



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5480

Introduced 2/9/2024, by Rep. Eva-Dina Delgado

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-5

from Ch. 122, par. 29-5

Amends the Transportation Article of the School Code. In provisions claiming reimbursement by the State for transportation, provides that, for a State-authorized charter school, the State will pay the prorated allowable cost of transporting eligible pupils less the prior year prorated assessed valuation based on enrollment reported for the previous academic year in a State-authorized charter school proportionate to the State-authorized charter school's local school board's district enrollment for the previous academic year. Provides that a State-authorized charter school's qualifying rate shall be the same as the rate that applies to State-authorized charter school's local school board's district. Provides that if a State-authorized charter school does not have a Transportation Fund tax rate of at least .12% based upon the tax rate of its local school board's district, the State-authorized charter school shall be eligible to receive a reimbursement based on the proportion of students enrolled in the State-authorized charter school compared with the local school board's district enrollment.

LRB103 37524 RJT 67647 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 29-5 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 or State-authorized charter school,
9 maintaining a school, transporting resident pupils to another
10 school district's vocational program, offered through a joint
11 agreement approved by the State Board of Education, as
12 provided in Section 10-22.22 or transporting its resident
13 pupils to a school which meets the standards for recognition
14 as established by the State Board of Education which provides
15 transportation meeting the standards of safety, comfort,
16 convenience, efficiency and operation prescribed by the State
17 Board of Education for resident pupils in kindergarten or any
18 of grades 1 through 12 who: (a) reside at least 1 1/2 miles as
19 measured by the customary route of travel, from the school
20 attended; or (b) reside in areas where conditions are such
21 that walking constitutes a hazard to the safety of the child
22 when determined under Section 29-3; and (c) are transported to
23 the school attended from pick-up points at the beginning of

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

5 The State will pay the prorated allowable cost of
6 transporting eligible pupils less the real equalized assessed
7 valuation as computed under paragraph (3) of subsection (d) of
8 Section 18-8.15 in a dual school district maintaining
9 secondary grades 9 to 12 inclusive times a qualifying rate of
10 .05%; in elementary school districts maintaining grades K to 8
11 times a qualifying rate of .06%; and in unit districts
12 maintaining grades K to 12, including partial elementary unit
13 districts formed pursuant to Article 11E, times a qualifying
14 rate of .07%. For a State-authorized charter school, the State
15 will pay the prorated allowable cost of transporting eligible
16 pupils less the prior year prorated assessed valuation based
17 on enrollment reported pursuant to subsection (a) of Section
18 27A-11 for the previous academic year in a State-authorized
19 charter school proportionate to the State-authorized charter
20 school's local school board's district enrollment for the
21 previous academic year. To be eligible to receive
22 reimbursement in excess of 4/5 of the cost to transport
23 eligible pupils, a school district or partial elementary unit
24 district formed pursuant to Article 11E shall have a
25 Transportation Fund tax rate of at least .12%. A
26 State-authorized charter school's qualifying rate shall be the

1 same as the rate that applies to local school board's
2 district. The Transportation Fund tax rate for a partial
3 elementary unit district formed pursuant Article 11E shall be
4 the combined elementary and high school rates pursuant to
5 paragraph (4) of subsection (a) of Section 18-8.15. If a
6 State-authorized charter school does not have a Transportation
7 Fund tax rate of at least .12% based upon the tax rate of the
8 State-authorized charter school's local school board's
9 district, the State-authorized charter school shall be
10 eligible to receive a reimbursement based on the proportion of
11 students enrolled in the State-authorized charter school
12 compared with the local school board's district enrollment. If
13 a school district or partial elementary unit district formed
14 pursuant to Article 11E does not have a .12% Transportation
15 Fund tax rate, the amount of its claim in excess of 4/5 of the
16 cost of transporting pupils shall be reduced by the sum
17 arrived at by subtracting the Transportation Fund tax rate
18 from .12% and multiplying that amount by the district's real
19 equalized assessed valuation as computed under paragraph (3)
20 of subsection (d) of Section 18-8.15, provided that in no case
21 shall said reduction result in reimbursement of less than 4/5
22 of the cost to transport eligible pupils.

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

25 When calculating the reimbursement for transportation
26 costs, the State Board of Education may not deduct the number

1 of pupils enrolled in early education programs from the number
2 of pupils eligible for reimbursement if the pupils enrolled in
3 the early education programs are transported at the same time
4 as other eligible pupils.

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

11 School day means that period of time during which the
12 pupil is required to be in attendance for instructional
13 purposes.

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

19 Claims for reimbursement that include children who attend
20 any school other than a public school shall show the number of
21 such children transported.

22 Claims for reimbursement under this Section shall not be
23 paid for the transportation of pupils for whom transportation
24 costs are claimed for payment under other Sections of this
25 Act.

26 The allowable direct cost of transporting pupils for

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

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

1 related building and building maintenance costs without
2 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
7 for transporting special education pupils when pre-approved by
8 the State Superintendent of Education.

9 Indirect costs shall be included in the reimbursement
10 claim for districts which own and operate their own school
11 buses. Such indirect costs shall include administrative costs,
12 or any 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
21 determining reasonable depreciation. Such depreciation shall
22 include the cost of equipping school buses with the safety
23 features required by law or by the rules, regulations and
24 standards promulgated by the State Board of Education, and the
25 Department of Transportation for the safety and construction
26 of school buses provided, however, any equipment cost

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

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

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

23 For purposes of calculating claims for reimbursement under
24 this Section for any school year beginning July 1, 2016, the
25 equalized assessed valuation for a school district or partial
26 elementary unit district formed pursuant to Article 11E used

1 to compute reimbursement shall be the real equalized assessed
2 valuation as computed under paragraph (3) of subsection (d) of
3 Section 18-8.15.

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

7 Notwithstanding any other provision of law, any school
8 district receiving a payment under this Section or under
9 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
10 classify all or a portion of the funds that it receives in a
11 particular fiscal year or from State aid pursuant to Section
12 18-8.15 of this Code as funds received in connection with any
13 funding program for which it is entitled to receive funds from
14 the State in that fiscal year (including, without limitation,
15 any funding program referenced in this Section), regardless of
16 the source or timing of the receipt. The district may not
17 classify more funds as funds received in connection with the
18 funding program than the district is entitled to receive in
19 that fiscal year for that program. Any classification by a
20 district must be made by a resolution of its board of
21 education. The resolution must identify the amount of any
22 payments or general State aid to be classified under this
23 paragraph and must specify the funding program to which the
24 funds are to be treated as received in connection therewith.
25 This resolution is controlling as to the classification of
26 funds referenced therein. A certified copy of the resolution

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

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

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