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STATEMENTS OF INTEREST OF THE *AMICI CURIAE*

Amicus curiae **Join Hands ESL** is a small nonprofit serving children and families in East St. Louis, Illinois. Its mission is to build personal relationships and walk in solidarity with children and families of greater East St. Louis as they strive to achieve their full potential and overcome barriers of poverty and racial injustice. Join Hands accomplishes this mission through their youth programming, education advocacy, mentoring programs, and the Ubuntu Center for Peace. Join Hands has been journeying with children and families in East St. Louis for more than 35 years and has seen first hand the consequences of the failing East St. Louis school system. Join Hands recognizes that a quality education is the surest way to break the cycle of poverty and strives to support its families in their quest for a quality education for their children. Many of the children from the Join Hands Dream Path Family Mentoring Program have attended Sr. Thea Bowman Catholic School. Most were able to attend only because East St. Louis School District 189 provided transportation to and from school, and Join Hands provided tuition assistance for the families. For these children, attendance at Sr. Thea Bowman has been life changing. Many more families would like their children to attend Sr. Thea Bowman Catholic School but cannot without District-provided transportation. Join Hands has a strong interest in seeing that transportation to Sr. Thea Bowman continues to be available for its families because we know that for the children of East St. Louis, this really is their best hope for a better future.

Amicus curiae **Every Child Education Equity Project** is an East St. Louis based non-profit whose mission is to address inequities in education for children growing up in the trauma and toxic stress of poverty. Every Child Education Equity Project works for

excellence in education so that every child, regardless of race, economic status or address, can receive the education they need to reach their full potential. The science of trauma is relatively new, and it tells us that trauma and the toxic stress of poverty can actually impact a child's brain and ability to learn. Failure to educate children in a way that recognizes this has resulted in generations of children having an inadequate education, and little chance of reaching their potential. Every Child Education Equity Project uses an integrated multi-faceted approach, including legal advocacy, possible litigation, community education and engagement work, to apply pressure for true systems change and true equitable quality education for young people living in poverty. Every Child Education Equity Project has a strong interest in East St. Louis School District 189 providing transportation to Sr. Thea Bowman because we know that the systems change we seek has not yet arrived. Proficiencies in East St. Louis School District 189 continue to be abysmally low, and for many families, attendance at Sr. Thea Bowman, with transportation provided by the school district, is the only way they will be able to obtain a quality education for their children.

AMICI'S POSITION ON THE ISSUE IN THIS CASE

Amici Join Hands ESL and Every Child Education Equity Project strongly support upholding the appellate court's decision in this case. Any other decision would endanger some of Illinois' children as they travel to and from school, would eliminate a lifeline for poor children in this state, and would be contrary to the purpose of the legislation in question.

Amici's extensive experience with children and families in East St. Louis has made us very familiar with the importance of education in helping our families break the cycle of poverty. It has also made us cognizant of the challenges faced by our families trying to raise children in poverty, in a city where violence and danger are the norm, and in a school district that has been failing for years. These families, like all families, hope for a better future for their children, but see little hope of achieving that without a quality education. Sr. Thea Bowman Catholic School provides hope, laying the social and academic groundwork necessary for children to succeed and achieve their potential.

Many families in East St. Louis are poor and lack safe and reliable transportation that would allow them to drive their children to and from school, and it is not safe for children to walk to school. East St. Louis School District 189 providing bus transportation pursuant to Section 29-4 of the Illinois School Code makes the life-changing opportunity of a quality education possible. Without transportation, attendance at Sr. Thea Bowman School would be impossible for many. This impact is devastating and long-lasting.

105 ILCS 5/ 29-4 was enacted to ensure the safety of all children traveling to and from nonpublic schools within a school district. *Board of Education School District No 142 v Bakalis*, 54 Ill.2d 448 (1973). In a city like East St. Louis, where violence and threats to safety are so high, to not uphold the appellate court's decision in this case would be contrary to this legislative purpose and would jeopardize the safety and well being of children residing within the District.

ARGUMENT

***“Education is the most powerful weapon which you can use to change the world.”
-Nelson Mandela***

In a city like East St. Louis, where violence and danger are the norm, intergenerational poverty is common, and the school district has been failing for years, allowing families to choose a better educational opportunity for their children provides hope for a better future. Providing transportation to private schools is necessary to ensure that students are actually able to attend the school of choice. The importance of this cannot be overstated.

A. The majority of children in East St. Louis, including the children and families served by Join Hands ESL and Every Child Education Equity Project, struggle in poverty. Many families do not have cars or transportation that would allow them to drive their children to school.

East St. Louis, once a bustling small town with a growing economy, has been in steady decline since the 1960s when businesses began leaving for greater economic opportunities elsewhere. Since then, unemployment and intergenerational poverty have soared, while the population has steadily declined. Wendy Shaw, *A Tale of Two Cities: The Best of Times, the Worst of Times. Inequality in St. Louis' Metro East*, Southern Illinois University; see also Federal Reserve, *St. Louis: One City's Story*, Federal Reserve Bank of St. Louis Bridges newsletter, 2002. Families served by Amici navigate this legacy of economic abandonment while dreaming of a better life for themselves and their children.

According to the most recent census, the population of East St. Louis is 18,278. 32.9% of the population live below the poverty line. U.S. Census Bureau, *American Community Survey 5-year estimates*. 2023. (as reported on CensusReporter.org <<http://censusreporter.org/profiles/16000US1722255-east-st-louis-il/>>). 53% of the children of East St. Louis live below the poverty line. Id. 99% of the children attending

East St. Louis School District 189 are considered low income students. Illinois State Board of Education , *Illinois School Report Card for East St. Louis School District 189, 2024*. The median household income in East St. Louis was \$30,992 in 2023. This income is 39.46% of the U.S. median household income of \$78,538. In Illinois, among cities with populations ranging from 10,000 to 50,000 residents, East St. Louis ranks 191st out of 192 for median household income. Neilsberg.com, *Research update* Mar 3, 2025.

The toxic stress of poverty is the daily reality endured by the families served by Join Hands ESL and Every Child Education Equity Project. Children in poverty experience disproportionately high rates of Adverse Childhood Experiences (ACEs) such as domestic and dating violence, parental incarceration, murder and community violence exposure, child abuse and neglect and substance abuse in their homes. Bessel van der Kolk, *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma*, 2014. In addition, the children growing up in East St. Louis experience systemic disinvestment with decades of disinvestment and systems perpetuating racial disparities, limited municipal services due to declining tax base, infrastructure deterioration, such as streetlights being shot out and not promptly replaced, as well as limited transportation. For most children growing up in this environment, the only hope for a better life is somehow obtaining a good education.

Join Hands developed the Dream Path Family Mentoring Program to open doors of opportunity for the children in our families growing up in the trauma and toxic stress of poverty. In 2006, understanding that education is indeed the key to social and economic mobility, but recognizing that there was little hope to do this in the failing East St. Louis School system, Join Hands started the Alternative Education Program. Join

Hands made a commitment to the families in the Dream Path Family Mentoring Program that Join Hands would provide tuition and other assistance to those families willing to make the necessary commitment to send their children to private school. Many of the children attended Sr. Thea Bowman Catholic School as part of this Alternative Education Program. While most parents worked, they were still poor. They struggled to make ends meet, to keep lights on, to keep a roof over their head and food on the table. Many did not have cars, or any reliable way to get their children to school on a regular basis. When East St. Louis District 189 provided transportation to Sr. Thea Bowman pursuant to Section 29-4 of the Illinois School Code, these families, who so desperately wanted their children to receive a quality education in a safe environment, were able to give their children this life changing education. Without this transportation, they cannot.

B. The East St. Louis school system has been failing for years. There are few other options for children in East St. Louis to escape the failing school district, but Sister Thea Bowman Catholic School is one. Sr. Thea Bowman School, if children are able to get there, provides hope for families and a way out of poverty.

East St. Louis School District 189 faces many challenges. 99.3% of students in East St. Louis District 189 are classified as low income, meaning they are eligible to receive free or reduced lunch, live in substitute care, or have families who receive public aid. Illinois State Board of Education, *Illinois School Report card for East St. Louis School District 189, 2025*. These children bring with them to school the complex trauma so common to poverty. The effects are wide-reaching, including impacting children's learning capacity and behavior, both outside of school and in the classroom. East St. Louis District 189, despite efforts of many educators, administrators, and even the Illinois State Board of Education, has produced poor outcomes for students for many years. East

St. Louis spends approximately \$27,000 per student, significantly more than many schools, yet had failing scores so often that the Illinois State Board of Education actually took over the supervision and administration of the District in 2012. While the state's direct oversight continues, results from District 189 schools remain abysmally low. The percentage of 11th grade students at or above proficiency levels on the SAT in East St. Louis District 189 in 2024 was just 1.6% in math, and 4.8% in English Language Arts. Comparing this to 39% proficient in math and 52% in English Language Arts statewide for all 11th grade students in the State of Illinois demonstrates that students attending public school in East St. Louis District 189 are not receiving an education that adequately prepares them for their future, whether it be employment or further education. Id.

The low proficiency rates, consistently averaging between 2 and 5% on the SAT, show that students graduate from the East St. Louis school system ill-prepared for college or the workforce. Countless students in Join Hands have proudly graduated from East St. Louis High School and gone on to college, only to discover that they are not academically prepared for college and must take many remedial courses just to get to the college entrance level. This is borne out by the preliminary report in the current ISBE school report card for East St. Louis District 189, which shows 31.4% of 2023 graduates taking remedial courses at Illinois community colleges; the number of students is not reported for students matriculating at four-year colleges. Id.

Chronic absenteeism in East St. Louis District 189 was 60.2%, with chronic truancy at 76.3%. (Compared to statewide rates of 25.4% chronic absenteeism and 19.8% chronic truancy.) 15.5% of East St. Louis students fail to graduate from high school in four years, compared to a statewide average of 11%. This does not include students who

transferred to another school district, transferred to a prison or juvenile facility, or died during that period. Id.

In addition to low proficiency in the tested subjects of Math and English, students in East St. Louis School District 189 face a variety of issues common to those living in poverty. District 189 students experience more violence than the average Illinois student. In the 2022 Illinois Youth Survey, 22% of East St. Louis eighth grade students reported that another student at school had threatened to hurt them in the last year, compared to 17% of eighth graders statewide. 23% of eighth grade students in East St. Louis experienced dating violence in the last year, compared to only 4% statewide. *Source: East St. Louis Collective Impact Organization, East Side Aligned.*

In the 2018-2019 school year, District 189 officials documented 3085 violent, aggressive, or disruptive incidents. This included students with weapons, physical confrontation between students, gang behavior, harassment, bullying, verbal abuse of staff, horseplay/pushing/ shoving, vandalism, threats, intimidation, throwing objects, and temper tantrums. With a standard academic calendar of 180 days, 3085 incidents equates to approximately 17 incidents per day, or three per hour. The district also currently encounters issues such as students bringing toy guns and bullets to school, a trend not limited to the East St. Louis area, but seen nationwide. Recently there has been a rise in students arming themselves for their commute to school and hiding weapons near school premises. Some children inadvertently bring these weapons into school, triggering detection by metal detectors and resulting in consequences. *Source: East St. Louis Collective Impact Organization, East Side Aligned.*

The 2025 Illinois School Report Card for East St. Louis School District 189 shows fewer disciplinary incidents than stated above, but still shows 1400 disciplinary actions taken in the 2023-2024 school year, which would mean about 8 incidents per day, ranging from alcohol, tobacco, and drug offenses to physical violence and weapons. The majority of these incidents, 890, took place in grades kindergarten through eighth grade, with 510 taking place in high school. *Illinois State Board of Education School Report Card for East St. Louis School District 189 (2025)*. These K-8 students are the age of students who would be attending Sr. Thea Bowman School. The unsettling and disruptive effect of such incidents on students' ability to focus on academics is obvious. It is hard for a child who is witnessing violence or is afraid of violence to concentrate on school. Other effects, however, are less obvious. Research shows that harsh school discipline itself may lead to long-term negative outcomes. Students attending schools with higher suspension rates are more likely to be arrested or incarcerated as adults, more likely to drop out of high school, and less likely to attend a four-year college. *Reducing Intergenerational Poverty, Consensus Study Report Issue Brief*, National Academies Sciences Engineering, and Medicine, 2024.

Children in East St. Louis, because they are growing up in poverty in a crime-ridden city, endure intense and higher than average rates of Adverse Childhood Experiences (ACES), potentially traumatic events in a child's life. These include neglect, abuse, violence, food and/or housing insecurity, the loss of friends and family members through death, divorce and/or incarceration, and mental illness. Neal Halphon, Kandyce Larson, John Son, Michael Lu, and Christina Bethel, *Income Inequality and the Differential Effect of Adverse Childhood Experiences in US Children*, Science Direct,

Volume 17, Issue 7, Supplement, pp 570-578, 2017. If these adverse childhood experiences are not properly addressed, children may become dysregulated and exhibit abusive or aggressive behavior. Bessel van der Kolk, *The Body Keeps the Score: Brain, Mind, and Body in the Healing of Trauma*, 2014; Nadine Burke Harris, *The Deepest Well: Healing the Long-Term Effects of Childhood Adversity*, 2018. Even if excellent teachers provide quality instruction, students may struggle to learn if they lack stable housing, adequate nutrition, or live under the threat of crime and violence. *Reducing Intergenerational Poverty*, National Academies Sciences Engineering and Medicine, 2024. When disadvantaged children face barriers to accessing quality education, their economic prospects as adults are reduced. This leads to lower academic and social skills, less completed schooling, and perpetuates economic hardships for future generations. Id. The issues and trauma described above have made it difficult for East St. Louis District 189 to achieve success in safely and adequately educating the students it serves, despite increased funding and the effort of educators and administrators. These issues, however, are part of educating children growing up in poverty. Quality education for poor children, however, is not only possible, but is key to helping children break free from intergenerational poverty.

Sr. Thea Bowman School is an example of a school that provides a safe quality education for all students, including those who struggle with the ravages and stress of poverty. Sr. Thea Bowman School serves approximately 100 children from kindergarten through eighth grade. All students qualify for free or reduced lunch. The mission of Sr. Thea Bowman Catholic School is to break cycles of hardship by equipping students with knowledge, skills, and foundation they need to succeed in high school, college, and

beyond. It is small and safe, utilizing many trauma responsive strategies that many poor children need to be successful. If children can attend Sr. Thea Bowman Catholic School, their chances of a better future increase dramatically. 100% of Sr. Thea Bowman alumni graduate high school on time. 95% of Sr. Thea Bowman students continue their schooling at a private high school of their choice. 93% enroll in college, university, trade, or military service. *STBCS.com*; additional information provided by Roberta Trost, Advancement Director of Sr. Thea Bowman Catholic School.

When East St. Louis School District 189 stopped providing transportation to and from Sr. Thea Bowman, enrollment decreased by more than 20%. *Id.* The life-changing education provided by Sr. Thea Bowman is only possible if students can get there, which is not possible for many students without district-provided transportation. “[E]xpanding access to school enrollment only expands educational opportunity if students can get to the schools their families choose. Without parallel expansion of transportation resources, school choices are limited to those who are already advantaged.” Samuel Speroni and Sarah Winchell Lenhoff, *School Transportation and Educational Equity*, The Regulatory Review, March 2023.

C. The state has an interest in all children getting safely to and from school, and it was for this purpose that Section 29-4 of the Illinois School Code was created. *Board of Education , School Dist. No 142, Cook County v Bakalis, 54 Ill.2d 448 (1973)* East St. Louis has significantly high rates of violence and violent crime. It is not safe for children to walk to school.

East St. Louis is notorious for being dangerous, though homicides and crime rates have decreased somewhat this year. Having at times had the highest per capita murder rate in the world, it has been called the most dangerous city in America. Karla Demery, *FBI Reveals the Most Dangerous City in America, and It's Not New York*, The Travel,

2025.

Crime is much higher in East St. Louis than that of an average US City, resulting in East St. Louis receiving a crime grade of “F” ranking it in the 4th percentile for safety, meaning it is less safe than 96% of US cities. Crimegrade.org, *The Safest and Most Dangerous Places in East St. Louis, IL: Crime Maps and Statistics, compiled statistics and data from US Census Bureau, 2020..*

In East St. Louis, parents and the School District recognize that no neighborhood is safe for children to walk to school. As a result of parent advocacy in 2018, 105 ILCS 5/29-3 was enacted into law in 2019, expanding free bus services to students in high crime or other unsafe areas. ILCS 5/29-3 provides that a school district may provide free transportation and request reimbursement from the State Superintendent of Education for students who live less than 1.5 miles from school (the normal cut-off for providing transportation) when conditions are such that walking either to or from school or to or from a pickup point or bus stop constitutes a serious hazard to the safety of the student due to a course or pattern of criminal gang activity. 105 ILCS 5/29-3 (2019). The expansion of transportation under this statute is further evidence that safety is the paramount reason for providing free transportation to all students.

East St. Louis School District 189 was the first to apply and receive the transportation waiver, so that now all students in the East St. Louis School District 189 who attend public school can receive free school bus services. To receive the waiver, East St. Louis District 189 had to apply through the Illinois State Board of Education. Eligibility for the East St. Louis School District was determined by data from the Illinois

State Police and the cities of East St. Louis, Washington Park, Centreville and Alorton. KSDK, *New Law gives free bus service to all East St. Louis School District Students*, 2020.

East St. Louis School District Superintendent Arthur Culver has acknowledged the safety issue, saying that the district and parents had been fighting to expand free transportation for several years. "Our parents are the ones who raised this issue and worked tirelessly to advocate for free bus transportation for all students," Culver said. "Their advocacy has led to this win for our students. We also want to thank our Board of Education and the Financial Oversight Panel for their support and steadfast concern for the safety of our students." Id.

In addition to crime, parents worried about the safety of children walking to and from school because of traffic and lack of infrastructure. Without transportation, children would make their way to school through dangerous streets, often poorly lit and filled with litter. Emmanuel Felton, *Will Turning Schools into Hubs for Services Help Revive Dying Cities?*, The Hechinger Report, 2018.

In granting the waiver and allowing free transportation for students less than 1.5 miles from school, East St. Louis has been identified by the Illinois State Board of Education as an area in which walking to or from school or from a pickup point or bus stop constitutes a serious hazard to the safety of students. They have determined that ALL District 189 students, regardless of their distance from school, are entitled to bus transportation so that they can arrive at school safely. The statute at question in this case, 105 ILCS 5/29-4 provides that "If any such children [those attending private or charter

schools] reside within 1½ miles from the school attended, the school board shall afford such transportation to such children ***on the same basis*** as it provides transportation for its own pupils residing within that distance from the school attended.” [emphasis added]

Under the clear language of 29-4 of the School Code, if students attending public school are entitled to transportation to and from school no matter how far from school they live, students attending private and charter schools are entitled to that same transportation.

Walking to school, or walking a long distance to get to school from a drop off point on the regular route of District 189 is just as dangerous for children who attend private schools as it is for the students who attend District 189 schools. The children who attend Sr. Thea Bowman and other private schools are residents of the District. Their parents pay the same taxes as the families of those who attend public school. Equity requires that private school students, like their neighbors in public school, are entitled to a safe way to get to and from school.

Safe, reliable transportation to and from school for all children is in the interest of the students, the families, the district, the community, and the state.

D. The State of Illinois has an interest in all children’s consistent attendance at school and transportation support makes that possible.

Education has long been viewed as an important pathway to social and economic mobility and stability. Assuring all students receive a quality education is in the interest of all. *School Transportation and Educational Equity*, supra.. In East St. Louis, lack of transportation to private school may result in many children being forced to attend the failing public schools, or may mean that students are unable to get to private school on a

regular basis, depending on whether parents have reliable cars, or work during school pickup and dropoff times. Sr. Thea Bowman families who lack reliable transportation have difficulty with daily attendance and arriving at school on time. Some students without bus transportation had over 35% tardies/absences. *Information provided by Roberta Trost, Advancement Director, Sr.Thea Bowman Catholic School.*

Missing school for lack of transportation impacts academic achievement. Students who arrive late or miss school altogether fall behind academically and socially. A growing body of research shows the detrimental effect of missed school days. Michael Gottfried, *Chronic Absenteeism and Its Effects on Students' Academic and Socioemotional Outcomes: Journal of Education for Students Placed at Risk (JESPAR): Vol 19 , No 2 , 2014.*

(<https://www.tandfonline.com/doi/full/10.1080/10824669.2014.962696>). Chronic absenteeism can occur as early as preschool and kindergarten and has been shown to be related to future chronic absenteeism, grade retention and poor academic achievement. Students with poor attendance score lower than their peers who attend school regularly on national skills assessments, regardless of race or ethnicity. Regular attendance can be a better predictor of school success and graduation rates than test scores. American Academy of Pediatrics, *School Attendance*. [School Attendance](#) Students who were more frequently absent in any year of elementary school demonstrated lower academic, executive function, and socioemotional outcomes. Aya Ansari and Michael Gottfried, *The Grade-Level and Cumulative Outcomes of Absenteeism, Child Development, volume 92, issue 4, 2021*. [The Grade-Level and Cumulative Outcomes of Absenteeism - Ansari - 2021 - Child Development - Wiley Online Library](#)

Making public transportation more available appears to improve school attendance. A study in Michigan found that eligibility to ride the school bus increased attendance and decreased chronic absenteeism in students from families with low incomes relative to similar students from the same schools but who weren't eligible for bus transportation. Brendan Chen, *How Students' Transportation Options— or Lack Therof— Affect educational and Health Outcomes, Housing Matters*, 2023.. [How Students' Transportation Options—or Lack Thereof—Affect Educational and Health Outcomes | Housing Matters](#) The findings indicate that bus eligibility can help put vulnerable student populations less at risk of missing a significant amount of time in the classroom. Danielle Sanderson Edwards, *How Does School Bus Transportation Affect Student Attendance and Achievement? Policy Brief, National Center for Research on Education Access and Choice*, 2022. [ERIC - ED622132 - How Does School Bus Transportation Affect Student Attendance and Achievement? Policy Brief, National Center for Research on Education Access and Choice, 2022-Jul-19](#)

The state has an interest in student's consistent attendance at school and transportation support makes that possible. It is not simply a matter of convenience, but of ensuring equitable access to quality education and consistent learning opportunities for all children.

CONCLUSION

For the reasons outlined above, *amici* respectfully request this Court affirm the decision of the Appellate Court.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 17 pages.

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