



Rep. Michelle Mussman

**Filed: 4/24/2017**

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LRB100 04702 MLM 25301 a

1 AMENDMENT TO HOUSE BILL 261

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 261 by replacing  
3 everything after the enacting clause with the following:

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

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

11 The State will pay the cost of transporting eligible pupils  
12 less the assessed valuation in a dual school district  
13 maintaining secondary grades 9 to 12 inclusive times a  
14 qualifying rate of .05%; in elementary school districts  
15 maintaining grades K to 8 times a qualifying rate of .06%; and  
16 in unit districts maintaining grades K to 12, including  
17 optional elementary unit districts and combined high school -  
18 unit districts, times a qualifying rate of .07%; provided that  
19 for optional elementary unit districts and combined high school  
20 - unit districts, assessed valuation for high school purposes,  
21 as defined in Article 11E of this Code, must be used. To be  
22 eligible to receive reimbursement in excess of 4/5 of the cost  
23 to transport eligible pupils, a school district shall have a  
24 Transportation Fund tax rate of at least .12%. If a school  
25 district does not have a .12% Transportation Fund tax rate, the  
26 amount of its claim in excess of 4/5 of the cost of

1 transporting pupils shall be reduced by the sum arrived at by  
2 subtracting the Transportation Fund tax rate from .12% and  
3 multiplying that amount by the districts equalized or assessed  
4 valuation, provided, that in no case shall said reduction  
5 result in reimbursement of less than 4/5 of the cost to  
6 transport eligible pupils.

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

9 When calculating the reimbursement for transportation  
10 costs, the State Board of Education may not deduct the number  
11 of pupils enrolled in early education programs from the number  
12 of pupils eligible for reimbursement if the pupils enrolled in  
13 the early education programs are transported at the same time  
14 as other eligible pupils.

15 Any such district transporting resident pupils during the  
16 school day to an area vocational school or another school  
17 district's vocational program more than 1 1/2 miles from the  
18 school attended, as provided in Sections 10-22.20a and  
19 10-22.22, shall be reimbursed by the State for 4/5 of the cost  
20 of transporting eligible pupils.

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

23 If a pupil is at a location within the school district  
24 other than his residence for child care purposes at the time  
25 for transportation to school, that location may be considered  
26 for purposes of determining the 1 1/2 miles from the school

1 attended.

2 Claims for reimbursement that include children who attend  
3 any school other than a public school shall show the number of  
4 such children transported.

5 Claims for reimbursement under this Section shall not be  
6 paid for the transportation of pupils for whom transportation  
7 costs are claimed for payment under other Sections of this Act.

8 The allowable direct cost of transporting pupils for  
9 regular, vocational, and special education pupil  
10 transportation shall be limited to the sum of the cost of  
11 physical examinations required for employment as a school bus  
12 driver; the salaries of full or part-time drivers and school  
13 bus maintenance personnel; employee benefits excluding  
14 Illinois municipal retirement payments, social security  
15 payments, unemployment insurance payments and workers'  
16 compensation insurance premiums; expenditures to independent  
17 carriers who operate school buses; payments to other school  
18 districts for pupil transportation services; pre-approved  
19 contractual expenditures for computerized bus scheduling;  
20 expenditures for housing assistance and homeless prevention  
21 under Sections 1-17 and 1-18 of the Education for Homeless  
22 Children Act that are not in excess of the school district's  
23 actual costs for providing transportation services and are not  
24 otherwise claimed in another State or federal grant that  
25 permits those costs to a parent, a legal guardian, any other  
26 person who enrolled a pupil, or a homeless assistance agency

1 that is part of the federal McKinney-Vento Homeless Assistance  
2 Act's continuum of care for the area in which the district is  
3 located; the cost of gasoline, oil, tires, and other supplies  
4 necessary for the operation of school buses; the cost of  
5 converting buses' gasoline engines to more fuel efficient  
6 engines or to engines which use alternative energy sources; the  
7 cost of travel to meetings and workshops conducted by the  
8 regional superintendent or the State Superintendent of  
9 Education pursuant to the standards established by the  
10 Secretary of State under Section 6-106 of the Illinois Vehicle  
11 Code to improve the driving skills of school bus drivers; the  
12 cost of maintenance of school buses including parts and  
13 materials used; expenditures for leasing transportation  
14 vehicles, except interest and service charges; the cost of  
15 insurance and licenses for transportation vehicles;  
16 expenditures for the rental of transportation equipment; plus a  
17 depreciation allowance of 20% for 5 years for school buses and  
18 vehicles approved for transporting pupils to and from school  
19 and a depreciation allowance of 10% for 10 years for other  
20 transportation equipment so used. Each school year, if a school  
21 district has made expenditures to the Regional Transportation  
22 Authority or any of its service boards, a mass transit  
23 district, or an urban transportation district under an  
24 intergovernmental agreement with the district to provide for  
25 the transportation of pupils and if the public transit carrier  
26 received direct payment for services or passes from a school

1 district within its service area during the 2000-2001 school  
2 year, then the allowable direct cost of transporting pupils for  
3 regular, vocational, and special education pupil  
4 transportation shall also include the expenditures that the  
5 district has made to the public transit carrier. In addition to  
6 the above allowable costs school districts shall also claim all  
7 transportation supervisory salary costs, including Illinois  
8 municipal retirement payments, and all transportation related  
9 building and building maintenance costs without limitation.

10 Special education allowable costs shall also include  
11 expenditures for the salaries of attendants or aides for that  
12 portion of the time they assist special education pupils while  
13 in transit and expenditures for parents and public carriers for  
14 transporting special education pupils when pre-approved by the  
15 State Superintendent of Education.

16 Indirect costs shall be included in the reimbursement claim  
17 for districts which own and operate their own school buses.  
18 Such indirect costs shall include administrative costs, or any  
19 costs attributable to transporting pupils from their  
20 attendance centers to another school building for  
21 instructional purposes. No school district which owns and  
22 operates its own school buses may claim reimbursement for  
23 indirect costs which exceed 5% of the total allowable direct  
24 costs for pupil transportation.

25 The State Board of Education shall prescribe uniform  
26 regulations for determining the above standards and shall

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

12 On or before August 15, annually, the chief school  
13 administrator for the district shall certify to the State  
14 Superintendent of Education the district's claim for  
15 reimbursement for the school year ending on June 30 next  
16 preceding. The State Superintendent of Education shall check  
17 and approve the claims and prepare the vouchers showing the  
18 amounts due for district reimbursement claims. Each fiscal  
19 year, the State Superintendent of Education shall prepare and  
20 transmit the first 3 vouchers to the Comptroller on the 30th  
21 day of September, December and March, respectively, and the  
22 final voucher, no later than June 20.

23 If the amount appropriated for transportation  
24 reimbursement is insufficient to fund total claims for any  
25 fiscal year, the State Board of Education shall reduce each  
26 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 under  
4 this Section for any school year beginning July 1, 1998, or  
5 thereafter, the equalized assessed valuation for a school  
6 district used to compute reimbursement shall be computed in the  
7 same manner as it is computed under paragraph (2) of subsection  
8 (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 Notwithstanding any other provision of law, any school  
13 district receiving a payment under this Section or under  
14 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may  
15 classify all or a portion of the funds that it receives in a  
16 particular fiscal year or from general State aid pursuant to  
17 Section 18-8.05 of this Code as funds received in connection  
18 with any funding program for which it is entitled to receive  
19 funds from the State in that fiscal year (including, without  
20 limitation, any funding program referenced in this Section),  
21 regardless of the source or timing of the receipt. The district  
22 may not classify more funds as funds received in connection  
23 with the funding program than the district is entitled to  
24 receive in that fiscal year for that program. Any  
25 classification by a district must be made by a resolution of  
26 its board of education. The resolution must identify the amount



1 of any payments or general State aid to be classified under  
2 this paragraph and must specify the funding program to which  
3 the funds are to be treated as received in connection  
4 therewith. This resolution is controlling as to the  
5 classification of funds referenced therein. A certified copy of  
6 the resolution must be sent to the State Superintendent of  
7 Education. The resolution shall still take effect even though a  
8 copy of the resolution has not been sent to the State  
9 Superintendent of Education in a timely manner. No  
10 classification under this paragraph by a district shall affect  
11 the total amount or timing of money the district is entitled to  
12 receive under this Code. No classification under this paragraph  
13 by a district shall in any way relieve the district from or  
14 affect any requirements that otherwise would apply with respect  
15 to that funding program, including any accounting of funds by  
16 source, reporting expenditures by original source and purpose,  
17 reporting requirements, or requirements of providing services.

18 Any school district with a population of not more than  
19 500,000 must deposit all funds received under this Article into  
20 the transportation fund and use those funds for the provision  
21 of transportation services.

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

23 Section 10. The Education for Homeless Children Act is  
24 amended by adding Sections 1-17 and 1-18 as follows:

1 (105 ILCS 45/1-17 new)

2 Sec. 1-17. Homeless prevention.

3 (a) If a child is homeless or is at risk of becoming  
4 homeless, the school district may:

5 (1) provide rental or mortgage assistance in such  
6 amount as will allow the child and his or her parent, his  
7 or her guardian, or the person who enrolled the child to  
8 remain permanently in their current living situation or  
9 obtain a new living situation;

10 (2) provide financial assistance with respect to  
11 unpaid bills, loans, or other financial debts that results  
12 in housing being considered inadequate pursuant to Section  
13 1-5 of this Act and the federal McKinney-Vento Homeless  
14 Assistance Act; or

15 (3) provide assistance under both items (1) and (2) of  
16 this subsection (a).

17 (b) In order to provide homeless prevention assistance  
18 under subsection (a) of this Section, a school district shall  
19 first make an attempt to provide such assistance through a  
20 homeless assistance agency that is part of the federal  
21 McKinney-Vento Homeless Assistance Act's continuum of care for  
22 the area in which the school district is located. If the  
23 attempts to secure assistance through the applicable continuum  
24 of care are unsuccessful, subject to the limitations specified  
25 in Section 29-5 of the School Code, transportation funds under  
26 Section 29-5 of the School Code may be used for those purposes.

1       (c) Prior to providing homeless prevention assistance  
2 pursuant to subsection (a) of this Section, a housing plan must  
3 first be approved in writing by the school district and the  
4 parent, guardian, or person who enrolled the child.

5       (d) For purposes of this Section:

6       "At risk of becoming homeless" means that documented  
7 evidence has been provided by the parent, guardian, or person  
8 who enrolled the child that shows that a living situation will,  
9 within 8 weeks, cease to become fixed, regular, and adequate  
10 and will result in the child becoming homeless within the  
11 definition of Section 1-5 of this Act and the federal  
12 McKinney-Vento Homeless Assistance Act. The documented  
13 evidence shall include, but need not be limited to: foreclosure  
14 notices, eviction notices, notices indicating that utilities  
15 will be shut off or discontinued, or written statements from  
16 the parent, guardian, or person who enrolled the child,  
17 supplemented by financial documentation, that indicate a loss  
18 of income that will prevent the maintenance of a permanent  
19 living situation.

20       "Person who enrolled the child" also means an unaccompanied  
21 youth.

22       (105 ILCS 45/1-18 new)

23       Sec. 1-18. Legislative intent. It is not the intent of this  
24 amendatory Act of the 100th General Assembly to require school  
25 districts, parents, guardians, or persons who enroll children

1 to enter into housing assistance or homeless prevention plans.  
2 It is the intent of this amendatory Act of the 100th General  
3 Assembly to permit school districts, parents, guardians, or  
4 persons who enroll children to voluntarily enter into housing  
5 assistance or homeless prevention plans when both parties agree  
6 that those arrangements will be in the best of interest of the  
7 child and district.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.".