



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0212

Introduced 2/2/2005, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.12
30 ILCS 805/8.29 new

from Ch. 122, par. 2-3.12

Amends the School Code. In the Section concerning the school building code, provides that the State Board of Education shall require each school district to prepare an indoor air quality policy. Provides that each school district shall annually notify parents about the policy and the school board's approval of that policy and shall provide a copy of the policy along with the notification. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 07670 NHT 37844 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT regarding schools.

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 and 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 advice of the Department of Public Health, the
9 Capital Development Board, and the State Fire Marshal a school
10 building code that will conserve the health and safety and
11 general welfare of the pupils and school personnel and others
12 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 The State Board of Education shall require each school
13 district to have an indoor air quality policy. The policy may
14 include the following:

15 (1) a statement indicating that the school board is
16 concerned about air quality and the health, safety, and
17 comfort of employees and students;

18 (2) authorization of an indoor air quality coordinator
19 for each school or the district as a whole;

20 (3) guidance on appropriate steps for maintaining good
21 air quality; and

22 (4) guidance on appropriate actions for correcting
23 indoor air quality problems.

24 Each school district shall annually notify parents about the
25 indoor air quality policy and the school board's approval of
26 that policy and shall provide a copy of the policy along with
27 the notification.

28 As soon as practicable, but not later than 2 years after
29 the effective date of this amendatory Act of 1992, the State
30 Board of Education shall combine the document known as
31 "Efficient and Adequate Standards for the Construction of
32 Schools" with the document known as "Building Specifications
33 for Health and Safety in Public Schools" together with any
34 modifications or additions that may be deemed necessary. The
35 combined document shall be known as the "Health/Life Safety
36 Code for Public Schools" and shall be the governing code for

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

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

15 The "Health/Life Safety Code for Public Schools" shall be
16 the governing code for public schools; however, the provisions
17 of this Section shall not preclude inspection of school
18 premises and buildings pursuant to Section 9 of the Fire
19 Investigation Act, provided that the provisions of the
20 "Health/Life Safety Code for Public Schools", or such
21 predecessor document authorized by this Section as may be
22 applicable are used, and provided that those inspections are
23 coordinated with the Regional Superintendent having
24 jurisdiction over the public school facility. Nothing in this
25 Section shall be construed to prohibit a local fire department,
26 fire protection district, or the Office of the State Fire
27 Marshal from conducting a fire safety check in a public school.
28 Upon being notified by a fire official that corrective action
29 must be taken to resolve a violation, the school board shall
30 take corrective action within one year. However, violations
31 that present imminent danger must be addressed immediately.

32 Any agency having jurisdiction beyond the scope of the
33 applicable document authorized by this Section may issue a
34 lawful order to a school board to effectuate recommendations,
35 and the school board receiving the order shall certify to the
36 Regional Superintendent and the State Superintendent of

1 Education when it has complied with the order.

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

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.29 as follows:

10 (30 ILCS 805/8.29 new)

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.