

1 AN ACT regarding schools.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing
5 Sections 29-3 and 29-5 as follows:

6 (105 ILCS 5/29-3) (from Ch. 122, par. 29-3)

7 Sec. 29-3. Transportation in school districts. School
8 boards of community consolidated districts, community unit
9 districts, consolidated districts, and consolidated high
10 school districts, and combined school districts if the
11 combined district includes any district which was previously
12 required to provide transportation, shall provide free
13 transportation for pupils residing at a distance of one and
14 one-half miles or more from any school to which they are
15 assigned for attendance maintained within the district except
16 for those pupils for whom the school board shall certify to
17 the State Board of Education that adequate transportation for
18 the public is available. For the months of November through
19 February, the school board must provide free transportation
20 for a pupil residing within one and one-half miles from the
21 school attended, unless the school board certifies to the
22 State Board of Education that adequate transportation for the
23 public is available.

24 For the purpose of this Act 1 1/2 miles distance shall be
25 from the exit of the property where the pupil resides to the
26 point where pupils are normally unloaded at the school
27 attended; such distance shall be measured by determining the
28 shortest distance on normally traveled roads or streets.

29 Such school board may comply with the provisions of this
30 Section by providing free transportation for pupils to and
31 from an assigned school and a pick-up point located not more

1 than one and one-half miles from the home of each pupil
2 assigned to such point.

3 For the purposes of this Act "adequate transportation for
4 the public" shall be assumed to exist for such pupils as can
5 reach school by walking, one way, along normally traveled
6 roads or streets less than 1 1/2 miles irrespective of the
7 distance the pupil is transported by public transportation.

8 In addition to the other requirements of this Section,
9 each school board may provide free transportation for any
10 pupil residing within 1 1/2 miles from the school attended
11 where conditions are such that walking, either to or from the
12 school to which a pupil is assigned for attendance or to or
13 from a pick-up point or bus stop, constitutes a serious
14 hazard to the safety of the pupil due to vehicular traffic or
15 rail crossings. Such transportation shall not be provided if
16 adequate transportation for the public is available.

17 The determination as to what constitutes a serious safety
18 hazard shall be made by the school board, in accordance with
19 guidelines promulgated by the Illinois Department of
20 Transportation, in consultation with the State Superintendent
21 of Education. A school board, on written petition of the
22 parent or guardian of a pupil for whom adequate
23 transportation for the public is alleged not to exist because
24 the pupil is required to walk along normally traveled roads
25 or streets where walking is alleged to constitute a serious
26 safety hazard due to vehicular traffic or rail crossings, or
27 who is required to walk between the pupil's home and assigned
28 school or between the pupil's home or assigned school and a
29 pick-up point or bus stop along roads or streets where
30 walking is alleged to constitute a serious safety hazard due
31 to vehicular traffic or rail crossings, shall conduct a study
32 and make findings, which the Department of Transportation
33 shall review and approve or disapprove as provided in this
34 Section, to determine whether a serious safety hazard exists

1 as alleged in the petition. The Department of Transportation
2 shall review the findings of the school board and shall
3 approve or disapprove the school board's determination that a
4 serious safety hazard exists within 30 days after the school
5 board submits its findings to the Department. The school
6 board shall annually review the conditions and certify to the
7 State Superintendent of Education whether or not the
8 hazardous conditions remain unchanged. The State
9 Superintendent of Education may request that the Illinois
10 Department of Transportation verify that the conditions have
11 not changed. No action shall lie against the school board,
12 the State Superintendent of Education or the Illinois
13 Department of Transportation for decisions made in accordance
14 with this Section. The provisions of the Administrative
15 Review Law and all amendments and modifications thereof and
16 the rules adopted pursuant thereto shall apply to and govern
17 all proceedings instituted for the judicial review of final
18 administrative decisions of the Department of Transportation
19 under this Section.

20 (Source: P.A. 90-223, eff. 1-1-98.)

21 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)
22 Sec. 29-5. Reimbursement by State for transportation.
23 Any school district, maintaining a school, transporting
24 resident pupils to another school district's vocational
25 program, offered through a joint agreement approved by the
26 State Board of Education, as provided in Section 10-22.22 or
27 transporting its resident pupils to a school which meets the
28 standards for recognition as established by the State Board
29 of Education which provides transportation meeting the
30 standards of safety, comfort, convenience, efficiency and
31 operation prescribed by the State Board of Education for
32 resident pupils in kindergarten or any of grades 1 through 12
33 who: (a) reside at least 1 1/2 miles, as measured by the

1 customary route of travel, from the school attended, for
2 transportation provided for the months of November through
3 February, reside within 1 1/2 miles, as measured by the
4 customary route of travel, from the school attended,; or (b)
5 reside in areas where conditions are such that walking
6 constitutes a hazard to the safety of the child when
7 determined under Section 29-3; and (b) (e) are transported to
8 the school attended from pick-up points at the beginning of
9 the school day and back again at the close of the school day
10 or transported to and from their assigned attendance centers
11 during the school day, shall be reimbursed by the State as
12 hereinafter provided in this Section.

13 The State will pay the cost of transporting eligible
14 pupils less the assessed valuation in a dual school district
15 maintaining secondary grades 9 to 12 inclusive times a
16 qualifying rate of .05%; in elementary school districts
17 maintaining grades K to 8 times a qualifying rate of .06%; in
18 unit districts maintaining grades K to 12 times a qualifying
19 rate of .07%. To be eligible to receive reimbursement in
20 excess of 4/5 of the cost to transport eligible pupils, a
21 school district shall have a Transportation Fund tax rate of
22 at least .12%. If a school district does not have a .12%
23 Transportation Fund tax rate, the amount of its claim in
24 excess of 4/5 of the cost of transporting pupils shall be
25 reduced by the sum arrived at by subtracting the
26 Transportation Fund tax rate from .12% and multiplying that
27 amount by the districts equalized or assessed valuation,
28 provided, that in no case shall said reduction result in
29 reimbursement of less than 4/5 of the cost to transport
30 eligible pupils.

31 The minimum amount to be received by a district is \$16
32 times the number of eligible pupils transported.

33 Any such district transporting resident pupils during the
34 school day to an area vocational school or another school

1 district's vocational program more than 1 1/2 miles from the
2 school attended, as provided in Sections 10-22.20a and
3 10-22.22, shall be reimbursed by the State for 4/5 of the
4 cost of transporting eligible pupils.

5 School day means that period of time which the pupil is
6 required to be in attendance for instructional purposes.

7 If a pupil is at a location within the school district
8 other than his residence for child care purposes at the time
9 for transportation to school, that location may be considered
10 for purposes of determining the 1 1/2 miles from the school
11 attended.

12 Claims for reimbursement that include children who attend
13 any school other than a public school shall show the number
14 of such children transported.

15 Claims for reimbursement under this Section shall not be
16 paid for the transportation of pupils for whom transportation
17 costs are claimed for payment under other Sections of this
18 Act.

19 The allowable direct cost of transporting pupils for
20 regular, vocational, and special education pupil
21 transportation shall be limited to the sum of the cost of
22 physical examinations required for employment as a school bus
23 driver; the salaries of full or part-time drivers and school
24 bus maintenance personnel; employee benefits excluding
25 Illinois municipal retirement payments, social security
26 payments, unemployment insurance payments and workers'
27 compensation insurance premiums; expenditures to independent
28 carriers who operate school buses; payments to other school
29 districts for pupil transportation services; pre-approved
30 contractual expenditures for computerized bus scheduling; the
31 cost of gasoline, oil, tires, and other supplies necessary
32 for the operation of school buses; the cost of converting
33 buses' gasoline engines to more fuel efficient engines or to
34 engines which use alternative energy sources; the cost of

1 travel to meetings and workshops conducted by the regional
2 superintendent or the State Superintendent of Education
3 pursuant to the standards established by the Secretary of
4 State under Section 6-106 of the Illinois Vehicle Code to
5 improve the driving skills of school bus drivers; the cost of
6 maintenance of school buses including parts and materials
7 used; expenditures for leasing transportation vehicles,
8 except interest and service charges; the cost of insurance
9 and licenses for transportation vehicles; expenditures for
10 the rental of transportation equipment; plus a depreciation
11 allowance of 20% for 5 years for school buses and vehicles
12 approved for transporting pupils to and from school and a
13 depreciation allowance of 10% for 10 years for other
14 transportation equipment so used. In addition to the above
15 allowable costs school districts shall also claim all
16 transportation supervisory salary costs, including Illinois
17 municipal retirement payments, and all transportation related
18 building and building maintenance costs without limitation.

19 Special education allowable costs shall also include
20 expenditures for the salaries of attendants or aides for that
21 portion of the time they assist special education pupils
22 while in transit and expenditures for parents and public
23 carriers for transporting special education pupils when
24 pre-approved by the State Superintendent of Education.

25 Indirect costs shall be included in the reimbursement
26 claim for districts which own and operate their own school
27 buses. Such indirect costs shall include administrative
28 costs, or any costs attributable to transporting pupils from
29 their attendance centers to another school building for
30 instructional purposes. No school district which owns and
31 operates its own school buses may claim reimbursement for
32 indirect costs which exceed 5% of the total allowable direct
33 costs for pupil transportation.

34 The State Board of Education shall prescribe uniform

1 regulations for determining the above standards and shall
2 prescribe forms of cost accounting and standards of
3 determining reasonable depreciation. Such depreciation shall
4 include the cost of equipping school buses with the safety
5 features required by law or by the rules, regulations and
6 standards promulgated by the State Board of Education, and
7 the Department of Transportation for the safety and
8 construction of school buses provided, however, any equipment
9 cost reimbursed by the Department of Transportation for
10 equipping school buses with such safety equipment shall be
11 deducted from the allowable cost in the computation of
12 reimbursement under this Section in the same percentage as
13 the cost of the equipment is depreciated.

14 On or before July 10, annually, the board clerk or the
15 secretary of the district shall certify to the regional
16 superintendent of schools upon forms prescribed by the State
17 Superintendent of Education the district's claim for
18 reimbursement for the school year ended on June 30 next
19 preceding. The regional superintendent of schools shall
20 check all transportation claims to ascertain compliance with
21 the prescribed standards and upon his approval shall certify
22 not later than July 25 to the State Superintendent of
23 Education the regional report of claims for reimbursements.
24 The State Superintendent of Education shall check and approve
25 the claims and prepare the vouchers showing the amounts due
26 for district reimbursement claims. Beginning with the 1977
27 fiscal year, the State Superintendent of Education shall
28 prepare and transmit the first 3 vouchers to the Comptroller
29 on the 30th day of September, December and March,
30 respectively, and the final voucher, no later than June 15.

31 If the amount appropriated for transportation
32 reimbursement is insufficient to fund total claims for any
33 fiscal year, the State Board of Education shall reduce each
34 school district's allowable costs and flat grant amount

1 proportionately to make total adjusted claims equal the total
2 amount appropriated.

3 For purposes of calculating claims for reimbursement
4 under this Section for any school year beginning July 1,
5 1998, or thereafter, the equalized assessed valuation for a
6 school district used to compute reimbursement shall be
7 computed in the same manner as it is computed under paragraph
8 (2) of subsection (G) of Section 18-8.05.

9 All reimbursements received from the State shall be
10 deposited into the district's transportation fund or into the
11 fund from which the allowable expenditures were made.

12 (Source: P.A. 91-96, eff. 7-9-99.)