

1 AN ACT relating to schools.

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
5 Sections 29-3 and 29-5 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, and consolidated high
10 school districts, and combined school districts if the
11 combined district includes any district which was previously
12 required to provide transportation, shall provide free
13 transportation for pupils residing at a distance of one and
14 one-half miles or more from any school to which they are
15 assigned for attendance maintained within the district except
16 for those pupils for whom the school board shall certify to
17 the State Board of Education that adequate transportation for
18 the public is available.

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

24 Such school board may comply with the provisions of this
25 Section by providing free transportation for pupils to and
26 from an assigned school and a pick-up point located not more
27 than one and one-half miles from the home of each pupil
28 assigned to such point.

29 For the purposes of this Act "adequate transportation for
30 the public" shall be assumed to exist for such pupils as can
31 reach school by walking, one way, along normally traveled

1 roads or streets less than 1 1/2 miles irrespective of the
2 distance the pupil is transported by public transportation.

3 In addition to the other requirements of this Section,
4 each school board may provide free transportation for any
5 pupil residing within 1 1/2 miles from the school attended
6 (i) where conditions are such that walking, either to or from
7 the school to which a pupil is assigned for attendance or to
8 or from a pick-up point or bus stop, constitutes a serious
9 hazard to the safety of the pupil due to vehicular traffic or
10 rail crossings or (ii) if the pupil is in kindergarten or
11 first or second grade. Such transportation shall not be
12 provided if adequate transportation for the public is
13 available.

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

1 serious safety hazard exists within 30 days after the school
 2 board submits its findings to the Department. The school
 3 board shall annually review the conditions and certify to the
 4 State Superintendent of Education whether or not the
 5 hazardous conditions remain unchanged. The State
 6 Superintendent of Education may request that the Illinois
 7 Department of Transportation verify that the conditions have
 8 not changed. No action shall lie against the school board,
 9 the State Superintendent of Education or the Illinois
 10 Department of Transportation for decisions made in accordance
 11 with this Section. The provisions of the Administrative
 12 Review Law and all amendments and modifications thereof and
 13 the rules adopted pursuant thereto shall apply to and govern
 14 all proceedings instituted for the judicial review of final
 15 administrative decisions of the Department of Transportation
 16 under this Section.

17 (Source: P.A. 90-223, eff. 1-1-98.)

18 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)
 19 Sec. 29-5. Reimbursement by State for transportation.
 20 Any school district, maintaining a school, transporting
 21 resident pupils to another school district's vocational
 22 program, offered through a joint agreement approved by the
 23 State Board of Education, as provided in Section 10-22.22 or
 24 transporting its resident pupils to a school which meets the
 25 standards for recognition as established by the State Board
 26 of Education which provides transportation meeting the
 27 standards of safety, comfort, convenience, efficiency and
 28 operation prescribed by the State Board of Education for
 29 resident pupils ~~in-kindergarten-or-any-of-grades-1-through-12~~
 30 who: (a) are in kindergarten or first or second grade, are in
 31 any of grades 3 through 12 and reside at least 1 1/2 miles as
 32 measured by the customary route of travel, from the school
 33 attended,; or are in any of grades 3 through 12 and (b)

1 reside in areas where conditions are such that walking
2 constitutes a hazard to the safety of the child when
3 determined under Section 29-3; and (b) ~~(e)~~ are transported to
4 the school attended from pick-up points at the beginning of
5 the school day and back again at the close of the school day
6 or transported to and from their assigned attendance centers
7 during the school day, shall be reimbursed by the State as
8 hereinafter provided in this Section.

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

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

29 Any such district transporting resident pupils during the
30 school day to an area vocational school or another school
31 district's vocational program more than 1 1/2 miles from the
32 school attended, as provided in Sections 10-22.20a and
33 10-22.22, shall be reimbursed by the State for 4/5 of the
34 cost of transporting eligible pupils.

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

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

8 Claims for reimbursement that include children who attend
9 any school other than a public school shall show the number
10 of such children transported.

11 Claims for reimbursement under this Section shall not be
12 paid for the transportation of pupils for whom transportation
13 costs are claimed for payment under other Sections of this
14 Act.

15 The allowable direct cost of transporting pupils for
16 regular, vocational, and special education pupil
17 transportation shall be limited to the sum of the cost of
18 physical examinations required for employment as a school bus
19 driver; the salaries of full or part-time drivers and school
20 bus maintenance personnel; employee benefits excluding
21 Illinois municipal retirement payments, social security
22 payments, unemployment insurance payments and workers'
23 compensation insurance premiums; expenditures to independent
24 carriers who operate school buses; payments to other school
25 districts for pupil transportation services; pre-approved
26 contractual expenditures for computerized bus scheduling; the
27 cost of gasoline, oil, tires, and other supplies necessary
28 for the operation of school buses; the cost of converting
29 buses' gasoline engines to more fuel efficient engines or to
30 engines which use alternative energy sources; the cost of
31 travel to meetings and workshops conducted by the regional
32 superintendent or the State Superintendent of Education
33 pursuant to the standards established by the Secretary of
34 State under Section 6-106 of the Illinois Vehicle Code to

1 improve the driving skills of school bus drivers; the cost of
2 maintenance of school buses including parts and materials
3 used; expenditures for leasing transportation vehicles,
4 except interest and service charges; the cost of insurance
5 and licenses for transportation vehicles; expenditures for
6 the rental of transportation equipment; plus a depreciation
7 allowance of 20% for 5 years for school buses and vehicles
8 approved for transporting pupils to and from school and a
9 depreciation allowance of 10% for 10 years for other
10 transportation equipment so used. In addition to the above
11 allowable costs school districts shall also claim all
12 transportation supervisory salary costs, including Illinois
13 municipal retirement payments, and all transportation related
14 building and building maintenance costs without limitation.

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

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

30 The State Board of Education shall prescribe uniform
31 regulations for determining the above standards and shall
32 prescribe forms of cost accounting and standards of
33 determining reasonable depreciation. Such depreciation shall
34 include the cost of equipping school buses with the safety

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

10 On or before July 10, annually, the board clerk or the
11 secretary of the district shall certify to the regional
12 superintendent of schools upon forms prescribed by the State
13 Superintendent of Education the district's claim for
14 reimbursement for the school year ended on June 30 next
15 preceding. The regional superintendent of schools shall
16 check all transportation claims to ascertain compliance with
17 the prescribed standards and upon his approval shall certify
18 not later than July 25 to the State Superintendent of
19 Education the regional report of claims for reimbursements.
20 The State Superintendent of Education shall check and approve
21 the claims and prepare the vouchers showing the amounts due
22 for district reimbursement claims. Beginning with the 1977
23 fiscal year, the State Superintendent of Education shall
24 prepare and transmit the first 3 vouchers to the Comptroller
25 on the 30th day of September, December and March,
26 respectively, and the final voucher, no later than June 15.

27 If the amount appropriated for transportation
28 reimbursement is insufficient to fund total claims for any
29 fiscal year, the State Board of Education shall reduce each
30 school district's allowable costs and flat grant amount
31 proportionately to make total adjusted claims equal the total
32 amount appropriated.

33 For purposes of calculating claims for reimbursement
34 under this Section for any school year beginning July 1,

1 1998, or thereafter, the equalized assessed valuation for a
2 school district used to compute reimbursement shall be
3 computed in the same manner as it is computed under paragraph
4 (2) of subsection (G) of Section 18-8.05.

5 All reimbursements received from the State shall be
6 deposited into the district's transportation fund or into the
7 fund from which the allowable expenditures were made.

8 (Source: P.A. 91-96, eff. 7-9-99.)

9 Section 99. Effective date. This Act takes effect on
10 July 1, 2001.