

1 AN ACT concerning 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 Section
5 29-6.4 as follows:

6 (105 ILCS 5/29-6.4)

7 Sec. 29-6.4. Non-contract transportation; bids;
8 reimbursement. A school board of a school district that
9 provides transportation of its pupils to and from school on
10 buses that are owned by the district that are operated by
11 drivers who are employed by the district shall, if it receives
12 a timely request from an interested private school bus
13 contractor that the district provide that transportation under
14 contract, solicit sealed bids for that purpose. A district or
15 special education cooperative is not required to respond to
16 such a request more than once every 3 years. ~~For purposes of~~
17 ~~this Section, A~~ a request shall not be considered timely if
18 ~~unless~~ it is made ~~in writing by certified mail, return receipt~~
19 ~~requested, addressed to the school board of the district at the~~
20 ~~administrative offices or any school of the district,~~
21 ~~postmarked not~~ more than 24 months or ~~not~~ less than 3 months
22 before the expiration of the collective bargaining or other
23 agreement that is in effect at the time the request is made and
24 that governs the terms and conditions of employment of the
25 school bus drivers employed by the district. All requests shall
26 be made in writing by certified mail, return receipt requested,
27 addressed to the school board of the district at the
28 administrative offices or any school of the district. At the
29 conclusion of the bidding process, the school board shall
30 publicly announce the district's fully allocated costs of
31 providing transportation of its pupils to and from school under
32 its present system and thereupon may (i) elect to enter into a

1 contract as provided in Section 29-6.1 with the lowest
2 responsible bidder for transportation of the district's pupils
3 to and from school or (ii) elect to continue providing
4 transportation of its pupils to and from school under its
5 present system. In the event the school board elects to
6 continue providing transportation of the district's pupils to
7 and from school under its present system even though the
8 district's fully allocated costs of doing so exceed the amount
9 of the lowest responsible bid received by the school board for
10 transportation of the district's pupils to and from school, the
11 school board shall publicly announce at a regularly scheduled
12 meeting of the board held within 30 days after making its
13 election to continue providing pupil transportation under its
14 present system (i) the fully allocated costs of providing
15 transportation of the district's pupils to and from school
16 under its present system, and (ii) the amount of each of the
17 sealed bids submitted to the school board, identifying which of
18 the sealed bid amounts was the lowest responsible bid.

19 As used in this Section the term "fully allocated costs"
20 includes both the fixed and variable direct costs of the labor,
21 capital, and material resources that are used by the school
22 district exclusively for purposes of providing transportation
23 of the district's pupils to and from school plus that portion
24 of the district's shared costs as is fairly allocable to the
25 products, services, and facilities necessary to provide
26 transportation of the district's pupils to and from school.
27 Direct costs of labor, capital, and material resources used
28 exclusively to provide pupil transportation include the wages,
29 payroll costs, and associated fringe benefits of school bus
30 drivers, mechanics, and any supervisory or administrative
31 personnel whose services relate exclusively to pupil
32 transportation personnel or services, fuel, lubricants, tires,
33 tubes, related material costs incurred in providing pupil
34 transportation, depreciation costs associated with school
35 buses and other vehicles, including spare vehicles, used to
36 provide pupil transportation, and costs of facilities and

1 equipment maintained exclusively to service, garage, or park
2 vehicles used for pupil transportation purposes. "Shared
3 costs" means the aggregate cost of the labor, capital, and
4 material resources that are used in common by the district for
5 a multiplicity of purposes, including the purpose of providing
6 transportation of the district's pupils to and from school. The
7 costs of the management, administration, and underlying
8 infrastructure that support a multiplicity of services
9 provided by the school district (including pupil
10 transportation services) constitute shared costs within the
11 meaning of this Section, and to the extent they are fairly
12 allocable to pupil transportation services they are included
13 within the term fully allocated costs as used in this Section.
14 The State Board of Education shall promulgate rules setting
15 forth the manner in which a district's fully allocated costs of
16 providing transportation of its pupils to and from school under
17 a non-contractual system shall be determined and computed for
18 purposes of this Section. However, those rules shall be
19 consistent with the provisions of this paragraph and shall
20 follow recognized principles of fully allocated costing
21 analysis in the transit industry, including generally accepted
22 methods of identifying and estimating the principal cost
23 elements of maintaining and operating a pupil transportation
24 system.

25 (Source: P.A. 89-151, eff. 1-1-96; 89-626, eff. 8-9-96.)