



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3286

Introduced 2/7/2024, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/12-11.5	from Ch. 122, par. 12-11.5
105 ILCS 5/29-3	from Ch. 122, par. 29-3
105 ILCS 5/29-5	from Ch. 122, par. 29-5

Amends the Transportation Article of the School Code. With respect to the provision of free transportation for pupils, allows a school district to pay the public transit fees of pupils instead (rather than providing an exception for pupils for whom the school board certifies to the State Board of Education that adequate transportation for the public is available). In provisions allowing for free transportation if conditions are such that walking constitutes a serious hazard, removes the provision specifying that such transportation shall not be provided if adequate transportation for the public is available. Makes related changes. Effective July 1, 2025.

LRB103 37642 RJT 67769 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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 Sections  
5 12-11.5, 29-3, and 29-5 as follows:

6 (105 ILCS 5/12-11.5) (from Ch. 122, par. 12-11.5)

7 Sec. 12-11.5. Transportation of pupils. If in the  
8 discretion of the board of education sufficient moneys of the  
9 district are available after payment of the other expenses of  
10 the district, including tuition, may provide free  
11 transportation for or pay the public transit fees of the  
12 pupils of the ~~their~~ district not living within one and  
13 one-half miles of a high school which they may lawfully attend  
14 to the most convenient high school which such pupils may  
15 lawfully attend under the provisions of this Code ~~Act~~, or  
16 reimburse pupils living in a portion of such district which  
17 cannot be reached by bus or train for the reasonable cost of  
18 their transportation, or for the amount necessarily expended  
19 by them for transportation in attending a high school approved  
20 by such board.

21 (Source: Laws 1961, p. 31.)

22 (105 ILCS 5/29-3) (from Ch. 122, par. 29-3)

1           Sec. 29-3. Transportation in school districts. School  
2 boards of community consolidated districts, community unit  
3 districts, consolidated districts, consolidated high school  
4 districts, optional elementary unit districts, combined high  
5 school - unit districts, combined school districts if the  
6 combined district includes any district which was previously  
7 required to provide transportation, and any newly created  
8 elementary or high school districts resulting from a high  
9 school - unit conversion, a unit to dual conversion, or a  
10 multi-unit conversion if the newly created district includes  
11 any area that was previously required to provide  
12 transportation shall provide free transportation for or pay  
13 the public transit fees of pupils residing at a distance of one  
14 and 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 the~~  
17 ~~State Board of Education that adequate transportation for the~~  
18 ~~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

1 than one and one-half miles from the home of each pupil  
2 assigned to such point.

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

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

20 The determination as to what constitutes a serious safety  
21 hazard shall be made by the school board, in accordance with  
22 guidelines promulgated by the Illinois Department of  
23 Transportation regarding vehicular traffic or rail crossings  
24 or in accordance with guidelines regarding a course or pattern  
25 of criminal activity, as determined by the local law  
26 enforcement agency, in consultation with the State

1 Superintendent of Education. A school board, on written  
2 petition of the parent or guardian of a pupil for whom adequate  
3 transportation for the public is alleged not to exist because  
4 the pupil is required to walk along normally traveled roads or  
5 streets where walking is alleged to constitute a serious  
6 safety hazard due to either (i) vehicular traffic or rail  
7 crossings or (ii) a course or pattern of criminal activity, or  
8 who is required to walk between the pupil's home and assigned  
9 school or between the pupil's home or assigned school and a  
10 pick-up point or bus stop along roads or streets where walking  
11 is alleged to constitute a serious safety hazard due to either  
12 (i) vehicular traffic or rail crossings or (ii) a course or  
13 pattern of criminal activity, shall conduct a study and make  
14 findings, which the Department of Transportation, with respect  
15 to vehicular traffic or rail crossings, or the State Board of  
16 Education, in consultation with the local law enforcement  
17 agency, with respect to a course or pattern of criminal  
18 activity, shall review and approve or disapprove as provided  
19 in this Section, to determine whether a serious safety hazard  
20 exists as alleged in the petition. The Department of  
21 Transportation shall review the findings of the school board  
22 concerning vehicular traffic or rail crossings and shall  
23 approve or disapprove the school board's determination that a  
24 serious safety hazard exists within 30 days after the school  
25 board submits its findings to the Department of  
26 Transportation. The State Board of Education, in consultation

1 with the local law enforcement agency, shall review the  
2 findings of the school board concerning a course or pattern of  
3 criminal activity and shall approve or disapprove the school  
4 board's determination that a serious safety hazard exists  
5 within 30 days after the school board submits its findings to  
6 the State Board. The school board shall annually review the  
7 conditions and determine whether or not the hazardous  
8 conditions remain unchanged. The State Superintendent of  
9 Education may request that the Illinois Department of  
10 Transportation or the local law enforcement agency verify that  
11 the conditions have not changed. No action shall lie against  
12 the school board, the State Superintendent of Education, the  
13 Illinois Department of Transportation, the State Board of  
14 Education, or a local law enforcement agency for decisions  
15 made in accordance with this Section. The provisions of the  
16 Administrative Review Law and all amendments and modifications  
17 thereof and the rules adopted pursuant thereto shall apply to  
18 and govern all proceedings instituted for the judicial review  
19 of final administrative decisions of the Department of  
20 Transportation, the State Board of Education, or a local law  
21 enforcement agency under this Section. At all points, except  
22 when otherwise mentioned in this Section, the local  
23 enforcement agency is authorized to determine what constitutes  
24 a course or pattern of criminal activity.

25 The changes made to this Section by this amendatory Act of  
26 the 100th General Assembly do not apply to a school district

1 organized under Article 34 of this Code.

2 (Source: P.A. 100-1142, eff. 11-28-18.)

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

4 Sec. 29-5. Reimbursement by State for transportation. Any  
5 school district, maintaining a school, transporting resident  
6 pupils to another school district's vocational program,  
7 offered through a joint agreement approved by the State Board  
8 of Education, as provided in Section 10-22.22 or transporting  
9 its resident pupils to a school which meets the standards for  
10 recognition as established by the State Board of Education  
11 which provides transportation meeting the standards of safety,  
12 comfort, convenience, efficiency and operation prescribed by  
13 the State Board of Education for resident pupils in  
14 kindergarten or any of grades 1 through 12 who: (a) reside at  
15 least 1 1/2 miles as measured by the customary route of travel,  
16 from the school attended; or (b) reside in areas where  
17 conditions are such that walking constitutes a hazard to the  
18 safety of the child when determined under Section 29-3; and  
19 (c) are transported to the school attended from pick-up points  
20 at the beginning of the school day and back again at the close  
21 of the school day or transported to and from their assigned  
22 attendance centers during the school day, shall be reimbursed  
23 by the State as hereinafter provided in this Section.

24 The State will pay the prorated allowable cost of  
25 transporting eligible pupils less the real equalized assessed

1 valuation as computed under paragraph (3) of subsection (d) of  
2 Section 18-8.15 in a dual school district maintaining  
3 secondary grades 9 to 12 inclusive times a qualifying rate of  
4 .05%; in elementary school districts maintaining grades K to 8  
5 times a qualifying rate of .06%; and in unit districts  
6 maintaining grades K to 12, including partial elementary unit  
7 districts formed pursuant to Article 11E, times a qualifying  
8 rate of .07%. To be eligible to receive reimbursement in  
9 excess of 4/5 of the cost to transport eligible pupils, a  
10 school district or partial elementary unit district formed  
11 pursuant to Article 11E shall have a Transportation Fund tax  
12 rate of at least .12%. The Transportation Fund tax rate for a  
13 partial elementary unit district formed pursuant Article 11E  
14 shall be the combined elementary and high school rates  
15 pursuant to paragraph (4) of subsection (a) of Section  
16 18-8.15. If a school district or partial elementary unit  
17 district formed pursuant to Article 11E does not have a .12%  
18 Transportation Fund tax rate, the amount of its claim in  
19 excess of 4/5 of the cost of transporting pupils shall be  
20 reduced by the sum arrived at by subtracting the  
21 Transportation Fund tax rate from .12% and multiplying that  
22 amount by the district's real equalized assessed valuation as  
23 computed under paragraph (3) of subsection (d) of Section  
24 18-8.15, provided that in no case shall said reduction result  
25 in reimbursement of less than 4/5 of the cost to transport  
26 eligible pupils.



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

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

9           Any such district transporting resident pupils during the  
10 school day to an area vocational school or another school  
11 district's vocational program more than 1 1/2 miles from the  
12 school attended, as provided in Sections 10-22.20a and  
13 10-22.22, shall be reimbursed by the State for 4/5 of the cost  
14 of transporting eligible pupils.

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

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

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

26           Claims for reimbursement under this Section shall not be

1 paid for the transportation of pupils for whom transportation  
2 costs are claimed for payment under other Sections of this  
3 Act.

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

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

1 district has made to the public transit carrier. Each school  
2 year, if a school district has made expenditures to pay the  
3 public transit fees of pupils under Section 29-3, then the  
4 allowable direct cost of transporting pupils shall also  
5 include the expenditures that the district has made to pay  
6 those public transit fees. In addition to the above allowable  
7 costs, school districts shall also claim all transportation  
8 supervisory salary costs, including Illinois municipal  
9 retirement payments, and all transportation related building  
10 and building maintenance costs without limitation.

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

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

26 The State Board of Education shall prescribe uniform

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

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

25 If the amount appropriated for transportation  
26 reimbursement is insufficient to fund total claims for any

1 fiscal year, the State Board of Education shall reduce each  
2 school district's allowable costs and flat grant amount  
3 proportionately to make total adjusted claims equal the total  
4 amount appropriated.

5 For purposes of calculating claims for reimbursement under  
6 this Section for any school year beginning July 1, 2016, the  
7 equalized assessed valuation for a school district or partial  
8 elementary unit district formed pursuant to Article 11E used  
9 to compute reimbursement shall be the real equalized assessed  
10 valuation as computed under paragraph (3) of subsection (d) of  
11 Section 18-8.15.

12 All reimbursements received from the State shall be  
13 deposited into the district's transportation fund or into the  
14 fund from which the allowable expenditures were made.

15 Notwithstanding any other provision of law, any school  
16 district receiving a payment under this Section or under  
17 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may  
18 classify all or a portion of the funds that it receives in a  
19 particular fiscal year or from State aid pursuant to Section  
20 18-8.15 of this Code as funds received in connection with any  
21 funding program for which it is entitled to receive funds from  
22 the State in that fiscal year (including, without limitation,  
23 any funding program referenced in this Section), regardless of  
24 the source or timing of the receipt. The district may not  
25 classify more funds as funds received in connection with the  
26 funding program than the district is entitled to receive in

1 that fiscal year for that program. Any classification by a  
2 district must be made by a resolution of its board of  
3 education. The resolution must identify the amount of any  
4 payments or general State aid to be classified under this  
5 paragraph and must specify the funding program to which the  
6 funds are to be treated as received in connection therewith.  
7 This resolution is controlling as to the classification of  
8 funds referenced therein. A certified copy of the resolution  
9 must be sent to the State Superintendent of Education. The  
10 resolution shall still take effect even though a copy of the  
11 resolution has not been sent to the State Superintendent of  
12 Education in a timely manner. No classification under this  
13 paragraph by a district shall affect the total amount or  
14 timing of money the district is entitled to receive under this  
15 Code. No classification under this paragraph by a district  
16 shall in any way relieve the district from or affect any  
17 requirements that otherwise would apply with respect to that  
18 funding program, including any accounting of funds by source,  
19 reporting expenditures by original source and purpose,  
20 reporting requirements, or requirements of providing services.

21 Any school district with a population of not more than  
22 500,000 must deposit all funds received under this Article  
23 into the transportation fund and use those funds for the  
24 provision of transportation services.

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

26 Section 99. Effective date. This Act takes effect July 1,

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1 2025.