



Rep. Jay Hoffman

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09900HB0332ham001

LRB099 06073 NHT 31590 a

1 AMENDMENT TO HOUSE BILL 332

2 AMENDMENT NO. _____. Amend House Bill 332 by replacing
3 everything after the enacting clause with the following:

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

1 any area that was previously required to provide transportation
2 shall provide free transportation for pupils residing at a
3 distance of one and one-half miles or more from any school to
4 which they are assigned for attendance maintained within the
5 district, except for those pupils for whom the school board
6 shall certify to the State Board of Education that adequate
7 transportation for the public is available.

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

13 Such school board may comply with the provisions of this
14 Section by providing free transportation for pupils to and from
15 an assigned school and a pick-up point located not more than
16 one and one-half miles from the home of each pupil assigned to
17 such point.

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 either (i) vehicular traffic or rail
4 crossings or (ii) a significant risk of violent crime. Such
5 transportation shall not be provided if adequate
6 transportation for the public is available.

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

1 respect to vehicular traffic or rail crossings, or the local
2 law enforcement agency, with respect to a significant risk of
3 violent crime, shall review and approve or disapprove as
4 provided in this Section, to determine whether a serious safety
5 hazard exists as alleged in the petition. The Department of
6 Transportation shall review the findings of the school board
7 concerning vehicular traffic or rail crossings and shall
8 approve or disapprove the school board's determination that a
9 serious safety hazard exists within 30 days after the school
10 board submits its findings to the Department of Transportation.
11 The local law enforcement agency shall review the findings of
12 the school board concerning a significant risk of violent crime
13 and shall approve or disapprove the school board's
14 determination that a serious safety hazard exists within 30
15 days after the school board submits its findings to the local
16 law enforcement agency. The school board shall annually review
17 the conditions and determine whether or not the hazardous
18 conditions remain unchanged. The State Superintendent of
19 Education may request that the Illinois Department of
20 Transportation or the local law enforcement agency verify that
21 the conditions have not changed. No action shall lie against
22 the school board, the State Superintendent of Education, ~~or~~ the
23 Illinois Department of Transportation, or a local law
24 enforcement agency for decisions made in accordance with this
25 Section. The provisions of the Administrative Review Law and
26 all amendments and modifications thereof and the rules adopted

1 pursuant thereto shall apply to and govern all proceedings
2 instituted for the judicial review of final administrative
3 decisions of the Department of Transportation or a local law
4 enforcement agency under this Section.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."