



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4113

Introduced 1/15/2004, by William Davis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the Transportation Article of the School Code. Allows 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 only 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 regional superintendent of schools (in consultation with the Department of Transportation with regard to vehicular traffic or rail crossings). Provides that the regional superintendent of schools, 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.

LRB093 15496 NHT 41100 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 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, and consolidated high
10 school districts, and combined school districts if the combined
11 district includes any district which was previously required to
12 provide transportation, shall provide free transportation for
13 pupils residing at a distance of one and one-half miles or more
14 from any school to which they are assigned for attendance
15 maintained within the district except for those pupils for whom
16 the school board shall certify to the State Board of Education
17 that adequate transportation for the public is available.

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

23 Such school board may comply with the provisions of this
24 Section by providing free transportation for pupils to and from
25 an assigned school and a pick-up point located not more than
26 one and one-half miles from the home of each pupil assigned to
27 such point.

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

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

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

1 that a serious safety hazard exists within 30 days after the
2 school board submits its findings to the regional
3 superintendent of schools ~~Department~~. The school board shall
4 annually review the conditions and certify to the regional
5 ~~State~~ superintendent of schools ~~Education~~ whether or not the
6 hazardous conditions remain unchanged. The regional ~~State~~
7 superintendent of schools ~~Education~~ may request that the
8 ~~Illinois~~ Department of Transportation verify that ~~the~~
9 conditions with regard to vehicular traffic or rail crossings
10 have not changed. No action shall lie against the school board,
11 the regional superintendent of schools, ~~the State~~
12 ~~Superintendent of Education~~ or the ~~Illinois~~ Department of
13 Transportation for decisions made in accordance with this
14 Section. The provisions of the Administrative Review Law and
15 all amendments and modifications thereof and the rules adopted
16 pursuant thereto shall apply to and govern all proceedings
17 instituted for the judicial review of final administrative
18 decisions of the regional superintendent of schools ~~Department~~
19 ~~of Transportation~~ under this Section.

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