



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3662

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the Transportation Article of the School Code. Requires the Chicago Board of Education to provide free transportation to and from a pupil's assigned school and a pick-up point for any pupil who must walk or otherwise travel along a safe passage route, as designated by the Board, to reach school or return home. Effective immediately.

LRB098 13301 NHT 47820 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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

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

6 Such school board may comply with the provisions of this
7 Section by providing free transportation for pupils to and from
8 an assigned school and a pick-up point located not more than
9 one and one-half miles from the home of each pupil assigned to
10 such point.

11 In addition to the other requirements of this Section, the
12 school board of a school district organized under Article 34 of
13 this Code shall provide free transportation to and from a
14 pupil's assigned school and a pick-up point that meets the
15 requirements of this Section for any pupil who must walk or
16 otherwise travel along a safe passage route, as designated by
17 the school board, to reach school or return home.

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

23 In addition to the other requirements of this Section, each
24 school board may provide free transportation for any pupil
25 residing within 1 1/2 miles from the school attended where
26 conditions are such that walking, either to or from the school

1 to which a pupil is assigned for attendance or to or from a
2 pick-up point or bus stop, constitutes a serious hazard to the
3 safety of the pupil due to vehicular traffic or rail crossings.
4 Such transportation shall not be provided if adequate
5 transportation for the public is available.

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

1 days after the school board submits its findings to the
2 Department. The school board shall annually review the
3 conditions and determine whether or not the hazardous
4 conditions remain unchanged. The State Superintendent of
5 Education may request that the Illinois Department of
6 Transportation verify that the conditions have not changed. No
7 action shall lie against the school board, the State
8 Superintendent of Education or the Illinois Department of
9 Transportation for decisions made in accordance with this
10 Section. The provisions of the Administrative Review Law and
11 all amendments and modifications thereof and the rules adopted
12 pursuant thereto shall apply to and govern all proceedings
13 instituted for the judicial review of final administrative
14 decisions of the Department of Transportation under this
15 Section.

16 (Source: P.A. 94-439, eff. 8-4-05; 95-903, eff. 8-25-08.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.