

HB5400



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5400

by Rep. Michael J. Madigan - Barbara Flynn Currie - Michael K. Smith

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.12

from Ch. 122, par. 2-3.12

Amends the School Code. Makes technical changes in a Section concerning a school building code.

LRB095 19348 NHT 45643 b

A BILL FOR

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.

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 ~~(now repealed)~~

14 (b) Within 2 years after September 23, 1983, and every 10
15 years thereafter, or at such other times as the State Board of
16 Education deems necessary or the regional superintendent so
17 orders, each school board subject to the provisions of this
18 Section shall again survey its school buildings and effectuate
19 any recommendations in accordance with the procedures set forth
20 herein.

21 (1) An architect or engineer licensed in the State of
22 Illinois is required to conduct the surveys under the
23 provisions of this Section and shall make a report of the

1 findings of the survey titled "safety survey report" to the
2 school board.

3 (2) The school board shall approve the safety survey
4 report, including any recommendations to effectuate
5 compliance with the code, and submit it to the Regional
6 Superintendent.

7 (3) The Regional Superintendent shall render a
8 decision regarding approval or denial and submit the safety
9 survey report to the State Superintendent of Education.

10 (4) The State Superintendent of Education shall
11 approve or deny the report including recommendations to
12 effectuate compliance with the code and, if approved, issue
13 a certificate of approval.

14 (5) Upon receipt of the certificate of approval, the
15 Regional Superintendent shall issue an order to effect any
16 approved recommendations included in the report. The
17 report shall meet all of the following requirements:

18 (A) Items in the report shall be prioritized.

19 (B) Urgent items shall be considered as those items
20 related to life safety problems that present an
21 immediate hazard to the safety of students.

22 (C) Required items shall be considered as those
23 items that are necessary for a safe environment but
24 present less of an immediate hazard to the safety of
25 students.

26 (D) Urgent and required items shall reference a

1 specific rule in the code authorized by this Section
2 that is currently being violated or will be violated
3 within the next 12 months if the violation is not
4 remedied.

5 (6) The school board of each district so surveyed and
6 receiving a report of needed recommendations to be made to
7 maintain standards of safety and health of the pupils
8 enrolled shall effectuate the correction of urgent items as
9 soon as achievable to ensure the safety of the students,
10 but in no case more than one year after the date of the
11 State Superintendent of Education's approval of the
12 recommendation.

13 (7) Required items shall be corrected in a timely
14 manner, but in no case more than 5 years from the date of
15 the State Superintendent of Education's approval of the
16 recommendation.

17 (8) 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.

20 (c) As soon as practicable, but not later than 2 years
21 after January 1, 1993, the State Board of Education shall
22 combine the document known as "Efficient and Adequate Standards
23 for the Construction of Schools" with the document known as
24 "Building Specifications for Health and Safety in Public
25 Schools" together with any modifications or additions that may
26 be deemed necessary. The combined document shall be known as

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

10 (d) The 10 year survey cycle specified in this Section
11 shall continue to apply based upon the standards contained in
12 the "Health/Life Safety Code for Public Schools", which shall
13 specify building standards for buildings that are constructed
14 prior to January 1, 1993 and for buildings that are constructed
15 after that date.

16 (e) The "Health/Life Safety Code for Public Schools" shall
17 be the governing code for public schools; however, the
18 provisions of this Section shall not preclude inspection of
19 school premises and buildings pursuant to Section 9 of the Fire
20 Investigation Act, provided that the provisions of the
21 "Health/Life Safety Code for Public Schools", or such
22 predecessor document authorized by this Section as may be
23 applicable are used, and provided that those inspections are
24 coordinated with the Regional Superintendent having
25 jurisdiction over the public school facility.

26 (f) Nothing in this Section shall be construed to prohibit

1 the State Fire Marshal or a qualified fire official to whom the
2 State Fire Marshal has delegated his or her authority from
3 conducting a fire safety check in a public school.

4 (g) The Regional Superintendent shall address any
5 violations that are not corrected in a timely manner pursuant
6 to subsection (b) of Section 3-14.21 of this Code.

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

13 (i) The State Board of Education is authorized to adopt any
14 rules that are necessary relating to the administration and
15 enforcement of the provisions of this Section.

16 (j) The code authorized by this Section shall apply only to
17 those school districts having a population of less than 500,000
18 inhabitants.

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

25 (Source: P.A. 94-225, eff. 7-14-05; 94-875, eff. 7-1-06;
26 94-1105, eff. 6-1-07; revised 2-20-07.)