

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 Sections
5 2-3.12, 3-14.20, and 3-14.21 and by adding Section 2-3.137 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
25 State of Illinois, shall be surveyed by an architect or
26 engineer licensed in the State of Illinois beginning 10 years
27 after acceptance of the completed building by the school board.
28 Buildings constructed between January 1, 1955 and July 1, 1955
29 and previously exempt under the provisions of Section 35-27
30 shall be surveyed prior to July 1, 1977 by an architect or
31 engineer licensed in the State of Illinois. The architect or
32 engineer, using the document known as "Building Specifications

1 for Health and Safety in Public Schools" as a guide, shall make
2 a report of the findings of the survey to the school board,
3 giving priority in that report to fire safety problems and
4 recommendations thereon if any such problems exist. The school
5 board of each district so surveyed and receiving a report of
6 needed recommendations to be made to improve standards of
7 safety and health of the pupils enrolled has until July 1,
8 1970, or in case of buildings not owned by the State of
9 Illinois and completed between January 1, 1955 and July 1, 1965
10 or in the case of buildings previously exempt under the
11 provisions of Section 35-27 has a period of 3 years after the
12 survey is commenced, to effectuate those recommendations,
13 giving first attention to the recommendations in the survey
14 report having priority status, and is authorized to levy the
15 tax provided for in Section 17-2.11, according to the
16 provisions of that Section, to make such improvements. School
17 boards unable to effectuate those recommendations prior to July
18 1, 1970, on July 1, 1980 in the case of buildings previously
19 exempt under the provisions of Section 35-27, may petition the
20 State Superintendent of Education upon the recommendation of
21 the Regional Superintendent for an extension of time. The
22 extension of time may be granted by the State Superintendent of
23 Education for a period of one year, but may be extended from
24 year to year provided substantial progress, in the opinion of
25 the State Superintendent of Education, is being made toward
26 compliance. ~~However, for fire protection issues, only one~~
27 ~~one year extension may be made, and no other provision of this~~
28 ~~Code or an applicable code may supersede this requirement.~~ For
29 routine inspections, the State Fire Marshal or a qualified fire
30 official to whom the State Fire Marshal has delegated his or
31 her authority ~~officials~~ shall notify the Regional
32 Superintendent, the district superintendent, and provide
33 ~~written notice to~~ the principal of the school in advance to
34 schedule a mutually agreed upon time for the fire safety check.
35 However, no more than 2 routine inspections may be made in a
36 calendar year.

1 Within 2 years after the effective date of this amendatory
2 Act of 1983, and every 10 years thereafter, or at such other
3 times as the State Board of Education deems necessary or the
4 regional superintendent so orders, each school board subject to
5 the provisions of this Section shall again survey its school
6 buildings and effectuate any recommendations in accordance
7 with the procedures set forth herein. An architect or engineer
8 licensed in the State of Illinois is required to conduct the
9 surveys under the provisions of this Section and shall make a
10 report of the findings of the survey titled "safety survey
11 report" to the school board. The school board shall approve the
12 safety survey report, including any recommendations to
13 effectuate compliance with the code, and submit it to the
14 Regional Superintendent. The Regional Superintendent shall
15 render a decision regarding approval or denial and submit the
16 safety survey report to the State Superintendent of Education.
17 The State Superintendent of Education shall approve or deny the
18 report including recommendations to effectuate compliance with
19 the code and, if approved, issue a certificate of approval.
20 Upon receipt of the certificate of approval, the Regional
21 Superintendent shall issue an order to effect any approved
22 recommendations included in the report. Items in the report
23 shall be prioritized. Urgent items shall be considered as those
24 items related to life safety problems that present an immediate
25 hazard to the safety of students. Required items shall be
26 considered as those items that are necessary for a safe
27 environment but present less of an immediate hazard to the
28 safety of students. Urgent and required items shall reference a
29 specific rule in the code authorized by this Section that is
30 currently being violated or will be violated within the next 12
31 months if the violation is not remedied. The school board of
32 each district so surveyed and receiving a report of needed
33 recommendations to be made to maintain standards of safety and
34 health of the pupils enrolled shall effectuate the correction
35 of urgent items as soon as achievable to ensure the safety of
36 the students, but in no case more than one year after the date

1 of the State Superintendent of Education's approval of the
2 recommendation. Required items shall be corrected in a timely
3 manner, but in no case more than 5 years from the date of the
4 State Superintendent of Education's approval of the
5 recommendation. Once each year the school board shall submit a
6 report of progress on completion of any recommendations to
7 effectuate compliance with the code. For each year that the
8 school board does not effectuate any or all approved
9 recommendations, it shall petition the Regional Superintendent
10 and the State Superintendent of Education detailing what work
11 was completed in the previous year and a work plan for
12 completion of the remaining work. If in the judgement of the
13 Regional Superintendent and the State Superintendent of
14 Education substantial progress has been made and just cause has
15 been shown by the school board, the petition for a one year
16 extension of time may be approved.

17 As soon as practicable, but not later than 2 years after
18 the effective date of this amendatory Act of 1992, the State
19 Board of Education shall combine the document known as
20 "Efficient and Adequate Standards for the Construction of
21 Schools" with the document known as "Building Specifications
22 for Health and Safety in Public Schools" together with any
23 modifications or additions that may be deemed necessary. The
24 combined document shall be known as the "Health/Life Safety
25 Code for Public Schools" and shall be the governing code for
26 all facilities that house public school students or are
27 otherwise used for public school purposes, whether such
28 facilities are permanent or temporary and whether they are
29 owned, leased, rented, or otherwise used by the district.
30 Facilities owned by a school district but that are not used to
31 house public school students or are not used for public school
32 purposes shall be governed by separate provisions within the
33 code authorized by this Section.

34 The 10 year survey cycle specified in this Section shall
35 continue to apply based upon the standards contained in the
36 "Health/Life Safety Code for Public Schools", which shall

1 specify building standards for buildings that are constructed
2 prior to the effective date of this amendatory Act of 1992 and
3 for buildings that are constructed after that date.

4 The "Health/Life Safety Code for Public Schools" shall be
5 the governing code for public schools; however, the provisions
6 of this Section shall not preclude inspection of school
7 premises and buildings pursuant to Section 9 of the Fire
8 Investigation Act, provided that the provisions of the
9 "Health/Life Safety Code for Public Schools", or such
10 predecessor document authorized by this Section as may be
11 applicable are used, and provided that those inspections are
12 coordinated with the Regional Superintendent having
13 jurisdiction over the public school facility. Nothing in this
14 Section shall be construed to prohibit the State Fire Marshal
15 or a qualified a-local fire official to whom the State Fire
16 Marshal has delegated his or her authority ~~department, fire~~
17 ~~protection district, or the Office of the State Fire Marshal~~
18 from conducting a fire safety check in a public school. The
19 Regional Superintendent shall address any violations that are
20 not corrected in a timely manner pursuant to subsection (b) of
21 Section 3-14.21 of this Code. ~~Upon being notified by a fire~~
22 ~~official that corrective action must be taken to resolve a~~
23 ~~violation, the school board shall take corrective action within~~
24 ~~one year. However, violations that present imminent danger must~~
25 ~~be addressed immediately.~~

26 Any agency having jurisdiction beyond the scope of the
27 applicable document authorized by this Section may issue a
28 lawful order to a school board to effectuate recommendations,
29 and the school board receiving the order shall certify to the
30 Regional Superintendent and the State Superintendent of
31 Education when it has complied with the order.

32 The State Board of Education is authorized to adopt any
33 rules that are necessary relating to the administration and
34 enforcement of the provisions of this Section. The code
35 authorized by this Section shall apply only to those school
36 districts having a population of less than 500,000 inhabitants.

1 In this Section, a "qualified fire official" means an
2 individual that meets the requirements of rules adopted by the
3 State Fire Marshal in cooperation with the State Board of
4 Education to administer this Section. These rules shall be
5 based on recommendations made by the task force established
6 under Section 2-3.137 of this Code.

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

8 (105 ILCS 5/2-3.137 new)

9 Sec. 2-3.137. Inspection and review of school facilities;
10 task force.

11 (a) The State Board of Education shall adopt rules for the
12 documentation of school plan reviews and inspections of school
13 facilities, including the responsible individual's signature.
14 Such documents shall be kept on file by the regional
15 superintendent of schools.

16 (b) The State Board of Education shall convene a task force
17 for the purpose of reviewing the documents required under rules
18 adopted under subsection (a) of this Section and making
19 recommendations regarding training and accreditation of
20 individuals performing reviews or inspections required under
21 Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code,
22 including regional superintendents of schools and others
23 performing reviews or inspections under the authority of a
24 regional superintendent (such as consultants, municipalities,
25 and fire protection districts).

26 The task force shall consist of all of the following
27 members:

28 (1) The Executive Director of the Capital Development
29 Board or his or her designee and a staff representative of
30 the Division of Building Codes and Regulations.

31 (2) The State Superintendent of Education or his or her
32 designee.

33 (3) A person appointed by the State Board of Education.

34 (4) A person appointed by an organization representing
35 school administrators.

1 (5) A person appointed by an organization representing
2 suburban school administrators and school board members.

3 (6) A person appointed by an organization representing
4 architects.

5 (7) A person appointed by an organization representing
6 regional superintendents of schools.

7 (8) A person appointed by an organization representing
8 fire inspectors.

9 (9) A person appointed by an organization representing
10 Code administrators.

11 (10) A person appointed by an organization
12 representing plumbing inspectors.

13 (11) A person appointed by an organization that
14 represents both parents and teachers.

15 (12) A person appointed by an organization
16 representing municipal governments in the State.

17 (13) A person appointed by the State Fire Marshal from
18 his or her office.

19 (14) A person appointed by an organization
20 representing fire chiefs.

21 (15) The Director of Public Health or his or her
22 designee.

23 (16) A person appointed by an organization
24 representing structural engineers.

25 (17) A person appointed by an organization
26 representing professional engineers.

27 The task force shall issue a report of its findings to the
28 Governor and the General Assembly no later than January 1,
29 2006.

30 (105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

31 Sec. 3-14.20. Building plans and specifications. To
32 inspect the building plans and specifications, including but
33 not limited to plans and specifications for the heating,
34 ventilating, lighting, seating, water supply, toilets and
35 safety against fire of public school rooms and buildings

1 submitted to him by school boards, and to approve all those
2 which comply substantially with the building code authorized in
3 Section 2-3.12.

4 If a municipality or, in the case of an unincorporated
5 area, a county or, if applicable, a fire protection district
6 wishes to be notified of plans and specifications received by a
7 regional office of education for any future construction or
8 alteration of a public school facility located within that
9 entity's jurisdiction, then the entity must register this wish
10 with the regional superintendent of schools. Within 10 days
11 after the regional superintendent of schools receives the plans
12 and specifications from a school board and prior to the bidding
13 process, he or she shall notify, in writing, the registered
14 municipality and, if applicable, the registered fire
15 protection district where the school that is being constructed
16 or altered lies that plans and specifications have been
17 received. In the case of an unincorporated area, the registered
18 county shall be notified. If the municipality, fire protection
19 district, or county requests a review of the plans and
20 specifications, then the school board shall submit a copy of
21 the plans and specifications. The municipality and, if
22 applicable, the fire protection district or the county may
23 comment in writing on the plans and specifications based on the
24 building code authorized in Section 2-3.12, referencing the
25 specific code where a discrepancy has been identified, and
26 respond back to the regional superintendent of schools within
27 15 days after a copy of the plans and specifications have been
28 received or, if needed for plan review, such additional time as
29 agreed to by the regional superintendent of schools. This
30 review must be at no cost to the school district. ~~The local~~
31 ~~fire department or fire protection district where the school is~~
32 ~~being constructed or altered may request a review of the plans~~
33 ~~and specifications. The regional superintendent of schools~~
34 ~~shall submit a copy of the plans and specifications within 10~~
35 ~~business days after the request. The fire department or fire~~
36 ~~protection district may comment on the plans and specifications~~

~~1 based on the building code authorized in Section 2-3.12 of the
2 Code and, if any corrective action must be taken, shall respond
3 to the regional superintendent of schools within 15 days after
4 receipt of the plans and specifications. The Office of the
5 State Fire Marshal may review the plans and specifications at
6 the request of the fire department or fire protection district.
7 The review must be conducted at no cost to the school district.~~

8 If such plans and specifications are not approved or denied
9 approval by the regional superintendent of schools within 3
10 months after the date on which they are submitted to him or
11 her, the school board may submit such plans and specifications
12 directly to the State Superintendent of Education for approval
13 or denial.

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

15 (105 ILCS 5/3-14.21) (from Ch. 122, par. 3-14.21)

16 Sec. 3-14.21. Inspection of schools.

17 (a) The regional superintendent shall inspect and survey
18 all public schools under his or her supervision and notify the
19 board of education, or the trustees of schools in a district
20 with trustees, in writing before July 30, whether or not the
21 several schools in their district have been kept as required by
22 law, using forms provided by the State Board of Education which
23 are based on the Health/Life Safety Code for Public Schools
24 adopted under Section 2-3.12. The regional superintendent
25 shall report his or her findings to the State Board of
26 Education on forms provided by the State Board of Education.

27 (b) If the regional superintendent determines that a school
28 board has failed in a timely manner to correct urgent items
29 identified in a previous life-safety report completed under
30 Section 2-3.12 or as otherwise previously ordered by the
31 regional superintendent, the regional superintendent shall
32 order the school board to adopt and submit to the regional
33 superintendent a plan for the immediate correction of the
34 building violations. This plan shall be adopted following a
35 public hearing that is conducted by the school board on the

1 violations and the plan and that is preceded by at least 7
2 days' prior notice of the hearing published in a newspaper of
3 general circulation within the school district. If the regional
4 superintendent determines in the next annual inspection that
5 the plan has not been completed and that the violations have
6 not been corrected, the regional superintendent shall submit a
7 report to the State Board of Education with a recommendation
8 that the State Board withhold from payments of general State
9 aid due to the district an amount necessary to correct the
10 outstanding violations. The State Board, upon notice to the
11 school board and to the regional superintendent, shall consider
12 the report at a meeting of the State Board, and may order that
13 a sufficient amount of general State aid be withheld from
14 payments due to the district to correct the violations. This
15 amount shall be paid to the regional superintendent who shall
16 contract on behalf of the school board for the correction of
17 the outstanding violations.

18 (c) The Office of the State Fire Marshal or a qualified
19 fire official, as defined in Section 2-3.12 of this Code, to
20 whom the State Fire Marshal has delegated his or her authority
21 shall conduct an annual fire safety inspection of each school
22 building in this State. The State Fire Marshal or the fire
23 official shall coordinate its inspections with the regional
24 superintendent. The inspection shall be based on the fire
25 safety code authorized in Section 2-3.12 of this Code. Any
26 violations shall be reported in writing to the regional
27 superintendent and school board and shall reference the
28 specific code sections where a discrepancy has been identified
29 within 15 days after the inspection has been conducted. The
30 regional superintendent shall address those violations that
31 are not corrected in a timely manner pursuant to subsection (b)
32 of this Section. The inspection must be at no cost to the
33 school district.

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

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.