



Rep. Sidney H. Mathias

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1 AMENDMENT TO HOUSE BILL 978

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 978 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 2-3.12, 3-14.20, and 3-14.21 and by adding Section 3-14.20a as  
6 follows:

7 (105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

8 Sec. 2-3.12. School building code. To prepare for school  
9 boards with the advice of the Department of Public Health, the  
10 Capital Development Board, and the State Fire Marshal a school  
11 building code that will conserve the health and safety and  
12 general welfare of the pupils and school personnel and others  
13 who use public school facilities.

14 The document known as "Efficient and Adequate Standards for  
15 the Construction of Schools" applies only to temporary school  
16 facilities, new school buildings, and additions to existing  
17 schools whose construction contracts are awarded after July 1,  
18 1965. On or before July 1, 1967, each school board shall have  
19 its school district buildings that were constructed prior to  
20 January 1, 1955, surveyed by an architect or engineer licensed  
21 in the State of Illinois as to minimum standards necessary to  
22 conserve the health and safety of the pupils enrolled in the  
23 school buildings of the district. Buildings constructed  
24 between January 1, 1955 and July 1, 1965, not owned by the

1 State of Illinois, shall be surveyed by an architect or  
2 engineer licensed in the State of Illinois beginning 10 years  
3 after acceptance of the completed building by the school board.  
4 Buildings constructed between January 1, 1955 and July 1, 1955  
5 and previously exempt under the provisions of Section 35-27  
6 shall be surveyed prior to July 1, 1977 by an architect or  
7 engineer licensed in the State of Illinois. The architect or  
8 engineer, using the document known as "Building Specifications  
9 for Health and Safety in Public Schools" as a guide, shall make  
10 a report of the findings of the survey to the school board,  
11 giving priority in that report to fire safety problems and  
12 recommendations thereon if any such problems exist. The school  
13 board of each district so surveyed and receiving a report of  
14 needed recommendations to be made to improve standards of  
15 safety and health of the pupils enrolled has until July 1,  
16 1970, or in case of buildings not owned by the State of  
17 Illinois and completed between January 1, 1955 and July 1, 1965  
18 or in the case of buildings previously exempt under the  
19 provisions of Section 35-27 has a period of 3 years after the  
20 survey is commenced, to effectuate those recommendations,  
21 giving first attention to the recommendations in the survey  
22 report having priority status, and is authorized to levy the  
23 tax provided for in Section 17-2.11, according to the  
24 provisions of that Section, to make such improvements. School  
25 boards unable to effectuate those recommendations prior to July  
26 1, 1970, on July 1, 1980 in the case of buildings previously  
27 exempt under the provisions of Section 35-27, may petition the  
28 State Superintendent of Education upon the recommendation of  
29 the Regional Superintendent for an extension of time. The  
30 extension of time may be granted by the State Superintendent of  
31 Education for a period of one year, but may be extended from  
32 year to year provided substantial progress, in the opinion of  
33 the State Superintendent of Education, is being made toward  
34 compliance. ~~However, for fire protection issues, only one~~

1 ~~one year extension may be made, and no other provision of this~~  
2 ~~Code or an applicable code may supersede this requirement.~~ For  
3 routine inspections, the State Fire Marshal or local fire  
4 officials to whom the State Fire Marshal has delegated his or  
5 her authority shall notify the regional superintendent of  
6 schools, the district superintendent, and ~~provide written~~  
7 ~~notice to~~ the principal of the school in advance to schedule a  
8 mutually agreed upon time for the fire safety check. However,  
9 no more than 2 routine inspections may be made in a calendar  
10 year.

11       Within 2 years after the effective date of this amendatory  
12 Act of 1983, and every 10 years thereafter, or at such other  
13 times as the State Board of Education deems necessary or the  
14 regional superintendent so orders, each school board subject to  
15 the provisions of this Section shall again survey its school  
16 buildings and effectuate any recommendations in accordance  
17 with the procedures set forth herein. An architect or engineer  
18 licensed in the State of Illinois is required to conduct the  
19 surveys under the provisions of this Section and shall make a  
20 report of the findings of the survey titled "safety survey  
21 report" to the school board. The school board shall approve the  
22 safety survey report, including any recommendations to  
23 effectuate compliance with the code, and submit it to the  
24 Regional Superintendent. The Regional Superintendent shall  
25 render a decision regarding approval or denial and submit the  
26 safety survey report to the State Superintendent of Education.  
27 The State Superintendent of Education shall approve or deny the  
28 report including recommendations to effectuate compliance with  
29 the code and, if approved, issue a certificate of approval.  
30 Upon receipt of the certificate of approval, the Regional  
31 Superintendent shall issue an order to effect any approved  
32 recommendations included in the report. Items in the report  
33 shall be prioritized. Urgent items shall be considered as those  
34 items related to life safety problems that present an immediate

1 hazard to the safety of students. Required items shall be  
2 considered as those items that are necessary for a safe  
3 environment but present less of an immediate hazard to the  
4 safety of students. Urgent and required items shall reference a  
5 specific rule in the code authorized by this Section that is  
6 currently being violated or will be violated within the next 12  
7 months if the violation is not remedied. The school board of  
8 each district so surveyed and receiving a report of needed  
9 recommendations to be made to maintain standards of safety and  
10 health of the pupils enrolled shall effectuate the correction  
11 of urgent items as soon as achievable to ensure the safety of  
12 the students, but in no case more than one year after the date  
13 of the State Superintendent of Education's approval of the  
14 recommendation. Required items shall be corrected in a timely  
15 manner, but in no case more than 5 years from the date of the  
16 State Superintendent of Education's approval of the  
17 recommendation. Once each year the school board shall submit a  
18 report of progress on completion of any recommendations to  
19 effectuate compliance with the code. For each year that the  
20 school board does not effectuate any or all approved  
21 recommendations, it shall petition the Regional Superintendent  
22 and the State Superintendent of Education detailing what work  
23 was completed in the previous year and a work plan for  
24 completion of the remaining work. If in the judgement of the  
25 Regional Superintendent and the State Superintendent of  
26 Education substantial progress has been made and just cause has  
27 been shown by the school board, the petition for a one year  
28 extension of time may be approved.

29 As soon as practicable, but not later than 2 years after  
30 the effective date of this amendatory Act of 1992, the State  
31 Board of Education shall combine the document known as  
32 "Efficient and Adequate Standards for the Construction of  
33 Schools" with the document known as "Building Specifications  
34 for Health and Safety in Public Schools" together with any

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

12 The 10 year survey cycle specified in this Section shall  
13 continue to apply based upon the standards contained in the  
14 "Health/Life Safety Code for Public Schools", which shall  
15 specify building standards and fire safety standards for  
16 buildings that are constructed prior to the effective date of  
17 this amendatory Act of 1992 and for buildings that are  
18 constructed after that date.

19 The "Health/Life Safety Code for Public Schools" shall be  
20 the governing code for public schools; however, the provisions  
21 of this Section shall not preclude inspection of school  
22 premises and buildings pursuant to Section 9 of the Fire  
23 Investigation Act, provided that the provisions of the  
24 "Health/Life Safety Code for Public Schools", or such  
25 predecessor document authorized by this Section as may be  
26 applicable are used, and provided that those inspections are  
27 coordinated with the Regional Superintendent having  
28 jurisdiction over the public school facility. Nothing in this  
29 Section shall be construed to prohibit the State Fire Marshal  
30 or a qualified ~~a~~ local fire official to whom the State Fire  
31 Marshal has delegated his or her authority ~~department, fire~~  
32 ~~protection district, or the Office of the State Fire Marshal~~  
33 from conducting a fire safety check in a public school. A  
34 "qualified local fire official" means a person who is certified

1 by the International Code Council as an International Fire Code  
2 plan reviewer or inspector or who is certified as a Fire  
3 Inspector by the Office of the State Fire Marshal. Upon being  
4 notified by the State Fire Marshal or the local a fire official  
5 that corrective action must be taken to resolve a violation,  
6 the school board, in cooperation with the State Fire Marshal or  
7 the local fire official, shall develop a plan to correct the  
8 violation ~~take corrective action within one year.~~ However,  
9 violations that present imminent danger must be addressed  
10 immediately.

11 Any agency having jurisdiction beyond the scope of the  
12 applicable document authorized by this Section may issue a  
13 lawful order to a school board to effectuate recommendations,  
14 and the school board receiving the order shall certify to the  
15 Regional Superintendent and the State Superintendent of  
16 Education when it has complied with the order.

17 The State Board of Education is authorized to adopt any  
18 rules that are necessary relating to the administration and  
19 enforcement of the provisions of this Section. The code  
20 authorized by this Section shall apply only to those school  
21 districts having a population of less than 500,000 inhabitants.  
22 (Source: P.A. 92-593, eff. 1-1-03.)

23 (105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

24 Sec. 3-14.20. Building plans and specifications. To  
25 inspect the building plans and specifications, including but  
26 not limited to plans and specifications for ~~the~~ heating,  
27 ventilating, lighting, seating, water supply, toilets, and  
28 electrical work to ensure the safety against fire of occupants  
29 in public school rooms and buildings submitted to him by school  
30 boards, and to approve all those which comply substantially  
31 with the building code authorized in Section 2-3.12.

32 For purposes of this Section:

33 "Certified inspector" means a person acting on behalf of a

1 municipality or county who has no contractual interest in the  
2 project and who meets one of the following requirements:

3 (1) Holds certification by the International Code  
4 Council as a Commercial Building Inspector.

5 (2) Holds certification as a State plumbing inspector  
6 under the Illinois Plumbing License Law.

7 (3) Holds State licensure as a design professional.

8 "Certified plan reviewer" means a person acting on behalf  
9 of a municipality or county who has no contractual interest in  
10 the project and who meets one of the following requirements:

11 (1) Holds certification by the International Code  
12 Council as a Commercial Buildings Plan Examiner.

13 (2) Holds licensure as a plumbing inspector under the  
14 Illinois Plumbing License Law.

15 (3) Holds State licensure as a design professional.

16 If a municipality or, in the case of an unincorporated  
17 area, a county wishes to be notified of plans and  
18 specifications received by a regional office of education for  
19 any future construction or alteration, then the municipality or  
20 county must register this wish with the regional superintendent  
21 of schools and at this time must submit a copy of the  
22 credentials of its certified inspector or certified plan  
23 reviewer that he or she needs to meet the definition of  
24 certified inspector or certified plan reviewer under this  
25 Section. Within 10 days after the regional superintendent of  
26 schools receives the plans and specifications from a school  
27 board and prior to the bidding process, he or she shall notify  
28 the registered municipality or county where the school that is  
29 being constructed or altered lies that plans and specifications  
30 have been received. If the municipality or county requests a  
31 review of the plans and specifications, then the school board  
32 shall submit a copy of the plans and specifications to the  
33 municipality or county. A certified plan reviewer for the  
34 municipality or county may comment in writing on the plans and

1 specifications based on the building code authorized in Section  
2 2-3.12 of this Code, referencing the specific code where a  
3 discrepancy has been identified, and respond back to the  
4 regional superintendent of schools within 15 working days after  
5 a copy of the plans and specifications have been received or,  
6 if needed for plan review, such additional time as agreed to by  
7 the regional superintendent of schools. This review must be at  
8 no direct or indirect cost to the school district.

9 If a certified inspector for the municipality or county  
10 wishes to inspect the actual school construction or alteration,  
11 he or she must set up an initial pre-construction meeting with  
12 the regional superintendent of schools, outlining the  
13 inspection schedule and construction reviews. The regional  
14 superintendent of schools shall then notify the school  
15 district. The certified inspector shall respond to the regional  
16 superintendent of schools in writing with any comments at the  
17 completion of each inspection. These comments shall be based on  
18 the building code authorized in Section 2-3.12 of this Code.  
19 These inspections shall be done at no direct or indirect cost  
20 to the school district. ~~The local fire department or fire~~  
21 ~~protection district where the school is being constructed or~~  
22 ~~altered may request a review of the plans and specifications.~~  
23 ~~The regional superintendent of schools shall submit a copy of~~  
24 ~~the plans and specifications within 10 business days after the~~  
25 ~~request. The fire department or fire protection district may~~  
26 ~~comment on the plans and specifications based on the building~~  
27 ~~code authorized in Section 2-3.12 of the Code and, if any~~  
28 ~~corrective action must be taken, shall respond to the regional~~  
29 ~~superintendent of schools within 15 days after receipt of the~~  
30 ~~plans and specifications. The Office of the State Fire Marshal~~  
31 ~~may review the plans and specifications at the request of the~~  
32 ~~fire department or fire protection district. The review must be~~  
33 ~~conducted at no cost to the school district.~~

34 If such plans and specifications are not approved or denied

1 approval by the regional superintendent of schools within 3  
2 months after the date on which they are submitted to him or  
3 her, the school board may submit such plans and specifications  
4 directly to the State Superintendent of Education for approval  
5 or denial.

6 (Source: P.A. 92-593, eff. 1-1-03.)

7 (105 ILCS 5/3-14.20a new)

8 Sec. 3-14.20a. Fire safety review of building plans and  
9 specifications. To ensure the safety of children against fire  
10 in public school rooms and buildings by having the State Fire  
11 Marshal or his or her designee review the building plans and  
12 specifications for any school buildings being constructed or  
13 altered before the bidding process. Within 10 business days  
14 after the regional superintendent of schools receives plans and  
15 specifications under Section 3-14.20 of this Code, he or she  
16 shall contact the State Fire Marshal. The State Fire Marshal  
17 shall direct the regional superintendent to send a copy of the  
18 plans and specifications to the State Fire Marshal or his or  
19 her designee. The State Fire Marshal or his or her designee  
20 shall review the plans and specifications and provide the  
21 regional superintendent with a written response of its review  
22 within 15 business days after receipt of the plans and  
23 specifications. The review shall be based on the fire safety  
24 code authorized in Section 2-3.12 of this Code. The written  
25 response shall inform the regional superintendent that the  
26 plans and specifications comply with the fire safety code or  
27 identify the changes that are required for the plans to comply  
28 with the fire safety code, referencing the specific code  
29 section where a discrepancy has been identified. If the  
30 regional superintendent concurs with the State Fire Marshal's  
31 or his or her designee's required changes, the regional  
32 superintendent shall require the plans and specifications to be  
33 amended by the design professional and returned to the State

1 Fire Marshal or his or her designee for approval.

2 The State Fire Marshal or his or her designee may inspect  
3 the actual construction or alteration by contacting the  
4 regional superintendent of schools. The regional  
5 superintendent shall contact the school district and arrange  
6 for the inspection. Should the inspection reveal any  
7 non-compliance with the building plans and specifications, the  
8 regional superintendent shall be notified so that he or she may  
9 take corrective action with the school board.

10 The State Fire Marshal may delegate its authority to review  
11 plans and specifications and conduct inspections under this  
12 Section to a qualified local fire official, as defined in  
13 Section 2-3.12 of this Code, who provides fire protection  
14 services to the school building. A qualified fire department  
15 shall be deemed to be the State Fire Marshal's designee for  
16 purposes of this Section.

17 The State Fire Marshal, in cooperation with the State Board  
18 of Education, shall adopt any rules that are necessary to  
19 administer this Section.

20 The plan review and inspection under this Section shall be  
21 done at no direct or indirect cost to the school district.

22 (105 ILCS 5/3-14.21) (from Ch. 122, par. 3-14.21)

23 Sec. 3-14.21. Inspection of schools.

24 (a) The regional superintendent shall inspect and survey  
25 all public schools under his or her supervision and notify the  
26 board of education, or the trustees of schools in a district  
27 with trustees, in writing before July 30, whether or not the  
28 several schools in their district have passed the annual fire  
29 safety inspection required under subsection (c) of this Section  
30 and have been kept as required by law, using forms provided by  
31 the State Board of Education which are based on the Health/Life  
32 Safety Code for Public Schools adopted under Section 2-3.12.  
33 The regional superintendent shall report his or her findings to

1 the State Board of Education on forms provided by the State  
2 Board of Education.

3 (b) If the regional superintendent determines that a school  
4 board has failed in a timely manner to correct urgent items  
5 identified in a previous life-safety report completed under  
6 Section 2-3.12 or as otherwise previously ordered by the  
7 regional superintendent or has failed in a timely manner to  
8 correct violations identified in the annual fire safety  
9 inspection conducted under subsection (c) of this Section, the  
10 regional superintendent shall order the school board to adopt  
11 and submit to the regional superintendent a plan for the  
12 immediate correction of the building violations. This plan  
13 shall be adopted following a public hearing that is conducted  
14 by the school board on the violations and the plan and that is  
15 preceded by at least 7 days' prior notice of the hearing  
16 published in a newspaper of general circulation within the  
17 school district. If the regional superintendent determines in  
18 the next annual inspection that the plan has not been completed  
19 and that the violations have not been corrected, the regional  
20 superintendent shall submit a report to the State Board of  
21 Education with a recommendation that the State Board withhold  
22 from payments of general State aid due to the district an  
23 amount necessary to correct the outstanding violations. The  
24 State Board, upon notice to the school board and to the  
25 regional superintendent, shall consider the report at a meeting  
26 of the State Board, and may order that a sufficient amount of  
27 general State aid be withheld from payments due to the district  
28 to correct the violations. This amount shall be paid to the  
29 regional superintendent who shall contract on behalf of the  
30 school board for the correction of the outstanding violations.

31 (c) The State Fire Marshal or his or her designee shall  
32 conduct an annual fire safety inspection of each school  
33 building in this State. The State Fire Marshal or his or her  
34 designee shall coordinate its inspection with the regional

1 superintendent of schools. The inspection shall be based on the  
2 fire safety code authorized in Section 2-3.12 of this Code. Any  
3 violations shall be reported to the regional superintendent and  
4 the school board in writing, referencing the specific code  
5 section where a discrepancy has been identified. The school  
6 board, in cooperation with the State Fire Marshal or his or her  
7 designee, shall develop a plan to correct any fire safety  
8 violations. The regional superintendent shall address such  
9 violations that are not corrected in a timely manner pursuant  
10 to subsection (b) of this Section.

11 The State Fire Marshal may delegate its authority to  
12 conduct fire safety inspections to a qualified local fire  
13 official, as defined in Section 2-3.12 of this Code, who  
14 provides fire protection services to the school building. A  
15 qualified fire department shall be deemed to be the State Fire  
16 Marshal's designee for purposes of this Section.

17 The State Fire Marshal, in cooperation with the State Board  
18 of Education, shall adopt any rules necessary to administer  
19 this subsection (c).

20 The inspection under this subsection (c) shall be done at  
21 no direct or indirect cost to the school district.

22 (Source: P.A. 90-464, eff. 8-17-97.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."