

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

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

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

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

25 Any such district transporting resident pupils during the
26 school day to an area vocational school or another school

1 district's vocational program more than 1 1/2 miles from the
2 school attended, as provided in Sections 10-22.20a and
3 10-22.22, shall be reimbursed by the State for 4/5 of the cost
4 of transporting eligible pupils.

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

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

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

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

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

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

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

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

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

26 The State Board of Education shall prescribe uniform

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

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

24 If the amount appropriated for transportation
25 reimbursement is insufficient to fund total claims for any
26 fiscal year, the State Board of Education shall reduce each

1 school district's allowable costs and flat grant amount
2 proportionately to make total adjusted claims equal the total
3 amount appropriated.

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

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

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

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

19 Any school district with a population of not more than
20 500,000 must deposit all funds received under this Article into
21 the transportation fund and use those funds for the provision
22 of transportation services.

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

25 Section 99. Effective date. This Act takes effect on July
26 1, 2007.