



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2693

Introduced 2/22/2005, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

New Act

- 105 ILCS 5/2-3.129 rep.
- 105 ILCS 5/10-20.22 rep.
- 105 ILCS 5/10-20.23 rep.
- 105 ILCS 5/10-20.32 rep.
- 105 ILCS 5/27-26 rep.
- 105 ILCS 5/34-18.19 rep.
- 105 ILCS 120/Act rep.
- 30 ILCS 805/8.29 new

Creates the School Safety Drill Act to establish minimum requirements and standards for public and private schools to follow when conducting school safety drills and reviewing school emergency and crisis response plans. Sets forth the types and number of school safety drills that schools are required to conduct each academic year and provides for emergency responder participation. Allows schools to conduct additional safety drills. Sets forth the incidents addressed by each type of safety drill. Contains provisions concerning an annual review, reporting, duties of the State Fire Marshal, regional superintendents, and the State Board of Education, a reporting and recording mechanism for fires, immunity, and the establishment of common rules. Repeals certain Sections concerning school safety drills, plans, audits, and courses. Repeals the Fire Drill Act. Amends the State Mandates Act to require implementation without reimbursement. Effective June 1, 2005.

LRB094 10684 RAS 41062 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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. Short title. This Act may be cited as the School
5 Safety Drill Act.

6 Section 5. Definitions. In this Act:

7 "First responder" means and includes all fire departments
8 and districts, law enforcement agencies and officials,
9 emergency medical responders, and emergency management
10 officials involved in the execution and documentation of the
11 drills administered under this Act.

12 "School" means a public or private facility that offers
13 elementary or secondary education to students under the age of
14 21. As used in this definition, "private facility" means any
15 non-profit, non-home-based, non-public elementary or secondary
16 school that is in compliance with Title VI of the Civil Rights
17 Act of 1964 and attendance at which satisfies the requirements
18 of Section 26-1 of the School Code. While more than one school
19 may be housed in a facility, for purposes of this Act, the
20 facility shall be considered a school. When a school has more
21 than one location, for purposes of this Act, each different
22 location shall be considered its own school.

23 "School safety drill" means a pre-planned exercise
24 conducted by a school in accordance with the drills and
25 requirements set forth in this Act.

26 Section 10. Purpose. The purpose of this Act is to
27 establish minimum requirements and standards for schools to
28 follow when conducting school safety drills and reviewing
29 school emergency and crisis response plans and to encourage
30 schools and first responders to work together for the safety of
31 children. Communities and schools may exceed these

1 requirements and standards.

2 Section 15. Types of drills. Under this Act, the following
3 school safety drills shall be instituted by all schools in this
4 State:

5 (1) School evacuation drills, which shall address and
6 prepare students and school personnel for situations that
7 occur when conditions outside of a school building are
8 safer than inside a school building. Evacuation incidents
9 are based on the needs of particular communities and may
10 include without limitation the following:

11 (A) fire;

12 (B) suspicious items;

13 (C) incidents involving hazardous materials,
14 including, but not limited to, chemical, incendiary,
15 and explosives; and

16 (D) bomb threats.

17 (2) Bus evacuation drills, which shall address and
18 prepare students and school personnel for situations that
19 occur when conditions outside of a bus are safer than
20 inside the bus. Evacuation incidents are based on the needs
21 of particular communities and may include without
22 limitation the following:

23 (A) fire;

24 (B) suspicious items; and

25 (C) incidents involving hazardous materials,
26 including, but not limited to, chemical, incendiary,
27 and explosives.

28 (3) Law enforcement drills, which shall address and
29 prepare students and school personnel for situations
30 calling for the involvement of law enforcement when
31 conditions inside a school building are safer than outside
32 of a school building and it is necessary to protect
33 building occupants from potential dangers in a school
34 building. Law enforcement drills may involve situations
35 that call for the reverse-evacuation or the lock-down of a

1 school building. Evacuations incidents may include without
2 limitation the following:

- 3 (A) shooting incidents;
- 4 (B) bomb threats;
- 5 (C) suspicious persons; and
- 6 (D) incidents involving hazardous materials.

7 (4) Severe weather and shelter-in-place drills, which
8 shall address and prepare students for situations
9 involving severe weather emergencies or the release of
10 external gas or chemicals. Severe weather and
11 shelter-in-place incidents shall be based on the needs and
12 environment of particular communities and may include
13 without limitation the following:

- 14 (A) severe weather, including, but not limited to,
15 shear winds, lightning, and earthquakes;
- 16 (B) incidents involving hazardous materials,
17 including, but not limited to, chemical, incendiary,
18 and explosives; and
- 19 (C) incidents involving weapons of mass
20 destruction, including, but not limited to,
21 biological, chemical, and nuclear weapons.

22 Section 20. Number of drills; incidents covered; local
23 authority participation.

24 (a) During each academic year, schools must conduct a
25 minimum of 3 school evacuation drills to address and prepare
26 students and school personnel for fire incidents. These drills
27 must meet all of the following criteria:

28 (1) One of the 3 school evacuation drills shall require
29 the participation of the appropriate local fire department
30 or district.

31 (A) Each local fire department or fire district
32 must contact the appropriate school administrator or
33 his or her designee no later than September 1 of each
34 year in order to arrange for the participation of the
35 department or district in the school evacuation drill.

1 (B) Each school administrator or his or her
2 designee must contact the responding local fire
3 official no later than September 15 of each year and
4 propose to the local fire official 4 dates within the
5 month of October, during at least 2 different weeks of
6 October, on which the drill shall occur. The fire
7 official may choose any of the 4 available dates, and
8 if he or she does so, the drill shall occur on that
9 date.

10 (C) The school administrator or his or her designee
11 and the local fire official may also, by mutual
12 agreement, set any other date for the drill, including
13 a date outside of the month of October.

14 (D) If the fire official does not select one of the
15 4 offered dates in October or set another date by
16 mutual agreement, the requirement that the school
17 include the local fire service in one of its mandatory
18 school evacuation drills shall be waived. Schools,
19 however, shall continue to be strongly encouraged to
20 include the fire service in a school evacuation drill
21 at a mutually agreed-upon time.

22 (E) Upon the participation of the local fire
23 service, the appropriate local fire official shall
24 certify that the school evacuation drill was
25 conducted.

26 (F) When scheduling the school evacuation drill,
27 the school administrator or his or her designee and the
28 local fire department or fire district may, by mutual
29 agreement on or before September 14, choose to waive
30 the provisions of subparagraphs (B), (C), and (D) of
31 this paragraph (1).

32 Additional school evacuation drills for fire incidents
33 may involve the participation of the appropriate local fire
34 department or district.

35 (2) Schools may conduct additional school evacuation
36 drills to account for other evacuation incidents,

1 including without limitation suspicious items or bomb
2 threats.

3 (3) All drills shall be conducted at each school
4 building that houses school children.

5 (b) During each academic year, schools must conduct a
6 minimum of one bus evacuation drill. This drill shall be
7 accounted for in the curriculum in all public schools and in
8 all other educational institutions in this State that are
9 supported or maintained, in whole or in part, by public funds
10 and that provide instruction in any of the grades kindergarten
11 through 12. This curriculum shall include instruction in safe
12 bus riding practices for all students. Schools may conduct
13 additional bus evacuation drills. All drills shall be conducted
14 at each school building that houses school children.

15 (c) During each academic year, schools may conduct strongly
16 encouraged law enforcement drills to address and prepare
17 students and school personnel for incidents, including without
18 limitation reverse evacuations, lock-downs, shootings, bomb
19 threats, or hazardous materials.

20 (1) If conducted, a law enforcement drill must meet all
21 of the following criteria:

22 (A) During each calendar year, the appropriate
23 local law enforcement agency shall contact the
24 appropriate school administrator to request to
25 participate in a law enforcement drill and may actively
26 participate on-site in a drill.

27 (B) Upon the participation of a local law
28 enforcement agency in a law enforcement drill, the
29 appropriate local law enforcement official shall
30 certify that the law enforcement drill was conducted.

31 (2) Schools may conduct additional law enforcement
32 drills at their discretion.

33 (3) All drills shall be conducted at each school
34 building that houses school children.

35 (d) During each academic year, schools must conduct a
36 minimum of one severe weather and shelter-in-place drill to

1 address and prepare students and school personnel for possible
2 tornado incidents and may conduct additional severe weather and
3 shelter-in-place drills to account for other incidents,
4 including without limitation earthquakes or hazardous
5 materials. All drills shall be conducted at each school
6 building that houses school children.

7 Section 25. Annual review.

8 (a) Each public school district, through its school board
9 or the board's designee, shall conduct a minimum of one annual
10 meeting at which it will review each school building's
11 emergency and crisis response plans, protocols, and procedures
12 and each building's compliance with the school safety drill
13 programs. The purpose of this annual review shall be to review
14 and update the emergency and crisis response plans, protocols,
15 and procedures and the school safety drill programs of the
16 district and each of its school buildings.

17 (b) Each school board or the board's designee is required
18 to participate in the annual review and to invite each of the
19 following parties to the annual review and provide each party
20 with a minimum of 30-days' notice before the date of the annual
21 review:

22 (1) The principal of each school within the school
23 district or his or her official designee.

24 (2) Representatives from any other education-related
25 organization or association deemed appropriate by the
26 school district.

27 (3) Representatives from all local first responder
28 organizations to participate, advise, and consult in the
29 review process, including, but not limited to:

30 (A) the appropriate local fire department or
31 district;

32 (B) the appropriate local law enforcement agency;

33 (C) the appropriate local emergency medical
34 services agency if the agency is a separate, local
35 first responder unit; and

1 (D) any other member of the first responder or
2 emergency management community that has contacted the
3 district superintendent or his or her designee during
4 the past year to request involvement in a school's
5 emergency planning or drill process.

6 (4) The school board or its designee may also choose to
7 invite to the annual review any other persons whom it
8 believes will aid in the review process, including, but not
9 limited to, any members of any other education-related
10 organization or the first responder or emergency
11 management community.

12 (c) Upon the conclusion of the annual review, the school
13 board or the board's designee shall sign a one page report,
14 which may be in either a check-off format or a narrative
15 format, that does the following:

16 (1) summarizes the review's recommended changes to the
17 existing school safety plans and drill plans;

18 (2) lists the parties that participated in the annual
19 review, and includes the annual review's attendance
20 record;

21 (3) certifies that an effective review of the emergency
22 and crisis response plans, protocols, and procedures and
23 the school safety drill programs of the district and each
24 of its school buildings has occurred;

25 (4) states that the school district will implement
26 those plans, protocols, procedures, and programs, during
27 the academic year; and

28 (5) includes the authorization of the school board or
29 the board's designee.

30 (d) The school board or its designee shall send a copy of
31 the report to each party that participates in the annual review
32 process and to the appropriate regional superintendent of
33 schools. If any of the participating parties have comments on
34 the certification document, those parties shall submit their
35 comments in writing to the appropriate regional
36 superintendent. The regional superintendent shall maintain a

1 record of these comments. The certification document may be in
2 a check-off format or narrative format, at the discretion of
3 the district superintendent.

4 (e) The review must occur at least once during the calendar
5 year, at a specific time chosen at the school district
6 superintendent's discretion.

7 Section 30. Reporting; duties of the State Fire Marshal,
8 regional superintendents, and the State Board of Education.

9 (a) The Office of the State Fire Marshal shall accept,
10 directly, one-page annual review compliance reports from
11 private schools. The Office of the State Fire Marshal shall
12 create a mechanism for the reporting and filing of these
13 reports and give notice to the private schools as to how this
14 reporting shall be made. The Office of the State Fire Marshal
15 shall make these records available directly to the State Board
16 of Education.

17 (b) Each regional superintendent of schools shall provide
18 an annual school safety review compliance report to the State
19 Board of Education as a part of its regular annual report to
20 the State Board, which shall set forth those school districts
21 that have successfully completed their annual review and those
22 school districts that have failed to complete their annual
23 review. These reports shall be delivered to the State Board of
24 Education on or before October 1 of each year.

25 (c) The State Board of Education shall file and maintain
26 records of the annual school safety review compliance reports
27 received from each of the regional superintendents of schools.
28 The State Board shall be responsible for ensuring access to the
29 records by the Office of the State Fire Marshal and other State
30 agencies. The State Board shall provide an annual report to the
31 Office of the Governor and the Office of the State Fire Marshal
32 concerning the compliance of school districts with the annual
33 school safety review requirement.

34 Section 35. Reporting and recording mechanism for fires.

1 The Office of the State Fire Marshal, in conjunction with the
2 State Board of Education, shall create a reporting and
3 recording mechanism concerning fires that occur in schools
4 located in this State. The recording system shall be based in
5 the Office of the State Fire Marshal.

6 Section 40. Immunity. The Local Governmental and
7 Governmental Employees Tort Immunity Act shall apply to any and
8 all local public entities and public employees acting in
9 furtherance of the objectives of this Act in accordance with
10 the Local Governmental and Governmental Employees Tort
11 Immunity Act.

12 Section 45. Common rules. The State Board of Education and
13 the Office of the State Fire Marshal shall cooperate together
14 and coordinate with all appropriate education, first
15 responder, and emergency management officials to (i) develop
16 and implement one common set of rules to be administered under
17 this Act and (ii) develop clear and definitive guidelines to
18 school districts, private schools, and first responders as to
19 how to develop school emergency and crisis response plans, how
20 to develop school emergency and crisis response plans, how to
21 exercise and drill based on such plans, and how to incorporate
22 lessons learned from these exercises and drills into school
23 emergency and crisis response plans.

24 (105 ILCS 5/2-3.129 rep.)

25 (105 ILCS 5/10-20.22 rep.)

26 (105 ILCS 5/10-20.23 rep.)

27 (105 ILCS 5/10-20.32 rep.)

28 (105 ILCS 5/27-26 rep.)

29 (105 ILCS 5/34-18.19 rep.)

30 Section 910. The School Code is amended by repealing
31 Sections 2-3.129, 10-20.22, 10-20.23, 10-20.32, 27-26, and
32 34-18.19.

1 (105 ILCS 120/Act rep.)

2 Section 915. The Fire Drill Act is repealed.

3 Section 990. The State Mandates Act is amended by adding
4 Section 8.29 as follows:

5 (30 ILCS 805/8.29 new)

6 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
7 of this Act, no reimbursement by the State is required for the
8 implementation of any mandate created by this amendatory Act of
9 the 94th General Assembly.

10 Section 999. Effective date. This Act takes effect June 1,
11 2005.