

FREQUENTLY ASKED QUESTIONS

HB 33/TRANSPORTATION

Q. Has any additional information been released from the Ohio Department of Education regarding what qualifications or criteria are needed for DOPR schools to qualify for the Quality Community School Grant?

A. No more information has been released at this time. The Department has indicated it will release more information and applications for this grant in September.

Q. Are schools able to use blizzard bags for the 2023 – 2024 school year?

A. No. The Ohio Department of Education has identified guidance on this topic. The guidance that we have received from the Ohio Department of Education is as follows:

“Blizzard Bags” are no longer permitted. Schools and districts may develop a plan to utilize up to three online days in lieu of closing school. Online schools and schools with blended learning declarations on file cannot use online days. We recommend developing a plan no later than November 1, 2023 (deadline will be August 1 going forward.) Additional information is available on the Department’s website.

Q. Has any additional information been released from the Ohio Department of Education regarding how schools can apply for funding/reimbursement of feminine hygiene products.

A. Information was provided at the Auditor of State training on August 23. A total of \$5 million dollars has been allocated for these products. \$2 million will be provided directly to the schools to use for dispensers. The Department is in the process of developing a survey determining the number of girls in each building and will then calculate the number of dispensers needed. Each school will then be asked to opt into the program and if they do, will be provided funds for the dispensers. \$3 million has been allocated for the actual feminine hygiene products on a reimbursement basis. These reimbursements will be available starting in March provided the appropriate paperwork is provided to the Department. A survey has been released for schools to complete to identify that they are interested in funding for dispensers. The survey is due by September 15. A link to the survey is included below:

<https://forms.office.com/Pages/ResponsePage.aspx?id=xPz4UNiUB0E6zbtV8flovNB1x0vPqBGqDfMVzXIR3IUNkpUSkROSzhGTkpGM05aV1FYVjZBQzI4OCQIQCN0PWcu>

Q. What was the Peltier v Charter Day School Case all about?

A. Girls at Charter Day School, together with their parents, challenged the requirement that all girls wear skirts as part of their school uniform instead of pants or shorts. The girls claimed this was sex discrimination under the Equal Protection Clause of the U.S. Constitution and Title IX. Charter Day School claimed that it is not a “state actor” for the purposes of protecting students’ federal constitutional rights, its students do not have constitutional rights at school and therefore the girls at the school are not entitled to equal protection of the law. The full U.S. Court of Appeals for the Fourth Circuit rejected the school’s argument and concluded that the public charter school must respect its students’ constitutional rights and that the skirts requirement violated the girls’ rights. The Court also held that the state had delegated some of its constitutional function of education to charter schools and the state was providing a majority of the funding of the charter school. These factors, among others led the court to conclude that Charter Day School was a state actor and was subject to the Equal Protections Clause under the 14th Amendment. Additionally, the Fourth Circuit recognized that Title IX, the federal law that prohibits sex discrimination in federally funded education programs, applies to dress codes. The school attempted to appeal this decision to the U.S. Supreme Court. On June 26, 2023, the Supreme Court rejected the appeal essentially affirming that students at public charter schools are entitled to constitutional rights. Charter schools are in fact state actors for the purposes of protecting students’ federal constitutional rights.

Q. What is the significance of the approval of St. Isidore of Seville Catholic Virtual School in Oklahoma?

A. Just after the Charter Day School case began, the Catholic Archdiocese of Oklahoma City submitted an application to the Oklahoma Statewide Virtual Charter School Board to open St. Isidore, a Catholic public charter virtual school. On the application for approval by the state, the applicant indicated that religious beliefs will be included in the curriculum. At the time, the Catholic Archdiocese was using the same logic as Charter Day School did in its lawsuit – that the public charter schools are not state actors and students at the school do not have constitutional rights. On June 5, 2023, the Oklahoma Statewide Virtual Charter School Board approved the application for the St. Isidore of Seville Catholic Virtual School to open as public school that would be receiving public funding from the State of Oklahoma. A lawsuit was filed on July 31 to prevent this school from receiving public funds. The school is set to open in August of 2024. Based on the Supreme Court’s rejection of the Charter Day School case and affirmation of the Fourth Circuit’s opinion on the public status of charter schools, it is likely this school will not be able to remain a religious based public charter school.

Q. What qualifications must a driver meet in order to become a van driver?

A. The requirements for van driver qualification are included in Ohio Administrative Code 3301-83-06(F). The van certification packet and application provided by the Ohio Department of Education, also contain the requirements that are needed. Please review all of these documents when reviewing the qualifications needed for van drivers.

Q. Do van drivers need to have CDLs to drive a van?

A. No, the van drivers do not have to have a CDL to drive a van. The driver must meet other qualifications identified, but obtaining a commercial license is not one of the qualifications needed.

Q. When can van transportation for community schools begin?

A. Under HB 33, the effective date for community schools wanting to use vans to provide their own transportation is technically October 3.

Q. Will students transported in vans count for reimbursement?

A. Yes, students that are transported in vans will count for reimbursement. The students transported by van will be identified either under Type IV (transported by school) or Type V (transported by contractor) for reimbursement.

Q. How is a qualified mechanic defined?

A. The definition of a qualified mechanic under Ohio Administrative Code 3301-83-19 is that the qualifications are determined by the employer considering the following factors: work history, education and professional development, testing, on the job performance evaluations.

Q. Where can I get more information if my school is interested in using vans to transport students?

A. Contact a representative at Charter School Specialists to set up a meeting to more fully explore the transportation options available specifically to your school.