



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3517

by Rep. Nick Sauer

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-5

from Ch. 122, par. 29-5

Amends the Transportation Article of the School Code. Provides that if reimbursement by the State is distributed on a prorated basis, then a school district may charge the pupil's parent or legal guardian for the percentage difference between the full reimbursement claim and the prorated distribution amount. Provides that school districts may not charge the parent or legal guardian of a low-income eligible pupil for transportation costs. Effective immediately.

LRB100 10200 NHT 21762 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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 Section  
5 29-5 as follows:

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

7 Sec. 29-5. Reimbursement by State for transportation. Any  
8 school district, maintaining a school, transporting resident  
9 pupils to another school district's vocational program,  
10 offered through a joint agreement approved by the State Board  
11 of Education, as provided in Section 10-22.22 or transporting  
12 its resident pupils to a school which meets the standards for  
13 recognition as established by the State Board of Education  
14 which provides transportation meeting the standards of safety,  
15 comfort, convenience, efficiency and operation prescribed by  
16 the State Board of Education for resident pupils in  
17 kindergarten or any of grades 1 through 12 who: (a) reside at  
18 least 1 1/2 miles as measured by the customary route of travel,  
19 from the school attended; or (b) reside in areas where  
20 conditions are such that walking constitutes a hazard to the  
21 safety of the child when determined under Section 29-3; and (c)  
22 are transported to the school attended from pick-up points at  
23 the beginning of the school day and back again at the close of

1 the school day or transported to and from their assigned  
2 attendance centers during the school day, shall be reimbursed  
3 by the State as hereinafter provided in this Section.

4 The State will pay the cost of transporting eligible pupils  
5 less the assessed valuation in a dual school district  
6 maintaining secondary grades 9 to 12 inclusive times a  
7 qualifying rate of .05%; in elementary school districts  
8 maintaining grades K to 8 times a qualifying rate of .06%; and  
9 in unit districts maintaining grades K to 12, including  
10 optional elementary unit districts and combined high school -  
11 unit districts, times a qualifying rate of .07%; provided that  
12 for optional elementary unit districts and combined high school  
13 - unit districts, assessed valuation for high school purposes,  
14 as defined in Article 11E of this Code, must be used. To be  
15 eligible to receive reimbursement in excess of 4/5 of the cost  
16 to transport eligible pupils, a school district shall have a  
17 Transportation Fund tax rate of at least .12%. If a school  
18 district does not have a .12% Transportation Fund tax rate, the  
19 amount of its claim in excess of 4/5 of the cost of  
20 transporting pupils shall be reduced by the sum arrived at by  
21 subtracting the Transportation Fund tax rate from .12% and  
22 multiplying that amount by the districts equalized or assessed  
23 valuation, provided, that in no case shall said reduction  
24 result in reimbursement of less than 4/5 of the cost to  
25 transport eligible pupils.

26 The minimum amount to be received by a district is \$16

1 times the number of eligible pupils transported.

2 When calculating the reimbursement for transportation  
3 costs, the State Board of Education may not deduct the number  
4 of pupils enrolled in early education programs from the number  
5 of pupils eligible for reimbursement if the pupils enrolled in  
6 the early education programs are transported at the same time  
7 as other eligible pupils.

8 Any such district transporting resident pupils during the  
9 school day to an area vocational school or another school  
10 district's vocational program more than 1 1/2 miles from the  
11 school attended, as provided in Sections 10-22.20a and  
12 10-22.22, shall be reimbursed by the State for 4/5 of the cost  
13 of transporting eligible pupils.

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

16 If a pupil is at a location within the school district  
17 other than his residence for child care purposes at the time  
18 for transportation to school, that location may be considered  
19 for purposes of determining the 1 1/2 miles from the school  
20 attended.

21 Claims for reimbursement that include children who attend  
22 any school other than a public school shall show the number of  
23 such children transported.

24 Claims for reimbursement under this Section shall not be  
25 paid for the transportation of pupils for whom transportation  
26 costs are claimed for payment under other Sections of this Act.

1           The allowable direct cost of transporting pupils for  
2 regular, vocational, and special education pupil  
3 transportation shall be limited to the sum of the cost of  
4 physical examinations required for employment as a school bus  
5 driver; the salaries of full or part-time drivers and school  
6 bus maintenance personnel; employee benefits excluding  
7 Illinois municipal retirement payments, social security  
8 payments, unemployment insurance payments and workers'  
9 compensation insurance premiums; expenditures to independent  
10 carriers who operate school buses; payments to other school  
11 districts for pupil transportation services; pre-approved  
12 contractual expenditures for computerized bus scheduling; the  
13 cost of gasoline, oil, tires, and other supplies necessary for  
14 the operation of school buses; the cost of converting buses'  
15 gasoline engines to more fuel efficient engines or to engines  
16 which use alternative energy sources; the cost of travel to  
17 meetings and workshops conducted by the regional  
18 superintendent or the State Superintendent of Education  
19 pursuant to the standards established by the Secretary of State  
20 under Section 6-106 of the Illinois Vehicle Code to improve the  
21 driving skills of school bus drivers; the cost of maintenance  
22 of school buses including parts and materials used;  
23 expenditures for leasing transportation vehicles, except  
24 interest and service charges; the cost of insurance and  
25 licenses for transportation vehicles; expenditures for the  
26 rental of transportation equipment; plus a depreciation

1 allowance of 20% for 5 years for school buses and vehicles  
2 approved for transporting pupils to and from school and a  
3 depreciation allowance of 10% for 10 years for other  
4 transportation equipment so used. Each school year, if a school  
5 district has made expenditures to the Regional Transportation  
6 Authority or any of its service boards, a mass transit  
7 district, or an urban transportation district under an  
8 intergovernmental agreement with the district to provide for  
9 the transportation of pupils and if the public transit carrier  
10 received direct payment for services or passes from a school  
11 district within its service area during the 2000-2001 school  
12 year, then the allowable direct cost of transporting pupils for  
13 regular, vocational, and special education pupil  
14 transportation shall also include the expenditures that the  
15 district has made to the public transit carrier. In addition to  
16 the above allowable costs school districts shall also claim all  
17 transportation supervisory salary costs, including Illinois  
18 municipal retirement payments, and all transportation related  
19 building and building maintenance costs without limitation.

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

26 Indirect costs shall be included in the reimbursement claim

1 for districts which own and operate their own school buses.  
2 Such indirect costs shall include administrative costs, or any  
3 costs attributable to transporting pupils from their  
4 attendance centers to another school building for  
5 instructional purposes. No school district which owns and  
6 operates its own school buses may claim reimbursement for  
7 indirect costs which exceed 5% of the total allowable direct  
8 costs for pupil transportation.

9 The State Board of Education shall prescribe uniform  
10 regulations for determining the above standards and shall  
11 prescribe forms of cost accounting and standards of determining  
12 reasonable depreciation. Such depreciation shall include the  
13 cost of equipping school buses with the safety features  
14 required by law or by the rules, regulations and standards  
15 promulgated by the State Board of Education, and the Department  
16 of Transportation for the safety and construction of school  
17 buses provided, however, any equipment cost reimbursed by the  
18 Department of Transportation for equipping school buses with  
19 such safety equipment shall be deducted from the allowable cost  
20 in the computation of reimbursement under this Section in the  
21 same percentage as the cost of the equipment is depreciated.

22 On or before August 15, annually, the chief school  
23 administrator for the district shall certify to the State  
24 Superintendent of Education the district's claim for  
25 reimbursement for the school year ending on June 30 next  
26 preceding. The State Superintendent of Education shall check

1 and approve the claims and prepare the vouchers showing the  
2 amounts due for district reimbursement claims. Each fiscal  
3 year, the State Superintendent of Education shall prepare and  
4 transmit the first 3 vouchers to the Comptroller on the 30th  
5 day of September, December and March, respectively, and the  
6 final voucher, no later than June 20.

7 If the amount appropriated for transportation  
8 reimbursement is insufficient to fund total claims for any  
9 fiscal year, the State Board of Education shall reduce each  
10 school district's allowable costs and flat grant amount  
11 proportionately to make total adjusted claims equal the total  
12 amount appropriated.

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

19 All reimbursements received from the State shall be  
20 deposited into the district's transportation fund or into the  
21 fund from which the allowable expenditures were made.

22 Notwithstanding any other provision of law, any school  
23 district receiving a payment under this Section or under  
24 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may  
25 classify all or a portion of the funds that it receives in a  
26 particular fiscal year or from general State aid pursuant to



1 Section 18-8.05 of this Code as funds received in connection  
2 with any funding program for which it is entitled to receive  
3 funds from the State in that fiscal year (including, without  
4 limitation, any funding program referenced in this Section),  
5 regardless of the source or timing of the receipt. The district  
6 may not classify more funds as funds received in connection  
7 with the funding program than the district is entitled to  
8 receive in that fiscal year for that program. Any  
9 classification by a district must be made by a resolution of  
10 its board of education. The resolution must identify the amount  
11 of any payments or general State aid to be classified under  
12 this paragraph and must specify the funding program to which  
13 the funds are to be treated as received in connection  
14 therewith. This resolution is controlling as to the  
15 classification of funds referenced therein. A certified copy of  
16 the resolution must be sent to the State Superintendent of  
17 Education. The resolution shall still take effect even though a  
18 copy of the resolution has not been sent to the State  
19 Superintendent of Education in a timely manner. No  
20 classification under this paragraph by a district shall affect  
21 the total amount or timing of money the district is entitled to  
22 receive under this Code. No classification under this paragraph  
23 by a district shall in any way relieve the district from or  
24 affect any requirements that otherwise would apply with respect  
25 to that funding program, including any accounting of funds by  
26 source, reporting expenditures by original source and purpose,

1 reporting requirements, or requirements of providing services.

2 Any school district with a population of not more than  
3 500,000 must deposit all funds received under this Article into  
4 the transportation fund and use those funds for the provision  
5 of transportation services.

6 If reimbursement under this Section is distributed on a  
7 prorated basis, then the school district may charge the pupil's  
8 parent or legal guardian for the percentage difference between  
9 the full reimbursement claim and the prorated distribution  
10 amount. However, school districts may not charge the parent or  
11 legal guardian of a low-income eligible pupil, as defined under  
12 subsection (H) of Section 18-8.05 of this Code, for  
13 transportation costs.

14 (Source: P.A. 95-903, eff. 8-25-08; 96-1264, eff. 1-1-11.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.