

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 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  
17 kindergarten or any of grades 1 through 12 who: (a) reside at  
18 least 1 1/2 miles as measured by the customary route of travel,  
19 from the school attended; or (b) reside in areas where  
20 conditions are such that walking constitutes a hazard to the  
21 safety of the child when determined under Section 29-3; and (c)  
22 are transported to the school attended from pick-up points at  
23 the beginning of the school day and back again at the close of

1 the school day or transported to and from their assigned  
2 attendance centers during the school day, shall be reimbursed  
3 by the State as hereinafter provided in this Section.

4 The State will pay the cost of transporting eligible pupils  
5 less the assessed valuation in a dual school district  
6 maintaining secondary grades 9 to 12 inclusive times a  
7 qualifying rate of .05%; in elementary school districts  
8 maintaining grades K to 8 times a qualifying rate of .06%; in  
9 unit districts maintaining grades K to 12 times a qualifying  
10 rate of .07%. To be eligible to receive reimbursement in excess  
11 of 4/5 of the cost to transport eligible pupils, a school  
12 district shall have a Transportation Fund tax rate of at least  
13 .12%. If a school district does not have a .12% Transportation  
14 Fund tax rate, the amount of its claim in excess of 4/5 of the  
15 cost of transporting pupils shall be reduced by the sum arrived  
16 at by subtracting the Transportation Fund tax rate from .12%  
17 and multiplying that amount by the districts equalized or  
18 assessed valuation, provided, that in no case shall said  
19 reduction result in reimbursement of less than 4/5 of the cost  
20 to transport eligible pupils.

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

23 When calculating the reimbursement for transportation  
24 costs, the State Board of Education may not deduct the number  
25 of pupils enrolled in early education programs or summer school  
26 from the number of pupils eligible for reimbursement if the

1 pupils enrolled in the early education programs or summer  
2 school are transported at the same time as other eligible  
3 pupils. Notwithstanding any other rulemaking authority that  
4 may exist, neither the Governor nor any agency or agency head  
5 under the jurisdiction of the Governor has any authority to  
6 make or promulgate rules to implement or enforce the provisions  
7 of this amendatory Act of the 95th General Assembly. If,  
8 however, the Governor believes that rules are necessary to  
9 implement or enforce the provisions of this amendatory Act of  
10 the 95th General Assembly, the Governor may suggest rules to  
11 the General Assembly by filing them with the Clerk of the House  
12 and the Secretary of the Senate and by requesting that the  
13 General Assembly authorize such rulemaking by law, enact those  
14 suggested rules into law, or take any other appropriate action  
15 in the General Assembly's discretion. Nothing contained in this  
16 amendatory Act of the 95th General Assembly shall be  
17 interpreted to grant rulemaking authority under any other  
18 Illinois statute where such authority is not otherwise  
19 explicitly given. For the purposes of this amendatory Act of  
20 the 95th General Assembly, "rules" is given the meaning  
21 contained in Section 1-70 of the Illinois Administrative  
22 Procedure Act, and "agency" and "agency head" are given the  
23 meanings contained in Sections 1-20 and 1-25 of the Illinois  
24 Administrative Procedure Act to the extent that such  
25 definitions apply to agencies or agency heads under the  
26 jurisdiction of the Governor.

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

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

9 If a pupil is at a location within the school district  
10 other than his residence for child care purposes at the time  
11 for transportation to school, that location may be considered  
12 for purposes of determining the 1 1/2 miles from the school  
13 attended.

14 Claims for reimbursement that include children who attend  
15 any school other than a public school shall show the number of  
16 such children transported.

17 Claims for reimbursement under this Section shall not be  
18 paid for the transportation of pupils for whom transportation  
19 costs are claimed for payment under other Sections of this Act.

20 The allowable direct cost of transporting pupils for  
21 regular, vocational, and special education pupil  
22 transportation shall be limited to the sum of the cost of  
23 physical examinations required for employment as a school bus  
24 driver; the salaries of full or part-time drivers and school  
25 bus maintenance personnel; employee benefits excluding  
26 Illinois municipal retirement payments, social security

1 payments, unemployment insurance payments and workers'  
2 compensation insurance premiums; expenditures to independent  
3 carriers who operate school buses; payments to other school  
4 districts for pupil transportation services; pre-approved  
5 contractual expenditures for computerized bus scheduling; the  
6 cost of gasoline, oil, tires, and other supplies necessary for  
7 the operation of school buses; the cost of converting buses'  
8 gasoline engines to more fuel efficient engines or to engines  
9 which use alternative energy sources; the cost of travel to  
10 meetings and workshops conducted by the regional  
11 superintendent or the State Superintendent of Education  
12 pursuant to the standards established by the Secretary of State  
13 under Section 6-106 of the Illinois Vehicle Code to improve the  
14 driving skills of school bus drivers; the cost of maintenance  
15 of school buses including parts and materials used;  
16 expenditures for leasing transportation vehicles, except  
17 interest and service charges; the cost of insurance and  
18 licenses for transportation vehicles; expenditures for the  
19 rental of transportation equipment; plus a depreciation  
20 allowance of 20% for 5 years for school buses and vehicles  
21 approved for transporting pupils to and from school and a  
22 depreciation allowance of 10% for 10 years for other  
23 transportation equipment so used. Each school year, if a school  
24 district has made expenditures to the Regional Transportation  
25 Authority or any of its service boards, a mass transit  
26 district, or an urban transportation district under an

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

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

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

1 costs for pupil transportation.

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

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

26 If the amount appropriated for transportation

1 reimbursement is insufficient to fund total claims for any  
2 fiscal year, the State Board of Education shall reduce each  
3 school district's allowable costs and flat grant amount  
4 proportionately to make total adjusted claims equal the total  
5 amount appropriated.

6 For purposes of calculating claims for reimbursement under  
7 this Section for any school year beginning July 1, 1998, or  
8 thereafter, the equalized assessed valuation for a school  
9 district used to compute reimbursement shall be computed in the  
10 same manner as it is computed under paragraph (2) of subsection  
11 (G) of Section 18-8.05.

12 All reimbursements received from the State shall be  
13 deposited into the district's transportation fund or into the  
14 fund from which the allowable expenditures were made.

15 Notwithstanding any other provision of law, any school  
16 district receiving a payment under this Section or under  
17 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may  
18 classify all or a portion of the funds that it receives in a  
19 particular fiscal year or from general State aid pursuant to  
20 Section 18-8.05 of this Code as funds received in connection  
21 with any funding program for which it is entitled to receive  
22 funds from the State in that fiscal year (including, without  
23 limitation, any funding program referenced in this Section),  
24 regardless of the source or timing of the receipt. The district  
25 may not classify more funds as funds received in connection  
26 with the funding program than the district is entitled to

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

21 Any school district with a population of not more than  
22 500,000 must deposit all funds received under this Article into  
23 the transportation fund and use those funds for the provision  
24 of transportation services.

25 (Source: P.A. 93-166, eff. 7-10-03; 93-663, eff. 2-17-04;  
26 93-1022, eff. 8-24-04; 94-875, eff. 7-1-06.)