



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4421**

Introduced 1/6/2006, by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-5.2

from Ch. 122, par. 29-5.2

Amends the School Code. With respect to reimbursement for qualified transportation expenses of a custodian of a qualifying pupil, provides that a public school pupil qualifies if, among other requirements, conditions are such that walking constitutes a serious hazard to the safety of the pupil, including without limitation a serious safety hazard due to gangs, violent activity, or vehicular traffic (now the serious safety hazard must be due to vehicular traffic, which requirement still applies to nonpublic school pupils). Provides that the State Board of Education makes the determination as to what constitutes a serious safety hazard, except for serious safety hazards due to vehicular traffic, which the Department of Transportation determines. Effective July 1, 2006.

LRB094 16017 NHT 51252 b

FISCAL NOTE ACT  
MAY APPLY

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 29-5.2 as follows:

6 (105 ILCS 5/29-5.2) (from Ch. 122, par. 29-5.2)

7 Sec. 29-5.2. Reimbursement of transportation.

8 (a) Reimbursement. A custodian of a qualifying pupil shall  
9 be entitled to reimbursement in accordance with procedures  
10 established by the State Board of Education for qualified  
11 transportation expenses paid by such custodian during the  
12 school year.

13 (b) Definitions. As used in this Section:

14 (1) "Qualifying pupil" means an individual referred to  
15 in subsection (c), as well as an individual who:

16 (A) is a resident of the State of Illinois; and

17 (B) is under the age of 21 at the close of the  
18 school year for which reimbursement is sought; and

19 (C) during the school year for which reimbursement  
20 is sought was a full-time pupil enrolled in a  
21 kindergarten through 12th grade educational program at  
22 a school which was a distance of 1 1/2 miles or more  
23 from the residence of such pupil; and

24 (D) did not live within 1 1/2 miles from the school  
25 in which the pupil was enrolled or have access to  
26 transportation provided entirely at public expense to  
27 and from that school and a point within 1 1/2 miles of  
28 the pupil's residence, measured in a manner consistent  
29 with Section 29-3.

30 (2) "Qualified transportation expenses" means costs  
31 reasonably incurred by the custodian to transport, for the  
32 purposes of attending regularly scheduled day-time

1 classes, a qualifying pupil between such qualifying  
2 pupil's residence and the school at which such qualifying  
3 pupil is enrolled, as limited in subsection (e) of this  
4 Section, and shall include automobile expenses at the  
5 standard mileage rate allowed by the United States Internal  
6 Revenue Service as reimbursement for business  
7 transportation expense, as well as payments to mass transit  
8 carriers, private carriers, and contractual fees for  
9 transportation.

10 (3) "School" means a public or nonpublic elementary or  
11 secondary school in Illinois, attendance at which  
12 satisfies the requirements of Section 26-1.

13 (4) One and one-half miles distance. For the purposes  
14 of this Section, 1 1/2 miles distance shall be measured in  
15 a manner consistent with Section 29-3.

16 (5) Custodian. The term "custodian" shall mean, with  
17 respect to a qualifying pupil, an Illinois resident who is  
18 the parent, or parents, or legal guardian of such  
19 qualifying pupil.

20 (c) An individual, resident of the State of Illinois, who  
21 is under the age of 21 at the close of the school year for which  
22 reimbursement is sought and who, during that school year, was a  
23 full time pupil enrolled in a kindergarten through 12th grade  
24 educational program at a school which was within 1 1/2 miles of  
25 the pupil's residence, measured in a manner consistent with  
26 Section 29-3, is a "qualifying pupil" within the meaning of  
27 this Section if: (i) such pupil did not have access to  
28 transportation provided entirely at public expense to and from  
29 that school and the pupil's residence, and (ii) (A) for a  
30 public school pupil, conditions were such that walking would  
31 have constituted a serious hazard to the safety of the pupil,  
32 including without limitation a serious safety hazard due to  
33 gangs, violent activity, or vehicular traffic or (B) for a  
34 nonpublic school pupil, conditions were such that walking would  
35 have constituted a serious hazard to the safety of the pupil  
36 due to vehicular traffic. Except for serious safety hazards due

1 to vehicular traffic, the determination of what constitutes a  
2 serious safety hazard within the meaning of this subsection  
3 shall in each case be made by the State Board of Education in  
4 accordance with guidelines that the State Board of Education  
5 shall adopt. The determination of what constitutes a serious  
6 safety hazard due to vehicular traffic within the meaning of  
7 this subsection shall in each case be made by the Department of  
8 Transportation in accordance with guidelines which the  
9 Department, in consultation with the State Superintendent of  
10 Education, shall promulgate. Each custodian intending to file  
11 an application for reimbursement under subsection (d) for  
12 expenditures incurred or to be incurred with respect to a pupil  
13 asserted to be a qualified pupil as an individual referred to  
14 in this subsection shall first file with the appropriate  
15 regional superintendent, on forms provided by the State Board  
16 of Education, a request for a determination that a serious  
17 safety hazard within the meaning of this subsection (c) exists  
18 with respect to such pupil. Custodians shall file such forms  
19 with the appropriate regional superintendents not later than  
20 February 1 of the school year for which reimbursement will be  
21 sought for transmittal by the regional superintendents to the  
22 State Board of Education or the Department of Transportation  
23 (with respect to serious safety hazards due to vehicular  
24 traffic) not later than February 15; except that any custodian  
25 who previously received a determination that a serious safety  
26 hazard exists need not resubmit such a request for 4 years but  
27 instead may certify on their application for reimbursement to  
28 the State Board of Education referred to in subsection (d),  
29 that the conditions found to be hazardous, as previously  
30 determined by the State Board of Education or the Department of  
31 Transportation, remain unchanged. The State Board of Education  
32 or the Department of Transportation shall make its  
33 determination on all requests so transmitted to it within 30  
34 days, and shall thereupon forward notice of each determination  
35 which it has made to the appropriate regional superintendent  
36 for immediate transmittal to the custodian affected thereby.

1 The determination of the State Board of Education or the  
2 Department of Transportation relative to what constitutes a  
3 serious safety hazard within the meaning of subsection (c) with  
4 respect to any pupil shall be deemed an "administrative  
5 decision" as defined in Section 3-101 of the Administrative  
6 Review Law; and the Administrative Review Law and all  
7 amendments and modifications thereof and rules adopted  
8 pursuant thereto shall apply to and govern all proceedings  
9 instituted for the judicial review of final administrative  
10 decisions of the State Board of Education or the Department of  
11 Transportation under this subsection.

12 (d) Request for reimbursement. A custodian, including a  
13 custodian for a pupil asserted to be a qualified pupil as an  
14 individual referred to in subsection (c), who applies in  
15 accordance with procedures established by the State Board of  
16 Education shall be reimbursed in accordance with the dollar  
17 limits set out in this Section. Such procedures shall require  
18 application no later than June 30 of each year, documentation  
19 as to eligibility, and adequate evidence of expenditures;  
20 except that for reimbursement sought pursuant to subsection (c)  
21 for the 1985-1986 school year, such procedures shall require  
22 application within 21 days after the determination of the State  
23 Board of Education or the Department of Transportation with  
24 respect to that school year is transmitted by the regional  
25 superintendent to the affected custodian. In the absence of  
26 contemporaneous records, an affidavit by the custodian may be  
27 accepted as evidence of an expenditure. If the amount  
28 appropriated for such reimbursement for any year is less than  
29 the amount due each custodian, it shall be apportioned on the  
30 basis of the requests approved. Regional Superintendents shall  
31 be reimbursed for such costs of administering the program,  
32 including costs incurred in administering the provisions of  
33 subsection (c), as the State Board of Education determines are  
34 reasonable and necessary.

35 (e) Dollar limit on amount of reimbursement. Reimbursement  
36 to custodians for transportation expenses incurred during the

1 1985-1986 school year, payable in fiscal year 1987, shall be  
2 equal to the lesser of (1) the actual qualified transportation  
3 expenses, or (2) \$50 per pupil. Reimbursement to custodians for  
4 transportation expenses incurred during the 1986-1987 school  
5 year, payable in fiscal year 1988, shall be equal to the lesser  
6 of (1) the actual qualified transportation expenses, or (2)  
7 \$100 per pupil. For reimbursements of qualified transportation  
8 expenses incurred in 1987-1988 and thereafter, the amount of  
9 reimbursement shall not exceed the prior year's State  
10 reimbursement per pupil for transporting pupils as required by  
11 Section 29-3 and other provisions of this Article.

12 (f) Rules and regulations. The State Board of Education  
13 shall adopt rules to implement this Section.

14 (g) The provisions of this amendatory Act of 1986 shall  
15 apply according to their terms to the entire 1985-1986 school  
16 year, including any portion of that school year which elapses  
17 prior to the effective date of this amendatory Act, and to each  
18 subsequent school year.

19 (h) The chief administrative officer of each school shall  
20 notify custodians of qualifying pupils that reimbursements are  
21 available. Notification shall occur by the first Monday in  
22 November of the school year for which reimbursement is  
23 available.

24 (Source: P.A. 91-357, eff. 7-29-99.)

25 Section 99. Effective date. This Act takes effect July 1,  
26 2006.