



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0536

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the Transportation Article of the School Code. Provides that each school board may provide free transportation for any pupil residing within 1 1/2 miles from the school attended where conditions are such that walking, either to or from the school to which a pupil is assigned for attendance or to or from a pick-up point or bus stop, constitutes a serious hazard to the safety of the pupil due to a course or pattern of criminal activity, as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Provides for the adoption of guidelines by the local law enforcement agency as to what constitutes a serious safety hazard due to a course or pattern of criminal activity. Provides that the State Board of Education, in consultation with the local law enforcement agency, shall review the findings of the school board concerning a course or pattern of criminal activity and shall approve or disapprove the school board's determination that a serious safety hazard exists within 30 days after the school board submits its findings to the State Board. Authorizes the local law enforcement agency to determine what constitutes a course or pattern of criminal activity. Makes related changes. Provides that the changes made by the amendatory Act do not apply to the Chicago school district. Effective immediately.

LRB100 06929 MLM 16980 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 29-3 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, consolidated high school
10 districts, optional elementary unit districts, combined high
11 school - unit districts, combined school districts if the
12 combined district includes any district which was previously
13 required to provide transportation, and any newly created
14 elementary or high school districts resulting from a high
15 school - unit conversion, a unit to dual conversion, or a
16 multi-unit conversion if the newly created district includes
17 any area that was previously required to provide transportation
18 shall provide free transportation for pupils residing at a
19 distance of one and one-half miles or more from any school to
20 which they are assigned for attendance maintained within the
21 district, except for those pupils for whom the school board
22 shall certify to the State Board of Education that adequate
23 transportation for the public is available.

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

6 Such school board may comply with the provisions of this
7 Section by providing free transportation for pupils to and from
8 an assigned school and a pick-up point located not more than
9 one and one-half miles from the home of each pupil assigned to
10 such point.

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

16 In addition to the other requirements of this Section, each
17 school board may provide free transportation for any pupil
18 residing within 1 1/2 miles from the school attended where
19 conditions are such that walking, either to or from the school
20 to which a pupil is assigned for attendance or to or from a
21 pick-up point or bus stop, constitutes a serious hazard to the
22 safety of the pupil due to either (i) vehicular traffic or rail
23 crossings or (ii) a course or pattern of criminal activity, as
24 defined in Section 10 of the Illinois Streetgang Terrorism
25 Omnibus Prevention Act. Such transportation shall not be
26 provided if adequate transportation for the public is

1 available.

2 The determination as to what constitutes a serious safety
3 hazard shall be made by the school board, in accordance with
4 guidelines promulgated by the Illinois Department of
5 Transportation regarding vehicular traffic or rail crossings
6 or in accordance with guidelines regarding a course or pattern
7 of criminal activity, as determined by the local law
8 enforcement agency, in consultation with the State
9 Superintendent of Education. A school board, on written
10 petition of the parent or guardian of a pupil for whom adequate
11 transportation for the public is alleged not to exist because
12 the pupil is required to walk along normally traveled roads or
13 streets where walking is alleged to constitute a serious safety
14 hazard due to either (i) vehicular traffic or rail crossings or
15 (ii) a course or pattern of criminal activity, or who is
16 required to walk between the pupil's home and assigned school
17 or between the pupil's home or assigned school and a pick-up
18 point or bus stop along roads or streets where walking is
19 alleged to constitute a serious safety hazard due to either (i)
20 vehicular traffic or rail crossings or (ii) a course or pattern
21 of criminal activity, shall conduct a study and make findings,
22 which the Department of Transportation, with respect to
23 vehicular traffic or rail crossings, or the State Board of
24 Education, in consultation with the local law enforcement
25 agency, with respect to a course or pattern of criminal
26 activity, shall review and approve or disapprove as provided in

1 this Section, to determine whether a serious safety hazard
2 exists as alleged in the petition. The Department of
3 Transportation shall review the findings of the school board
4 concerning vehicular traffic or rail crossings and shall
5 approve or disapprove the school board's determination that a
6 serious safety hazard exists within 30 days after the school
7 board submits its findings to the Department of Transportation.
8 The State Board of Education, in consultation with the local
9 law enforcement agency, shall review the findings of the school
10 board concerning a course or pattern of criminal activity and
11 shall approve or disapprove the school board's determination
12 that a serious safety hazard exists within 30 days after the
13 school board submits its findings to the State Board. The
14 school board shall annually review the conditions and determine
15 whether or not the hazardous conditions remain unchanged. The
16 State Superintendent of Education may request that the Illinois
17 Department of Transportation or the local law enforcement
18 agency verify that the conditions have not changed. No action
19 shall lie against the school board, the State Superintendent of
20 Education, ~~or~~ the Illinois Department of Transportation, the
21 State Board of Education, or a local law enforcement agency for
22 decisions made in accordance with this Section. The provisions
23 of the Administrative Review Law and all amendments and
24 modifications thereof and the rules adopted pursuant thereto
25 shall apply to and govern all proceedings instituted for the
26 judicial review of final administrative decisions of the

1 Department of Transportation, the State Board of Education, or
2 a local law enforcement agency under this Section. At all
3 points, except when otherwise mentioned in this Section, the
4 local enforcement agency is authorized to determine what
5 constitutes a course or pattern of criminal activity.

6 The changes made to this Section by this amendatory Act of
7 the 100th General Assembly do not apply to a school district
8 organized under Article 34 of this Code.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.