation pursuant to the requirements of this rule.
- (I) The decision of the employer on whether to employ or continue to employ an individual pursuant to the requirements of this rule ~~cannot~~~~can not~~ be appealed to the Ohio department of education or state board of education.
- (J) If a person who is employed by a school or school transportation provider is arrested, summoned, or indicted for an alleged violation of a listed offense, the superintendent of the school or chief executive officer of the transportation provider shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person.
- ~~(K)~~(K) This rule is promulgated under the state board and the department's ~~of education's~~ rule-making authority under division (E) of section 3319.39 of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 2/6/2019

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3301.07, 3319.39, 3319.391, 3327.10, 4511.76
Rule Amplifies: 3319.39, 3319.391, 3327.10, 4511.76
Prior Effective Dates: 08/27/2009, 02/14/2013

3301-83-24

School transportation fees.

(A) Fees for routine school transportation:

~~No pupil charge shall be made for transporting pupils to and from regular day classes when that transportation is provided in accordance with section 3327.01 of the Revised Code. This applies equally to buses owned by school boards, non-public schools, community schools, STEM schools, and county boards of developmental disabilities as well as buses operated under contract for one of these agencies.~~

(1) No school vehicle owner shall charge for transporting pupils to and from regular day classes when that transportation is provided in accordance with section 3327.01, 3326.20, and 3314.091 of the Revised Code. This applies equally to buses owned by school boards, non-public schools, community schools, STEM schools, and the county boards of developmental disabilities as well as buses operated under contract for one of these agencies.

This rule does not apply to private transportation arranged for or by parents or other groups not related to the educating school board, non-public school, community school, STEM school, or county board of developmental disabilities.

(2) The governing authority of a chartered nonpublic school may charge for transportation of pupils in a manner consistent with section 3327.07 of the Revised Code. Vehicles used by the governing authority of the chartered nonpublic school or its contractor shall comply with rule 3301-83-19 of the Administrative Code. Drivers employed or contracted by the governing authority of the chartered nonpublic school or its contractor shall comply with all requirements for school bus drivers in Chapter 3327 of the Revised Code and Chapter 3301-83 of the Administrative Code.

~~This rule does not apply to private transportation arranged for or by parents or other groups not related to the educating school board, non-public school, community school, STEM school, or county board of developmental disabilities.~~

(B) Fees for non-routine school transportation during the school day:

No ~~school vehicle owner shall~~ pupil charge shall be made for transporting pupils to and from educational field-trips during school days. This applies equally to buses owned by school boards, non-public schools, community schools, STEM schools, and county boards of developmental disabilities as well as buses operated under contract for an agency described in paragraph (A) of this rule.

(C) Fees for non-routine school transportation outside of the school day:

No school vehicle owner shall charge a fee not to that exceeds the actual costs ~~may be assessed for transportation to and from educational field trips on non-school days.~~

(D) Requirement to recover cost:

The board of education or county board of developmental disabilities shall recover an amount not to exceed the actual operational costs associated with non-routine use of school buses when that transportation is provided for agencies other than those directly related to the bus owner.

(E) Identification of costs when recovery is required:

Districts may charge both an hourly rate and mileage fee when costs are to be recovered.

The following costs, as reported on the ~~district's~~ district or community school that provides transportation T-2 reports, shall be used in determination of fees to be charged when a recovery cost is required:

- (1) Driver salary and benefits;
- (2) Fuel;
- (3) Maintenance;
- (4) Service;
- (5) Supervision;
- (6) Insurance.

Effective:

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