

SB2352



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2352

Introduced 2/14/2008, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-5

from Ch. 122, par. 29-5

Amends the School Code. Provides that when calculating the State reimbursement for transportation costs, the State Board of Education may not deduct the number of pupils enrolled in early education programs from the number of pupils eligible for reimbursement if the pupils enrolled in the early education programs are transported at the same time as other eligible pupils.

LRB095 19502 NHT 45799 b

FISCAL NOTE ACT
MAY APPLY

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

1 the school day or transported to and from their assigned
2 attendance centers during the school day, shall be reimbursed
3 by the State as hereinafter provided in this Section.

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

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

23 When calculating the reimbursement for transportation
24 costs, the State Board of Education may not deduct the number
25 of pupils enrolled in early education programs from the number
26 of pupils eligible for reimbursement if the pupils enrolled in

1 the early education programs are transported at the same time
2 as other eligible pupils.

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

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

11 If a pupil is at a location within the school district
12 other than his residence for child care purposes at the time
13 for transportation to school, that location may be considered
14 for purposes of determining the 1 1/2 miles from the school
15 attended.

16 Claims for reimbursement that include children who attend
17 any school other than a public school shall show the number of
18 such children transported.

19 Claims for reimbursement under this Section shall not be
20 paid for the transportation of pupils for whom transportation
21 costs are claimed for payment under other Sections of this Act.

22 The allowable direct cost of transporting pupils for
23 regular, vocational, and special education pupil
24 transportation shall be limited to the sum of the cost of
25 physical examinations required for employment as a school bus
26 driver; the salaries of full or part-time drivers and school

1 bus maintenance personnel; employee benefits excluding
2 Illinois municipal retirement payments, social security
3 payments, unemployment insurance payments and workers'
4 compensation insurance premiums; expenditures to independent
5 carriers who operate school buses; payments to other school
6 districts for pupil transportation services; pre-approved
7 contractual expenditures for computerized bus scheduling; the
8 cost of gasoline, oil, tires, and other supplies necessary for
9 the operation of school buses; the cost of converting buses'
10 gasoline engines to more fuel efficient engines or to engines
11 which use alternative energy sources; the cost of travel to
12 meetings and workshops conducted by the regional
13 superintendent or the State Superintendent of Education
14 pursuant to the standards established by the Secretary of State
15 under Section 6-106 of the Illinois Vehicle Code to improve the
16 driving skills of school bus drivers; the cost of maintenance
17 of school buses including parts and materials used;
18 expenditures for leasing transportation vehicles, except
19 interest and service charges; the cost of insurance and
20 licenses for transportation vehicles; expenditures for the
21 rental of transportation equipment; plus a depreciation
22 allowance of 20% for 5 years for school buses and vehicles
23 approved for transporting pupils to and from school and a
24 depreciation allowance of 10% for 10 years for other
25 transportation equipment so used. Each school year, if a school
26 district has made expenditures to the Regional Transportation

1 Authority or any of its service boards, a mass transit
2 district, or an urban transportation district under an
3 intergovernmental agreement with the district to provide for
4 the transportation of pupils and if the public transit carrier
5 received direct payment for services or passes from a school
6 district within its service area during the 2000-2001 school
7 year, then the allowable direct cost of transporting pupils for
8 regular, vocational, and special education pupil
9 transportation shall also include the expenditures that the
10 district has made to the public transit carrier. In addition to
11 the above 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 while
18 in transit and expenditures for parents and public carriers for
19 transporting special education pupils when pre-approved by the
20 State Superintendent of Education.

21 Indirect costs shall be included in the reimbursement claim
22 for districts which own and operate their own school buses.
23 Such indirect costs shall include administrative costs, or any
24 costs attributable to transporting pupils from their
25 attendance centers to another school building for
26 instructional purposes. No school district which owns and

1 operates its own school buses may claim reimbursement for
2 indirect costs which exceed 5% of the total allowable direct
3 costs for pupil transportation.

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

17 On or before August 15, annually, the chief school
18 administrator for the district shall certify to the State
19 Superintendent of Education the district's claim for
20 reimbursement for the school year ending on June 30 next
21 preceding. The State Superintendent of Education shall check
22 and approve the claims and prepare the vouchers showing the
23 amounts due for district reimbursement claims. Each fiscal
24 year, the State Superintendent of Education shall prepare and
25 transmit the first 3 vouchers to the Comptroller on the 30th
26 day of September, December and March, respectively, and the

1 final voucher, no later than June 20.

2 If the amount appropriated for transportation
3 reimbursement is insufficient to fund total claims for any
4 fiscal year, the State Board of Education shall reduce each
5 school district's allowable costs and flat grant amount
6 proportionately to make total adjusted claims equal the total
7 amount appropriated.

8 For purposes of calculating claims for reimbursement under
9 this Section for any school year beginning July 1, 1998, or
10 thereafter, the equalized assessed valuation for a school
11 district used to compute reimbursement shall be computed in the
12 same manner as it is computed under paragraph (2) of subsection
13 (G) of Section 18-8.05.

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

17 Notwithstanding any other provision of law, any school
18 district receiving a payment under this Section or under
19 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
20 classify all or a portion of the funds that it receives in a
21 particular fiscal year or from general State aid pursuant to
22 Section 18-8.05 of this Code as funds received in connection
23 with any funding program for which it is entitled to receive
24 funds from the State in that fiscal year (including, without
25 limitation, any funding program referenced in this Section),
26 regardless of the source or timing of the receipt. The district

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

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

1 (Source: P.A. 93-166, eff. 7-10-03; 93-663, eff. 2-17-04;
2 93-1022, eff. 8-24-04; 94-875, eff. 7-1-06.)