



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0675

Introduced 1/31/2005, by Rep. Linda Chapa LaVia

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-2

from Ch. 122, par. 29-2

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the Transportation Article of the School Code. Requires a school board to provide free transportation for a pupil residing within one and one-half miles from school if conditions are such that walking constitutes a serious hazard to the safety of the pupil (now allowed if the hazard is due to vehicular traffic or rail crossings). Provides that guidelines as to what constitutes a serious safety hazard shall be adopted by the State Superintendent of Education (in consultation with the Department of Transportation with regard to vehicular traffic or rail crossings). Provides that the State Superintendent of Education, in consultation with the Department of Transportation with regard to vehicular traffic or rail crossings, shall review and approve or disapprove a school board's determination that a serious safety hazard exists (now the Department of Transportation makes the review and approves or disapproves the determination). Makes related changes.

LRB094 06600 NHT 36692 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning schools.

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 29-2 and 29-3 as follows:

6 (105 ILCS 5/29-2) (from Ch. 122, par. 29-2)

7 Sec. 29-2. Transportation of pupils less than one and  
8 one-half miles from school. School boards may provide  
9 transportation for pupils living less than one and one-half  
10 miles as measured by the customary route of travel from the  
11 school attended and, unless required to provide free  
12 transportation under Section 29-3 of this Code, may make a  
13 charge for such transportation in an amount of not to exceed  
14 the cost thereof, which shall include a reasonable allowance  
15 for depreciation of the vehicles so used.

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

17 (105 ILCS 5/29-3) (from Ch. 122, par. 29-3)

18 Sec. 29-3. Transportation in school districts. School  
19 boards of community consolidated districts, community unit  
20 districts, consolidated districts, and consolidated high  
21 school districts, and combined school districts if the combined  
22 district includes any district which was previously required to  
23 provide transportation, shall provide free transportation for  
24 pupils residing at a distance of one and one-half miles or more  
25 from any school to which they are assigned for attendance  
26 maintained within the district except for those pupils for whom  
27 the school board shall certify to the State Board of Education  
28 that adequate transportation for the public is available.

29 For the purpose of this Act 1 1/2 miles distance shall be  
30 from the exit of the property where the pupil resides to the  
31 point where pupils are normally unloaded at the school

1 attended; such distance shall be measured by determining the  
2 shortest distance on normally traveled roads or streets.

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

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

13 In addition to the other requirements of this Section, each  
14 school board shall ~~may~~ provide free transportation for any  
15 pupil residing within 1 1/2 miles from the school attended  
16 where conditions are such that walking, either to or from the  
17 school to which a pupil is assigned for attendance or to or  
18 from a pick-up point or bus stop, constitutes a serious hazard  
19 to the safety of the pupil due to vehicular traffic or rail  
20 crossings or due to other hazards (including without limitation  
21 illegal drug or gang activity). Such transportation shall not  
22 be provided if adequate transportation for the public is  
23 available.

24 The determination as to what constitutes a serious safety  
25 hazard shall be made by the school board, in accordance with  
26 guidelines promulgated by the State Superintendent of  
27 Education, in consultation with the ~~Illinois~~ Department of  
28 Transportation with regard to vehicular traffic and rail  
29 crossings, in consultation with the State Superintendent of  
30 ~~Education~~. A school board, on written petition of the parent or  
31 guardian of a pupil for whom adequate transportation for the  
32 public is alleged not to exist because the pupil is required to  
33 walk along normally traveled roads or streets where walking is  
34 alleged to constitute a serious safety hazard ~~due to vehicular~~  
35 ~~traffic or rail crossings~~, or who is required to walk between  
36 the pupil's home and assigned school or between the pupil's

1 home or assigned school and a pick-up point or bus stop along  
2 roads or streets where walking is alleged to constitute a  
3 serious safety hazard ~~due to vehicular traffic or rail~~  
4 ~~crossings~~, shall conduct a study and make findings, which the  
5 State Superintendent of Education, in consultation with the  
6 Department of Transportation with regard to vehicular traffic  
7 or rail crossings, shall review and approve or disapprove as  
8 provided in this Section, to determine whether a serious safety  
9 hazard exists as alleged in the petition. The State  
10 Superintendent of Education, in consultation with the  
11 Department of Transportation with regard to vehicular traffic  
12 or rail crossings, shall review the findings of the school  
13 board and shall approve or disapprove the school board's  
14 determination that a serious safety hazard exists within 30  
15 days after the school board submits its findings to the State  
16 Superintendent of Education Department. The school board shall  
17 annually review the conditions and certify to the State  
18 Superintendent of Education whether or not the hazardous  
19 conditions remain unchanged. The State Superintendent of  
20 Education may request that the ~~Illinois~~ Department of  
21 Transportation verify that ~~the~~ conditions with regard to  
22 vehicular traffic or rail crossings have not changed. No action  
23 shall lie against the school board, the State Superintendent of  
24 Education or the ~~Illinois~~ Department of Transportation for  
25 decisions made in accordance with this Section. The provisions  
26 of the Administrative Review Law and all amendments and  
27 modifications thereof and the rules adopted pursuant thereto  
28 shall apply to and govern all proceedings instituted for the  
29 judicial review of final administrative decisions of the State  
30 Superintendent of Education Department of Transportation under  
31 this Section.

32 (Source: P.A. 90-223, eff. 1-1-98.)