

**SB0052**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**SB0052**

Introduced 1/15/2015, by Sen. James F. Clayborne, Jr.

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the Transportation Article of the School Code. Provides that a significant risk of violent crime constitutes a serious safety hazard. Provides that the Department of State Police shall review the findings of the school board concerning a significant risk of violent crime 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. Provides that the Department may be requested to verify that the conditions have not changed. Provides that no action shall lie against the Department for decisions made in accordance with this amendatory Act. Provides that the Administration Review Law shall apply to and govern all proceedings instituted for the judicial review of final administrative decisions of the Department. Effective immediately.

LRB099 04205 SXM 24227 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 29-3 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, consolidated high school  
10 districts, optional elementary unit districts, combined high  
11 school - unit districts, combined school districts if the  
12 combined district includes any district which was previously  
13 required to provide transportation, and any newly created  
14 elementary or high school districts resulting from a high  
15 school - unit conversion, a unit to dual conversion, or a  
16 multi-unit conversion if the newly created district includes  
17 any area that was previously required to provide transportation  
18 shall provide free transportation for pupils residing at a  
19 distance of one and one-half miles or more from any school to  
20 which they are assigned for attendance maintained within the  
21 district, except for those pupils for whom the school board  
22 shall certify to the State Board of Education that adequate  
23 transportation for the public is available.

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

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

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

16           In addition to the other requirements of this Section, each  
17 school board may provide free transportation for any pupil  
18 residing within 1 1/2 miles from the school attended where  
19 conditions are such that walking, either to or from the school  
20 to which a pupil is assigned for attendance or to or from a  
21 pick-up point or bus stop, constitutes a serious hazard to the  
22 safety of the pupil due to either (i) vehicular traffic or rail  
23 crossings or (ii) a significant risk of violent crime. Such  
24 transportation shall not be provided if adequate  
25 transportation for the public is available.

26           The determination as to what constitutes a serious safety

1 hazard shall be made by the school board, in accordance with  
2 guidelines promulgated by the Illinois Department of  
3 Transportation regarding vehicular traffic or rail crossings  
4 or in accordance with guidelines adopted by the Department of  
5 State Police regarding a significant risk of violent crime, in  
6 consultation with the State Superintendent of Education. A  
7 school board, on written petition of the parent or guardian of  
8 a pupil for whom adequate transportation for the public is  
9 alleged not to exist because the pupil is required to walk  
10 along normally traveled roads or streets where walking is  
11 alleged to constitute a serious safety hazard due to either (i)  
12 vehicular traffic or rail crossings or (ii) a significant risk  
13 of violent crime, or who is required to walk between the  
14 pupil's home and assigned school or between the pupil's home or  
15 assigned school and a pick-up point or bus stop along roads or  
16 streets where walking is alleged to constitute a serious safety  
17 hazard due to either (i) vehicular traffic or rail crossings or  
18 (ii) a significant risk of violent crime, shall conduct a study  
19 and make findings, which the Department of Transportation, with  
20 respect to vehicular traffic or rail crossings, or the  
21 Department of State Police, with respect to a significant risk  
22 of violent crime, shall review and approve or disapprove as  
23 provided in this Section, to determine whether a serious safety  
24 hazard exists as alleged in the petition. The Department of  
25 Transportation shall review the findings of the school board  
26 concerning vehicular traffic or rail crossings and shall

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

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

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