



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4918

Introduced 2/7/2024, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

105 ILCS 5/12-11.5	from Ch. 122, par. 12-11.5
105 ILCS 5/29-3	from Ch. 122, par. 29-3
105 ILCS 5/29-5	from Ch. 122, par. 29-5

Amends the Transportation Article of the School Code. With respect to the provision of free transportation for pupils, allows a school district to pay the public transit fees of pupils instead (rather than providing an exception for pupils for whom the school board certifies to the State Board of Education that adequate transportation for the public is available). In provisions allowing for free transportation if conditions are such that walking constitutes a serious hazard, removes the provision specifying that such transportation shall not be provided if adequate transportation for the public is available. Makes related changes. Effective July 1, 2025.

LRB103 37641 RJT 67768 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Sections
5 12-11.5, 29-3, and 29-5 as follows:

6 (105 ILCS 5/12-11.5) (from Ch. 122, par. 12-11.5)

7 Sec. 12-11.5. Transportation of pupils. If in the
8 discretion of the board of education sufficient moneys of the
9 district are available after payment of the other expenses of
10 the district, including tuition, may provide free
11 transportation for or pay the public transit fees of the
12 pupils of the ~~their~~ district not living within one and
13 one-half miles of a high school which they may lawfully attend
14 to the most convenient high school which such pupils may
15 lawfully attend under the provisions of this Code ~~Act~~, or
16 reimburse pupils living in a portion of such district which
17 cannot be reached by bus or train for the reasonable cost of
18 their transportation, or for the amount necessarily expended
19 by them for transportation in attending a high school approved
20 by such board.

21 (Source: Laws 1961, p. 31.)

22 (105 ILCS 5/29-3) (from Ch. 122, par. 29-3)

1 Sec. 29-3. Transportation in school districts. School
2 boards of community consolidated districts, community unit
3 districts, consolidated districts, consolidated high school
4 districts, optional elementary unit districts, combined high
5 school - unit districts, combined school districts if the
6 combined district includes any district which was previously
7 required to provide transportation, and any newly created
8 elementary or high school districts resulting from a high
9 school - unit conversion, a unit to dual conversion, or a
10 multi-unit conversion if the newly created district includes
11 any area that was previously required to provide
12 transportation shall provide free transportation for or pay
13 the public transit fees of pupils residing at a distance of one
14 and one-half miles or more from any school to which they are
15 assigned for attendance maintained within the district, ~~except~~
16 ~~for those pupils for whom the school board shall certify to the~~
17 ~~State Board of Education that adequate transportation for the~~
18 ~~public is available.~~

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

24 Such school board may comply with the provisions of this
25 Section by providing free transportation for pupils to and
26 from an assigned school and a pick-up point located not more

1 than one and one-half miles from the home of each pupil
2 assigned to such point.

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

8 In addition to the other requirements of this Section,
9 each school board may provide free transportation for any
10 pupil residing within 1 1/2 miles from the school attended
11 where conditions are such that walking, either to or from the
12 school to which a pupil is assigned for attendance or to or
13 from a pick-up point or bus stop, constitutes a serious hazard
14 to the safety of the pupil due to either (i) vehicular traffic
15 or rail crossings or (ii) a course or pattern of criminal
16 activity, as defined in Section 10 of the Illinois Streetgang
17 Terrorism Omnibus Prevention Act. ~~Such transportation shall~~
18 ~~not be provided if adequate transportation for the public is~~
19 ~~available.~~

20 The determination as to what constitutes a serious safety
21 hazard shall be made by the school board, in accordance with
22 guidelines promulgated by the Illinois Department of
23 Transportation regarding vehicular traffic or rail crossings
24 or in accordance with guidelines regarding a course or pattern
25 of criminal activity, as determined by the local law
26 enforcement agency, in consultation with the State

1 Superintendent of Education. A school board, on written
2 petition of the parent or guardian of a pupil for whom adequate
3 transportation for the public is alleged not to exist because
4 the pupil is required to walk along normally traveled roads or
5 streets where walking is alleged to constitute a serious
6 safety hazard due to either (i) vehicular traffic or rail
7 crossings or (ii) a course or pattern of criminal activity, or
8 who is required to walk between the pupil's home and assigned
9 school or between the pupil's home or assigned school and a
10 pick-up point or bus stop along roads or streets where walking
11 is alleged to constitute a serious safety hazard due to either
12 (i) vehicular traffic or rail crossings or (ii) a course or
13 pattern of criminal activity, shall conduct a study and make
14 findings, which the Department of Transportation, with respect
15 to vehicular traffic or rail crossings, or the State Board of
16 Education, in consultation with the local law enforcement
17 agency, with respect to a course or pattern of criminal
18 activity, shall review and approve or disapprove as provided
19 in this Section, to determine whether a serious safety hazard
20 exists as alleged in the petition. The Department of
21 Transportation shall review the findings of the school board
22 concerning vehicular traffic or rail crossings and shall
23 approve or disapprove the school board's determination that a
24 serious safety hazard exists within 30 days after the school
25 board submits its findings to the Department of
26 Transportation. The State Board of Education, in consultation

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

25 The changes made to this Section by this amendatory Act of
26 the 100th General Assembly do not apply to a school district

1 organized under Article 34 of this Code.

2 (Source: P.A. 100-1142, eff. 11-28-18.)

3 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

4 Sec. 29-5. Reimbursement by State for transportation. Any
5 school district, maintaining a school, transporting resident
6 pupils to another school district's vocational program,
7 offered through a joint agreement approved by the State Board
8 of Education, as provided in Section 10-22.22 or transporting
9 its resident pupils to a school which meets the standards for
10 recognition as established by the State Board of Education
11 which provides transportation meeting the standards of safety,
12 comfort, convenience, efficiency and operation prescribed by
13 the State Board of Education for resident pupils in
14 kindergarten or any of grades 1 through 12 who: (a) reside at
15 least 1 1/2 miles as measured by the customary route of travel,
16 from the school attended; or (b) reside in areas where
17 conditions are such that walking constitutes a hazard to the
18 safety of the child when determined under Section 29-3; and
19 (c) are transported to the school attended from pick-up points
20 at the beginning of the school day and back again at the close
21 of the school day or transported to and from their assigned
22 attendance centers during the school day, shall be reimbursed
23 by the State as hereinafter provided in this Section.

24 The State will pay the prorated allowable cost of
25 transporting eligible pupils less the real equalized assessed

1 valuation as computed under paragraph (3) of subsection (d) of
2 Section 18-8.15 in a dual school district maintaining
3 secondary grades 9 to 12 inclusive times a qualifying rate of
4 .05%; in elementary school districts maintaining grades K to 8
5 times a qualifying rate of .06%; and in unit districts
6 maintaining grades K to 12, including partial elementary unit
7 districts formed pursuant to Article 11E, times a qualifying
8 rate of .07%. To be eligible to receive reimbursement in
9 excess of 4/5 of the cost to transport eligible pupils, a
10 school district or partial elementary unit district formed
11 pursuant to Article 11E shall have a Transportation Fund tax
12 rate of at least .12%. The Transportation Fund tax rate for a
13 partial elementary unit district formed pursuant Article 11E
14 shall be the combined elementary and high school rates
15 pursuant to paragraph (4) of subsection (a) of Section
16 18-8.15. If a school district or partial elementary unit
17 district formed pursuant to Article 11E does not have a .12%
18 Transportation Fund tax rate, the amount of its claim in
19 excess of 4/5 of the cost of transporting pupils shall be
20 reduced by the sum arrived at by subtracting the
21 Transportation Fund tax rate from .12% and multiplying that
22 amount by the district's real equalized assessed valuation as
23 computed under paragraph (3) of subsection (d) of Section
24 18-8.15, provided that in no case shall said reduction result
25 in reimbursement of less than 4/5 of the cost to transport
26 eligible pupils.

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

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

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

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

18 If a pupil is at a location within the school district
19 other than his residence for child care purposes at the time
20 for transportation to school, that location may be considered
21 for purposes of determining the 1 1/2 miles from the school
22 attended.

23 Claims for reimbursement that include children who attend
24 any school other than a public school shall show the number of
25 such children transported.

26 Claims for reimbursement under this Section shall not be

1 paid for the transportation of pupils for whom transportation
2 costs are claimed for payment under other Sections of this
3 Act.

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

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

1 district has made to the public transit carrier. Each school
2 year, if a school district has made expenditures to pay the
3 public transit fees of pupils under Section 29-3, then the
4 allowable direct cost of transporting pupils shall also
5 include the expenditures that the district has made to pay
6 those public transit fees. In addition to the above allowable
7 costs, school districts shall also claim all transportation
8 supervisory salary costs, including Illinois municipal
9 retirement payments, and all transportation related building
10 and building maintenance costs without limitation.

11 Special education allowable costs shall also include
12 expenditures for the salaries of attendants or aides for that
13 portion of the time they assist special education pupils while
14 in transit and expenditures for parents and public carriers
15 for transporting special education pupils when pre-approved by
16 the State Superintendent of Education.

17 Indirect costs shall be included in the reimbursement
18 claim for districts which own and operate their own school
19 buses. Such indirect costs shall include administrative costs,
20 or any costs attributable to transporting pupils from their
21 attendance centers to another school building for
22 instructional purposes. No school district which owns and
23 operates its own school buses may claim reimbursement for
24 indirect costs which exceed 5% of the total allowable direct
25 costs for pupil transportation.

26 The State Board of Education shall prescribe uniform

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

14 On or before August 15, annually, the chief school
15 administrator for the district shall certify to the State
16 Superintendent of Education the district's claim for
17 reimbursement for the school year ending on June 30 next
18 preceding. The State Superintendent of Education shall check
19 and approve the claims and prepare the vouchers showing the
20 amounts due for district reimbursement claims. Each fiscal
21 year, the State Superintendent of Education shall prepare and
22 transmit the first 3 vouchers to the Comptroller on the 30th
23 day of September, December and March, respectively, and the
24 final voucher, no later than June 20.

25 If the amount appropriated for transportation
26 reimbursement is insufficient to fund total claims for any

1 fiscal year, the State Board of Education shall reduce each
2 school district's allowable costs and flat grant amount
3 proportionately to make total adjusted claims equal the total
4 amount appropriated.

5 For purposes of calculating claims for reimbursement under
6 this Section for any school year beginning July 1, 2016, the
7 equalized assessed valuation for a school district or partial
8 elementary unit district formed pursuant to Article 11E used
9 to compute reimbursement shall be the real equalized assessed
10 valuation as computed under paragraph (3) of subsection (d) of
11 Section 18-8.15.

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

15 Notwithstanding any other provision of law, any school
16 district receiving a payment under this Section or under
17 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
18 classify all or a portion of the funds that it receives in a
19 particular fiscal year or from State aid pursuant to Section
20 18-8.15 of this Code as funds received in connection with any
21 funding program for which it is entitled to receive funds from
22 the State in that fiscal year (including, without limitation,
23 any funding program referenced in this Section), regardless of
24 the source or timing of the receipt. The district may not
25 classify more funds as funds received in connection with the
26 funding program than the district is entitled to receive in

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

21 Any school district with a population of not more than
22 500,000 must deposit all funds received under this Article
23 into the transportation fund and use those funds for the
24 provision of transportation services.

25 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

26 Section 99. Effective date. This Act takes effect July 1,

HB4918

- 15 -

LRB103 37641 RJT 67768 b

1 2025.