

# SB1457



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB1457

Introduced 2/13/2019, by Sen. Jennifer Bertino-Tarrant

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-5

from Ch. 122, par. 29-5

Amends the School Code. Makes technical and revisory changes in a Section concerning State reimbursement for transportation.

LRB101 10055 AXK 55157 b

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 ~~the~~ State  
11 Board of Education, as provided in Section 10-22.22 or  
12 transporting its resident pupils to a school which meets the  
13 standards for recognition as established by the State Board of  
14 Education which provides transportation meeting the standards  
15 of safety, comfort, convenience, efficiency and operation  
16 prescribed by the State Board of Education for resident pupils  
17 in kindergarten or any of grades 1 through 12 who: (a) reside  
18 at least 1 1/2 miles as measured by the customary route of  
19 travel, 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 prior year assessed valuation in a dual school  
6 district 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%; and  
9 in unit districts maintaining grades K to 12, including  
10 optional elementary unit districts and combined high school -  
11 unit districts, times a qualifying rate of .07%; provided that  
12 for optional elementary unit districts and combined high school  
13 - unit districts, prior year assessed valuation for high school  
14 purposes, as defined in Article 11E of this Code, must be used.  
15 To be eligible to receive reimbursement in excess of 4/5 of the  
16 cost to transport eligible pupils, a school district shall have  
17 a Transportation Fund tax rate of at least .12%. If a school  
18 district does not have a .12% Transportation Fund tax rate, the  
19 amount of its claim in excess of 4/5 of the cost of  
20 transporting pupils shall be reduced by the sum arrived at by  
21 subtracting the Transportation Fund tax rate from .12% and  
22 multiplying that amount by the district's prior year equalized  
23 or assessed valuation, provided, that in no case shall said  
24 reduction result in reimbursement of less than 4/5 of the cost  
25 to transport eligible pupils.

26 The minimum amount to be received by a district is \$16

1 times the number of eligible pupils transported.

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

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

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

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

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

1 municipal retirement payments, and all transportation related  
2 building and building maintenance costs without limitation.

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

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

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

1 Department of Transportation for equipping school buses with  
2 such safety equipment shall be deducted from the allowable cost  
3 in the computation of reimbursement under this Section in the  
4 same percentage as the cost of the equipment is depreciated.

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

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

22 For purposes of calculating claims for reimbursement under  
23 this Section for any school year beginning July 1, 1998, or  
24 thereafter, the equalized assessed valuation for a school  
25 district used to compute reimbursement shall be computed in the  
26 same manner as it is computed under paragraph (2) of subsection



1 (G) of Section 18-8.05.

2 All reimbursements received from the State shall be  
3 deposited into the district's transportation fund or into the  
4 fund from which the allowable expenditures were made.

5 Notwithstanding any other provision of law, any school  
6 district receiving a payment under this Section or under  
7 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may  
8 classify all or a portion of the funds that it receives in a  
9 particular fiscal year or from general State aid pursuant to  
10 Section 18-8.05 of this Code as funds received in connection  
11 with any funding program for which it is entitled to receive  
12 funds from the State in that fiscal year (including, without  
13 limitation, any funding program referenced in this Section),  
14 regardless of the source or timing of the receipt. The district  
15 may not classify more funds as funds received in connection  
16 with the funding program than the district is entitled to  
17 receive in that fiscal year for that program. Any  
18 classification by a district must be made by a resolution of  
19 its board of education. The resolution must identify the amount  
20 of any payments or general State aid to be classified under  
21 this paragraph and must specify the funding program to which  
22 the funds are to be treated as received in connection  
23 therewith. This resolution is controlling as to the  
24 classification of funds referenced therein. A certified copy of  
25 the resolution must be sent to the State Superintendent of  
26 Education. The resolution shall still take effect even though a

1 copy of the resolution has not been sent to the State  
2 Superintendent of Education in a timely manner. No  
3 classification under this paragraph by a district shall affect  
4 the total amount or timing of money the district is entitled to  
5 receive under this Code. No classification under this paragraph  
6 by a district shall in any way relieve the district from or  
7 affect any requirements that otherwise would apply with respect  
8 to that funding program, including any accounting of funds by  
9 source, reporting expenditures by original source and purpose,  
10 reporting requirements, or requirements of providing services.

11 Any school district with a population of not more than  
12 500,000 must deposit all funds received under this Article into  
13 the transportation fund and use those funds for the provision  
14 of transportation services.

15 (Source: P.A. 100-332, eff. 8-25-17; 100-465, eff. 8-31-17;  
16 100-863, eff. 8-14-18.)