

1. This original action seeks a writ of mandamus compelling Respondent, the Columbus City Schools Board of Education (“the School Board”), to comply with the law it is currently violating. Specifically, this action seeks to compel the School Board to comply with its mandatory statutory duty to provide transportation for Relator’s child and all eligible students within its jurisdiction, whether the students attend the schools that the School Board operates or exercise their right to attend community or private schools of their family’s own choosing. Relator seeks an order compelling the School Board to provide interim transportation to her own family and those other families who are pursuing mediation of the School Board’s denial of transportation. The School Board has violated and currently is violating R.C. 3327.02(E)(2), which requires such interim transportation. Relator and other families have been and currently are being directly and adversely harmed by the School Board’s ongoing refusal to comply with its statutory obligations. No remedy at law can redress or prevent the ongoing and immediate injury they are experiencing.

JURISDICTION

2. The Court has original jurisdiction over this mandamus action under Article IV, §2(B)(1) of the Ohio Constitution and R.C. 2731.02.

PARTIES

3. Relator is MARRISA Siebold. Her child is a student at Tree of Life Christian Schools Middle School, a private Christian school within the Columbus City School District and has previously been eligible for and received transportation from the School Board pursuant to R.C. 3327.01.

4. Respondent School Board is the governing body of the Columbus City School District (“Columbus Schools”), an Ohio public school district. The Board sits in, and its jurisdiction includes, Franklin County, Ohio.

FACTS

The School Board's Statutory Obligations

5. The School Board is required to provide transportation to and from community and private schools if a student is eligible for that transportation according to Ohio law, and if the School Board determines and declares, pursuant to law, that it is impractical to provide the transportation considering the statutorily provided reasons and while complying with the statutory process, it must nevertheless provide *interim* transportation to any family electing to mediate or otherwise dispute the School Board's decision. The provision of interim transportation is completely mandatory, allowing for zero discretion by the School Board. Failure to do so results in a penalty.

6. As an overview, and to put this instant Complaint for Mandamus in its proper context, Ohio law requires the School Board to provide transportation without distinction in the treatment of its resident school pupils who attend public school and those who attend nonpublic school. R.C. 3327.01.

7. Students may only be determined ineligible for transportation in certain circumstances and if the School Board complies with the prescribed process, such as properly determining whether the transportation would require more than thirty minutes of direct travel time as measured by travel between the traditional public school to which the student would have been assigned and the private or community school the student has chosen to attend. R.C. 3327.02

8. The School Board carries out its obligations to an eligible private or community school student in its district in an alternative manner, *i.e.*, payment in lieu, *only if it complies with the specific process set forth in R.C. 3327.02*. "Under R.C. 3327.01, therefore, transportation is the rule and payment is the exception." *Hartley v. Berlin-Milan Local School Dist.*, 69 Ohio St. 2d

415, 416 (Sup. Ct. 1982).

9. Before ceasing transportation to eligible students, R.C. 3327.02 requires the School Board to assess whether it is impractical to provide transportation to a student, by considering the following factors:

- a. The time and distance required to provide the transportation;
- b. The number of pupils to be transported;
- c. The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- d. Whether similar or equivalent service is provided to other pupils eligible for transportation;
- e. Whether and to what extent the additional service unavoidably disrupts current transportation schedules; and
- f. Whether other reimbursable types of transportation are available.

10. After considering the factors set forth in R.C. 3327.02, a school board may pass a “resolution declaring the impracticality of transportation.” (the “Impracticality Resolution”). R.C. 3327.02(B).

11. The Impracticality Resolution must contain each student’s name and state the reason why the transportation is determined to be impractical. *Id.*

12. The Impracticality Resolution must be made no less than thirty calendar days before the first day of instruction at the district or school. *Id.*

13. R.C. 3327.02(B) mandates that the school board give to the families whose transportation is deemed impractical a letter providing written notice of the determination, including a detailed explanation of the reasons for the determination.

14. When a student's transportation is determined to be impractical, R.C. 3327.02(C) mandates that the School Board "offer to provide payment in lieu of transportation" to the student's family and notify the student's family of their right to reject the offer of payment and to request mediation procedures.

15. The School Board must also provide a contract or other form on which the parent has the option to accept or reject the payment in lieu of transportation offer.

16. If a student's family requests mediation, the school board shall provide transportation for the affected student to the private or community school immediately upon the request for mediation and continuing until the matter is resolved. R.C. 3327.02(E)(2). This provision requiring interim transportation is mandatory and is so regardless of whatever final determination the School Board makes concerning transportation for a family.

17. If a school board fails or refuses to comply with its obligations to provide transportation immediately upon the request for mediation, R.C. 3327.02(F)(1) imposes a penalty for that noncompliance; it requires the Department of Education to impose a fine on the school board, requiring them to pay to the pupil's parent an amount equal to 50% of the cost of providing transportation as determined by the school district board and not more than \$2,500.

18. The Columbus City Schools School Board has failed to comply with the terms of R.C. 3327.02 by withdrawing access to transportation from many students residing in the Columbus City Schools district without following the mandatory statutory procedure prescribed in R.C. 3327.02, and in refusing to reinstate that access upon notice of requests for mediation as mandated by R.C. 3327.02(E)(2) to Relator and the many other affected families.

The Columbus City Schools School Board's Non-Compliant Denial of Transportation for Relator MARRISA Siebold's Child

19. The first day of instruction for Columbus City Schools students for the 2024-25

school year was August 21, 2024. *See* <https://www.ccsch.us/calendars.aspx>. The first day for Relator's child was August 14, 2024. Exhibit A, Relator's Affidavit at ¶ 4.

20. The latest day on which determinations of impracticality could be made in compliance with the thirty-day requirement in R.C. 3327.02 was July 22, 2024.

21. Many of the students deemed impractical for the 2024-25 school year, including Relator's child, however, were the subject of Impracticality Resolutions passed by the School Board on or after August 6, 2024.

22. Roughly 1,380 students have been declared to be impractical to transport to private or community schools in Impracticality Resolutions passed by the School Board during August 2024. *See* Exhibit A at ¶ 16.

23. Relator did not receive notice of the determination made concerning her child until *after the school year had already begun*, on August 22, 2024, by electronic mail, and August 24, 2024, by regular mail. Exhibit A at ¶¶ 5 & 6.

24. The notice Relator received, while it claimed to be an "offer" of payment in lieu of transportation, did not provide any proposed amount of that "offer." It did not identify any amount Relator was being offered as an alternative to transportation, and at this time that amount is still unknown. Exhibit A at ¶ 7.

25. The form provided an option to accept or reject the offer; the space to accept the "offer" included a statement agreeing to provide transportation "for the consideration named," despite the fact that no consideration was actually named. Exhibit A at ¶ 8.

26. The Notice Relator received from the School Board provided a Columbus City Schools address to return the form accepting or declining payment. Exhibit A at ¶ 9.

27. Relator immediately rejected that "offer" and requested mediation, responding by

electronic mail on August 22, 2024, and by certified mail on August 26, 2024. Exhibit A at ¶ 10.

28. No mediation regarding the determination about Relator's child has yet occurred and Relator has received no further correspondence from the School Board since she initiated the mediation request. Exhibit A at ¶ 11.

29. Interim transportation has never been provided for Relator's child, despite the obligation to do so under R.C. 3327.02(E)(2). Exhibit A at ¶ 12.

30. In Relator's request for mediation, she informed the Department of Education that the School Board was failing to provide transportation while mediation was pending as required by state law. Exhibit A at ¶ 13.

31. Columbus City Schools Executive Director of Transportation Services Rodney Stufflebean asserted during an August 27, 2024, Columbus City Schools Board meeting that the Columbus City Schools would prefer to violate the law and suffer penalties for doing so rather than comply with its ongoing obligation to provide transportation to students deemed impractical to transport whose families request mediation. *See* Exhibit A at ¶ 20.

32. The School Board's refusal to provide transportation after a mediation request is in contravention of R.C. 3327.02(E)(2).

33. While Ohio law, R.C. 3327.02(F)(1), mandates a financial penalty that the Department of Education must levy against a school board that fails to transport students, that financial penalty does not provide a full and adequate remedy for the School Board's violation of R.C. 3327.02(E)(2) or redress the injury that Relator and her family are experiencing. Neither does it excuse Respondent's willful noncompliance with the law. It is a penalty meant to disincentivize unlawful acts by school boards, not an adequate remedy at law.

34. Relator has experienced the following injuries as a result of the School Board's

violation of the law:

- a. She has been forced to take time off work to provide the transportation to school in the morning and home from school in the afternoon, reducing her income and jeopardizing her employment status. In particular, she has had to reduce her regular work hours from approximately 55 to 45 hours a week as a result of the increased time having to be spent driving her children to and from school. Exhibit A at ¶ 14(a).
- b. Relator is paid an hourly wage; accordingly, this lost work time imposes a direct financial burden on her and significantly reduces her income and her ability to provide for her family. Exhibit A at ¶ 14(b).
- c. Further, she is incurring wear and tear on her vehicle and gas expenses as a result of the School Board's actions. Exhibit A at ¶ 14(c).
- d. It is approximately 13 miles between Relator's residence and her child's school; it is at least a 20-30 minute drive one way. Having to make this drive there and back twice a day, Relator is experiencing an hour and a half to two hours of lost time every school day driving her children to school. Exhibit A at ¶ 14(d).
- e. Because of the substantial time she has lost during the middle of the day to drive her children to school, Relator has had to work significant additional hours before and after the beginning of school in order to maintain full time employment and try to provide for her family, although she is still unable to work the same number of hours she worked

before the School Board's conduct began. Exhibit A at ¶ 14€.

35. The financial penalty that R.C. 3327.02(F)(1) mandates against a school board that fails to transport students whose families have requested mediation does not provide an adequate remedy for the loss of the immediate reinstatement of transportation services that R.C. 3327.02(E)(2) requires.

36. Further, even the statutory provision providing the payment in lieu as an alternative expressly provides the sum is limited to 50% of the transportation cost. Even that amount is capped at \$2,500. Thus, on its face, the statutory provision does not remedy the loss Relator is incurring and will continue to incur while the mediation process pends. On its face, due to these limitations, this penalty provision could not have been intended to provide an adequate remedy at law.

37. The School Board has no reasonable justification for its refusal to comply with its obligations to transport students who have requested mediation as required by R.C. 3327.02.

38. As a direct result of the School Board's noncompliance with the requirements of Chapter 3327 of the Ohio Revised Code, many students have been denied the protection of the statutory process that gives them a right to reliable school transportation.

39. As a direct result of the School Board's noncompliance, students whose transportation is deemed impractical, including Relator's child, have been denied the freedom of choice of educational institution.

40. Moreover, Relator and many other families have been forced to endure financial hardships to acquire the transportation for their children.

41. Relator has been forced to take actions that might jeopardize her job, reducing and changing her hours, to provide her children with the transportation that Ohio law requires

the School Board to provide. Other families have likewise had their employment affected.

42. Evidencing bad intent, and in response to critical public comments regarding the denial of transportation to large numbers of private or community school students, Columbus City Schools' board member Brandon Simmons has made multiple public statements pressing affected students to abandon their chosen private or community schools and to return to schools operated by the Columbus Schools. *See* Exhibit A at ¶ 21. In other words, the School Board's violation of the law is being used as a tool to threaten and coerce students to abandon the schools of their choice.

43. Moreover, in a press release the School Board has expressly disclaimed its express legal obligation and instead claimed "that it was untenable for CCS to continue to transport students that it is not required to transport." *See* Exhibit A at ¶ 19.

44. Regardless of whether the School Board agrees to mediate and/or to eventually make payments in lieu of transportation, the immediate harm to Relator and other students and their families caused by the School Board's noncompliance will not be fully remedied. They continue to suffer ongoing injuries that are not redressable without an order ending the School Board's noncompliance.

45. The ongoing injuries the Relator and her family are experiencing increase with every day the School Board refuses to comply with its legal obligations.

CLAIM FOR RELIEF – WRIT OF MANDAMUS

46. The State of Ohio, through Relator MARRISA Siebold, seeks a writ of mandamus requiring the Columbus City Schools School Board to comply immediately with its obligations under Chapter 3327 of the Ohio Revised Code. She incorporates by reference all allegations in the preceding paragraphs.

47. A petition for writ of mandamus is the proper vehicle for seeking the relief sought

herein. *State ex rel. Luchette v. Pasquerilla*, 182 Ohio App.3d 418, 2009-Ohio-2084, ¶ 3 (11th Dist.) (“[A] court can compel a school district to provide transportation when the school district's continued offer of payment in lieu of transportation is in violation of an order of the State Board of Education.”); *id.* (reversing trial court’s dismissal of parent’s mandamus petition seeking writ ordering school district to provide transportation pursuant to R.C. 3327.01-02).

48. Relator has a vested right under R.C. 3327.02(E)(2) to receive transportation for her child while the administrative adjudication of impracticality is ongoing.

49. The School Board has a mandatory, non-discretionary obligation to provide that transportation to Relator for her child pursuant to R.C. 3327.02(E)(2).

50. Mandamus is the only available remedy to enforce that right.

51. The Columbus School Board has claimed, in contradiction to the above precedent, that “the statute provides for an adequate remedy at law for all parties.” *See* Exhibit A at ¶ 19.

52. That claim is wrong, and there is no adequate remedy at law for this ongoing violation. *See State ex rel. Luchette*, 2009-Ohio-2084, ¶ 37 (Student parent “did not have adequate remedy at law by way of seeking payment under R.C. 3327.02(F), as this would not provide her with her right to have the school district provide transportation.”).

53. R.C. 3327.02(F) imposes penalties on school boards that fail to provide required transportation. But that penalty is not sufficient to redress the ongoing injuries being experienced by Relator and others who are similarly situated.

54. The penalties authorized by R.C. 3327.02(F) would be imposed after the fact when the current ongoing injury is completed. They are no adequate redress for the actual current injury Relator and other families are experiencing. The penalties cannot mitigate the ongoing

harms from a violation of the law. Even the penalty payment contemplated by the statute is limited to 50% of the cost of interim transportation, which is also capped at \$2,500. It is impossible for the Relator to now know what that penalty sum will be or when (or even if) she would receive it. It was not meant to be a remedy, but rather, a penalty. It disincentivizes unlawful conduct but does not provide an adequate remedy for the unlawful conduct.

55. Relator is entitled to a writ of mandamus because the School Board has violated, and continues to violate, the requirement set forth in R.C. 3327.02 of providing transportation services to her child and other students who have opted to attend private or community schools and who have requested mediation pending conclusion of the mediation process and all related hearings.

56. The Columbus City Schools School Board has no valid justification for failing to comply with the clear mandates of R.C. 3327.02.

57. If the School Board cannot be mandated to provide its legally obligated transportation, R.C. 3327.02 would be rendered a nullity. *State ex rel. Luchette*, 2009-Ohio-2084, ¶ 31 (“[I]f the school district’s interpretation is correct, then the entire statute is without meaning (with the exception of the confirmation by the county’s educational service center). This is because if the school district pays the maximum amount from the beginning, the parent’s rejection of the offer and decision to proceed through the board hearing would be pointless.”).

58. The penalty authorized in R.C. 3327.02(F) is a penalty imposed by the Department of Education until compliance occurs. It is no substitution for the mandatory duty to provide transportation and provides no meaningful remedy whatsoever to the Relator *now*, while such expenses and hardships are being incurred. And even if or when such a penalty is paid to the Relator, such sum will only be 50% of the costs of interim transportation and ultimately

capped at \$2,500 – a sum which will not adequately remedy the Respondent’s intentional conduct.

PRAYER FOR RELIEF

59. The State of Ohio through Relator respectfully requests that this Court:
- a. Issue a writ of mandamus compelling the Respondent Columbus City Schools Board of Education to provide transportation to and from private or community schools to Relator’s child and for each student on whose behalf mediation has been requested or will be requested as a result of an Impracticality Resolution, which transportation must begin immediately and continue until the matter has been resolved pursuant to R.C. 3327.02(E)(1)(a) or (b).
 - b. In the alternative, issue a peremptory writ of mandamus compelling the above relief and ordering the parties to present further evidence and briefing prior to a final determination on permanent relief.

Respectfully submitted,

/s/ Donn Parsons

DONN PARSONS

[REDACTED]
JORDAN SEKULOW*

[REDACTED]
STUART J. ROTH*

[REDACTED]
ANDREW J. EKONOMOU*

[REDACTED]
CHRISTINA A. COMPAGNONE*

[REDACTED]
BENJAMIN P. SISNEY*

[REDACTED]
NATHAN J. MOELKER*

[REDACTED]
AMERICAN CENTER FOR LAW AND
JUSTICE

[REDACTED]

*Pro Hac Vice Motions Pending

CORRINNE VIDALES

[REDACTED]
OHIO CHRISTIAN EDUCATION
NETWORK

[REDACTED]

*Counsel for Relator State of Ohio ex rel.
Marrisa Siebold*

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF OHIO

STATE OF OHIO, EX REL. MARRISA	:	
SIEBOLD,	:	
Relator,	:	
	:	
v.	:	Case No. _____
	:	
COLUMBUS CITY SCHOOLS BOARD OF	:	
EDUCATION,	:	On Complaint for Writ of Mandamus
Respondent.	:	

AFFIDAVIT OF MARRISA SIEBOLD

STATE OF OHIO :
: ss
COUNTY OF FRANKLIN :

Now comes Marrisa Siebold who, having been first duly sworn, attests and affirms from personal knowledge the following:

1. I am over eighteen (18) years of age and am competent to testify as to all matters within this Affidavit. The facts set forth herein are based upon my own personal knowledge.

2. My child is enrolled in a private school within the Columbus School District, Tree of Life Christian Schools Middle School.

3. My child is eligible for transportation from the Columbus School District and has received that transportation in previous school years.

4. This year, my child's first day of school was August 14, 2024.
5. I did not receive notice that my child had been determined by the Columbus City Schools Board of Education ("Columbus School Board") impractical to transport until August 22, 2024, by electronic mail, after the school year had already begun.
6. I did not receive notice of the School Board's decision by regular mail until August 24.
7. The Notice I received from the School Board did not provide any proposed amount of the "offer" of payment. It did not identify any amount I was being offered as an alternative to transportation, and I still do not know what that amount might be.
8. The form provided an option to accept or reject the offer; the space to accept the "offer" included a statement agreeing to provide transportation "for the consideration named," despite the fact that no monetary amount had actually been named.
9. The Notice I received provided a Columbus City Schools address to return the form accepting or declining payment.
10. I immediately refused the offer of payment and requested mediation, responding by electronic mail on August 22, 2024, and by certified mail on August 26, 2024.
11. No mediation with the Columbus School Board has yet occurred, nor have I received any offer to schedule that mediation.
12. My child has not received any transportation or transportation assistance for the 2024-25 academic year from the Columbus School Board.
13. In my request for mediation, I informed the Department of Education that the School Board was failing to provide transportation while mediation was pending.
14. The injuries I and my family experienced include:

- a. I have been forced to take time off work to provide the transportation to school in the morning and home from school in the afternoon for my child, reducing my income and jeopardizing my employment status. I have had to reduce my regular work hours from 55 to 45 hours a week as a result of the increased time having to be spent driving my child to and from school.
- b. This lost work time has imposed a direct financial burden on me and significantly reduced my income; my wage is hourly and so lost hours have directly translated to lost employment income.
- c. Further, I am incurring wear and tear on my vehicle and gas expenses.
- d. It is approximately 13 miles between my residence and my child's school; it is at least a 20-30 minute drive one way. Having to make this drive there and back twice a day, I experience an hour and a half to two hours of lost time every school day driving to school.
- e. Because of the substantial time I have lost during the middle of the day to drive my child to school, I have had to work significant additional hours before and after the beginning of school in order to maintain full time employment and try to provide for my family. Any hour I do not make up, I lose.

15. I accessed the documents and information described below via the Internet on the dates listed below. The copies attached to this affidavit are true and accurate copies of the documents and information I accessed online.

16. On September 10, 2024, I accessed the article entitled *Columbus City Schools*

Cancels Bus Transportation For Around 1,380 Private School Students, attached hereto as Attachment A-1, and available online at <https://www.wosu.org/news/2024-08-23/columbus-city-schools-cancels-bus-transportation-for-around-1-380-private-school-students> (last visited Sept. 10, 2024).

17. On September 10, 2024, I accessed the article entitled “*I’m Appalled*,” *Charter School Families Call Out CCS for Lack of Transportation*, attached hereto as Attachment A-2, and available online at <https://abc6onyourside.com/news/local/im-appalled-charter-school-families-call-out-ccs-for-lack-of-transportation> (last visited Sept. 10, 2024).

18. On September 10, 2024, I accessed the article entitled *Parents Angry, Ohio AG Threatens Lawsuit as Columbus Removes More Students From Busing*, attached hereto as Attachment A-3, and available online at <https://www.dispatch.com/story/news/education/2024/09/03/ohio-ag-dave-yost-threatens-columbus-city-schools-lawsuit-nonpublic-busing-policy/75061043007/> (last visited Sept. 10, 2024).

19. On September 10, 2024, I accessed the press release document entitled *Columbus City Schools Response to Ohio Attorney General Dave Yost*, attached hereto as Attachment A-4, and available online at <https://www.ccsok.us/site/default.aspx?PageType=3&DomainID=4&ModuleInstanceID=125&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=47381&PageID=1> (last visited Sept. 10, 2024).

20. On September 10, 2024, I accessed the video recording of the August 27, 2024, meeting of the Columbus City Schools Board of Education, available at https://www.youtube.com/watch?v=s132jenOups&ab_channel=ColumbusCitySchoolsBOE. The

following is a true and accurate transcription of a portion of the remarks of Columbus City Schools Executive Director of Transportation Services Rodney Stufflebean, beginning at 1:15:07 on said video recording:

They are required to, they are allowed to request mediation. Once we receive that request for mediation, the law does state that we are required to transport if we have the means available. It also states that in the subsection of that that if we do not have the means available, we're subject to a certain penalty for that that would be paid directly to the students or the family, or the school to disburse to the family. Obviously, we've reduced our numbers because of certain reasons, we don't have the ability to start that. It would increase our routes by about forty-five routes. So we would be subject to the penalty.

When asked by a School Board member if "we're just taking the penalty?", Mr. Stufflebean confirmed that to be the case.

21. On September 10, 2024, I accessed the video recording of the August 27, 2024, meeting of the Columbus City Schools Board of Education, available at https://www.youtube.com/watch?v=s132jenOups&ab_channel=ColumbusCitySchoolsBOE. The following is a true and accurate transcription of a portion of the remarks of Columbus City Schools School Board member Brandon Simmons, beginning at 1:16:49 on said video recording:

There's a very simple solution here, and it's located at 430 Cleveland Avenue. Central enrollment. If you are a charter school parent and you're struggling and your child can't get to school, Columbus City Schools is a great option for your family. It's a great option for your students. Our staff are better trained. It's not located in a strip mall. Choose Columbus City Schools.

He goes on to say, "[t]hat's what I have to say to folks. If you are a charter school parent and you're struggling to get your kid to school, choose Columbus City schools because we're the better option anyway."

Further affiant sayeth naught.

Marrisa Siebold
Marrisa Siebold

Sworn to before me and signed in my presence, a Notary Public in and for State of Ohio on this 10th day of September, 2024.



MICHAEL A SCHMITZ
Notary Public State of Ohio
My Comm. Expires December 18, 2028

ATTACHMENT A-1

Is your company part of the inner circle? Become a founding member today. WOSU business circle

Columbus City Schools cancels bus transportation for around 1,380 private school students

WOSU 89.7 NPR News | By Allie Vugrincic

Published August 23, 2024 at 12:09 PM EDT



▶ LISTEN • 1:02



Natasha Williams / WOSU

A Columbus City Schools school bus parked outside Summit Academy School in southeast Columbus.

After several years of bus driver shortages, Columbus City Schools said it has drivers to cover its routes, but hundreds of students who live in the district and attend charter or

About 1,380 charter and nonpublic school students received letters from the district said bussing wouldn't be provided this year, because of an Ohio law that states public schools don't have to provide transportation if students are traveling more than 30 minutes.

The letters said that while the district didn't rely on the rule in the past, "ongoing challenges have forced CCS to enforce this rule."

The district said it's necessary to plan efficient routes around new road construction projects and traffic patterns, especially with students spread out all over the large district.

CCS told families it used Google Maps to run more than 21,200 routes between students' nearest public school and their private schools of choice. CCS also tested some of the routes to prove they take 30 minutes or more.

"In every instance of the sampling, the actual time traveled was either equal to or exceeded the high-end range that the Google map provided," one letter reads.

Families of private school students can contest their ineligibility for bussing by asking for the official timing of their route from the Ohio Department of Education. The district reminded families that requested timing must take place during the actual time that students would be traveling to or from school. Requests are due by Sept. 3.

Columbus City Schools' students went back to school on Wednesday. The district has 470 bus routes for its schools.

For those students attending district schools, the CCS has 446 drivers on staff, with 429 of those currently eligible to drive, according to the district. Twenty-nine drivers are in training. The district also has 25 transportation supervisors.

Tags

[News](#)[Columbus City Schools](#)[Education](#)[school bus](#)

WOSU 89.7

Here and Now



Allie Vugrincic

Allie Vugrincic has been a radio reporter at WOSU 89.7 NPR News since March 2023.

[See stories by Allie Vugrincic](#)



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Here and Now

ATTACHMENT A-2

<https://abc6onyourside.com/news/local/im-appalled-charter-school-families-call-out-ccs-for-lack-of-transportation>

'I'm appalled,' Charter school families call out CCS for lack of transportation

by Isabelle Hanson

Tue, August 27th 2024 at 11:16 PM





Columbus City Schools bus. August 23, 2024. (WSYX)

TOPICS:

[CCS Transportation Charter school Board members Families Columbus City Schools Students Notification](#)

COLUMBUS, Ohio (WSYX) — Columbus City Schools' transportation is in the spotlight again after charter school families spoke to Board members about not including their students in bus routes and untimely notification.

ABC6/FOX28 [first shared their concerns](#) before school started last week.

Tuesday night, [Charter school leaders](#) and families spoke during public comment at the CCS Board of Education meeting. They recently received letters explaining that the district determined it was "impractical" to transport their students.

The district cited updates to Section 3327.02 of the Ohio Revised Code as the reason for the changes.

Families said they were not notified in the proper timeframe that their students would not be included in a CCS bus route.

"I literally lost a job because the transportation hasn't been taken care of yet, so I've been without employment, and I need that to move forward with the school," said Sina Draughn, who has grandkids attending a charter school, United Schools.

After hearing from several families and school leaders, CCS Board members unanimously voted to declare transportation impractical for certain students.

WSYX

"What I can tell you is the information they're sharing with families is riddled with errors," said Andy Boy, CEO and Founder of United Schools. "It is coming late, and it is very hard to understand what's being communicated by the district, and it's happening in the 11th hour."

CCS has told ABC6/FOX28 that communication about the transportation changes was sent to families in June.

The Board's discussion about the matter during the meeting created more tension. Censured member Brandon Simmons, who created controversy due to a leaked document over the summer, shared his opinion on transportation issues for charter students. He did this during a time for questions from the Board members.

"There's a very simple solution here, and it's located at 430 Cleveland Avenue," said Simmons. "Central enrollment. If you are a charter school parent and you're struggling and your child can't get

to school, Columbus City Schools is a great option for your family. It's a great option for your students. Our staff are better trained. It's not located in a strip mall. Choose Columbus City Schools."

During his comment, Board President Christina Vera interrupted him three times, asking if he had a question.

"We're the better option anyways," said Simmons. "Your children will do better with us. Our staff are better trained. Columbus City Schools is just all around the better option."

"What he talked about in there about Columbus City Schools being the best for my children, it was not," said Draughn. "So we could also say the private school is better than Columbus City. That just sounds ignorant to me." We were a perfect fit for this school

"If CCS schools were working for the families that choose our schools, they would be there," Boy said.

CCS transportation leaders answered questions from Board members and said they handled the situations properly.

"For every student that we required or identified as impractical, we identified at least five of the six factors applied to those students. The notifications were sent out appropriately."

Parents can accept a payment made at the end of the year in lieu of transportation from CCS. If a family chooses to reject the payment, they can schedule a mediation with CCS to resolve the matter. Transportation leaders told Board members that they're taking the financial penalty instead of increasing routes for the charter students.

"We don't have the ability to start that," said Rodney Stufflebean, Executive Director of Transportation Services at CCS. "It would increase our routes by about 45 routes. So we would be subject to the penalty."

"To take a penalty over transportation safely to have our kids remain safely at school, I'm appalled," Draughn said.

ATTACHE  **A-3**

EDUCATION

Parents angry, Ohio AG threatens lawsuit as Columbus removes more students from busing



[Cole Behrens](#)

Columbus Dispatch

Published 5:32 p.m. ET Sept. 3, 2024 | Updated 11:29 a.m. ET Sept. 4, 2024

Ohio Attorney General Dave Yost on Tuesday sent a cease and desist letter to Columbus City Schools, saying the district needed to resume providing transportation to hundreds of nonpublic charter and parochial school students it dropped without warning or face a lawsuit.

Yost's announcement in a media release came just hours before Columbus City school board met Tuesday evening and voted on a new resolution saying it cannot transport some charter and nonpublic students because of the cost and disruption to its transportation services.

In an email response to The Dispatch the district said it had received Yost's letter and would "respond as appropriate." A spokesperson told The Dispatch at Tuesday's meeting that the district would issue a statement about the letter.

At Tuesday's meeting, the CCS board voted on another resolution declaring more students impractical for transportation. The Dispatch has requested the district provide how many children the district has already said it cannot transport.

Under Ohio law, school districts are obligated to provide transportation for nonpublic school students who live within district boundaries and will attend a school no more than 30 minutes from the public school which they would attend if they were enrolled.

At Tuesday's meeting and other recent meetings, the district has declared some charter and nonpublic students "impractical" for transportation, meaning the district says it cannot transport them and agrees to pay families for the costs of transportation at the end of the school year. Families would be responsible for transporting those students themselves using their vehicles, COTA bus service or Uber, Lyft or cab services they pay for up front.

More: Columbus Schools warns of late buses when school starts as district seeks more drivers

The district says it transports more than 8,000 charter and nonpublic school students in addition to CCS students.

Charter parents, students, administrators: busing situation 'unthinkable'

During Tuesday's meeting, Saturn Messina, 16, a student at the Metro Public Early College High School charter school, said that forcing female students to use COTA transportation to get to school every day threatened girls' safety.

"I have lost my ability to feel safe making my way to school," Messina said. "I am consistently afraid to ride COTA every morning."

Messina said that for many young girls, there is a constant threat of sexual violence from using public transportation.

"I am not delusional enough to think that I can change your mind," Messina said. "But tonight, when you go home, please look at the young women in your life, and think they deserve to feel safe on the transit that they have to use, and so do I."

Ignazio Messina, parent of Saturn Messina, told the district last week that he received his notice that his child was ineligible for transportation just 12 days before school started, and that the district has failed to continue to provide transportation during a mediation process as required by law.

He said he and other parents have been met with either rudeness — or silence — from the district as they tried to sort out their children's transportation situation.

"I think we should be reminded that for many parents in the district, transportation required by law is a need, not a want," Messina said. "They need this."

Andy Boy, CEO of United Schools Network, a network of central Ohio charter schools, said the "kinds of challenges that have have been put in front of families are just unthinkable or unacceptable." He said that many parents were informed of busing impracticality just a week or two weeks before school starts in some cases.

He said some parents have even had to immediately withdraw from United Schools as a result.

"The consternation of their families is off the charts. We've got mothers, grandmothers, families and tears like, 'What am I supposed to do? I worked so hard to set this up for my family to make sure that this is working,'" Boy said.

Jennifer Griffith, principal of Franklinton High School, a charter school, told The Dispatch that she was glad to see Yost taking action against CCS because "someone is standing up for underserved families who want school choice for their children."

She said that not only have many students at the school been declared impractical for transportation, 20 students have been declared "ineligible" for transportation, meaning they do not qualify for a transportation reimbursement from the district.

"This is just flat out erroneous as all of our students live within the Columbus City Schools district and our school is located in Franklinton," Griffith said.

'Strong-arm tactic:' Yost threatens suit against CCS

In a prepared media release, Yost called the district's move to decline transportation of some charter and nonpublic students "a strong-arm tactic."

"The solution of 'Well just come back to Columbus City Schools because we're great' doesn't work," Yost said. "The parents have already made the decision that they want to avail themselves of the other options. This kind of strong-arm tactic will not stand."

More: Nine Columbus City schools potentially face closure. Here's what to know

Yost said the district was refusing to comply with state law to transport children. He said in a video statement that the cease and desist letter warns the district that if it don't resume transportation to charter and nonpublic students, the Attorney General's Office will take CCS to court.

"Columbus City Schools has decided not to comply with state law — you don't get to do that — state law has to be followed," Yost said.

Cbehrens@dispatch.com

@Colebehr_report

ATTACHMENT A-4

[Return to Headlines](#)

COLUMBUS CITY SCHOOLS RESPONSE TO OHIO ATTORNEY GENERAL DAVE YOST



Columbus City Schools Response to Ohio Attorney General Dave Yost

September 5, 2024

Dave Yost

Ohio Attorney General

Administration Office

30 E. Broad Street, 17th Floor

Columbus, OH 43215

In reference to your September 3, 2024, letter, CCS believes its actions are consistent with the laws promulgated by the General Assembly and is complying with its legal obligations to transport students.

As a point of information, due to circumstances beyond its control, CCS found it necessary to re-evaluate its transportation operations. Even with improved efficiencies, the re-evaluation led to the realization that it was untenable for CCS to continue to transport students that it is not required to transport. At present, CCS is transporting approximately 37,000 students. This number includes approximately 9,000 community and nonpublic school students who have been deemed eligible and practical to transport. CCS, and

contracted vendors, cover 470 routes. For context, these routes include transportation to 113 CCS school buildings and up to 167 community and nonpublic school buildings.

Your letter conflates the ineligibility for transportation determinations, under R.C. 3327.01, with the impractical to transport determinations under R.C. 3327.02. These two statutes involve different decision-making processes and remedies available to the families of students.

CCS staff is working with the Ohio Department of Education and Workforce (“ODEW”) and families daily regarding CCS’s determinations. R.C. 3327.01, which is commonly known as the 30-minute rule, specifically permits CCS, and all Ohio public school districts, to determine that a student is ineligible for public school district transport if “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.”

The Columbus City School District does not discriminate based upon sex, race, color, national origin, religion, age, disability, sexual orientation, gender identity/expression, ancestry, familial status or military status with regard to admission, access, treatment or employment. This policy is applicable in all district programs and activities.

CCS has no legal obligation to transport ineligible students under R.C. 3327.01 or 3327.02, and students deemed ineligible for transportation are not entitled to mediation and/or payment in lieu of transportation. Instead, either CCS or the student’s parent/or guardian can request an official timing to determine eligibility for CCS transportation. CCS and ODEW have coordinated a time schedule to conduct official timings upon request. If an official timing, conducted by ODEW, determines that the afore-mentioned distance is under 30 minutes, then an impractical to transport review is conducted.

As indicated previously, R.C. 3327.02 governs impractical to transport determinations. R.C. 3327.02(A) specifically provides that CCS “may determine that it is impractical to transport a pupil who is eligible for transportation” using the following 6 factors:

- (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.

CCS, working with an outside consultant (Ohio School Board Association), believes that it has substantially complied with all the requirements set forth in R.C. 3327.02.

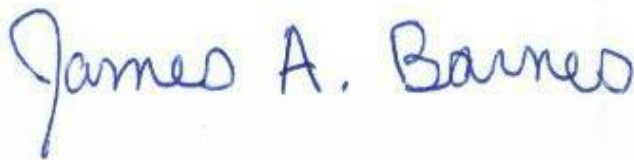
Your letter also references timelines. R.C. 3327.02(B) describes the process for making impractical to transport determinations. This section requires that such determinations be made not later than thirty (30) days before a community or nonpublic school is scheduled to begin classes, and the Superintendent made those determinations within the required time. After the CCS Board of Education passed the required Resolution to effectuate the Superintendent's impracticality determinations, CCS issued letters, via certified mail, to the individual families with a description of the reasons for the Superintendent's determination. The letter also included an offer for payment in lieu of transportation. Such an offer could only be made after the Board passed the above-referenced Resolution.

R.C. 3327.02(F), promulgated by the General Assembly, clearly sets forth the remedies available to families. It provides, in part, that if a public school district fails to provide transportation for impractical students during mediation, DEW shall order the school district to pay a fine, up to \$2,500, to the student's parent/guardian. The statute also authorizes DEW to implement a fine, if, following a Chapter 119 hearing, it is determined that it is not impractical to transport a student. Foremost, the statute provides for an adequate remedy at law for all parties.

Based on the above, your threat to file a lawsuit against CCS is an improper infringement upon CCS's right to make ineligibility and impractical to transport determinations. Your threat to file a lawsuit against CCS also serves to usurp and circumvent the authority of the General Assembly, which promulgated the above-referenced statutes. Finally, your threat to file a lawsuit against CCS is also an infringement upon the equal rights of public school districts and community or nonpublic school parents/guardians to due process.

I am hopeful that my response to your letter provides clarity in this transportation matter. Thank you for your attention.

Sincerely,



James A. Barnes, Esq.