

# SB0461



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0461

Introduced 2/2/2023, by Sen. Don Harmon

### 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.

LRB103 02912 RJT 47918 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.)