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1 AMENDMENT TO SENATE BILL 383

2 AMENDMENT NO. _____. Amend Senate Bill 383 as follows:
3 on page 1, line 4, after "by" by inserting "changing Sections
4 2-3.12, 3-14.20, and 3-14.21 and by"; and

5 on page 1, line 5, by deleting "and changing Section 3-14.20";
6 and

7 on page 1, immediately below line 5, by inserting the
8 following:

9 "(105 ILCS 5/2-3.12) (from Ch. 122, par. 2-3.12)

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

16 The document known as "Efficient and Adequate Standards for
17 the Construction of Schools" applies only to temporary school
18 facilities, new school buildings, and additions to existing
19 schools whose construction contracts are awarded after July 1,
20 1965. On or before July 1, 1967, each school board shall have
21 its school district buildings that were constructed prior to
22 January 1, 1955, surveyed by an architect or engineer licensed
23 in the State of Illinois as to minimum standards necessary to

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

1 year to year provided substantial progress, in the opinion of
2 the State Superintendent of Education, is being made toward
3 compliance. ~~However, for fire protection issues, only one~~
4 ~~one year extension may be made, and no other provision of this~~
5 ~~Code or an applicable code may supersede this requirement.~~ For
6 routine inspections, the State Fire Marshal or a qualified fire
7 official to whom the State Fire Marshal has delegated his or
8 her authority ~~officials~~ shall notify the Regional
9 Superintendent, the district superintendent, and ~~provide~~
10 ~~written notice to~~ the principal of the school in advance to
11 schedule a mutually agreed upon time for the fire safety check.
12 However, no more than 2 routine inspections may be made in a
13 calendar year.

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

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

32 As soon as practicable, but not later than 2 years after
33 the effective date of this amendatory Act of 1992, the State
34 Board of Education shall combine the document known as

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

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

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

1 from conducting a fire safety check in a public school. The
2 Regional Superintendent shall address any violations that are
3 not corrected in a timely manner pursuant to subsection (b) of
4 Section 3-14.21 of this Code. ~~Upon being notified by a fire~~
5 ~~official that corrective action must be taken to resolve a~~
6 ~~violation, the school board shall take corrective action within~~
7 ~~one year. However, violations that present imminent danger must~~
8 ~~be addressed immediately.~~

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

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

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

26 (Source: P.A. 92-593, eff. 1-1-03.); and

27 on page 2, immediately below line 17, by inserting the
28 following:

29 "(13) A person appointed by the State Fire Marshal from
30 his or her office.

31 (14) A person appointed by an organization
32 representing fire chiefs.

33 (15) The Director of Public Health or his or her

1 designee.

2 (16) A person appointed by an organization
3 representing structural engineers.

4 (17) A person appointed by an organization
5 representing professional engineers."; and

6 on page 2, line 19, by replacing "June 30, 2005" with "January
7 1, 2006"; and

8 on page 4, immediately below line 4, by inserting the
9 following:

10 "(105 ILCS 5/3-14.21) (from Ch. 122, par. 3-14.21)

11 Sec. 3-14.21. Inspection of schools.

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

22 (b) If the regional superintendent determines that a school
23 board has failed in a timely manner to correct urgent items
24 identified in a previous life-safety report completed under
25 Section 2-3.12 or as otherwise previously ordered by the
26 regional superintendent, the regional superintendent shall
27 order the school board to adopt and submit to the regional
28 superintendent a plan for the immediate correction of the
29 building violations. This plan shall be adopted following a
30 public hearing that is conducted by the school board on the
31 violations and the plan and that is preceded by at least 7

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

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

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