

# SB2825



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2825

Introduced 1/19/2024, by Sen. Steve McClure

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-3

from Ch. 122, par. 29-3

Amends the Transportation Article of the School Code. In provisions requiring a school district to provide free transportation for pupils residing one and one-half miles or more from school, provides that a pupil's parent or guardian may designate more than one home for the pupil if the parent or guardian has shared custody of the pupil at a different address within the district.

LRB103 36736 RJT 66846 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 29-3 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  
17 any area that was previously required to provide  
18 transportation shall provide free transportation for pupils  
19 residing at a distance of one and one-half miles or more from  
20 any school to which they are assigned for attendance  
21 maintained within the district, except for those pupils for  
22 whom the school board shall certify to the State Board of  
23 Education that adequate transportation for the public is

1 available.

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

7 Such school board may comply with the provisions of this  
8 Section by providing free transportation for pupils to and  
9 from an assigned school and a pick-up point located not more  
10 than one and one-half miles from the home of each pupil  
11 assigned to such point. A pupil's parent or guardian may  
12 designate more than one home for the pupil for the purposes of  
13 this Section if the parent or guardian has shared custody of  
14 the pupil at a different address within the district.

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

20 In addition to the other requirements of this Section,  
21 each school board may provide free transportation for any  
22 pupil residing within 1 1/2 miles from the school attended  
23 where conditions are such that walking, either to or from the  
24 school to which a pupil is assigned for attendance or to or  
25 from a pick-up point or bus stop, constitutes a serious hazard  
26 to the safety of the pupil due to either (i) vehicular traffic

1 or rail crossings or (ii) a course or pattern of criminal  
2 activity, as defined in Section 10 of the Illinois Streetgang  
3 Terrorism Omnibus Prevention Act. Such transportation shall  
4 not be provided if adequate transportation for the public is  
5 available.

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

1 to vehicular traffic or rail crossings, or the State Board of  
2 Education, in consultation with the local law enforcement  
3 agency, with respect to a course or pattern of criminal  
4 activity, shall review and approve or disapprove as provided  
5 in this Section, to determine whether a serious safety hazard  
6 exists as alleged in the petition. The Department of  
7 Transportation shall review the findings of the school board  
8 concerning vehicular traffic or rail crossings and shall  
9 approve or disapprove the school board's determination that a  
10 serious safety hazard exists within 30 days after the school  
11 board submits its findings to the Department of  
12 Transportation. The State Board of Education, in consultation  
13 with the local law enforcement agency, shall review the  
14 findings of the school board concerning a course or pattern of  
15 criminal activity and shall approve or disapprove the school  
16 board's determination that a serious safety hazard exists  
17 within 30 days after the school board submits its findings to  
18 the State Board. The school board shall annually review the  
19 conditions and determine whether or not the hazardous  
20 conditions remain unchanged. The State Superintendent of  
21 Education may request that the Illinois Department of  
22 Transportation or the local law enforcement agency verify that  
23 the conditions have not changed. No action shall lie against  
24 the school board, the State Superintendent of Education, the  
25 Illinois Department of Transportation, the State Board of  
26 Education, or a local law enforcement agency for decisions

1 made in accordance with this Section. The provisions of the  
2 Administrative Review Law and all amendments and modifications  
3 thereof and the rules adopted pursuant thereto shall apply to  
4 and govern all proceedings instituted for the judicial review  
5 of final administrative decisions of the Department of  
6 Transportation, the State Board of Education, or a local law  
7 enforcement agency under this Section. At all points, except  
8 when otherwise mentioned in this Section, the local  
9 enforcement agency is authorized to determine what constitutes  
10 a course or pattern of criminal activity.

11 The changes made to this Section by this amendatory Act of  
12 the 100th General Assembly do not apply to a school district  
13 organized under Article 34 of this Code.

14 (Source: P.A. 100-1142, eff. 11-28-18.)