

1 AN ACT regarding 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
5 Section 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, and consolidated high
10 school districts, and combined school districts if the
11 combined district includes any district which was previously
12 required to provide transportation, shall provide free
13 transportation for pupils residing at a distance of one and
14 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
17 the State Board of Education that adequate transportation for
18 the 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
27 than one and one-half miles from the home of each pupil
28 assigned to such point.

29 For the purposes of this Act "adequate transportation for
30 the public" shall be assumed to exist for such pupils as can
31 reach school by walking, one way, along normally traveled

1 roads or streets less than 1 1/2 miles irrespective of the
2 distance the pupil is transported by public transportation.

3 In addition to the other requirements of this Section,
4 each school board may provide free transportation for any
5 pupil residing within 1 1/2 miles from the school attended
6 where conditions are such that walking, either to or from the
7 school to which a pupil is assigned for attendance or to or
8 from a pick-up point or bus stop, constitutes a serious
9 hazard to the safety of the pupil due to vehicular traffic or
10 rail crossings or a situation otherwise seriously affecting
11 student safety. Such transportation shall not be provided if
12 adequate transportation for the public is available.

13 The determination as to what constitutes a serious safety
14 hazard shall be made by the school board, in accordance with
15 guidelines promulgated by the Illinois Department of
16 Transportation, in consultation with the State Superintendent
17 of Education. A school board, on written petition of the
18 parent or guardian of a pupil for whom adequate
19 transportation for the public is alleged not to exist because
20 the pupil is required to walk along normally traveled roads
21 or streets where walking is alleged to constitute a serious
22 safety hazard ~~due-to-vehicular-traffic-or-rail-crossings~~, or
23 who is required to walk between the pupil's home and assigned
24 school or between the pupil's home or assigned school and a
25 pick-up point or bus stop along roads or streets where
26 walking is alleged to constitute a serious safety hazard ~~due~~
27 ~~to-vehicular-traffic-or-rail-crossings~~, shall conduct a study
28 and make findings, which the Department of Transportation
29 shall review and approve or disapprove as provided in this
30 Section, to determine whether a serious safety hazard exists
31 as alleged in the petition. The Department of Transportation
32 shall review the findings of the school board and shall
33 approve or disapprove the school board's determination that a
34 serious safety hazard exists within 30 days after the school

1 board submits its findings to the Department. The school
2 board shall annually review the conditions and certify to the
3 State Superintendent of Education whether or not the
4 hazardous conditions remain unchanged. The State
5 Superintendent of Education may request that the Illinois
6 Department of Transportation verify that the conditions have
7 not changed. No action shall lie against the school board,
8 the State Superintendent of Education or the Illinois
9 Department of Transportation for decisions made in accordance
10 with this Section. The provisions of the Administrative
11 Review Law and all amendments and modifications thereof and
12 the rules adopted pursuant thereto shall apply to and govern
13 all proceedings instituted for the judicial review of final
14 administrative decisions of the Department of Transportation
15 under this Section.

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.