

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

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

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

Sec. 29-3. Transportation in school districts. School boards of community consolidated districts, community unit districts, consolidated districts, consolidated high school districts, optional elementary unit districts, combined high school - unit districts, combined school districts if the combined district includes any district which was previously required to provide transportation, and any newly created elementary or high school districts resulting from a high school - unit conversion, a unit to dual conversion, or a multi-unit conversion if the newly created district includes any area that was previously required to provide transportation shall provide free transportation for pupils residing at a distance of one and one-half miles or more from any school to which they are assigned for attendance maintained within the district, except for those pupils for whom the school board shall certify to the State Board of Education that adequate transportation for the public is available.

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

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

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

In addition to the other requirements of this Section, each school board may provide free transportation for any pupil residing within 1 1/2 miles from the school attended where conditions are such that walking, either to or from the school to which a pupil is assigned for attendance or to or from a pick-up point or bus stop, constitutes a serious hazard to the safety of the pupil due to either (i) vehicular traffic or rail crossings or (ii) a course or pattern of criminal activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. Such transportation shall not be provided if adequate transportation for the public is

available.

The determination as to what constitutes a serious safety hazard shall be made by the school board, in accordance with guidelines promulgated by the Illinois Department of Transportation regarding vehicular traffic or rail crossings or in accordance with guidelines regarding a course or pattern of criminal activity, as determined by the local law enforcement agency, in consultation with the State Superintendent of Education. A school board, on written petition of the parent or guardian of a pupil for whom adequate transportation for the public is alleged not to exist because the pupil is required to walk along normally traveled roads or streets where walking is alleged to constitute a serious safety hazard due to either (i) vehicular traffic or rail crossings or (ii) a course or pattern of criminal activity, or who is required to walk between the pupil's home and assigned school or between the pupil's home or assigned school and a pick-up point or bus stop along roads or streets where walking is alleged to constitute a serious safety hazard due to either (i) vehicular traffic or rail crossings or (ii) a course or pattern of criminal activity, shall conduct a study and make findings, which the Department of Transportation, with respect to vehicular traffic or rail crossings, or the State Board of Education, in consultation with the local law enforcement agency, with respect to a course or pattern of criminal activity, shall review and approve or disapprove as provided in

this Section, to determine whether a serious safety hazard exists as alleged in the petition. The Department of Transportation shall review the findings of the school board concerning vehicular traffic or rail crossings and shall approve or disapprove the school board's determination that a serious safety hazard exists within 30 days after the school board submits its findings to the Department of Transportation. The State Board of Education, in consultation with the local law enforcement agency, shall review the findings of the school board concerning a course or pattern of criminal activity and shall approve or disapprove the school board's determination that a serious safety hazard exists within 30 days after the school board submits its findings to the State Board. The school board shall annually review the conditions and determine whether or not the hazardous conditions remain unchanged. The State Superintendent of Education may request that the Illinois Department of Transportation or the local law enforcement agency verify that the conditions have not changed. No action shall lie against the school board, the State Superintendent of Education, ~~or~~ the Illinois Department of Transportation, the State Board of Education, or a local law enforcement agency for decisions made in accordance with this Section. The provisions of the Administrative Review Law and all amendments and modifications thereof and the rules adopted pursuant thereto shall apply to and govern all proceedings instituted for the judicial review of final administrative decisions of the

Department of Transportation, the State Board of Education, or a local law enforcement agency under this Section. At all points, except when otherwise mentioned in this Section, the local enforcement agency is authorized to determine what constitutes a course or pattern of criminal activity.

The changes made to this Section by this amendatory Act of the 100th General Assembly do not apply to a school district organized under Article 34 of this Code.

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

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