

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 Sections
5 29-2, 29-3, 29-4, 29-5, and 29-5.2 as follows:

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

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

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

16 (105 ILCS 5/29-3) (from Ch. 122, par. 29-3)

17 Sec. 29-3. Transportation in school districts. School
18 boards of community consolidated districts, community unit
19 districts, consolidated districts, consolidated high school
20 districts, optional elementary unit districts, combined high
21 school - unit districts, combined school districts if the
22 combined district includes any district which was previously

1 required to provide transportation, and any newly created
2 elementary or high school districts resulting from a high
3 school - unit conversion, a unit to dual conversion, or a
4 multi-unit conversion if the newly created district includes
5 any area that was previously required to provide transportation
6 shall provide free transportation for pupils residing at a
7 distance of 2 ~~one and one-half~~ miles or more from any school to
8 which they are assigned for attendance maintained within the
9 district, except for those pupils for whom the school board
10 shall certify to the State Board of Education that adequate
11 transportation for the public is available.

12 For the purpose of this Act 2 ~~1-1/2~~ miles distance shall be
13 from the exit of the property where the pupil resides to the
14 point where pupils are normally unloaded at the school
15 attended; such distance shall be measured by determining the
16 shortest distance on normally traveled roads or streets.

17 Such school board may comply with the provisions of this
18 Section by providing free transportation for pupils to and from
19 an assigned school and a pick-up point located not more than 2
20 ~~one and one-half~~ miles from the home of each pupil assigned to
21 such point.

22 For the purposes of this Act "adequate transportation for
23 the public" shall be assumed to exist for such pupils as can
24 reach school by walking, one way, along normally traveled roads
25 or streets less than 2 ~~1-1/2~~ miles irrespective of the distance
26 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 2 ~~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 Such transportation shall not be provided if adequate
9 transportation for the public is available.

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

1 serious safety hazard exists as alleged in the petition. The
2 Department of Transportation shall review the findings of the
3 school board and shall approve or disapprove the school board's
4 determination that a serious safety hazard exists within 30
5 days after the school board submits its findings to the
6 Department. The school board shall annually review the
7 conditions and determine whether or not the hazardous
8 conditions remain unchanged. The State Superintendent of
9 Education may request that the Illinois Department of
10 Transportation verify that the conditions have not changed. No
11 action shall lie against the school board, 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 Department of Transportation under this
19 Section.

20 (Source: P.A. 94-439, eff. 8-4-05; 95-903, eff. 8-25-08.)

21 (105 ILCS 5/29-4) (from Ch. 122, par. 29-4)

22 Sec. 29-4. Pupils attending a charter school or nonpublic
23 school. The school board of any school district that provides
24 any school bus or conveyance for transporting pupils to and
25 from the public schools shall afford transportation, without

1 cost, for children who attend a charter school or any school
2 other than a public school, who reside at least 2 ~~1-1/2~~ miles
3 from the school attended, and who reside on or along the
4 highway constituting the regular route of such public school
5 bus or conveyance, such transportation to extend from some
6 point on the regular route nearest or most easily accessible to
7 their homes to and from the school attended, or to or from a
8 point on such regular route which is nearest or most easily
9 accessible to the school attended by such children. Nothing
10 herein shall be construed to prevent high school districts from
11 transporting public or non-public elementary school pupils on a
12 regular route where deemed appropriate. The elementary
13 district in which such pupils reside shall enter into a
14 contractual agreement with the high school district providing
15 the service, make payments accordingly, and make claims to the
16 State in the amount of such contractual payments. The person in
17 charge of any charter school or school other than a public
18 school shall certify on a form to be provided by the State
19 Superintendent of Education, the names and addresses of pupils
20 transported and when such pupils were in attendance at the
21 school. If any such children reside within 2 ~~1-1/2~~ miles from
22 the school attended, the school board shall afford such
23 transportation to such children on the same basis as it
24 provides transportation for its own pupils residing within that
25 distance from the school attended.

26 Nothing herein shall be construed to preclude a school

1 district from operating separate regular bus routes, subject to
2 the limitations of this Section, for the benefit of children
3 who attend a charter school or any school other than a public
4 school where the operation of such routes is safer, more
5 economical and more efficient than if such school district were
6 precluded from operating separate regular bus routes.

7 If a school district is required by this Section to afford
8 transportation without cost for any child who is not a resident
9 of the district, the school district providing such
10 transportation is entitled to reimbursement from the school
11 district in which the child resides for the cost of furnishing
12 that transportation, including a reasonable allowance for
13 depreciation on each vehicle so used. The school district where
14 the child resides shall reimburse the district providing the
15 transportation for such costs, by the 10th of each month or on
16 such less frequent schedule as may be agreed to by the 2 school
17 districts.

18 (Source: P.A. 91-407, eff. 8-3-99.)

19 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

20 Sec. 29-5. Reimbursement by State for transportation. Any
21 school district, maintaining a school, transporting resident
22 pupils to another school district's vocational program,
23 offered through a joint agreement approved by the State Board
24 of Education, as provided in Section 10-22.22 or transporting
25 its resident pupils to a school which meets the standards for

1 recognition as established by the State Board of Education
2 which provides transportation meeting the standards of safety,
3 comfort, convenience, efficiency and operation prescribed by
4 the State Board of Education for resident pupils in
5 kindergarten or any of grades 1 through 12 who: (a) reside at
6 least 2 ~~1~~^{1/2} miles as measured by the customary route of
7 travel, from the school attended; or (b) reside in areas where
8 conditions are such that walking constitutes a hazard to the
9 safety of the child when determined under Section 29-3; and (c)
10 are transported to the school attended from pick-up points at
11 the beginning of the school day and back again at the close of
12 the school day or transported to and from their assigned
13 attendance centers during the school day, shall be reimbursed
14 by the State as hereinafter provided in this Section.

15 The State will pay the cost of transporting eligible pupils
16 less the assessed valuation in a dual school district
17 maintaining secondary grades 9 to 12 inclusive times a
18 qualifying rate of .05%; in elementary school districts
19 maintaining grades K to 8 times a qualifying rate of .06%; and
20 in unit districts maintaining grades K to 12, including
21 optional elementary unit districts and combined high school -
22 unit districts, times a qualifying rate of .07%; provided that
23 for optional elementary unit districts and combined high school
24 - unit districts, assessed valuation for high school purposes,
25 as defined in Article 11E of this Code, must be used. To be
26 eligible to receive reimbursement in excess of 4/5 of the cost

1 to transport eligible pupils, a school district shall have a
2 Transportation Fund tax rate of at least .12%. If a school
3 district does not have a .12% Transportation Fund tax rate, the
4 amount of its claim in excess of $\frac{4}{5}$ of the cost of
5 transporting pupils shall be reduced by the sum arrived at by
6 subtracting the Transportation Fund tax rate from .12% and
7 multiplying that amount by the districts equalized or assessed
8 valuation, provided, that in no case shall said reduction
9 result in reimbursement of less than $\frac{4}{5}$ of the cost to
10 transport eligible pupils.

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

13 When calculating the reimbursement for transportation
14 costs, the State Board of Education may not deduct the number
15 of pupils enrolled in early education programs from the number
16 of pupils eligible for reimbursement if the pupils enrolled in
17 the early education programs are transported at the same time
18 as other eligible pupils.

19 Any such district transporting resident pupils during the
20 school day to an area vocational school or another school
21 district's vocational program more than 2 ~~4-1/2~~ miles from the
22 school attended, as provided in Sections 10-22.20a and
23 10-22.22, shall be reimbursed by the State for $\frac{4}{5}$ of the cost
24 of transporting eligible pupils.

25 School day means that period of time which the pupil is
26 required to be in attendance for instructional purposes.

1 If a pupil is at a location within the school district
2 other than his residence for child care purposes at the time
3 for transportation to school, that location may be considered
4 for purposes of determining the 2 ~~1-1/2~~ miles from the school
5 attended.

6 Claims for reimbursement that include children who attend
7 any school other than a public school shall show the number of
8 such children transported.

9 Claims for reimbursement under this Section shall not be
10 paid for the transportation of pupils for whom transportation
11 costs are claimed for payment under other Sections of this Act.

12 The allowable direct cost of transporting pupils for
13 regular, vocational, and special education pupil
14 transportation shall be limited to the sum of the cost of
15 physical examinations required for employment as a school bus
16 driver; the salaries of full or part-time drivers and school
17 bus maintenance personnel; employee benefits excluding
18 Illinois municipal retirement payments, social security
19 payments, unemployment insurance payments and workers'
20 compensation insurance premiums; expenditures to independent
21 carriers who operate school buses; payments to other school
22 districts for pupil transportation services; pre-approved
23 contractual expenditures for computerized bus scheduling; the
24 cost of gasoline, oil, tires, and other supplies necessary for
25 the operation of school buses; the cost of converting buses'
26 gasoline engines to more fuel efficient engines or to engines

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

1 the above allowable costs school districts shall also claim all
2 transportation supervisory salary costs, including Illinois
3 municipal retirement payments, and all transportation related
4 building and building maintenance costs without limitation.

5 Special education allowable costs shall also include
6 expenditures for the salaries of attendants or aides for that
7 portion of the time they assist special education pupils while
8 in transit and expenditures for parents and public carriers for
9 transporting special education pupils when pre-approved by the
10 State Superintendent of Education.

11 Indirect costs shall be included in the reimbursement claim
12 for districts which own and operate their own school buses.
13 Such indirect costs shall include administrative costs, or any
14 costs attributable to transporting pupils from their
15 attendance centers to another school building for
16 instructional purposes. No school district which owns and
17 operates its own school buses may claim reimbursement for
18 indirect costs which exceed 5% of the total allowable direct
19 costs for pupil transportation.

20 The State Board of Education shall prescribe uniform
21 regulations for determining the above standards and shall
22 prescribe forms of cost accounting and standards of determining
23 reasonable depreciation. Such depreciation shall include the
24 cost of equipping school buses with the safety features
25 required by law or by the rules, regulations and standards
26 promulgated by the State Board of Education, and the Department

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

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

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

24 For purposes of calculating claims for reimbursement under
25 this Section for any school year beginning July 1, 1998, or
26 thereafter, the equalized assessed valuation for a school

1 district used to compute reimbursement shall be computed in the
2 same manner as it is computed under paragraph (2) of subsection
3 (G) of Section 18-8.05.

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 general State aid pursuant to
12 Section 18-8.05 of this Code as funds received in connection
13 with any funding program for which it is entitled to receive
14 funds from the State in that fiscal year (including, without
15 limitation, any funding program referenced in this Section),
16 regardless of the source or timing of the receipt. The district
17 may not classify more funds as funds received in connection
18 with the funding program than the district is entitled to
19 receive in that fiscal year for that program. Any
20 classification by a district must be made by a resolution of
21 its board of education. The resolution must identify the amount
22 of any payments or general State aid to be classified under
23 this paragraph and must specify the funding program to which
24 the funds are to be treated as received in connection
25 therewith. This resolution is controlling as to the
26 classification of funds referenced therein. A certified copy of

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

17 (Source: P.A. 95-903, eff. 8-25-08; 96-1264, eff. 1-1-11.)

18 (105 ILCS 5/29-5.2) (from Ch. 122, par. 29-5.2)

19 Sec. 29-5.2. Reimbursement of transportation.

20 (a) Reimbursement. A custodian of a qualifying pupil shall
21 be entitled to reimbursement in accordance with procedures
22 established by the State Board of Education for qualified
23 transportation expenses paid by such custodian during the
24 school year.

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

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

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

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

6 (C) during the school year for which reimbursement is
7 sought was a full-time pupil enrolled in a kindergarten through
8 12th grade educational program at a school which was a distance
9 of 2 ~~4-1/2~~ miles or more from the residence of such pupil; and

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

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

26 (3) "School" means a public or nonpublic elementary or

1 secondary school in Illinois, attendance at which satisfies the
2 requirements of Section 26-1.

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

6 (5) Custodian. The term "custodian" shall mean, with
7 respect to a qualifying pupil, an Illinois resident who is the
8 parent, or parents, or legal guardian of such qualifying pupil.

9 (c) An individual, resident of the State of Illinois, who
10 is under the age of 21 at the close of the school year for which
11 reimbursement is sought and who, during that school year, was a
12 full time pupil enrolled in a kindergarten through 12th grade
13 educational program at a school which was within 2 ~~1-1/2~~ miles
14 of the pupil's residence, measured in a manner consistent with
15 Section 29-3, is a "qualifying pupil" within the meaning of
16 this Section if: (i) such pupil did not have access to
17 transportation provided entirely at public expense to and from
18 that school and the pupil's residence, and (ii) conditions were
19 such that walking would have constituted a serious hazard to
20 the safety of the pupil due to vehicular traffic. The
21 determination of what constitutes a serious safety hazard
22 within the meaning of this subsection shall in each case be
23 made by the Department of Transportation in accordance with
24 guidelines which the Department, in consultation with the State
25 Superintendent of Education, shall promulgate. Each custodian
26 intending to file an application for reimbursement under

1 subsection (d) for expenditures incurred or to be incurred with
2 respect to a pupil asserted to be a qualified pupil as an
3 individual referred to in this subsection shall first file with
4 the appropriate regional superintendent, on forms provided by
5 the State Board of Education, a request for a determination
6 that a serious safety hazard within the meaning of this
7 subsection (c) exists with respect to such pupil. Custodians
8 shall file such forms with the appropriate regional
9 superintendents not later than February 1 of the school year
10 for which reimbursement will be sought for transmittal by the
11 regional superintendents to the Department of Transportation
12 not later than February 15; except that any custodian who
13 previously received a determination that a serious safety
14 hazard exists need not resubmit such a request for 4 years but
15 instead may certify on their application for reimbursement to
16 the State Board of Education referred to in subsection (d),
17 that the conditions found to be hazardous, as previously
18 determined by the Department, remain unchanged. The Department
19 shall make its determination on all requests so transmitted to
20 it within 30 days, and shall thereupon forward notice of each
21 determination which it has made to the appropriate regional
22 superintendent for immediate transmittal to the custodian
23 affected thereby. The determination of the Department relative
24 to what constitutes a serious safety hazard within the meaning
25 of subsection (c) with respect to any pupil shall be deemed an
26 "administrative decision" as defined in Section 3-101 of the

1 Administrative Review Law; and the Administrative Review Law
2 and all amendments and modifications thereof and rules adopted
3 pursuant thereto shall apply to and govern all proceedings
4 instituted for the judicial review of final administrative
5 decisions of the Department of Transportation under this
6 subsection.

7 (d) Request for reimbursement. A custodian, including a
8 custodian for a pupil asserted to be a qualified pupil as an
9 individual referred to in subsection (c), who applies in
10 accordance with procedures established by the State Board of
11 Education shall be reimbursed in accordance with the dollar
12 limits set out in this Section. Such procedures shall require
13 application no later than June 30 of each year, documentation
14 as to eligibility, and adequate evidence of expenditures;
15 except that for reimbursement sought pursuant to subsection (c)
16 for the 1985-1986 school year, such procedures shall require
17 application within 21 days after the determination of the
18 Department of Transportation with respect to that school year
19 is transmitted by the regional superintendent to the affected
20 custodian. In the absence of contemporaneous records, an
21 affidavit by the custodian may be accepted as evidence of an
22 expenditure. If the amount appropriated for such reimbursement
23 for any year is less than the amount due each custodian, it
24 shall be apportioned on the basis of the requests approved.
25 Regional Superintendents shall be reimbursed for such costs of
26 administering the program, including costs incurred in

1 administering the provisions of subsection (c), as the State
2 Board of Education determines are reasonable and necessary.

3 (e) Dollar limit on amount of reimbursement. Reimbursement
4 to custodians for transportation expenses incurred during the
5 1985-1986 school year, payable in fiscal year 1987, shall be
6 equal to the lesser of (1) the actual qualified transportation
7 expenses, or (2) \$50 per pupil. Reimbursement to custodians for
8 transportation expenses incurred during the 1986-1987 school
9 year, payable in fiscal year 1988, shall be equal to the lesser
10 of (1) the actual qualified transportation expenses, or (2)
11 \$100 per pupil. For reimbursements of qualified transportation
12 expenses incurred in 1987-1988 and thereafter, the amount of
13 reimbursement shall not exceed the prior year's State
14 reimbursement per pupil for transporting pupils as required by
15 Section 29-3 and other provisions of this Article.

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

18 (g) The provisions of this amendatory Act of 1986 shall
19 apply according to their terms to the entire 1985-1986 school
20 year, including any portion of that school year which elapses
21 prior to the effective date of this amendatory Act, and to each
22 subsequent school year.

23 (h) The chief administrative officer of each school shall
24 notify custodians of qualifying pupils that reimbursements are
25 available. Notification shall occur by the first Monday in
26 November of the school year for which reimbursement is

1 available.

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

3 Section 99. Effective date. This Act takes effect July 1,
4 2014.