



Rep. Jay Hoffman

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09900HB0332ham002

LRB099 06073 SXM 32815 a

1 AMENDMENT TO HOUSE BILL 332

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

5 "Section 5. The School Code is amended by changing Section
6 29-3 as follows:

7 (105 ILCS 5/29-3) (from Ch. 122, par. 29-3)

8 Sec. 29-3. Transportation in school districts. School
9 boards of community consolidated districts, community unit
10 districts, consolidated districts, consolidated high school
11 districts, optional elementary unit districts, combined high
12 school - unit districts, combined school districts if the
13 combined district includes any district which was previously
14 required to provide transportation, and any newly created
15 elementary or high school districts resulting from a high
16 school - unit conversion, a unit to dual conversion, or a

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

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

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

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

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

1 conditions are such that walking, either to or from the school
2 to which a pupil is assigned for attendance or to or from a
3 pick-up point or bus stop, constitutes a serious hazard to the
4 safety of the pupil due to either (i) vehicular traffic or rail
5 crossings or (ii) a course or pattern of criminal activity, as
6 defined in Section 10 of the Illinois Streetgang Terrorism
7 Omnibus Prevention Act. Such transportation shall not be
8 provided if adequate transportation for the public is
9 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 regarding vehicular traffic or rail crossings
14 or in accordance with guidelines regarding a course of pattern
15 of criminal activity, as determined by the local law
16 enforcement agency, in consultation with the State
17 Superintendent of Education. A school board, on written
18 petition of the parent or guardian of a pupil for whom adequate
19 transportation for the public is alleged not to exist because
20 the pupil is required to walk along normally traveled roads or
21 streets where walking is alleged to constitute a serious safety
22 hazard due to either (i) vehicular traffic or rail crossings or
23 (ii) a course or pattern of criminal activity, or who is
24 required to walk between the pupil's home and assigned school
25 or between the pupil's home or assigned school and a pick-up
26 point or bus stop along roads or streets where walking is

1 alleged to constitute a serious safety hazard due to either (i)
2 vehicular traffic or rail crossings or (ii) a course or pattern
3 of criminal activity, shall conduct a study and make findings,
4 which the Department of Transportation, with respect to
5 vehicular traffic or rail crossings, or the State Board of
6 Education, in consultation with the local law enforcement
7 agency, with respect to a course or pattern of criminal
8 activity, shall review and approve or disapprove as provided in
9 this Section, to determine whether a serious safety hazard
10 exists as alleged in the petition. The Department of
11 Transportation shall review the findings of the school board
12 concerning vehicular traffic or rail crossings and shall
13 approve or disapprove the school board's determination that a
14 serious safety hazard exists within 30 days after the school
15 board submits its findings to the Department of Transportation.
16 The State Board of Education, in consultation with the local
17 law enforcement agency, shall review the findings of the school
18 board concerning a course or pattern of criminal activity and
19 shall approve or disapprove the school board's determination
20 that a serious safety hazard exists within 30 days after the
21 school board submits its findings to the State Board. The
22 school board shall annually review the conditions and determine
23 whether or not the hazardous conditions remain unchanged. The
24 State Superintendent of Education may request that the Illinois
25 Department of Transportation or the local law enforcement
26 agency verify that the conditions have not changed. No action

1 shall lie against the school board, the State Superintendent of
2 Education, ~~or~~ the Illinois Department of Transportation, the
3 State Board of Education, or a local law enforcement agency for
4 decisions made in accordance with this Section. The provisions
5 of the Administrative Review Law and all amendments and
6 modifications thereof and the rules adopted pursuant thereto
7 shall apply to and govern all proceedings instituted for the
8 judicial review of final administrative decisions of the
9 Department of Transportation, the State Board of Education, or
10 a local law enforcement agency under this Section. At all
11 points, except when otherwise mentioned in this Section, the
12 local enforcement agency is authorized to determine what
13 constitutes a course or pattern of criminal activity.

14 The changes made to this Section by this amendatory Act of
15 the 99th General Assembly do not apply to a school district
16 organized under Article 34 of this Code.

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

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