



Rep. Eva-Dina Delgado

Filed: 4/2/2024

10300HB5480ham001

LRB103 37524 RJT 71594 a

1 AMENDMENT TO HOUSE BILL 5480

2 AMENDMENT NO. _____. Amend House Bill 5480 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

7 Sec. 29-5. Reimbursement by State for transportation. Any
8 school district or State-authorized charter school,
9 maintaining a school, transporting resident pupils to another
10 school district's vocational program, offered through a joint
11 agreement approved by the State Board of Education, as
12 provided in Section 10-22.22 or transporting its resident
13 pupils to a school which meets the standards for recognition
14 as established by the State Board of Education which provides
15 transportation meeting the standards of safety, comfort,
16 convenience, efficiency and operation prescribed by the State

1 Board of Education for resident pupils in kindergarten or any
2 of grades 1 through 12 who: (a) reside at least 1 1/2 miles as
3 measured by the customary route of travel, from the school
4 attended; or (b) reside in areas where conditions are such
5 that walking constitutes a hazard to the safety of the child
6 when determined under Section 29-3; and (c) are transported to
7 the school attended from pick-up points at the beginning of
8 the school day and back again at the close of the school day or
9 transported to and from their assigned attendance centers
10 during the school day, shall be reimbursed by the State as
11 hereinafter provided in this Section.

12 The State will pay the prorated allowable cost of
13 transporting eligible pupils less the real equalized assessed
14 valuation as computed under paragraph (3) of subsection (d) of
15 Section 18-8.15 in a dual school district maintaining
16 secondary grades 9 to 12 inclusive times a qualifying rate of
17 .05%; in elementary school districts maintaining grades K to 8
18 times a qualifying rate of .06%; and in unit districts
19 maintaining grades K to 12, including partial elementary unit
20 districts formed pursuant to Article 11E, times a qualifying
21 rate of .07%. For a State-authorized charter school, the State
22 shall pay the prorated allowable cost of transporting eligible
23 pupils less the prior year's prorated assessed valuation based
24 on enrollment reported pursuant to subsection (a) of Section
25 27A-11 for the previous school year in the charter school
26 proportionate to the charter school's school district's

1 enrollment for the previous school year.

2 To be eligible to receive reimbursement in excess of 4/5
3 of the cost to transport eligible pupils, a school district or
4 partial elementary unit district formed pursuant to Article
5 11E shall have a Transportation Fund tax rate of at least .12%.
6 A State-authorized charter school's qualifying rate shall be
7 the same as the rate that applies to the charter school's
8 school district. The Transportation Fund tax rate for a
9 partial elementary unit district formed pursuant Article 11E
10 shall be the combined elementary and high school rates
11 pursuant to paragraph (4) of subsection (a) of Section
12 18-8.15.

13 If a school district or partial elementary unit district
14 formed pursuant to Article 11E does not have a .12%
15 Transportation Fund tax rate, the amount of its claim in
16 excess of 4/5 of the cost of transporting pupils shall be
17 reduced by the sum arrived at by subtracting the
18 Transportation Fund tax rate from .12% and multiplying that
19 amount by the district's real equalized assessed valuation as
20 computed under paragraph (3) of subsection (d) of Section
21 18-8.15, provided that in no case shall said reduction result
22 in reimbursement of less than 4/5 of the cost to transport
23 eligible pupils. For a State-authorized charter school within
24 a school district that does not have a 0.12% Transportation
25 Fund tax rate, the State shall pay the prorated allowable cost
26 of transporting eligible pupils less the prior year's prorated

1 assessed valuation based on enrollment reported pursuant to
2 subsection (a) of Section 27A-11 for the previous school year
3 in the charter school proportionate to the charter school's
4 school district's enrollment for the previous school year.

5 A charter school, other than a State-authorized charter
6 school, that offers transportation to eligible students shall
7 be eligible for reimbursement by the State at the same rate as
8 its host district, unless the host district is a school
9 district organized under Article 34. A charter school, other
10 than a State-authorized charter school, whose host district is
11 a school district organized under Article 34 is eligible for
12 reimbursement by the State at the rate set forth in the charter
13 agreement. A charter school, other than a State-authorized
14 charter school, shall make a claim for reimbursement by the
15 State through the Pupil Transportation Claim Reimbursement
16 System and receive funding reimbursement in the same manner as
17 a school district. Notwithstanding any other provision of law
18 to the contrary, a charter school, other than a
19 State-authorized charter school, that has previously received
20 regular transportation grant funding from the State Board of
21 Education or is in the process of receiving such funding
22 approved in the same fiscal year as the effective date of this
23 amendatory Act of the 103rd General Assembly shall retain any
24 awarded funding.

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

1 When calculating the reimbursement for transportation
2 costs, the State Board of Education may not deduct the number
3 of pupils enrolled in early education programs from the number
4 of pupils eligible for reimbursement if the pupils enrolled in
5 the early education programs are transported at the same time
6 as other eligible pupils.

7 Any such district transporting resident pupils during the
8 school day to an area vocational school or another school
9 district's vocational program more than 1 1/2 miles from the
10 school attended, as provided in Sections 10-22.20a and
11 10-22.22, shall be reimbursed by the State for 4/5 of the cost
12 of transporting eligible pupils.

13 School day means that period of time during which the
14 pupil is required to be in attendance for instructional
15 purposes.

16 If a pupil is at a location within the school district
17 other than his residence for child care purposes at the time
18 for transportation to school, that location may be considered
19 for purposes of determining the 1 1/2 miles from the school
20 attended.

21 Claims for reimbursement that include children who attend
22 any school other than a public school shall show the number of
23 such children transported.

24 Claims for reimbursement under this Section shall not be
25 paid for the transportation of pupils for whom transportation
26 costs are claimed for payment under other Sections of this

1 Act.

2 The allowable direct cost of transporting pupils for
3 regular, vocational, and special education pupil
4 transportation shall be limited to the sum of the cost of
5 physical examinations required for employment as a school bus
6 driver; the salaries of full-time or part-time drivers and
7 school bus maintenance personnel; employee benefits excluding
8 Illinois municipal retirement payments, social security
9 payments, unemployment insurance payments and workers'
10 compensation insurance premiums; expenditures to independent
11 carriers who operate school buses; payments to other school
12 districts for pupil transportation services; pre-approved
13 contractual expenditures for computerized bus scheduling;
14 expenditures for housing assistance and homeless prevention
15 under Sections 1-17 and 1-18 of the Education for Homeless
16 Children Act that are not in excess of the school district's
17 actual costs for providing transportation services and are not
18 otherwise claimed in another State or federal grant that
19 permits those costs to a parent, a legal guardian, any other
20 person who enrolled a pupil, or a homeless assistance agency
21 that is part of the federal McKinney-Vento Homeless Assistance
22 Act's continuum of care for the area in which the district is
23 located; the cost of gasoline, oil, tires, and other supplies
24 necessary for the operation of school buses; the cost of
25 converting buses' gasoline engines to more fuel efficient
26 engines or to engines which use alternative energy sources;

1 the cost of travel to meetings and workshops conducted by the
2 regional superintendent or the State Superintendent of
3 Education pursuant to the standards established by the
4 Secretary of State under Section 6-106 of the Illinois Vehicle
5 Code to improve the driving skills of school bus drivers; the
6 cost of maintenance of school buses including parts and
7 materials used; expenditures for leasing transportation
8 vehicles, except interest and service charges; the cost of
9 insurance and licenses for transportation vehicles;
10 expenditures for the rental of transportation equipment; plus
11 a depreciation allowance of 20% for 5 years for school buses
12 and vehicles approved for transporting pupils to and from
13 school and a depreciation allowance of 10% for 10 years for
14 other transportation equipment so used. Each school year, if a
15 school district has made expenditures to the Regional
16 Transportation Authority or any of its service boards, a mass
17 transit district, or an urban transportation district under an
18 intergovernmental agreement with the district to provide for
19 the transportation of pupils and if the public transit carrier
20 received direct payment for services or passes from a school
21 district within its service area during the 2000-2001 school
22 year, then the allowable direct cost of transporting pupils
23 for regular, vocational, and special education pupil
24 transportation shall also include the expenditures that the
25 district has made to the public transit carrier. In addition
26 to the above allowable costs, school districts shall also

1 claim all transportation supervisory salary costs, including
2 Illinois municipal retirement payments, and all transportation
3 related building and building maintenance costs without
4 limitation.

5 Special education allowable costs shall also include
6 expenditures for the salaries of attendants or aides for that
7 portion of the time they assist special education pupils while
8 in transit and expenditures for parents and public carriers
9 for transporting special education pupils when pre-approved by
10 the State Superintendent of Education.

11 Indirect costs shall be included in the reimbursement
12 claim for districts which own and operate their own school
13 buses. Such indirect costs shall include administrative costs,
14 or any costs attributable to transporting pupils from their
15 attendance centers to another school building for
16 instructional purposes. No school district which owns and
17 operates its own school buses may claim reimbursement for
18 indirect costs which exceed 5% of the total allowable direct
19 costs for pupil transportation.

20 The State Board of Education shall prescribe uniform
21 regulations for determining the above standards and shall
22 prescribe forms of cost accounting and standards of
23 determining reasonable depreciation. Such depreciation shall
24 include the cost of equipping school buses with the safety
25 features required by law or by the rules, regulations and
26 standards promulgated by the State Board of Education, and the

1 Department of Transportation for the safety and construction
2 of school buses provided, however, any equipment cost
3 reimbursed by the Department of Transportation for equipping
4 school buses with such safety equipment shall be deducted from
5 the allowable cost in the computation of reimbursement under
6 this Section in the same percentage as the cost of the
7 equipment is depreciated.

8 On or before August 15, annually, the chief school
9 administrator for the district shall certify to the State
10 Superintendent of Education the district's claim for
11 reimbursement for the school year ending on June 30 next
12 preceding. The State Superintendent of Education shall check
13 and approve the claims and prepare the vouchers showing the
14 amounts due for district reimbursement claims. Each fiscal
15 year, the State Superintendent of Education shall prepare and
16 transmit the first 3 vouchers to the Comptroller on the 30th
17 day of September, December and March, respectively, and the
18 final voucher, no later than June 20.

19 If the amount appropriated for transportation
20 reimbursement is insufficient to fund total claims for any
21 fiscal year, the State Board of Education shall reduce each
22 school district's allowable costs and flat grant amount
23 proportionately to make total adjusted claims equal the total
24 amount appropriated.

25 For purposes of calculating claims for reimbursement under
26 this Section for any school year beginning July 1, 2016, the

1 equalized assessed valuation for a school district or partial
2 elementary unit district formed pursuant to Article 11E used
3 to compute reimbursement shall be the real equalized assessed
4 valuation as computed under paragraph (3) of subsection (d) of
5 Section 18-8.15.

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

9 Notwithstanding any other provision of law, any school
10 district receiving a payment under this Section or under
11 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
12 classify all or a portion of the funds that it receives in a
13 particular fiscal year or from State aid pursuant to Section
14 18-8.15 of this Code as funds received in connection with any
15 funding program for which it is entitled to receive funds from
16 the State in that fiscal year (including, without limitation,
17 any funding program referenced in this Section), regardless of
18 the source or timing of the receipt. The district may not
19 classify more funds as funds received in connection with the
20 funding program than the district is entitled to receive in
21 that fiscal year for that program. Any classification by a
22 district must be made by a resolution of its board of
23 education. The resolution must identify the amount of any
24 payments or general State aid to be classified under this
25 paragraph and must specify the funding program to which the
26 funds are to be treated as received in connection therewith.

1 This resolution is controlling as to the classification of
2 funds referenced therein. A certified copy of the resolution
3 must be sent to the State Superintendent of Education. The
4 resolution shall still take effect even though a copy of the
5 resolution has not been sent to the State Superintendent of
6 Education in a timely manner. No classification under this
7 paragraph by a district shall affect the total amount or
8 timing of money the district is entitled to receive under this
9 Code. No classification under this paragraph by a district
10 shall in any way relieve the district from or affect any
11 requirements that otherwise would apply with respect to that
12 funding program, including any accounting of funds by source,
13 reporting expenditures by original source and purpose,
14 reporting requirements, or requirements of providing services.

15 Any school district with a population of not more than
16 500,000 must deposit all funds received under this Article
17 into the transportation fund and use those funds for the
18 provision of transportation services.

19 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)".