

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 as follows:

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

7 Sec. 29-5. Reimbursement by State for transportation. Any
8 school district or State-authorized charter school,
9 maintaining a school, transporting resident pupils to another
10 school district's vocational program, offered through a joint
11 agreement approved by the State Board of Education, as
12 provided in Section 10-22.22 or transporting its resident
13 pupils to a school which meets the standards for recognition
14 as established by the State Board of Education which provides
15 transportation meeting the standards of safety, comfort,
16 convenience, efficiency and operation prescribed by the State
17 Board of Education for resident pupils in kindergarten or any
18 of grades 1 through 12 who: (a) reside at least 1 1/2 miles as
19 measured by the customary route of travel, from the school
20 attended; or (b) reside in areas where conditions are such
21 that walking constitutes a hazard to the safety of the child
22 when determined under Section 29-3; and (c) are transported to
23 the school attended from pick-up points at the beginning of

1 the school day and back again at the close of the school day or
2 transported to and from their assigned attendance centers
3 during the school day, shall be reimbursed by the State as
4 hereinafter provided in this Section.

5 The State will pay the prorated allowable cost of
6 transporting eligible pupils less the real equalized assessed
7 valuation as computed under paragraph (3) of subsection (d) of
8 Section 18-8.15 in a dual school district maintaining
9 secondary grades 9 to 12 inclusive times a qualifying rate of
10 .05%; in elementary school districts maintaining grades K to 8
11 times a qualifying rate of .06%; and in unit districts
12 maintaining grades K to 12, including partial elementary unit
13 districts formed pursuant to Article 11E, times a qualifying
14 rate of .07%. For a State-authorized charter school, the State
15 shall pay the prorated allowable cost of transporting eligible
16 pupils less the prior year's prorated assessed valuation based
17 on enrollment reported pursuant to subsection (a) of Section
18 27A-11 for the previous school year in the charter school
19 proportionate to the charter school's school district's
20 enrollment for the previous school year.

21 To be eligible to receive reimbursement in excess of 4/5
22 of the cost to transport eligible pupils, a school district or
23 partial elementary unit district formed pursuant to Article
24 11E shall have a Transportation Fund tax rate of at least .12%.
25 A State-authorized charter school's qualifying rate shall be
26 the same as the rate that applies to the charter school's

1 school district. The Transportation Fund tax rate for a
2 partial elementary unit district formed pursuant Article 11E
3 shall be the combined elementary and high school rates
4 pursuant to paragraph (4) of subsection (a) of Section
5 18-8.15.

6 If a school district or partial elementary unit district
7 formed pursuant to Article 11E does not have a .12%
8 Transportation Fund tax rate, the amount of its claim in
9 excess of $\frac{4}{5}$ of the cost of transporting pupils shall be
10 reduced by the sum arrived at by subtracting the
11 Transportation Fund tax rate from .12% and multiplying that
12 amount by the district's real equalized assessed valuation as
13 computed under paragraph (3) of subsection (d) of Section
14 18-8.15, provided that in no case shall said reduction result
15 in reimbursement of less than $\frac{4}{5}$ of the cost to transport
16 eligible pupils. For a State-authorized charter school within
17 a school district that does not have a 0.12% Transportation
18 Fund tax rate, the State shall pay the prorated allowable cost
19 of transporting eligible pupils less the prior year's prorated
20 assessed valuation based on enrollment reported pursuant to
21 subsection (a) of Section 27A-11 for the previous school year
22 in the charter school proportionate to the charter school's
23 school district's enrollment for the previous school year.

24 A State-authorized charter school, that offers
25 transportation to eligible students shall be eligible for
26 reimbursement by the State at the same rate as its host

1 district, unless the host district is a school district
2 organized under Article 34. A State-authorized charter school,
3 whose host district is a school district organized under
4 Article 34 is eligible for reimbursement by the State at the
5 rate set forth in the charter agreement. A State-authorized
6 charter school, shall make a claim for reimbursement by the
7 State through the Pupil Transportation Claim Reimbursement
8 System and receive funding reimbursement in the same manner as
9 a school district. Notwithstanding any other provision of law
10 to the contrary, a State-authorized charter school that has
11 previously received regular transportation grant funding from
12 the State Board of Education or is in the process of receiving
13 such funding approved in the same fiscal year as the effective
14 date of this amendatory Act of the 103rd General Assembly
15 shall retain any awarded funding.

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

18 When calculating the reimbursement for transportation
19 costs, the State Board of Education may not deduct the number
20 of pupils enrolled in early education programs from the number
21 of pupils eligible for reimbursement if the pupils enrolled in
22 the early education programs are transported at the same time
23 as other eligible pupils.

24 Any such district transporting resident pupils during the
25 school day to an area vocational school or another school
26 district's vocational program more than 1 1/2 miles from the

1 school attended, as provided in Sections 10-22.20a and
2 10-22.22, shall be reimbursed by the State for 4/5 of the cost
3 of transporting eligible pupils.

4 School day means that period of time during which the
5 pupil is required to be in attendance for instructional
6 purposes.

7 If a pupil is at a location within the school district
8 other than his residence for child care purposes at the time
9 for transportation to school, that location may be considered
10 for purposes of determining the 1 1/2 miles from the school
11 attended.

12 Claims for reimbursement that include children who attend
13 any school other than a public school shall show the number of
14 such children transported.

15 Claims for reimbursement under this Section shall not be
16 paid for the transportation of pupils for whom transportation
17 costs are claimed for payment under other Sections of this
18 Act.

19 The allowable direct cost of transporting pupils for
20 regular, vocational, and special education pupil
21 transportation shall be limited to the sum of the cost of
22 physical examinations required for employment as a school bus
23 driver; the salaries of full-time or part-time drivers and
24 school bus maintenance personnel; employee benefits excluding
25 Illinois municipal retirement payments, social security
26 payments, unemployment insurance payments and workers'

1 compensation insurance premiums; expenditures to independent
2 carriers who operate school buses; payments to other school
3 districts for pupil transportation services; pre-approved
4 contractual expenditures for computerized bus scheduling;
5 expenditures for housing assistance and homeless prevention
6 under Sections 1-17 and 1-18 of the Education for Homeless
7 Children Act that are not in excess of the school district's
8 actual costs for providing transportation services and are not
9 otherwise claimed in another State or federal grant that
10 permits those costs to a parent, a legal guardian, any other
11 person who enrolled a pupil, or a homeless assistance agency
12 that is part of the federal McKinney-Vento Homeless Assistance
13 Act's continuum of care for the area in which the district is
14 located; the cost of gasoline, oil, tires, and other supplies
15 necessary for the operation of school buses; the cost of
16 converting buses' gasoline engines to more fuel efficient
17 engines or to engines which use alternative energy sources;
18 the cost of travel to meetings and workshops conducted by the
19 regional superintendent or the State Superintendent of
20 Education pursuant to the standards established by the
21 Secretary of State under Section 6-106 of the Illinois Vehicle
22 Code to improve the driving skills of school bus drivers; the
23 cost of maintenance of school buses including parts and
24 materials used; expenditures for leasing transportation
25 vehicles, except interest and service charges; the cost of
26 insurance and licenses for transportation vehicles;

1 expenditures for the rental of transportation equipment; plus
2 a depreciation allowance of 20% for 5 years for school buses
3 and vehicles approved for transporting pupils to and from
4 school and a depreciation allowance of 10% for 10 years for
5 other transportation equipment so used. Each school year, if a
6 school district has made expenditures to the Regional
7 Transportation Authority or any of its service boards, a mass
8 transit district, or an urban transportation district under an
9 intergovernmental agreement with the district to provide for
10 the transportation of pupils and if the public transit carrier
11 received direct payment for services or passes from a school
12 district within its service area during the 2000-2001 school
13 year, then the allowable direct cost of transporting pupils
14 for regular, vocational, and special education pupil
15 transportation shall also include the expenditures that the
16 district has made to the public transit carrier. In addition
17 to the above allowable costs, school districts shall also
18 claim all transportation supervisory salary costs, including
19 Illinois municipal retirement payments, and all transportation
20 related building and building maintenance costs without
21 limitation.

22 Special education allowable costs shall also include
23 expenditures for the salaries of attendants or aides for that
24 portion of the time they assist special education pupils while
25 in transit and expenditures for parents and public carriers
26 for transporting special education pupils when pre-approved by

1 the State Superintendent of Education.

2 Indirect costs shall be included in the reimbursement
3 claim for districts which own and operate their own school
4 buses. Such indirect costs shall include administrative costs,
5 or any costs attributable to transporting pupils from their
6 attendance centers to another school building for
7 instructional purposes. No school district which owns and
8 operates its own school buses may claim reimbursement for
9 indirect costs which exceed 5% of the total allowable direct
10 costs for pupil transportation.

11 The State Board of Education shall prescribe uniform
12 regulations for determining the above standards and shall
13 prescribe forms of cost accounting and standards of
14 determining reasonable depreciation. Such depreciation shall
15 include the cost of equipping school buses with the safety
16 features required by law or by the rules, regulations and
17 standards promulgated by the State Board of Education, and the
18 Department of Transportation for the safety and construction
19 of school buses provided, however, any equipment cost
20 reimbursed by the Department of Transportation for equipping
21 school buses with such safety equipment shall be deducted from
22 the allowable cost in the computation of reimbursement under
23 this Section in the same percentage as the cost of the
24 equipment is depreciated.

25 On or before August 15, annually, the chief school
26 administrator for the district shall certify to the State

1 Superintendent of Education the district's claim for
2 reimbursement for the school year ending on June 30 next
3 preceding. The State Superintendent of Education shall check
4 and approve the claims and prepare the vouchers showing the
5 amounts due for district reimbursement claims. Each fiscal
6 year, the State Superintendent of Education shall prepare and
7 transmit the first 3 vouchers to the Comptroller on the 30th
8 day of September, December and March, respectively, and the
9 final voucher, no later than June 20.

10 If the amount appropriated for transportation
11 reimbursement is insufficient to fund total claims for any
12 fiscal year, the State Board of Education shall reduce each
13 school district's allowable costs and flat grant amount
14 proportionately to make total adjusted claims equal the total
15 amount appropriated.

16 For purposes of calculating claims for reimbursement under
17 this Section for any school year beginning July 1, 2016, the
18 equalized assessed valuation for a school district or partial
19 elementary unit district formed pursuant to Article 11E used
20 to compute reimbursement shall be the real equalized assessed
21 valuation as computed under paragraph (3) of subsection (d) of
22 Section 18-8.15.

23 All reimbursements received from the State shall be
24 deposited into the district's transportation fund or into the
25 fund from which the allowable expenditures were made.

26 Notwithstanding any other provision of law, any school

1 district receiving a payment under this Section or under
2 Section 14-7.02, 14-7.02b, or 14-13.01 of this Code may
3 classify all or a portion of the funds that it receives in a
4 particular fiscal year or from State aid pursuant to Section
5 18-8.15 of this Code as funds received in connection with any
6 funding program for which it is entitled to receive funds from
7 the State in that fiscal year (including, without limitation,
8 any funding program referenced in this Section), regardless of
9 the source or timing of the receipt. The district may not
10 classify more funds as funds received in connection with the
11 funding program than the district is entitled to receive in
12 that fiscal year for that program. Any classification by a
13 district must be made by a resolution of its board of
14 education. The resolution must identify the amount of any
15 payments or general State aid to be classified under this
16 paragraph and must specify the funding program to which the
17 funds are to be treated as received in connection therewith.
18 This resolution is controlling as to the classification of
19 funds referenced therein. A certified copy of the resolution
20 must be sent to the State Superintendent of Education. The
21 resolution shall still take effect even though a copy of the
22 resolution has not been sent to the State Superintendent of
23 Education in a timely manner. No classification under this
24 paragraph by a district shall affect the total amount or
25 timing of money the district is entitled to receive under this
26 Code. No classification under this paragraph by a district

1 shall in any way relieve the district from or affect any
2 requirements that otherwise would apply with respect to that
3 funding program, including any accounting of funds by source,
4 reporting expenditures by original source and purpose,
5 reporting requirements, or requirements of providing services.

6 Any school district with a population of not more than
7 500,000 must deposit all funds received under this Article
8 into the transportation fund and use those funds for the
9 provision of transportation services.

10 (Source: P.A. 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)