



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB1850**

Introduced 2/25/2005, by Sen. Kimberly A. Lightford

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the School Code. In a provision allowing a school board to provide free transportation when conditions are such that walking constitutes a serious safety hazard, provides that the school board shall annually review the condition and determine (rather than certify to the State Superintendent of Education) whether or not the hazardous conditions remain unchanged. Effective July 1, 2005.

LRB094 05820 LJB 35874 b

FISCAL NOTE ACT  
MAY APPLY

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 29-3 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, and consolidated high  
10 school districts, and combined school districts if the combined  
11 district includes any district which was previously required to  
12 provide transportation, shall provide free transportation for  
13 pupils residing at a distance of one and one-half miles or more  
14 from any school to which they are assigned for attendance  
15 maintained within the district except for those pupils for whom  
16 the school board shall certify to the State Board of Education  
17 that adequate transportation for the public is available.

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

23 Such school board may comply with the provisions of this  
24 Section by providing free transportation for pupils to and from  
25 an assigned school and a pick-up point located not more than  
26 one and one-half miles from the home of each pupil assigned to  
27 such point.

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

1 In addition to the other requirements of this Section, each  
2 school board may provide free transportation for any pupil  
3 residing within 1 1/2 miles from the school attended where  
4 conditions are such that walking, either to or from the school  
5 to which a pupil is assigned for attendance or to or from a  
6 pick-up point or bus stop, constitutes a serious hazard to the  
7 safety of the pupil due to vehicular traffic or rail crossings.  
8 Such transportation shall not be provided if adequate  
9 transportation for the public is available.

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

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

10 (Source: P.A. 90-223, eff. 1-1-98.)

11 Section 99. Effective date. This Act takes effect July 1,  
12 2005.