



Sen. James F. Clayborne, Jr.

Filed: 3/12/2015

09900SB0052sam002

LRB099 04205 SXM 32412 a

1 AMENDMENT TO SENATE BILL 52

2 AMENDMENT NO. _____. Amend Senate Bill 52, 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 significant risk of violent crime. Such
6 transportation shall not be provided if adequate
7 transportation for the public is available.

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

1 and make findings, which the Department of Transportation, with
2 respect to vehicular traffic or rail crossings, or the local
3 police, with respect to a significant risk of violent crime,
4 shall review and approve or disapprove as provided in this
5 Section, to determine whether a serious safety hazard exists as
6 alleged in the petition. The Department of Transportation shall
7 review the findings of the school board concerning vehicular
8 traffic or rail crossings and shall approve or disapprove the
9 school board's determination that a serious safety hazard
10 exists within 30 days after the school board submits its
11 findings to the Department of Transportation. The local police
12 shall review the findings of the school board concerning a
13 significant risk of violent crime and shall approve or
14 disapprove the school board's determination that a serious
15 safety hazard exists within 30 days after the school board
16 submits its findings to the Department of State Police. The
17 school board shall annually review the conditions and determine
18 whether or not the hazardous conditions remain unchanged. The
19 State Superintendent of Education may request that the Illinois
20 Department of Transportation or the local police 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 the local police for
24 decisions made in accordance with this Section. The provisions
25 of the Administrative Review Law and all amendments and
26 modifications thereof and the rules adopted pursuant thereto

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

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".