

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, EX REL. DAVE :
YOST, ATTORNEY GENERAL, :
 : CASE NO. 2024-1250
Relator, :
 :
vs. :
 :
COLUMBUS CITY SCHOOLS :
BOARD OF EDUCATION, :
 :
Respondent. :

**RESPONDENT’S MEMORANDUM CONTRA RELATOR’S MOTION FOR LEAVE
TO FILE REVISED SUBMISSION OF EVIDENCE
AND
CONTRA EMERGENCY MOTION FOR WRIT OF MANDAMUS**

Now comes Respondent Columbus City Schools Board of Education (“CCS”), and in accordance with this Court’s 08-15-2025 Case Announcements 2025-Ohio-2908 Order, hereby responds to Relator’s Motion for Leave to File Revised Submission of Evidence and Emergency Motion for Writ of Mandamus.

Relator’s proposed newly disclosed evidence is not relevant to the factual or legal issues pending before this Court herein. The proposed newly disclosed evidence relates to the 2025 – 26 school year, while Relator’s Complaint herein is primarily based upon undisputed facts for the 2024 – 25 school year. Relator’s current attempt to add newly disclosed evidence is a weakly disguised attempt to amend its Complaint. This case involves legal issues for which Relator’s proposed newly disclosed evidence has no importance.

Likewise with regard to Relator’s “reboot” of its previously failed request for this Court to issue an emergency writ of mandamus, same being denied on October 7, 2024. There is no “recurring nightmare”, but only Respondent’s continued compliance with Ohio law, and legally appropriate offers to provide compensation in lieu of transportation. This Court denied Relator’s

Emergency Motion for a Temporary Writ of Mandamus on October 7, 2024, and Relator's current request fails just as before.

For the above reasons, and as set forth in the attached Memorandum in Support, this Court is respectfully urged to deny in all respects Relator's Motion for Leave to File Revised Submission of Evidence and Emergency Motion for Writ of Mandamus.

Respectfully submitted,

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MEMORANDUM IN SUPPORT

I. THE PROPER CONTEXT OF THIS CASE.

Relator's motion is based upon an alleged "crisis" which does not exist. Relator attempts to provide a basis for this created "crisis" by using such words as "recurring nightmare", "willful disobedience", "refusal", "urgent", "sudden and unexpected", and "emergency". To the contrary, this case is about a **legal interpretation of R.C. §3327.02 et seq.**, based upon undisputed material facts, not about histrionics.

This Court has been fully apprised of the legal issues that need to be decided as set forth both in Relator and Respondent's Merit Briefs. The legal issues have not changed, nor has Respondent's proper application of the processes of R.C. §3327.02 et seq. with regard to the authorization to provide payment in lieu of transportation for those requesting mediation.

The Parties, the affected students, and likely all school districts throughout the State of Ohio simply await this Court's resolution of this case, and interpretation of the statute. There exists no valid basis for Relator attempting to take this case out of proper "context", and create a crisis that does not exist, so it has another opportunity to publicly and unfairly criticize Respondent.

II. RELATOR'S MOTION FOR LEAVE TO FILE A REVISED SUBMISSION OF EVIDENCE SHOULD BE DENIED IN ALL RESPECTS.

Relator's Complaint for Writ of Mandamus was filed on September 5, 2024 at the start of the 2024 – 25 school year. The first 20 paragraphs thereof relate to R.C. §3327.02 et seq., and Relator's proposed interpretation of same. The only factual allegations set forth in the pending Complaint for Writ of Mandamus relate to the 2024 – 25 school year. (See Complaint for Writ of Mandamus, ¶¶ 21 – 28, 31 – 32, 38 – 39, and 42.) In its Entry of November 25, 2024, this Court restricted Relator's Complaint to the very limited relief sought in ¶ 51(a), which only requests relief for each student on whose behalf mediation has been requested or will be requested as a

result of an impracticality resolution. As such, Relator's Complaint is clearly factually limited to the 2024 – 25 school year.

In addition, as can be gleaned from the Parties' Merit Briefs filed herein, all of the material facts this Court needs, to reach its decision herein, are not in dispute. This case clearly involves legal issues, and statutory interpretation, which the Parties have previously fully set forth before this Court in their Merit Briefs.

Now, unnecessarily, Relator is attempting to submit additional evidence regarding the upcoming 2025 – 26 school year. This evidence is neither necessary, nor relevant to the legal and factual issues that have been fully briefed and are pending before this Court. The alleged facts and details regarding busing of those requesting mediation due to impracticality determinations for the 2025 – 26 school year add nothing of import to the Court's analysis and decision herein. This Court does not need alleged statistics for the 2025 – 26 school year for it to fully and adequately interpret R.C. §3327.02 et seq., as applied to the basic undisputed material facts for the 2024 – 25 school year, currently in the closed record through the Parties' timely submission of evidence.

Relator does not argue that this Court's decision regarding the evidence and legal arguments currently before it will not have precedential effect upon Respondent's 2025 – 26 school year, or in reality, effect upon all school districts with similar busing issues throughout the State of Ohio. Relator's failure to argue same should be deemed an acknowledgement and admission that the proposed revised submission of evidence is simply not necessary for this Court to decide this case based upon the record that has been closed for quite some time, and for its decision to have appropriate precedential application henceforth.

III. RELATOR'S EMERGENCY MOTION FOR WRIT OF MANDAMUS SHOULD BE DENIED IN ALL RESPECTS.

A. There exists no valid basis for an emergency writ.

Just as there existed no valid basis for an emergency writ of mandamus on October 7, 2024, there exists no valid basis now. Relator attempts to create a crisis that does not exist, in an effort to support a “reboot” of its previously denied request for an emergency writ. This Court clearly made its position known with regard to the previous denial of the emergency writ.

In fact, Relator’s own submission of proposed “revised” evidence supports a clear conclusion that there exists no “crisis” or difference than the facts presented to the Court last year for the 2024 – 25 school year. For the 2024 – 25 school year, there were approximately 2,447 CNP students that had been determined by CCS to be impractical to transport. According to Relator’s current revised evidence proposal, for the 2025 – 26 school year, fewer students, i.e., 2,130, have been deemed impractical to transport. For the 2024 – 25 school year, there were 102 students who had requested mediation for which transportation was not being provided.¹ In contrast, there are only 7 students who have requested mediation for the 2025 – 26 school year. (See Relator’s Motion for Leave to File Revised Submission of Evidence and Emergency Motion for Writ of Mandamus, Vol. III.) Those statistics would seem to indicate that the legislature’s comprehensive, substantive and procedural processes set forth in R.C. §3327.02 et seq. are working as designed. Likewise with regard to Respondent’s compliance therewith. DEW has scheduled mediations for each of these cases.

Furthermore, Relator’s request to submit revised evidence, including Respondent’s August 12, 2025 “Transportation during mediation – school year 2025 – 26” notice to parents provides no additional information upon which an emergency writ would be justified. This August 12, 2025 notice merely repeats and states again what students and their families were told

¹ CCS’ good faith decision to attempt to transport these 102 students, despite not being required to do so, resulted in negative disruptions to student schedules, route adjustments, late buses, longer bus rides and numerous parent complaints. Such resulted in significant monetary fines to CCS, which otherwise would have been avoided.

last year: that the District will pay any statutory compensation ordered by DEW (Ohio Department of Education and Workforce) during the dispute resolution process, and is unable to provide transportation services during mediation. It also restates the same as last year, that CCS offers payment in lieu of transportation in accordance with DEW's regulations. Absolutely nothing significant exists to convince this Court to change its mind, and now issue an emergency writ of mandamus.

Attached is an Affidavit of the Executive Director of the CCS Transportation Department, Rodney Stufflebean, dated August 19, 2025, which has been prepared in response to Relator's motion. The Affidavit documents that CCS has basically followed the same procedure as it did for the 2024 – 25 school year, in compliance with the comprehensive, substantive and procedural process set forth in R.C. §3327.02 et seq., and under the auspices of DEW. The number of students that have rejected payment in lieu of transportation and requested mediation through DEW to challenge CCS' determination that their student is impractical to transport is currently at 7. As such, even less of a basis exists for an emergency writ of mandamus than when this Court previously denied Relator's prior unsupported request on October 7, 2024.

B. The compensatory remedies pursuant to R.C. §3327.02(F) are an adequate remedy at law and defeat Relator's second request for an emergency writ.

To be entitled to a writ of mandamus, a relator must establish a clear legal right to compel a respondent to commence an appropriation action, a corresponding clear legal duty on the part of a respondent to institute that action, and the lack of an adequate remedy in the ordinary course of law. *State ex rel. Gilbert v. Cincinnati*, 2010-Ohio-1473, ¶ 15.

Mandamus will not issue if there is a plain and adequate remedy in the ordinary course of law. *State ex rel. Ross v. State*, 2004-Ohio-1827, ¶ 5; R.C. 2731.05. "The burden of establishing such right is upon the relator and the writ ordinarily will be refused unless the relator shows

affirmatively that he has no plain and adequate remedy in the ordinary course of the law.” *State ex rel. Williams v. City of Canton*, 51 Ohio St.2d 81, 83 (1977) (citations omitted).

As previously demonstrated in Respondent’s Merit Brief, as well as Respondent’s Motion to Dismiss and Memorandum Contra Relator’s Emergency Motion for Writ of Mandamus filed on September 30, 2024, there simply exists no valid basis for an emergency writ of mandamus. As Respondent has argued in detail, the compensatory remedies pursuant to R.C. §3327.02(F) are an adequate remedy at law for any decision not to provide interim transportation pursuant to R.C. §3327.02(E)(2). Furthermore, the monetary compensation set forth in R.C. §3327.02(F) should be deemed as providing an adequate remedy at law. Finally, at the very least the combined statutory compensation and right to an R.C. Chapter 119 hearing constitute an adequate remedy at law for any lack of interim transportation during mediation, pursuant to R.C. §3327.02(E)(2). The Attorney General is simply attempting to usurp the authority of DEW, which is statutorily authorized to address the matters that the Attorney General has brought to this Court.

C. Relator’s second request for an emergency writ is simply an improper motion for judgment on the pleadings or motion for summary judgment.

Just as before, Relator’s “reboot” for an emergency writ of mandamus is basically an improper motion for judgment on the pleadings or a motion for summary judgment, contrary to this Court’s rules. Pursuant to this Court’s Rules, in an original action “[t]he relator may not file a motion for judgment on the pleadings or a response to an answer.” S.Ct.Prac.R. 12.04(B)(1). Nor can either party file a motion for summary judgment. S.Ct.Prac.R. 12.04(B)(3).

This Court looks to the substance of a motion rather than its title. See, e.g., *Clough v. Wilson*, 80 Ohio St.3d 1459 (1997)(finding a party’s document titled “Motion to dismiss entry” was, “in substance, a motion for reconsideration that was untimely filed” and therefore prohibited by S.Ct.Prac.R. XIV(2)(C)).

Relator's Emergency Motion is, in essence, either a motion for judgment on the pleadings or motion for summary judgment, as it seeks the same relief on the same grounds as alleged in the Complaint and prayed for in part. It is an attempt to side-step this Court's anticipated detailed ruling on all of the issues presented in the Merit Briefs. Therefore, this Court should find it procedurally improper and deny it.

D. Relator's Emergency Motion seeks a peremptory writ that must be denied.

Pursuant to R.C. 2731.06, "[w]hen the right to require the performance of an act is clear and it is apparent that no valid excuse can be given for not doing it, a court, in the first instance, may allow a peremptory mandamus. In all other cases an alternative writ must first be issued on the allowance of the court, or a judge thereof."² If an alternative writ is issued, the court must issue a schedule for the presentation of evidence and the filing and service of briefs or other pleadings. S.Ct.Prac.R. 12.05, see, e.g., *State ex rel. Plain Dealer Publ'g Co. v. Cuyahoga Cty. Ct. of Common Pleas*, 2000-Ohio LEXIS 336, 724 N.E. 2d 426 (sua sponte ordering an alternative writ, with a concurrence agreeing, but noting "to me the issue is so clear that I would issue a peremptory writ.").

As set forth in its Merit Brief, it is clear and apparent that CCS has numerous valid, factual, legal reasons and justification for not providing interim transportation pursuant to R.C. 3327.02(E)(2), and plain and adequate remedies at law exist to compensate the parents and/or provide an ultimate resolution as to any dispute.

If justification now exists for a peremptory emergency writ, it would have existed on October 17, 2024 when this Court denied Relator's first attempt. Nothing has changed for the 2025 – 26 school year as to the actions of CCS, and its compliance with the procedures and

² A peremptory writ may also be issued when a respondent is in default. R.C. 2731.10.

substantive requirements of R.C. §3327.02 et seq.,

IV. CONCLUSION

Based upon the foregoing, and for the reasons set forth in Respondent's Merit Brief, and prior submission of evidence in the record, this Court is respectfully urged to deny Relator's Motion for Leave to File Revised Submission of Evidence and Emergency Motion for Writ of Mandamus in all respects.

Respectfully submitted,

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*Co-Counsel for Respondent Columbus City
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of August 2025, the foregoing was electronically filed with the Clerk of Courts and a copy of same was duly served via electronic and/or regular mail, upon the following:

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AFFIDAVIT OF Rodney Stufflebean

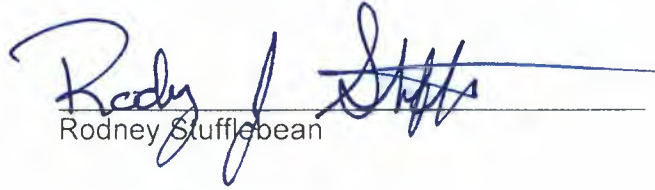
STATE OF OHIO)
) ss.
COUNTY OF FRANKLIN)

Rodney Stufflebean, who being first duly cautioned and sworn according to law, deposes and states:


1. I am currently employed by Columbus City Schools ("CCS") as Executive Director, Transportation Department. I am duly authorized to make this Affidavit and represent that I have personal knowledge of the matters contained herein.
2. On January 31 2025, CCS issued a letter to all community, charter, and nonpublic ("CNP") schools inviting them to attend one of two annual meetings to discuss transportation for the 2025-26 school year ("Annual Meetings"). A copy of the January 31, 2025 letter is attached as Exhibit A.
3. CCS conducted the scheduled Annual Meetings on February 25, 2025 and February 27, 2025. A copy of the agenda for the Annual Meetings is attached as Exhibit B. Furthermore, an attendance sheet demonstrating which CNP schools attended the Annual Meetings is attached as Exhibit C.
4. During the 2025-2026 school year, CCS anticipates it will transport approximately 36,874 students each school day. This number includes the transportation of approximately 8,550 CNP students, who have been deemed eligible and practical to transport.
5. In order to maximize CCS's resources and to comply with Ohio law, CCS applies the six factors found in Ohio Revised Code 3327.02 in determining if CNP students are practical to transport.
6. In addition to the requirements set forth in Ohio Revised Code 3327.02, CCS also began notifying parents as early as May 28, 2025 (via email and U.S. Mail) that it would be deeming that parent's student(s) impractical to transport ("Notification Letter"). An example of one such Notification Letter is attached as Exhibit D.
7. As of the date of this Affidavit, 7 CNP students have rejected payment in lieu of transportation and requested mediation through the Ohio Department of Education and Workforce ("DEW") to challenge CCS's determination that their student is impractical to transport. DEW has scheduled mediations for those requests.

8. A "Transportation During Mediation" letter was sent to the parents that are currently in DEW's mediation process. A copy of the letter is attached as Exhibit E.

Further affiant sayeth naught.


Rodney Stufflebean

Sworn to, and subscribed in my presence, this 19th day of August 2025.


Notary Public, State of Ohio
My Commission expires: N/A



Justin M. Dortch, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.



COLUMBUS
CITY SCHOOLS

Rodney Stufflebean

Executive Director

Transportation

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Columbus, Ohio 43207

Ph. 614-365-5074

Fax 614-365-6707

www.columbus.k12.oh.us

Mission: Each student is highly educated, prepared for leadership and service, and empowered for success as a citizen in a global community.

January 31, 2025

Dear School Administrator:

Every year, Columbus City Schools ("CCS") invites Charter/Non-Public Schools to attend one of two meetings in order to share information that will be helpful to you in planning the 2024-2025 school year. This year, these meetings will be held on **February 25, 2025** and **February 27, 2025** at **4:30 pm - 6:00 pm**. Please note that your CNP DOES NOT need to attend both meetings. The meetings will take place at Moler Transportation Center, 1560 Moler Road, Columbus, Ohio 43207.

CCS will also provide you with several forms that are necessary to complete for the upcoming school year, this will include, but may not be limited to, a Google document that will permit you to update your school information and the annual school calendar for the 2025-2026 School Year.

In addition, applications to request Pupil Transportation for the 2025-2026 school year will be conducted **ONLINE** as in previous years. All current families remaining in their current school will be automatically routed for transportation, **if eligible, pending submission by the schools of the updated Google Form.**

ALL new families, or families changing schools, must complete an online transportation request. CCS Requests that all transportation requests be received at least 10 business days before the start of school. Please note that failure to timely make transportation requests may impact a student's impracticality determination pursuant to the R.C. 3327.02.¹

An agenda of the topics to be covered is attached for your convenience. Please complete the enclosed registration form and scan to kgard8900@columbus.k12.oh.us, Tjones@columbus.k12.oh.us, dsmith@columbus.k12.oh.us.

Please make plans to attend one of these meetings. If you cannot attend, please send someone to the meeting from your school to pick up the information.

Note: All students, regardless of when a transportation request is made, are still subject to review under both R.C. 3327.01 & 3327.02.

Columbus City School District does not discriminate based on race, color, religion, sex, national origin, or ancestry in regard to admission, access, treatment or employment. This policy is applicable to all district programs and activities.

If you have any questions, please call (614) 365-5074.

Rodney Stufflebean
Executive Director
Columbus City Schools Transportation

Exhibit A

2025 - 2026 Charter/ Non-Public Meeting

1. **Kathy Gard & Dawn Smith** - Opening
2. Google Doc - **IMPORTANT** for enrollment/transportation requests.
3. Updated contact information.
4. Online application process.
5. **Justin Dortch**- Impractical/Ineligible Process & Rules Overview.
6. **Nick Steyers**- E-Link and requests.
7. **Constance Davis** - School Calendars & possible early releases.
8. Route update procedures.
9. Address changes, Proof of Residency.
10. Withdrawals
11. Safety, discipline and video viewing.
12. Emergency school closings.
13. Call Center information and procedures
14. Questions and answers.

Name (legible print) _____

Signature _____

School _____

Contact Number (phone) _____

	Attended Annual Meeting
A+ ARTS ACADEMY (FAIR)	2/25/25 CD
A+ ARTS ACADEMY (MAYBURY)	2/25/25 CD
A+ CHILDREN'S ACADEMY	NO
ACADEMY FOR URBAN SCHOLARS	2/27/25 CD
AKILI CHRISTIAN HS	2/25/2025 KG
ALL SAINTS ACADEMY	2/27/25 CD
ALMADINA ACADEMY	NO
ACADEMY	NO
PREPARATORY ACADEMY	NO
BISHOP HARTLEY (9 - 12)	NO
BISHOP READY (9-12)	2/25/25 CD
BISHOP WATTERSON	NO
BRICE CHRISTIAN	2/25/25 CD
BRIDGE GATE COMMUNITY SCHOOLS	2/27/2025 CD
BRIDGE GATE ELEMENTARY	NO
BRIDGEWAY ACADMEY	NO
CALUMET CHRISTIAN	2/27/2025 CD
BUILDING)	2/27/2025 CD
ACADEMY	NO
ACADEMY	NO
ACADEMY	2/25/25 CD
CESAR CHAVEZ NORTH	2/27/2025 CD
CHARLES SCHOOL	2/27/25 CD
CLINTONVILLE ACADEMY	NO
COLUMBUS ACADEMY	2/27/25 CD
COLUMBUS ADVENTIST ACADEMY	2/27/25 CD
ACADEMY	NO
COLUMBUS BILINGUAL CENTRAL	NO
NORTH	2/25/25 CD
WEST	2/25/25 CD
CCA DANA)	2/25/2025 KG
CCA MAIN)	2/25/2025 KG
ACA	2/27/25 CD
COLUMBUS JEWISH DAY SCHOOL	2/27/25 CD
COLUMBUS MONTESSORI SCHOOL	2/27/25 CD
COLUMBUS NOOR	2/27/25 CD
COLUMBUS PERFORMANCE ACADEMY	2/25/25 CD
COLUMBUS PREPARATORY & FITNESS	2/25/25 CD
COLUMBUS PREPARATORY ACADEMY	2/27/25 CD

COLUMBUS SCHOOL FOR GIRLS (K-12)	NO
COLUMBUS TORAH ACADEMY	2/25/25 CD
COLUMBUS TORAH ACADEMY - HS	NO
CORNERSTONE ACADEMY MS (5-8)	NO
CORNERSTONE ACADEMY (K-4)	NO
CORNERSTONE (HS)	NO
CRISTO REY	2/27/25 CD
CROWN PREPARATORY ACADEMY	2/25/25 CD
CYPRESS CHRISTIAN SCHOOL	NO
DESIGN	NO
EARLY COLLEGE ACADEMY	NO
EXCELLENCE	2/27/25 CD
EASTLAND PERFORMANCE ACADEMY	2/25/25 CD
EASTLAND PREPARTORY ACADEMY	2/25/25 CD
EDUCATION ALTERNATIVES	
GIRLS	2/27/25 CD
FRANKLIN LEARNING ACADEMY	2/25/25 CD
FRANKLINTON HIGH SCHOOL	NO
GALS OHIO	NO
GENOA CHRISTIAN ACADEMY (K-8)	NO
GRACE CHRISTIAN SCHOOL	NO
SCHOOL	2/27/25 CD
GRAHAM SCHOOL	2/27/25 CD
GROVE CITY CHRISTIAN	2/27/25 CD
HARAMBEE CHRISTIAN	2/25/25 CD
HARVEST PREPARATORY	2/27/25 CD
HEARTLAND HIGH SCHOOL	2/27/25 CD
HEART OF OHIO CLASSICAL ACADEMY	NO
CENTER	NO
HOLY SPIRIT SCHOOL	2/25/2025 KG
HORIZON SCIENCE ACADEMY 11-12	NO
HORIZON SCIENCE ACADEMY 9-10	NO
K-2)	NO
ELEMENTARY (3-5)	NO
HORIZON SCIENCE ACADEMY MS	NO
IMAGINE GREAT WESTERN ACADEMY	2/25/2025 KG
SCHOOL	NO
SCHOOL (K-6)	NO
IMMACULATE CONCEPTION	2/27/25 CD
INTERNATIONAL ACADEMY OF OHIO	2/25/2025 KG

KIDS CARE ELEMENTARY	NO
LEARNING SPECTRUM	NO
LEGACY ACADEMY of EXCELLENCE	NO
EDUCATION CENTER PICKERINGTON	NO
LIBERTY CHRISTIAN-PATASKALA	NO
LINC ACADEMY COLUMBUS	2/25/25 CD
MADISON CHRISTIAN	2/25/25 CD
MANSION DAY SCHOOL	2/27/25 CD
MARBURN (K-12)	2/27/25 CD
MATER ACADEMY (K-5)	2/25/25 CD
MATER DEI (K-8)	NO
METRO EARLY COLLEGE ES	2/25/2025 DS
HIGH	2/25/2025 KG
MIDNIMO CROSS CULTURAL	2/27/25 CD
MILLENNIUM COMMUNITY SCHOOL	2/25/25 CD
(K-8)	NO
NEW STORY SCHOOLS	NO
NOBLE ACADEMY (K-8)	2/27/25 CD
ACADEMY	2/27/25 CD
ACADEMY	2/25/25 CD
OAKSTONE ACADEMY	NO
OAKSTONE COMMUNITY SCHOOLS	NO
OHIO CONSTRUCTION ACADEMY	NO
OHIO SCHOOL FOR THE BLIND	NO
OHIO SCHOOL FOR THE DEAF (K-12)	NO
ONE SCHOOL	NO
OUR LADY OF BETHLEHEM	NO
OUR LADY OF PEACE	NO
OUR LADY OF PERPETUAL HELP	2/27/25 CD
12)	2/25/25 CD
PREP ACADEMY @ ST. VINCENT	2/27/25 CD
BY ECS OF OHIO	CLOSED
SHEPHARD CHRISTIAN	NO
SONSHINE CHRISTIAN ACADEMY	NO
ACADEMY @ GERMAN VILLAGE	NO
ACADEMY @ SOUTHFIELD	NO
SOUTH SCIOTO PERFORMANCE ACD.	2/25/25 CD
ST. AGATHA	NO
ST. ANDREW	NO
ST. BRENDAN (K-8)	NO

ST. CATHERINE	NO
ST. CECILIA	NO
ST. CHARLES	2/25/25 CD
ST. FRANCIS DE SALES	NO
ST. JAMES THE LESS	NO
ST. JOSEPH MONTESSORI	2/25/25 CD
ST. MARY MAGDALENE	2/25/2025 KG
ST. MARY-GERMAN VILLAGE	NO
ST. MATTHEW (K-8)	NO
BAKHITA	3/18/2025- DS
ST. MICHAEL	NO
ST. PAUL THE APOSTLE - WESTERVILLE	NO
ST. PAUL'S [LUTHERAN] (K-8)	NO
ST. PIUS X	NO
ST. TIMOTHY	NO
SUMMIT ACADEMY (ES & MS)	2/27/25 CD
SCHOOL	2/27/25 CD
SUNRISE ACADEMY	2/25/2025 KG
BUCKEYE RANCH	NO
TOOBA ACADEMY	NO
TREE OF LIFE POLARIS	2/25/2025 KG
SCHOOL	2/27/25 CD
TREE OF LIFE-CLINTONVILLE	2/25/2025 KG
TREE OF LIFE-DUBLIN	2/25/2025 KG
TREE OF LIFE HIGH SCHOOL	2/25/2025 KG
TRINITY CATHOLIC SCHOOL	NO
WAS UPA EAST)	2/25/2025 KG
WAS UPA WEST)	2/25/2025 KG
UNITY ACADEMY HIGH SCHOOL	2/27/25 CD
CLOSED VALOR ACADEMY OF OHIO	
VILLAGE ACADEMY (K-12)	NO
WELLINGTON SCHOOL	NO
WESTSIDE ACADEMY	2/25/25 CD
WESTSIDE CHRISTIAN	NO
WESTWOOD PREP	NO
ACADEMY	2/25/25 CD
WORTHINGTON ADVENTIST ACADEMY	2/27/25 CD
WORTHINGTON CHRISTIAN ES K-6	2/25/25 CD
WORTHINGTON CHRISTIAN HS 7-12	2/25/25 CD
WORTHINGTON CHRISTIAN MS	2/25/25 CD

Justin M Dortch

From: PflTransportationresponse
Sent: Wednesday, May 28, 2025 4:51 PM
To: [REDACTED]
Subject: Payment in lieu of transportation - 2000562
Attachments: 2025-26 - CNP Parent Board Notification.pdf; [REDACTED]

Dear Parents & Guardians of Charter/Non-Public School Student(s),

You are receiving this letter because Columbus City Schools ("CCS") has determined that, under Section 3327.02 of the Ohio Revised Code ("Statute"), it is impractical to transport your student(s) to and from his/her Charter/Non-Public School ("Determination"). If this Determination is approved by CCS's Board of Education ("BOE") then that means that your student(s) will no longer be transported by CCS's Transportation Department to his/her Charter/Non-Public School.

The Statute permits CCS to determine if it is impractical to transport your student(s) based upon the several factors. Specifically, those factors are:

1. The time & distance required to provide the transportation,
2. The number of students being transported,
3. The cost to provide transportation,
4. Whether similar or equivalent service is provided to other students 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 has provided you a copy of the workbook (attached) it has used to make the Determination regarding your student(s) in an email that was sent to the email address you registered with CCS in CCS's Infinite Campus system.

Next, CCS wants to inform you that the BOE will vote on the Determination on June 3, 2025, 6:00 p.m. at the South Administrative Building, 3700 S. High Street, Room 825.

Finally, CCS wants to inform you that if the BOE approves the Determination then you will receive a letter (and an email) that will present you with your options pursuant to the Statute.

Sincerely,
Rodney Stufflebean
Executive Director of Transportation
Columbus City Schools



Rodney J. Stufflebean
Executive Director of Transportation
1560 Moler Road
Columbus, OH 43207
Phone 614-365-5074
Fax 614-365-5815

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Sincerely,
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Rodney Stufflebean
Executive Director of Transportation
Columbus City Schools

Payment in Lieu of Transportation

Eligibility

Upon enrollment in a chartered nonpublic or community school, the parent or guardian must contact the transportation department of the public school district in which the student resides. The request should be made in writing. Without this request, the public school district will be unaware of the student's transportation needs and will not be able to accurately determine a student's eligibility for transportation services.

Upon contact from a parent or guardian, staff at the public school district will follow procedures to determine if the student meets eligibility requirements for transportation. The following factors will be evaluated.

1. Is the student a student with a disability? If yes, several scenarios may exist: No

a) For attendance at chartered nonpublic schools: If the student has an Individualized Education Program (IEP) written by the public school of residence but the parent elects to send the student to a chartered nonpublic school instead of a program designated on the IEP, the public school district has no obligation to provide special education transportation. OAC 3301-51-10 handout page 3 (C) (5) Instead, the public school district must offer the student the same transportation it would for a student not on an IEP. However, there may be situations in which the public district agrees to provide transportation as an equitable service to the nonpublic schools through use of the public district's proportionate share of Individuals with Disabilities Education Act (IDEA) funds. Transportation for these students would be indicated as a service on an Individualized Services Plan (ISP);

b) For attendance at community schools: If the student is receiving special education, the community school (as a public school) has the same obligation to adopt and implement an appropriate IEP for the student as any other public school. If the student's IEP specifies student transportation as a required related service, the obligation of providing transportation is assigned to the community school. If there is an IEP but transportation is not identified as a related service, the public school district of residence should provide transportation as it would for a student not on an IEP;

c) In cases where a student is the recipient of either a Jon Petersen Scholarship or Autism Scholarship, transportation services are provided to the recipient the same as would be provided for a regular education student, and according to Ohio Revised Code 3327.01 and Section 1(a) of this manual for scholarship students attending chartered nonpublic schools.

2. Is the school selected eligible for services from a public school? Yes

"The chartered nonpublic or community school must be approved by Office of Community Schools for a sponsorship agreement or have a letter of intent to be approved. Without one of these in place, no services can be provided.

Districts may confirm the existence of a nonpublic or community school by searching the Ohio Educational Directory System (OEDS). To access OEDS, visit <http://education.ohio.gov/Topics/Data/Ohio-Educational-Directory-System>. OEDS. IN determining if a school is approved by the State Board of Education, a district may discover the school actually is a non-chartered, non-tax nonpublic school, also known as an "08 School," pursuant to Ohio Administrative Code 3301-35-08. While such schools must report specific data to the Department of Education on an annual basis, enrolled students are not entitled to transportation services per OAC 3301-35-08(G)3. However, students with disabilities attending non-chartered, non-tax supported schools may be entitled to transportation services if they are agreed upon services between the public district and the nonpublic school."



3 Are students in grades 9-12 eligible for transportation services? Yes

This is based on the public school district's transportation policy. Pursuant to Ohio Revised Code 3327.01, if the public school district does not transport students in grades 9-12, then those students in grades 9-12 attending nonpublic or community schools would not be eligible for transportation services. In general, transportation is provided to nonpublic or community school students the same level of service as the public school district provides its own students.

4 Does the chartered nonpublic or community school meet the 30-minute eligibility test as set by ORC 3327.01? Yes

Although a school may be approved by the State Board of Education and the student may fit the same level of service eligibility, the school must be reachable within 30 minutes by direct travel. This is done in a school bus, on a school day and during the regular attendance times that a bus would be traveling to the school. The origin of the timing run is the public school building the student would be assigned to if attending public school. Public school districts will schedule and complete this time check and, if they find that it is greater than 30 minutes, will ask for the Ohio Department of Education (the Department) to supervise another timing run. Public school districts are encouraged to meet with the parents or guardians prior to this timing to attain agreement upon the route selected, and districts also are encouraged to invite the involved parents or guardians to ride along and observe. If a timing is 30 minutes or more, transportation services are not required to be provided.⁴

Timings, once run and supervised by a Department representative, are considered final and will not be re-run unless approved by the director of Pupil Transportation for the Department. This approval will not be granted unless it can be demonstrated the conditions pertaining to the original timing have changed substantially.

If it is determined the student is eligible and is attending an eligible school (meaning the timing is fewer than 30 minutes), staff at the public school district will determine the most appropriate mode of transportation available for the student.

Public school districts use a number of methods to provide transportation for students, including yellow school buses, public transit buses, taxi service and, in some cases, contracts with other school districts or private vendors.⁵ All these modes of transportation shall be considered for the eligible student. Parents or guardians cannot require a district to provide a specific mode of transportation. If transportation is offered by the district but declined, the public school district has no further obligation.

5 Does ORC 3327.02 allow for public school districts to determine the impracticality of transportation, on an individual student basis, after consideration of a number of factors? Yes

Based on the factors listed in ORC 3327.02 and the determination of impracticability, the local public school district is then permitted to offer payment in lieu of transportation to the parent or guardian. The allowed amounts for payment in lieu of transportation can be found on the Department's Payment in lieu of transportation for school year webpage.

<https://education.ohio.gov/Topics/Finance-and-Funding/School-Transportation/School-Transportation-Finance>

To declare a student impractical to transport, boards of education and parents or guardians must complete several steps as follows: Yes



a) The public school district's SUPERINTENDENT declare the student's transportation impractical 30 DAYS before the start of school. At the next meeting the board of education will pass a resolution declaring transportation to be impractical for the particular student(s);

b) The public school district's board of education then will provide the parent or guardian with notification of that resolution and ask for the parent or guardian to accept or reject the determination. At the same time, the board of education is to provide the parent or guardian with information regarding the family's rights, should it choose to reject the determination;

c) The parent or guardian must acknowledge and return the waiver form to the public school district confirming acceptance or rejection; and

d) For the parent or guardian who accepts, the public school district will verify attendance for the school identified and make payment to the parent/guardian at the end of the school year.

Time and Distance

Student: [REDACTED]

A. School of Assignment

Independence High School 5175 Refugee Rd, Columbus OH, 43232-5352	Start Time 07:00 AM	End Time 2:35:00 PM
-----------------------------------------------------------------------------	-------------------------------	-------------------------------

B. School of Attendance

Cristo Rey Columbus High School 400 E Town St, Columbus OH, 43215	Start Time 07:45 AM	End Time 03:50 PM
-----------------------------------------------------------------------------	-------------------------------	-----------------------------

AM distance round trip: 21.4 miles, 42 minutes

PM distance round trip: 21.4 miles, 42 minutes

[REDACTED]

[REDACTED]

Routes and Students

The number of pupils to be transported;

Cristo Rey Columbus High School: 400 E Town St, Columbus OH, 43215

Number of students requesting transportation: 37

Number of buses operated to transport: 5

Cost

District T2 Summary page

Type I	5-Year Ave Total Cost	\$51,000,000.00
	5-Year Ave Number of Regular Ed Buses	370
	Total Cost per Bus	\$110,812.00
Type II	Average Cost	\$146,545.00
	Average Number of Routes	1
	Total Cost	\$ 46,545.00
Type IA	Total Cost	Not Applicable
	Number of regular ed buses	
	Total cost	Not Applicable
Type III	COTA monthly cost \$62	\$744.00
	Number of students	10
	Total Cost per Student	\$744.00

Type I	Cost per Bus	\$ 110,812.00
Tiers/Day: 4	Cost per Tier	\$ 27,703.00
(Tiers Run: 5 + Tiers Lost: 5) x 2 (AM and PM)	Total Cost	\$ 554,060.00
Student Count: 37	Cost per Student	\$ 14,974.59
Type II	Cost per Bus	\$ 146,545.00
Tiers/Day: 4	Cost per Tier	\$ 36,636.25
(Tiers Run: 5 + Tiers Lost: 0) x 2 (AM and PM)	Total Cost	\$ 366,362.50
Student Count: 37	Cost per Student	\$ 9,901.69
Type IA	Number of Buses: 2	Number of Tiers/Day: 2
	Student Count: 37	Not Applicable
Type III	COTA monthly cost \$62	Cost per Student
		\$744.00

Service Level

Is similar or equivalent service is provided to other pupils eligible for transportation:

Does the district provide bus service to

Public students in grades 9 through 12?	Yes
Pre-school transportation to public students	Special Education
CNP schools in district	Yes
CNP schools out of district	Yes

Disruption

Whether and to what extent the additional service unavoidably disrupts current transportation schedules;

Providing service to **Cristo Rey Columbus High School** will take this number of buses and the buses will not be able to perform this number of tiers. This will cause students' bell schedule changes or adding a number of buses

Number of buses needed	5
Number of that must be added	5

Enter below your district's ability or state why the service disrupts what your bell times are. Many times districts will need to change what grades are transported to lower the number of students on the particular tier.

"The non-public school's bell schedule, including start and dismissal times, restricts the ability to use buses on multiple shifts or tiers. Consequently, additional buses must be operated within this limited timeframe each day."

Reimbursable Services

Has the district considered contractors, Transit, or nearby districts transporting your students.

1 Contractor services:

Are these services available for your district? **Yes**

if contractors are available you will need to answers to cost (tab) **Yes**

If yes, does the cost for contracted transportation exceed district cost? **Yes**

If yes, then the student's transportation would be declared impractical.

2 Transit services:

Are these services available for your district? **Yes**

if transit service is available:

Do your district students ride transit **Yes**



If yes, do the students' age conform with transit transportation? **Agreements have been established**

If yes, will the CNP school agree to this form of transportation? **No**

If yes, does the cost for transit transportation greatly exceed district cost? **No**

If yes, then the student's transportation would be declared impractical.

3 Contracting with local district for service (type IA):

Are these services available for your district? Yes **No**

Need answer for every district near you or any district transporting to the CNP school:

Bexley City	No
Canal Winchester Local (Franklin)	No
Delaware City	No
Dublin City	No
Gahanna-Jefferson City	No
Grandview Heights City	No
Groveport Madison Local (Franklin)	No
Hamilton Local (Franklin)	No
Hilliard City	No
New Albany-Plain Local (Franklin)	No
Olentangy Local (Delaware)	No
Pickerington Local (Fairfield)	No
Reynoldsburg City	No
South-Western City	No
Upper Arlington City	No
Westerville City	No
Whitehall City	No
Worthington City	No

Cristo Rey Columbus High School meet at CCS school's transfer point to self transport **No**

(Document all answers, emails suffice)

If a district can provide you will need to answers to cost (tab) **Not applicable**

If yes, does the cost for the transportation greatly exceed district cost? **Not applicable**

If yes, then the student's transportation would be declared impractical.



Under Ohio law, a district may determine it is impractical to transport a student who is eligible for transportation to and from a school after considering each of the following 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.

Columbus City Schools has determined that [REDACTED] is impractical to be transported to Cristo Rey Columbus High School because of the following factors:

- The time and distance required to provide the transportation;
- The number of pupils to be transported;
- The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- Whether and to what extent the additional service unavoidably disrupts current transportation schedules;
- Whether other reimbursable types of transportation are available.



“PAYMENT IN LIEU” PROCESS AFFECTING YOUR CHILD’S SCHOOL TRANSPORTATION

Ohio law¹ requires school districts to transport students in grades K-8 who live more than two miles from their assigned public schools or to a “school of attendance” that is a chartered nonpublic or community school located within 30 minutes from the assigned public school. In some cases, districts may find this impractical². This document outlines what is required of the district in such cases and the options for how parents can respond.

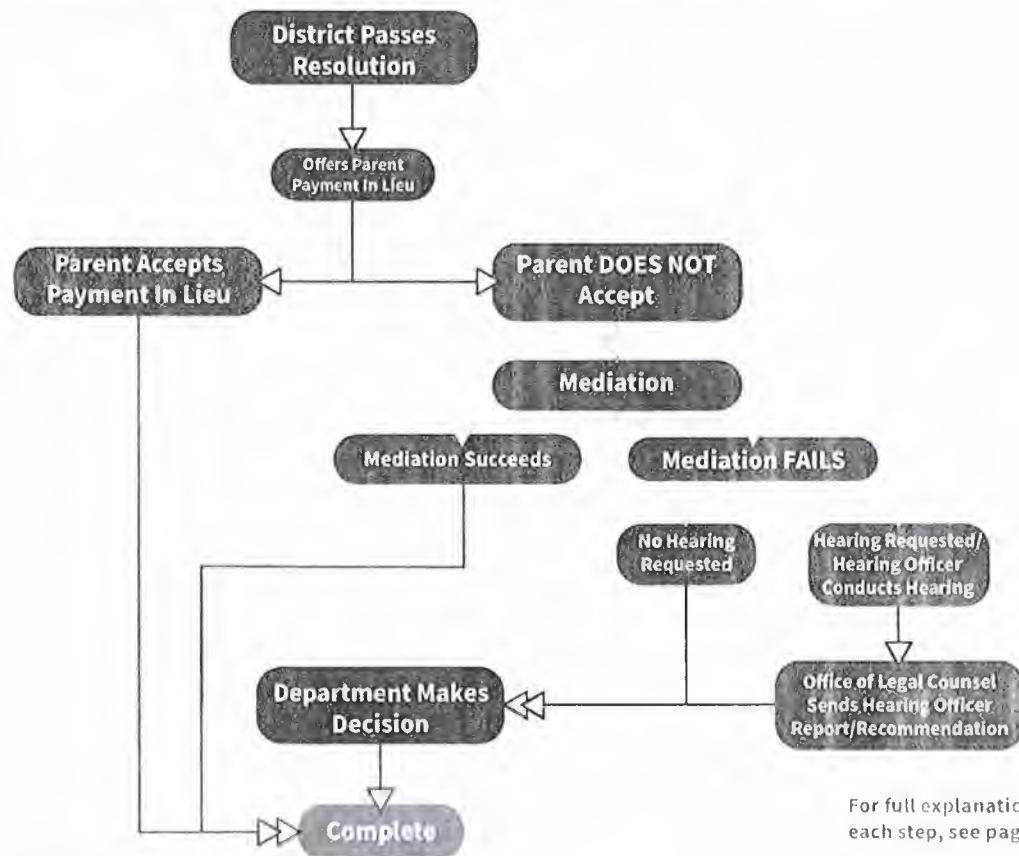
Before deciding not to provide transportation to a student, the school district must consider these six factors³:

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

The Payment in Lieu Process - Parties who may be involved:

- School district and/or the school district's attorney;
- Parents/pupils and/or their attorney or authorized school representative.
- Ohio Department of Education and Workforce (as facilitator only); and
- Ohio Attorney General's Office (as the Ohio Department of Education and Workforce's legal counsel).

A district that wishes to provide payment in lieu of transportation to a student must follow the steps below. For a full explanation of each step, see page 2. **If a parent/guardian rejects payment in lieu of transportation and requests mediation, until the Department makes a final decision the district must provide transportation to the student.**



For full explanation of each step, see page 2.

¹ Ohio Revised Code 3327.01

² A school district may declare a student impractical only if it is statutorily required to transport that student.

³ Ohio Revised Code 3327.02

“PAYMENT IN LIEU” PROCESS AFFECTING YOUR CHILD’S SCHOOL TRANSPORTATION

Steps in Detail

District Passes Resolution	School district finds transportation impractical and passes a resolution. The superintendent may make this determination first, as long as it is formalized at the next following meeting of the local board of education.
Offers Parent Payment In Lieu	District notifies the affected family and offers payment in lieu of transportation.
Parent Accepts Payment In Lieu	District pays parent payment in lieu.
Parent DOES NOT Accept	The parent may reject the payment in lieu and request mediation.
Mediation	Mediation is generally facilitated by an area coordinator (an Ohio Department of Education and Workforce employee) who will work with the district and family to see if they can come to an agreement.
Mediation Succeeds	District and parent come to an agreement.
Mediation FAILS	The parties fail to resolve the dispute in the mediation, and the matter is referred to the Department’s Office of Legal Counsel. The Office of Legal Counsel will notify all parties and offer an opportunity for a hearing. This hearing will follow the procedure set by Ohio Law . ⁴
No Hearing Requested	The Office of Legal Counsel will provide the Department Director with all the materials it has received to make a final determination.
Hearing Requested/ Hearing Officer Conducts Hearing	At least one party asks for a hearing. The Office of Legal Counsel assigns a hearing officer who will work with the parties to find a mutually agreeable date and time for the hearing. The hearing will follow all procedures outlined in Ohio law (pursuant to Ohio Revised Code Chapter 119).
Office of Legal Counsel Sends Hearing Officer Report/ Recommendation	When the hearing ends, the hearing officer will issue a report and recommendation within 30 days. The Department’s Office of Legal Counsel must send copies of the hearing officer’s report and recommendation to all parties. Each party that receives the hearing officer’s report and recommendation will have 10 days to submit written objections to the Department. Any party that files objections must send copies to all other parties.
Department Makes Decision	The Department will consider the hearing officer’s report and recommendation, as well as any objections and responses, and issue an order to approve, disapprove or modify the hearing officer’s recommendation. The Department will make its decision solely on the record of the hearing, the report of the hearing officer and any objections or responses from the affected parties.
Complete This final decision will be binding in subsequent years on parties and future parties in interest provided the facts of the determination remain comparable.	

⁴ Ohio Revised Code 119



COLUMBUS
CITY SCHOOLS

Office of Transportation

1560 Moler Road
Columbus, Ohio 43207
Ph. 614-365-5074
Fax 614-365-6707

www.columbus.k12.oh.us

Mission: Each student is highly educated, prepared for leadership and service, and empowered for success as a citizen in a global community.

August 12, 2025

Transportation During Mediation- School Year 2025-2026

Unfortunately, due to operational constraints (including, but not limited to, a continued bus driver shortage), resource allocation protocols, and regulatory compliance requirements, Columbus City Schools (CCS) is unable to provide transportation services during mediation when it has determined that a student is impractical to transport. Instead, the district will pay any statutory compensation ordered by the Ohio Department of Education and Workforce during the dispute resolution process.

CCS offers Payment-in-Lieu of Transportation in accordance with the Ohio Department of Education and Workforce regulations as the appropriate resolution mechanism for transportation requests during dispute resolution processes.

Rodney J. Stufflebean

Rodney J Stufflebean
Executive Director of Transportation
Columbus City Schools

Exhibit E