

HB1165



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1165

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.12

from Ch. 122, par. 2-3.12

Amends the School Code. Makes a technical change in a Section concerning a school building code.

LRB102 03181 CMG 13194 b

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 2-3.12 as follows:

6 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)
7 Sec. 2-3.12. School building code.

8 (a) To prepare for school boards with the ~~the~~ advice of the
9 Department of Public Health, the Capital Development Board,
10 and the State Fire Marshal a school building code that will
11 conserve the health and safety and general welfare of the
12 pupils and school personnel and others who use public school
13 facilities.

14 (b) Within 2 years after September 23, 1983, and every 10
15 years thereafter, or at such other times as the State Board of
16 Education deems necessary or the regional superintendent so
17 orders, each school board subject to the provisions of this
18 Section shall again survey its school buildings and effectuate
19 any recommendations in accordance with the procedures set
20 forth herein.

21 (1) An architect or engineer licensed in the State of
22 Illinois is required to conduct the surveys under the
23 provisions of this Section and shall make a report of the

1 findings of the survey titled "safety survey report" to
2 the school board.

3 (2) The school board shall approve the safety survey
4 report, including any recommendations to effectuate
5 compliance with the code, and submit it to the Regional
6 Superintendent.

7 (3) The Regional Superintendent shall render a
8 decision regarding approval or denial and submit the
9 safety survey report to the State Superintendent of
10 Education.

11 (4) The State Superintendent of Education shall
12 approve or deny the report including recommendations to
13 effectuate compliance with the code and, if approved,
14 issue a certificate of approval.

15 (5) Upon receipt of the certificate of approval, the
16 Regional Superintendent shall issue an order to effect any
17 approved recommendations included in the report. The
18 report shall meet all of the following requirements:

19 (A) Items in the report shall be prioritized.

20 (B) Urgent items shall be considered as those
21 items related to life safety problems that present an
22 immediate hazard to the safety of students.

23 (C) Required items shall be considered as those
24 items that are necessary for a safe environment but
25 present less of an immediate hazard to the safety of
26 students.

1 (D) Urgent and required items shall reference a
2 specific rule in the code authorized by this Section
3 that is currently being violated or will be violated
4 within the next 12 months if the violation is not
5 remedied.

6 (6) The school board of each district so surveyed and
7 receiving a report of needed recommendations to be made to
8 maintain standards of safety and health of the pupils
9 enrolled shall effectuate the correction of urgent items
10 as soon as achievable to ensure the safety of the
11 students, but in no case more than one year after the date
12 of the State Superintendent of Education's approval of the
13 recommendation.

14 (7) Required items shall be corrected in a timely
15 manner, but in no case more than 5 years from the date of
16 the State Superintendent of Education's approval of the
17 recommendation.

18 (8) Once each year the school board shall submit a
19 report of progress on completion of any recommendations to
20 effectuate compliance with the code.

21 (c) As soon as practicable, but not later than 2 years
22 after January 1, 1993, the State Board of Education shall
23 combine the document known as "Efficient and Adequate
24 Standards for the Construction of Schools" with the document
25 known as "Building Specifications for Health and Safety in
26 Public Schools" together with any modifications or additions

1 that may be deemed necessary. The combined document shall be
2 known as the "Health/Life Safety Code for Public Schools" and
3 shall be the governing code for all facilities that house
4 public school students or are otherwise used for public school
5 purposes, whether such facilities are permanent or temporary
6 and whether they are owned, leased, rented, or otherwise used
7 by the district. Facilities owned by a school district but
8 that are not used to house public school students or are not
9 used for public school purposes shall be governed by separate
10 provisions within the code authorized by this Section.

11 (d) The 10 year survey cycle specified in this Section
12 shall continue to apply based upon the standards contained in
13 the "Health/Life Safety Code for Public Schools", which shall
14 specify building standards for buildings that are constructed
15 prior to January 1, 1993 and for buildings that are
16 constructed after that date.

17 (e) The "Health/Life Safety Code for Public Schools" shall
18 be the governing code for public schools; however, the
19 provisions of this Section shall not preclude inspection of
20 school premises and buildings pursuant to Section 9 of the
21 Fire Investigation Act, provided that the provisions of the
22 "Health/Life Safety Code for Public Schools", or such
23 predecessor document authorized by this Section as may be
24 applicable are used, and provided that those inspections are
25 coordinated with the Regional Superintendent having
26 jurisdiction over the public school facility.

1 (e-5) After the effective date of this amendatory Act of
2 the 98th General Assembly, all new school building
3 construction governed by the "Health/Life Safety Code for
4 Public Schools" must include in its design and construction a
5 storm shelter that meets the minimum requirements of the
6 ICC/NSSA Standard for the Design and Construction of Storm
7 Shelters (ICC-500), published jointly by the International
8 Code Council and the National Storm Shelter Association.
9 Nothing in this subsection (e-5) precludes the design
10 engineers, architects, or school district from applying a
11 higher life safety standard than the ICC-500 for storm
12 shelters.

13 (f) Nothing in this Section shall be construed to prohibit
14 the State Fire Marshal or a qualified fire official to whom the
15 State Fire Marshal has delegated his or her authority from
16 conducting a fire safety check in a public school.

17 (g) The Regional Superintendent shall address any
18 violations that are not corrected in a timely manner pursuant
19 to subsection (b) of Section 3-14.21 of this Code.

20 (h) Any agency having jurisdiction beyond the scope of the
21 applicable document authorized by this Section may issue a
22 lawful order to a school board to effectuate recommendations,
23 and the school board receiving the order shall certify to the
24 Regional Superintendent and the State Superintendent of
25 Education when it has complied with the order.

26 (i) The State Board of Education is authorized to adopt

1 any rules that are necessary relating to the administration
2 and enforcement of the provisions of this Section.

3 (j) The code authorized by this Section shall apply only
4 to those school districts having a population of less than
5 500,000 inhabitants.

6 (k) In this Section, a "qualified fire official" means an
7 individual that meets the requirements of rules adopted by the
8 State Fire Marshal in cooperation with the State Board of
9 Education to administer this Section. These rules shall be
10 based on recommendations made by the task force established
11 under Section 2-3.137 (now repealed) of this Code.

12 (Source: P.A. 98-883, eff. 1-1-15; 99-30, eff. 7-10-15.)