



Sen. James F. Clayborne, Jr.

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09900SB0052sam001

LRB099 04205 SXM 31061 a

1 AMENDMENT TO SENATE BILL 52

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 52 by replacing  
3 everything after the enacting clause with the following:

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, consolidated high school  
10 districts, optional elementary unit districts, combined high  
11 school - unit districts, combined school districts if the  
12 combined district includes any district which was previously  
13 required to provide transportation, and any newly created  
14 elementary or high school districts resulting from a high  
15 school - unit conversion, a unit to dual conversion, or a  
16 multi-unit conversion if the newly created district includes

1 any area that was previously required to provide transportation  
2 shall provide free transportation for pupils residing at a  
3 distance of one and one-half miles or more from any school to  
4 which they are assigned for attendance maintained within the  
5 district, except for those pupils for whom the school board  
6 shall certify to the State Board of Education that adequate  
7 transportation for the public is available.

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

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

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

23 In addition to the other requirements of this Section, each  
24 school board may provide free transportation for any pupil  
25 residing within 1 1/2 miles from the school attended where  
26 conditions are such that walking, either to or from the school

1 to which a pupil is assigned for attendance or to or from a  
2 pick-up point or bus stop, constitutes a serious hazard to the  
3 safety of the pupil due to either (i) vehicular traffic or rail  
4 crossings or (ii) a significant risk of violent crime. Such  
5 transportation shall not be provided if adequate  
6 transportation for the public is available.

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

1 respect to vehicular traffic or rail crossings, or the local  
2 police, with respect to a significant risk of violent crime,  
3 shall review and approve or disapprove as provided in this  
4 Section, to determine whether a serious safety hazard exists as  
5 alleged in the petition. The Department of Transportation shall  
6 review the findings of the school board concerning vehicular  
7 traffic or rail crossings and shall approve or disapprove the  
8 school board's determination that a serious safety hazard  
9 exists within 30 days after the school board submits its  
10 findings to the Department of Transportation. The local police  
11 shall review the findings of the school board concerning a  
12 significant risk of violent crime and shall approve or  
13 disapprove the school board's determination that a serious  
14 safety hazard exists within 30 days after the school board  
15 submits its findings to the Department of State Police. The  
16 school board shall annually review the conditions and determine  
17 whether or not the hazardous conditions remain unchanged. The  
18 State Superintendent of Education may request that the Illinois  
19 Department of Transportation or the local police verify that  
20 the conditions have not changed. No action shall lie against  
21 the school board, the State Superintendent of Education, ~~or~~ the  
22 Illinois Department of Transportation, or the local police for  
23 decisions made in accordance with this Section. The provisions  
24 of the Administrative Review Law and all amendments and  
25 modifications thereof and the rules adopted pursuant thereto  
26 shall apply to and govern all proceedings instituted for the

1 judicial review of final administrative decisions of the  
2 Department of Transportation or the local police under this  
3 Section.

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.".