**Section 556.170 Procedures**

a) Determination by local school board.

The determination by a local school board that a serious safety hazard exists or does not exist shall be made in accordance with this Part, and on a form promulgated by the Department. A separate form is required for each location and not for each pupil. A school board's determination shall be supported by findings on those factors that were found to contribute to the hazard. Findings shall be indicated by completion of appropriate portions of the submittal form. Example: Speed of traffic (45 m.p.h.). Volume of traffic (900 vehicles/hour). Length of hazardous section (1.2 miles). Each submittal shall be certified true and correct by an authorized representative of the school board making the submission. Long-term construction projects may have an effect on the safety of a route used by pupils walking to and from school. This could include increases in the hourly volumes of traffic, a change in the length of a hazardous section or a relocation of a walkway. Consideration of these factors may result in a serious safety hazard finding for a route that would not otherwise qualify for such a finding. Where this is the case, a temporary safety hazard determination may be made on a school year by school year basis. The decision to conduct a serious safety hazard study in accordance with this Part may be made independently by the school board. However, such a study is required to be made by the school board when requested in writing to do so by a parent or guardian of a pupil who must walk along the route in question.

b) Submission of determination. A school board shall submit the determination form and a map showing the location of the hazard and the route walked by the pupils to the Department for review. The submittal may include other materials, such as photographs, the school board believes will aid in the Department's review. All parts of the submittal shall be in documentary form. A school board shall make its submission to the Department's District Office in which the school district is situated. A school board need not submit forms to the Department that do not support a finding of a serious safety hazard unless requested in writing to do so by a custodian of a pupil who must walk along the route in question.

c) Department review.

1) Within 30 days after submission, the Department will approve or disapprove the school board's determination. If a submittal is incomplete, the Department will disapprove without prejudice and inform the school district why it is considered incomplete. If a submittal is complete, it will be reviewed by the District Office. Each form will be considered as a separate submission and an incomplete submittal will not delay approval of others submitted at the same time.

2) The Department's review will consist of those procedures appropriate to determine the correctness of the findings. The procedures may include the following: visiting the route in question, consulting traffic count records or counting vehicles, measuring length and width of roadways, observing train movements and obtaining train speeds from railroads, regulatory authorities or law enforcement officials. The persons conducting the review will document the procedures employed and information obtained.

3) If a determination is disapproved, the Department will, in writing, inform the school board why and upon what information the Department's decision was based. A determination will not be disapproved because judgment points were not justified unless the school board gives no reason for the judgment points or unless the reason given is completely implausible or obviously not related to vehicular traffic.

4) A disapproved determination may not be resubmitted for Department review during the same school year in which it was originally submitted, unless conditions have changed. However, a determination that is disapproved because of incompleteness may be resubmitted at any time.

d) Verification upon request from State Superintendent.

The School Code provides that school districts shall annually review the conditions and certify to the State Superintendent of Education whether or not the hazardous conditions remain unchanged. The State Superintendent may request the Department to verify that conditions have not changed. Any such request by the State Superintendent shall be made to the Secretary of the Department. The Secretary will assign a request for verification to the appropriate District Office.

e) Reimbursement.

A school district shall maintain a copy of each approved safety busing submittal in its files for future auditing of district transportation claims. Eligibility for reimbursement of transportation costs for qualifying pupils are effective on the date of the approval by the Department's District Engineer. Actual reimbursement will be handled in a manner similar to other transportation reimbursement procedures and questions should be referred to the State Superintendent of Education, rather than the Department. Questions regarding statutory provisions such as providing transportation for private schools and the prohibition of State reimbursement where adequate public transportation is available should also be addressed to the State Superintendent.

(Source: Renumbered from Section 556.108 to Section 556.170 and amended at 25 Ill. Reg. 16518, effective December 18, 2001)