



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5159

Introduced 1/27/2022, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the Transportation Article of the School Code. Requires school boards for various school districts to cover the transit fees for free transportation for pupils residing at a distance of one and one-half miles or more from any school to which they are assigned for attendance maintained within the districts. Makes conforming changes. Effective July 1, 2023.

LRB102 25068 CMG 34328 b

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
18 transportation shall provide, or cover the transit fees of,
19 free transportation for pupils residing at a distance of one
20 and one-half miles or more from any school to which they are
21 assigned for attendance maintained within the district, ~~except~~
22 ~~for those pupils for whom the school board shall certify to the~~
23 ~~State Board of Education that adequate transportation for the~~

1 ~~public is available.~~

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

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

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

17 In addition to the other requirements of this Section,
18 each school board may provide free transportation for any
19 pupil residing within 1 1/2 miles from the school attended
20 where conditions are such that walking, either to or from the
21 school to which a pupil is assigned for attendance or to or
22 from a pick-up point or bus stop, constitutes a serious hazard
23 to the safety of the pupil due to either (i) vehicular traffic
24 or rail crossings or (ii) a course or pattern of criminal
25 activity, as defined in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act. Such transportation shall

1 not be provided if adequate transportation for the public is
2 available.

3 The determination as to what constitutes a serious safety
4 hazard shall be made by the school board, in accordance with
5 guidelines promulgated by the Illinois Department of
6 Transportation regarding vehicular traffic or rail crossings
7 or in accordance with guidelines regarding a course or pattern
8 of criminal activity, as determined by the local law
9 enforcement agency, in consultation with the State
10 Superintendent of Education. A school board, on written
11 petition of the parent or guardian of a pupil for whom adequate
12 transportation for the public is alleged not to exist because
13 the pupil is required to walk along normally traveled roads or
14 streets where walking is alleged to constitute a serious
15 safety hazard due to either (i) vehicular traffic or rail
16 crossings or (ii) a course or pattern of criminal activity, or
17 who is required to walk between the pupil's home and assigned
18 school or between the pupil's home or assigned school and a
19 pick-up point or bus stop along roads or streets where walking
20 is alleged to constitute a serious safety hazard due to either
21 (i) vehicular traffic or rail crossings or (ii) a course or
22 pattern of criminal activity, shall conduct a study and make
23 findings, which the Department of Transportation, with respect
24 to vehicular traffic or rail crossings, or the State Board of
25 Education, in consultation with the local law enforcement
26 agency, with respect to a course or pattern of criminal

1 activity, shall review and approve or disapprove as provided
2 in this Section, to determine whether a serious safety hazard
3 exists as alleged in the petition. The Department of
4 Transportation shall review the findings of the school board
5 concerning vehicular traffic or rail crossings and shall
6 approve or disapprove the school board's determination that a
7 serious safety hazard exists within 30 days after the school
8 board submits its findings to the Department of
9 Transportation. The State Board of Education, in consultation
10 with the local law enforcement agency, shall review the
11 findings of the school board concerning a course or pattern of
12 criminal activity and shall approve or disapprove the school
13 board's determination that a serious safety hazard exists
14 within 30 days after the school board submits its findings to
15 the State Board. The school board shall annually review the
16 conditions and determine whether or not the hazardous
17 conditions remain unchanged. The State Superintendent of
18 Education may request that the Illinois Department of
19 Transportation or the local law enforcement agency verify that
20 the conditions have not changed. No action shall lie against
21 the school board, the State Superintendent of Education, the
22 Illinois Department of Transportation, the State Board of
23 Education, or a local law enforcement agency for decisions
24 made in accordance with this Section. The provisions of the
25 Administrative Review Law and all amendments and modifications
26 thereof and the rules adopted pursuant thereto shall apply to

1 and govern all proceedings instituted for the judicial review
2 of final administrative decisions of the Department of
3 Transportation, the State Board of Education, or a local law
4 enforcement agency under this Section. At all points, except
5 when otherwise mentioned in this Section, the local
6 enforcement agency is authorized to determine what constitutes
7 a course or pattern of criminal activity.

8 The changes made to this Section by this amendatory Act of
9 the 100th General Assembly do not apply to a school district
10 organized under Article 34 of this Code.
11 (Source: P.A. 100-1142, eff. 11-28-18.)

12 Section 99. Effective date. This Act takes effect July 1,
13 2023.