



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0854

Introduced 2/18/2005, by Sen. Kimberly A. Lightford - Emil Jones, Jr.

#### 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.

LRB094 04507 NHT 34536 b

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

13 The document known as "Efficient and Adequate Standards for  
14 the Construction of Schools" applies only to temporary school  
15 facilities, new school buildings, and additions to existing  
16 schools whose construction contracts are awarded after July 1,  
17 1965. On or before July 1, 1967, each school board shall have  
18 its school district buildings that were constructed prior to  
19 January 1, 1955, surveyed by an architect or engineer licensed  
20 in the State of Illinois as to minimum standards necessary to  
21 conserve the health and safety of the pupils enrolled in the  
22 school buildings of the district. Buildings constructed  
23 between January 1, 1955 and July 1, 1965, not owned by the  
24 State of Illinois, shall be surveyed by an architect or  
25 engineer licensed in the State of Illinois beginning 10 years  
26 after acceptance of the completed building by the school board.  
27 Buildings constructed between January 1, 1955 and July 1, 1955  
28 and previously exempt under the provisions of Section 35-27  
29 shall be surveyed prior to July 1, 1977 by an architect or  
30 engineer licensed in the State of Illinois. The architect or  
31 engineer, using the document known as "Building Specifications  
32 for Health and Safety in Public Schools" as a guide, shall make

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

32 Within 2 years after the effective date of this amendatory  
33 Act of 1983, and every 10 years thereafter, or at such other  
34 times as the State Board of Education deems necessary or the  
35 regional superintendent so orders, each school board subject to  
36 the provisions of this Section shall again survey its school

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

1 report of progress on completion of any recommendations to  
2 effectuate compliance with the code. For each year that the  
3 school board does not effectuate any or all approved  
4 recommendations, it shall petition the Regional Superintendent  
5 and the State Superintendent of Education detailing what work  
6 was completed in the previous year and a work plan for  
7 completion of the remaining work. If in the judgement of the  
8 Regional Superintendent and the State Superintendent of  
9 Education substantial progress has been made and just cause has  
10 been shown by the school board, the petition for a one year  
11 extension of time may be approved.

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

29 The 10 year survey cycle specified in this Section shall  
30 continue to apply based upon the standards contained in the  
31 "Health/Life Safety Code for Public Schools", which shall  
32 specify building standards for buildings that are constructed  
33 prior to the effective date of this amendatory Act of 1992 and  
34 for buildings that are constructed after that date.

35 The "Health/Life Safety Code for Public Schools" shall be  
36 the governing code for public schools; however, the provisions

1 of this Section shall not preclude inspection of school  
2 premises and buildings pursuant to Section 9 of the Fire  
3 Investigation Act, provided that the provisions of the  
4 "Health/Life Safety Code for Public Schools", or such  
5 predecessor document authorized by this Section as may be  
6 applicable are used, and provided that those inspections are  
7 coordinated with the Regional Superintendent having  
8 jurisdiction over the public school facility. Nothing in this  
9 Section shall be construed to prohibit a local fire department,  
10 fire protection district, or the Office of the State Fire  
11 Marshal from conducting a fire safety check in a public school.  
12 Upon being notified by a fire official that corrective action  
13 must be taken to resolve a violation, the school board shall  
14 take corrective action within one year. However, violations  
15 that present imminent danger must be addressed immediately.

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

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