

HB0040



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0040

Introduced 1/9/2019, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the School Code. Provides that notwithstanding any other provision of law to the contrary, beginning with the 2019-2020 school year, each school board must provide free transportation to and from the assigned public school in the school district for any pupil who possesses a valid school identification card issued by that school. Makes legislative findings. Effective July 1, 2019.

LRB101 00189 AXK 45189 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 1. Legislative findings. The General Assembly
5 finds that every child in this State is entitled to a public
6 education and this entitlement must include free
7 transportation to the child's school.

8 Section 5. The School Code is amended by changing Section
9 29-3 as follows:

10 (105 ILCS 5/29-3) (from Ch. 122, par. 29-3)

11 Sec. 29-3. Transportation in school districts. School
12 boards of community consolidated districts, community unit
13 districts, consolidated districts, consolidated high school
14 districts, optional elementary unit districts, combined high
15 school - unit districts, combined school districts if the
16 combined district includes any district which was previously
17 required to provide transportation, and any newly created
18 elementary or high school districts resulting from a high
19 school - unit conversion, a unit to dual conversion, or a
20 multi-unit conversion if the newly created district includes
21 any area that was previously required to provide transportation
22 shall provide free transportation for pupils residing at a

1 distance of one and one-half miles or more from any school to
2 which they are assigned for attendance maintained within the
3 district, except for those pupils for whom the school board
4 shall certify to the State Board of Education that adequate
5 transportation for the public is available.

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

11 Such school board may comply with the provisions of this
12 Section by providing free transportation for pupils to and from
13 an assigned school and a pick-up point located not more than
14 one and one-half miles from the home of each pupil assigned to
15 such point.

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

21 In addition to the other requirements of this Section, each
22 school board may provide free transportation for any pupil
23 residing within 1 1/2 miles from the school attended where
24 conditions are such that walking, either to or from the school
25 to which a pupil is assigned for attendance or to or from a
26 pick-up point or bus stop, constitutes a serious hazard to the

1 safety of the pupil due to vehicular traffic or rail crossings.
2 Such transportation shall not be provided if adequate
3 transportation for the public is available.

4 The determination as to what constitutes a serious safety
5 hazard shall be made by the school board, in accordance with
6 guidelines promulgated by the Illinois Department of
7 Transportation, in consultation with the State Superintendent
8 of Education. A school board, on written petition of the parent
9 or guardian of a pupil for whom adequate transportation for the
10 public is alleged not to exist because the pupil is required to
11 walk along normally traveled roads or streets where walking is
12 alleged to constitute a serious safety hazard due to vehicular
13 traffic or rail crossings, or who is required to walk between
14 the pupil's home and assigned school or between the pupil's
15 home or assigned school and a pick-up point or bus stop along
16 roads or streets where walking is alleged to constitute a
17 serious safety hazard due to vehicular traffic or rail
18 crossings, shall conduct a study and make findings, which the
19 Department of Transportation shall review and approve or
20 disapprove as provided in this Section, to determine whether a
21 serious safety hazard exists as alleged in the petition. The
22 Department of Transportation shall review the findings of the
23 school board and shall approve or disapprove the school board's
24 determination that a serious safety hazard exists within 30
25 days after the school board submits its findings to the
26 Department. The school board shall annually review the

1 conditions and determine whether or not the hazardous
2 conditions remain unchanged. The State Superintendent of
3 Education may request that the Illinois Department of
4 Transportation verify that the conditions have not changed. No
5 action shall lie against the school board, the State
6 Superintendent of Education or the Illinois Department of
7 Transportation for decisions made in accordance with this
8 Section. The provisions of the Administrative Review Law and
9 all amendments and modifications thereof and the rules adopted
10 pursuant thereto shall apply to and govern all proceedings
11 instituted for the judicial review of final administrative
12 decisions of the Department of Transportation under this
13 Section.

14 Notwithstanding any other provision of law to the contrary,
15 beginning with the 2019-2020 school year, each school board
16 must provide free transportation to and from the assigned
17 public school in the school district for any pupil who
18 possesses a valid school identification card issued by that
19 school.

20 (Source: P.A. 94-439, eff. 8-4-05; 95-903, eff. 8-25-08.)

21 Section 99. Effective date. This Act takes effect July 1,
22 2019.