



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0667

Introduced 2/6/2007, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-5.2

from Ch. 122, par. 29-5.2

Amends the School Code. With respect to reimbursement for qualified transportation expenses of a custodian of a qualifying pupil, provides that a public school pupil qualifies if, among other requirements, conditions are such that walking constitutes a serious hazard to the safety of the pupil, including without limitation a serious safety hazard due to gangs, violent activity, or vehicular traffic (now the serious safety hazard must be due to vehicular traffic, which requirement still applies to nonpublic school pupils). Provides that the State Board of Education makes the determination as to what constitutes a serious safety hazard, except for serious safety hazards due to vehicular traffic, which the Department of Transportation determines. Effective July 1, 2007.

LRB095 08091 NHT 28253 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 29-5.2 as follows:

6 (105 ILCS 5/29-5.2) (from Ch. 122, par. 29-5.2)
7 Sec. 29-5.2. Reimbursement of transportation.

8 (a) Reimbursement. A custodian of a qualifying pupil shall
9 be entitled to reimbursement in accordance with procedures
10 established by the State Board of Education for qualified
11 transportation expenses paid by such custodian during the
12 school year.

13 (b) Definitions. As used in this Section:

14 (1) "Qualifying pupil" means an individual referred to
15 in subsection (c), as well as an individual who:

16 (A) is a resident of the State of Illinois; and

17 (B) is under the age of 21 at the close of the
18 school year for which reimbursement is sought; and

19 (C) during the school year for which reimbursement
20 is sought was a full-time pupil enrolled in a
21 kindergarten through 12th grade educational program at
22 a school which was a distance of 1 1/2 miles or more
23 from the residence of such pupil; and

1 (D) did not live within 1 1/2 miles from the school
2 in which the pupil was enrolled or have access to
3 transportation provided entirely at public expense to
4 and from that school and a point within 1 1/2 miles of
5 the pupil's residence, measured in a manner consistent
6 with Section 29-3.

7 (2) "Qualified transportation expenses" means costs
8 reasonably incurred by the custodian to transport, for the
9 purposes of attending regularly scheduled day-time
10 classes, a qualifying pupil between such qualifying
11 pupil's residence and the school at which such qualifying
12 pupil is enrolled, as limited in subsection (e) of this
13 Section, and shall include automobile expenses at the
14 standard mileage rate allowed by the United States Internal
15 Revenue Service as reimbursement for business
16 transportation expense, as well as payments to mass transit
17 carriers, private carriers, and contractual fees for
18 transportation.

19 (3) "School" means a public or nonpublic elementary or
20 secondary school in Illinois, attendance at which
21 satisfies the requirements of Section 26-1.

22 (4) One and one-half miles distance. For the purposes
23 of this Section, 1 1/2 miles distance shall be measured in
24 a manner consistent with Section 29-3.

25 (5) Custodian. The term "custodian" shall mean, with
26 respect to a qualifying pupil, an Illinois resident who is

1 the parent, or parents, or legal guardian of such
2 qualifying pupil.

3 (c) An individual, resident of the State of Illinois, who
4 is under the age of 21 at the close of the school year for which
5 reimbursement is sought and who, during that school year, was a
6 full time pupil enrolled in a kindergarten through 12th grade
7 educational program at a school which was within 1 1/2 miles of
8 the pupil's residence, measured in a manner consistent with
9 Section 29-3, is a "qualifying pupil" within the meaning of
10 this Section if: (i) such pupil did not have access to
11 transportation provided entirely at public expense to and from
12 that school and the pupil's residence, and (ii) (A) for a
13 public school pupil, conditions were such that walking would
14 have constituted a serious hazard to the safety of the pupil,
15 including without limitation a serious safety hazard due to
16 gangs, violent activity, or vehicular traffic or (B) for a
17 nonpublic school pupil, conditions were such that walking would
18 have constituted a serious hazard to the safety of the pupil
19 due to vehicular traffic. Except for serious safety hazards due
20 to vehicular traffic, the determination of what constitutes a
21 serious safety hazard within the meaning of this subsection
22 shall in each case be made by the State Board of Education in
23 accordance with guidelines that the State Board of Education
24 shall adopt. The determination of what constitutes a serious
25 safety hazard due to vehicular traffic within the meaning of
26 this subsection shall in each case be made by the Department of

1 Transportation in accordance with guidelines which the
2 Department, in consultation with the State Superintendent of
3 Education, shall promulgate. Each custodian intending to file
4 an application for reimbursement under subsection (d) for
5 expenditures incurred or to be incurred with respect to a pupil
6 asserted to be a qualified pupil as an individual referred to
7 in this subsection shall first file with the appropriate
8 regional superintendent, on forms provided by the State Board
9 of Education, a request for a determination that a serious
10 safety hazard within the meaning of this subsection (c) exists
11 with respect to such pupil. Custodians shall file such forms
12 with the appropriate regional superintendents not later than
13 February 1 of the school year for which reimbursement will be
14 sought for transmittal by the regional superintendents to the
15 State Board of Education or the Department of Transportation
16 (with respect to serious safety hazards due to vehicular
17 traffic) not later than February 15; except that any custodian
18 who previously received a determination that a serious safety
19 hazard exists need not resubmit such a request for 4 years but
20 instead may certify on their application for reimbursement to
21 the State Board of Education referred to in subsection (d),
22 that the conditions found to be hazardous, as previously
23 determined by the State Board of Education or the Department of
24 Transportation, remain unchanged. The State Board of Education
25 or the Department of Transportation shall make its
26 determination on all requests so transmitted to it within 30

1 days, and shall thereupon forward notice of each determination
2 which it has made to the appropriate regional superintendent
3 for immediate transmittal to the custodian affected thereby.
4 The determination of the State Board of Education or the
5 Department of Transportation relative to what constitutes a
6 serious safety hazard within the meaning of subsection (c) with
7 respect to any pupil shall be deemed an "administrative
8 decision" as defined in Section 3-101 of the Administrative
9 Review Law; and the Administrative Review Law and all
10 amendments and modifications thereof and rules adopted
11 pursuant thereto shall apply to and govern all proceedings
12 instituted for the judicial review of final administrative
13 decisions of the State Board of Education or the Department of
14 Transportation under this subsection.

15 (d) Request for reimbursement. A custodian, including a
16 custodian for a pupil asserted to be a qualified pupil as an
17 individual referred to in subsection (c), who applies in
18 accordance with procedures established by the State Board of
19 Education shall be reimbursed in accordance with the dollar
20 limits set out in this Section. Such procedures shall require
21 application no later than June 30 of each year, documentation
22 as to eligibility, and adequate evidence of expenditures;
23 except that for reimbursement sought pursuant to subsection (c)
24 for the 1985-1986 school year, such procedures shall require
25 application within 21 days after the determination of the State
26 Board of Education or the Department of Transportation with

1 respect to that school year is transmitted by the regional
2 superintendent to the affected custodian. In the absence of
3 contemporaneous records, an affidavit by the custodian may be
4 accepted as evidence of an expenditure. If the amount
5 appropriated for such reimbursement for any year is less than
6 the amount due each custodian, it shall be apportioned on the
7 basis of the requests approved. Regional Superintendents shall
8 be reimbursed for such costs of administering the program,
9 including costs incurred in administering the provisions of
10 subsection (c), as the State Board of Education determines are
11 reasonable and necessary.

12 (e) Dollar limit on amount of reimbursement. Reimbursement
13 to custodians for transportation expenses incurred during the
14 1985-1986 school year, payable in fiscal year 1987, shall be
15 equal to the lesser of (1) the actual qualified transportation
16 expenses, or (2) \$50 per pupil. Reimbursement to custodians for
17 transportation expenses incurred during the 1986-1987 school
18 year, payable in fiscal year 1988, shall be equal to the lesser
19 of (1) the actual qualified transportation expenses, or (2)
20 \$100 per pupil. For reimbursements of qualified transportation
21 expenses incurred in 1987-1988 and thereafter, the amount of
22 reimbursement shall not exceed the prior year's State
23 reimbursement per pupil for transporting pupils as required by
24 Section 29-3 and other provisions of this Article.

25 (f) Rules and regulations. The State Board of Education
26 shall adopt rules to implement this Section.

1 (g) The provisions of this amendatory Act of 1986 shall
2 apply according to their terms to the entire 1985-1986 school
3 year, including any portion of that school year which elapses
4 prior to the effective date of this amendatory Act, and to each
5 subsequent school year.

6 (h) The chief administrative officer of each school shall
7 notify custodians of qualifying pupils that reimbursements are
8 available. Notification shall occur by the first Monday in
9 November of the school year for which reimbursement is
10 available.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 Section 99. Effective date. This Act takes effect July 1,
13 2007.