

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****SB2438**

Introduced 2/7/2025, by Sen. Laura Ellman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.48

105 ILCS 5/34-18.39

Amends the School Code. In provisions concerning radon testing, provides that every school building of a school district that is occupied or will be occupied shall be tested by January 1, 2029 and shall be retested every 5 years thereafter for radon (instead of recommending that every occupied school building of a school district be tested every 5 years for radon). Provides that all new schools of a school district shall be built using radon resistant new construction techniques in accordance with the American National Standards Institute/American Association of Radon Scientists and Technologists CC-1000, Soil Gas Control Systems in New Construction of Multifamily, School, Commercial and Mixed-Use Buildings standard or a successor standard (instead of recommending that new schools of a school district be built using radon resistant new construction techniques, as shown in the United States Environmental Protection Agency document, Radon Prevention in the Design and Construction of Schools and Other Large Buildings). Removes a provision allowing a person to perform radon screening tests without a license. Makes changes concerning the exemption. Provides that if radon is found to exceed specified levels, then the school district shall (instead of may) hire a licensed radon professional to perform confirmatory measurements (instead of to perform measurements before any mitigation decisions are made). Sets forth provisions concerning mitigation. Provides that a school district may use life safety funds, if available, for radon testing and mitigation. Preempts home rule powers.

LRB104 09880 LNS 19948 b

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 1. References to Act. This Act may be referred to
5 as the School Radon Protection Act.

6 Section 5. Purpose. To protect children, teachers, staff,
7 administrators and visitors from radioactive radon.

8 Section 10. The School Code is amended by changing
9 Sections 10-20.48 and 34-18.39 as follows:

10 (105 ILCS 5/10-20.48)

11 Sec. 10-20.48. Radon testing and mitigation.

12 (a) Every ~~It is recommended that every~~ occupied school
13 building of a school district that is occupied or will be
14 occupied shall be tested by January 1, 2029 and shall be
15 retested ~~tested~~ every 5 years thereafter for radon pursuant to
16 rules established by the Illinois Emergency Management Agency
17 and Office of Homeland Security (IEMA-OHS ~~IEMA~~).

18 (b) All ~~It is recommended that~~ new schools of a school
19 district shall be built using radon resistant new construction
20 techniques in accordance with the American National Standards
21 Institute/American Association of Radon Scientists and

1 Technologists CC-1000, Soil Gas Control Systems in New
2 Construction of Multifamily, School, Commercial and Mixed-Use
3 Buildings standard or a successor standard, ~~as shown in the~~
4 ~~United States Environmental Protection Agency document, Radon~~
5 ~~Prevention in the Design and Construction of Schools and Other~~
6 ~~Large Buildings.~~

7 (c) Each school district shall ~~may~~ maintain, make
8 available for public review, and notify parents and faculty of
9 all test results under this Section. The district shall report
10 radon test results to the State Board of Education, which
11 shall prepare a report every 2 years of the results from all
12 schools that have performed tests, to be submitted to the
13 General Assembly and the Governor.

14 (d) ~~If IEMA exempts an individual from being required to~~
15 ~~be a licensed radon professional, the individual does not need~~
16 ~~to be a licensed radon professional in order to perform~~
17 ~~screening tests under this Section.~~ A school district may
18 elect to have one or more employees from the district attend an
19 IEMA-OHS-approved ~~IEMA approved~~, Internet-based training
20 course on school testing in order to receive, from IEMA-OHS,
21 an exemption from being required to be a licensed radon
22 professional to conduct radon screening tests ~~testing~~ in
23 schools in that school district. These school district
24 employees must perform the measurements in accordance with
25 procedures approved by IEMA-OHS ~~IEMA~~. If an exemption from
26 IEMA-OHS ~~IEMA~~ is not received, the school district must use a

1 licensed radon professional to conduct measurements.

2 (e) If the results of a radon screening test under this
3 Section are found to be 4.0 pCi/L or above, the school district
4 shall ~~may~~ hire a licensed radon professional to perform
5 confirmatory measurements ~~before any mitigation decisions are~~
6 ~~made~~. If the confirmatory measurements verify radon levels of
7 4.0 pCi/L or above, the building shall ~~are found, it is~~
8 ~~recommended that affected areas~~ be mitigated within 2 years by
9 a licensed radon mitigation professional ~~with respect to both~~
10 ~~design and installation~~. IEMA-OHS ~~IEMA~~ may provide the school
11 district with a list of licensed radon mitigation
12 professionals. However, no radon mitigation is required if the
13 school district has decommissioned or plans to decommission
14 the building within 2 years following the radon screening
15 test. The school district shall provide written documentation
16 of plans to decommission to the State Board of Education. If
17 abandonment or renovation does not take place within the 2
18 years after the first failed radon test, the State Board of
19 Education shall assess the situation and determine (i) any
20 actions the school district must take and (ii) a schedule for
21 those actions, including, but not limited to, a schedule that
22 the school district must follow within a designated time to
23 carry out the actions described in item (i).

24 (e-5) Upon completion of any mitigation system
25 installation, radon measurements shall be conducted by a
26 licensed radon measurement professional pursuant to rules

1 established by IEMA-OHS to ensure mitigation system
2 performance. If the results of a radon screening test under
3 this Section are found to be 4.0 pCi/L or above, the system
4 shall be modified until the results of a radon screening test
5 under this Section are found to be below 4.0 pCi/L.

6 (f) A screening test under this Section may be done with a
7 test kit found in a hardware store, department store, or home
8 improvement store or with a kit ordered through the mail or
9 over the Internet. However, the kit must be provided by a
10 laboratory licensed in accordance with the Radon Industry
11 Licensing Act.

12 (g) A school district may use life safety funds, if
13 available, for radon testing and mitigation.

14 (h) A home rule unit may not regulate school radon issues
15 in a manner that diminishes the school radon protections
16 provided under this Section. This Section is a limitation
17 under subsection (i) of Section 6 of Article VII of the
18 Illinois Constitution on the concurrent exercise by home rule
19 units of powers and functions exercised by the State.

20 (Source: P.A. 96-417, eff. 1-1-10; 96-1000, eff. 7-2-10.)

21 (105 ILCS 5/34-18.39)

22 Sec. 34-18.39. Radon testing and mitigation.

23 (a) Every ~~It is recommended that every occupied~~ school
24 building of the school district that is occupied or will be
25 occupied shall be tested by January 1, 2029 and shall be tested

1 every 5 years thereafter for radon pursuant to rules
2 established by the Illinois Emergency Management Agency and
3 Office of Homeland Security (IEMA-OHS ~~IEMA~~).

4 (b) All ~~It is recommended that~~ new schools of the school
5 district shall be built using radon resistant new construction
6 techniques in accordance with the American National Standards
7 Institute/American Association of Radon Scientists and
8 Technologists CC-1000, Soil Gas Control Systems in New
9 Construction of Multifamily, School, Commercial and Mixed-Use
10 Buildings standard or a successor standard, ~~as shown in the~~
11 ~~United States Environmental Protection Agency document, Radon~~
12 ~~Prevention in the Design and Construction of Schools and Other~~
13 ~~Large Buildings.~~

14 (c) The school district shall ~~may~~ maintain, make available
15 for public review, and notify parents and faculty of all test
16 results under this Section. The district shall report radon
17 test results to the State Board of Education, which shall
18 prepare a report every 2 years of the results from all schools
19 that have performed tests, to be submitted to the General
20 Assembly and the Governor.

21 (d) ~~If IEMA exempts an individual from being required to~~
22 ~~be a licensed radon professional, the individual does not need~~
23 ~~to be a licensed radon professional in order to perform~~
24 ~~screening tests under this Section.~~ The school district may
25 elect to have one or more employees from the district attend an
26 IEMA-OHS-approved ~~IEMA approved~~, Internet-based training

1 course on school testing in order to receive, from IEMA-OHS,
2 an exemption from being required to be a licensed radon
3 professional to conduct radon screening tests testing in
4 schools in the school district. These school district
5 employees must perform the measurements in accordance with
6 procedures approved by IEMA-OHS ~~IEMA~~. If an exemption from
7 IEMA-OHS ~~IEMA~~ is not received, the school district must use a
8 licensed radon professional to conduct measurements.

9 (e) If the results of a radon screening test under this
10 Section are found to be 4.0 pCi/L or above, the school district
11 shall ~~may~~ hire a licensed radon professional to perform
12 confirmatory measurements ~~before any mitigation decisions are~~
13 ~~made~~. If the confirmatory measurements verify radon levels of
14 4.0 pCi/L or above, the building shall ~~are found, it is~~
15 ~~recommended that affected areas~~ be mitigated within 2 years by
16 a licensed radon mitigation professional ~~with respect to both~~
17 ~~design and installation~~. IEMA-OHS ~~IEMA~~ may provide the school
18 district with a list of licensed radon mitigation
19 professionals. However, no radon mitigation is required if the
20 school district has decommissioned or plans to decommission
21 the building within 2 years following the radon screening
22 test. If abandonment or renovation does not take place within
23 the 2 years after the first failed radon test, the State Board
24 of Education shall assess the situation and determine (i) any
25 actions the school district must take and (ii) a schedule for
26 those actions, including, but not limited to, a schedule that

1 the school district must follow within a designated time to
2 carry out the actions described in item (i).

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7 performance. If the results of a radon screening test under
8 this Section are found to be 4.0 pCi/L or above, the system
9 shall be modified until the results of a radon screening test
10 under this Section are found to be below 4.0 pCi/L.

11 (f) A screening test under this Section may be done with a
12 test kit found in a hardware store, department store, or home
13 improvement store or with a kit ordered through the mail or
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