OAPSE AFSCME

Ohio Association of Public School Employees

American Federation of State, County and Municipal Employees, AFL-CIO

OAPSE/AFSCME Local 4/AFL-CIO, 6805 Oak Creek Drive, Columbus, Ohio 43229-1591
(614)890-4770 • (800)786-2773 • (614)890-3540 FAX
www.oapse.org

Joseph P. Rugola
Executive Director

Lois Carson
State President

Michael Lang
State Vice President

Sheila Dawkins-Flinn
State Secretary

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The Honorable Dave Yost
Ohio Attorney General
30 E. Broad Street, 17th Floor
Columbus, Ohio 43215

Re: State of Ohio, Ex Rel. Dave Yost v. Columbus City Schools Board of Education
Supreme Court of Ohio, Case No. 2024-1250

Dear General Yost:

As the leaders of the Ohio Association of Public School Employees (OAPSE)/AFSCME Local 4, AFL-CIO, we are writing to you to express our views on some of the issues raised in the above referenced lawsuit. OAPSE is a public sector labor union representing over 30,000 non-teaching school employees, including more than 6,000 school bus drivers.

First, we are certain that you know that school bus drivers, and all public school employees, are dedicated to serving the schools and their constituencies: students, parents, administrators, and the communities where the public schools are located. School bus drivers get up early in the morning to prepare their buses for the task of safely and efficiently transporting students and they work late into the evening returning students to their homes after school and extracurricular activities are completed.

The logistics of the task of transporting students, not only to and from school, but also to and from other activities, are complex and demanding. It is made much more difficult by the statewide shortage of qualified and available school bus drivers, a reality that has received considerable attention across the Ohio. We work closely with the hundreds of public school districts that employ our membership to attract qualified employees, incentivize their retention, and provide for the flexibility in routing and bidding to get the job done.

That task has proven to be more easily discussed than implemented and not just in Ohio but nationwide.

Second, Columbus City Schools made a determination that it is impractical to provide transportation for some students attending charter and/or non-public schools in its jurisdiction. We believe that Ohio R.C. 3327.01 and 3327.02 gives the school district the authority to make that determination as an initial matter. Then, once notice is provided to affected families, there is a statutory procedure outlined in R.C. 3327.02 for families to seek mediation from the Ohio Department of Education and Workforce ("ODEW"). For families who sought mediation under the statute, that process is ongoing.

We believe that an order such as the one you seek in your mandamus action would further exacerbate the complex and difficult obligation the Columbus City Schools have in transporting a large student population. The statutory process should be allowed to work its way through ODEW as is provided by law. If that process is ineffective, or if additional remedies might be needed beyond what ODEW determines, then a lawsuit might be appropriate, but that hasn't happened.

Lastly, we wish to communicate that if a school district is precluded from making the impracticality determinations contemplated by R.C. 3327.01 and 3327.02 it would create profound chaos and uncertainty when there are only a certain number of school bus drivers available to drive routes. Pick up and drop off times for hundreds of routes would need changed and would result in a likely re-bid by drivers at a time in the school year when students, parents, teachers, and school administrators are just settling in on scheduled routes. Students who are currently being transported would be inconvenienced by changing route times. Route times would almost certainly be increased adding additional stresses to a system that is currently strained by a lack of drivers.

Your lawsuit focuses exclusively on the students and families impacted by the School District's impracticality determination. As important as that is, and we agree that it is an important consideration, there is an existing statutory process under which those concerns can be addressed. It is equally important that the concerns of the School District that resulted in the impracticality determination be carefully considered as is intended under the statute.

Our union and our members have always been focused on insuring that the hundreds of thousands of children we transport arrive safely at school and home again. We believe that the best way to further these goals is to allow the School District to make transportation determinations which the law empowers it to make.

If we can be of assistance or if you have any questions in this regard, please contact us at your convenience.

Respectfully,

Joseph P. Rugola

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OAPSE Executive Director

Lois Carson

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OAPSE State President