



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3680

Introduced 02/24/05, by Rep. Milton Patterson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the School Code. In a provision allowing a school board to provide free transportation when conditions are such that walking constitutes a serious safety hazard, provides that the school board shall annually review the conditions and determine (rather than certify to the State Superintendent of Education) whether or not the hazardous conditions remain unchanged. Effective July 1, 2005.

LRB094 05821 LJB 35875 b

FISCAL NOTE ACT
MAY APPLY

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

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

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

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

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

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

1 conditions have not changed. No action shall lie against the
2 school board, the State Superintendent of Education or the
3 Illinois Department of Transportation for decisions made in
4 accordance with this Section. The provisions of the
5 Administrative Review Law and all amendments and modifications
6 thereof and the rules adopted pursuant thereto shall apply to
7 and govern all proceedings instituted for the judicial review
8 of final administrative decisions of the Department of
9 Transportation under this Section.

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

11 Section 99. Effective date. This Act takes effect July 1,
12 2005.