



Sen. Laura Ellman

Filed: 4/4/2025

10400SB2438sam001

LRB104 09880 LNS 24973 a

1 AMENDMENT TO SENATE BILL 2438

2 AMENDMENT NO. _____. Amend Senate Bill 2438 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the School Radon
5 Protection Act.

6 Section 5. Purpose. The purpose of this Act is to protect
7 children, teachers, staff, administrators, and visitors from
8 radioactive radon.

9 Section 10. The School Code is amended by changing
10 Sections 10-20.48 and 34-18.39 as follows:

11 (105 ILCS 5/10-20.48)

12 Sec. 10-20.48. Radon testing and mitigation.

13 (a) Every ~~It is recommended that every occupied~~ school
14 building of a school district that is occupied or will be

1 occupied shall be tested by January 1, 2029 and shall be
2 retested ~~tested~~ every 5 years thereafter for radon pursuant to
3 rules established by the Illinois Emergency Management Agency
4 and Office of Homeland Security (IEMA-OHS IEMA).

5 (b) It is recommended that school districts use ~~new~~
6 ~~schools of a school district be built using~~ radon resistant
7 new construction techniques in the construction of new
8 schools. The radon resistant techniques shall be in accordance
9 with IEMA-OHS, ~~as shown in the United States Environmental~~
10 ~~Protection Agency document, Radon Prevention in the Design and~~
11 ~~Construction of Schools and Other Large Buildings.~~

12 (c) Each school district may maintain, make available for
13 public review, and notify parents and faculty of all test
14 results under this Section. The district shall report radon
15 test results to the State Board of Education, which shall
16 prepare a report every 2 years of the results from all schools
17 that have performed tests, to be submitted to the General
18 Assembly and the Governor.

19 (d) ~~If IEMA exempts an individual from being required to~~
20 ~~be a licensed radon professional, the individual does not need~~
21 ~~to be a licensed radon professional in order to perform~~
22 ~~screening tests under this Section.~~ A school district may
23 elect to have one or more employees from the district attend an
24 IEMA-OHS-approved ~~IEMA-approved,~~ ~~Internet-based~~ training
25 course on school testing in order to receive, from IEMA-OHS,
26 an exemption from being required to be a licensed radon

1 professional to conduct radon screening tests ~~testing~~ in
2 schools in that school district. These school district
3 employees must perform the measurements in accordance with
4 procedures approved by IEMA-OHS ~~IEMA~~. If an exemption from
5 IEMA-OHS ~~IEMA~~ is not received, the school district must use a
6 licensed radon professional to conduct measurements.

7 (e) If the results of a radon screening test under this
8 Section are found to be 4.0 pCi/L or above, the school district
9 shall ~~may~~ hire a licensed radon professional to perform
10 confirmatory measurements ~~before any mitigation decisions are~~
11 ~~made~~. If the confirmatory measurements verify radon levels of
12 4.0 pCi/L or above ~~are found~~, the ~~it is recommended that~~
13 affected areas shall be mitigated within 2 years by a licensed
14 radon mitigation professional with respect to both design and
15 installation. IEMA-OHS ~~IEMA~~ may provide the school district
16 with a list of licensed radon mitigation professionals.
17 However, no radon mitigation is required if the school
18 district has decommissioned or plans to decommission the
19 building or affected areas within 2 years following the radon
20 screening test. The school district shall provide written
21 documentation of plans to decommission to the State Board of
22 Education. If abandonment or renovation does not take place
23 within the 2 years after the first failed radon screening
24 test, the State Board of Education shall assess the situation
25 and determine (i) any actions the school district must take
26 and (ii) a schedule for those actions, including, but not

1 limited to, a schedule that the school district must follow
2 within a designated time to carry out the actions described in
3 item (i).

4 (e-5) Upon completion of any mitigation system
5 installation, radon measurements shall be conducted by a
6 licensed radon measurement professional pursuant to rules
7 established by IEMA-OHS to ensure mitigation system
8 performance. If the results of a radon screening test under
9 this Section are found to be 4.0 pCi/L or above, the system
10 shall be modified until the results of a radon screening test
11 under this Section are found to be below 4.0 pCi/L.

12 (f) A screening test under this Section may be done with a
13 test kit found in a hardware store, department store, or home
14 improvement store or with a kit ordered through the mail or
15 over the Internet. However, the kit must be provided by a
16 laboratory licensed in accordance with the Radon Industry
17 Licensing Act.

18 (g) A school district may use life safety funds, if
19 available, for radon testing and mitigation. No later than
20 January 1, 2027, the State Board of Education shall publicly
21 post on its website available State or federal grants,
22 appropriations, or other funding available that could be used
23 by school districts for radon testing and mitigation.

24 (Source: P.A. 96-417, eff. 1-1-10; 96-1000, eff. 7-2-10.)

1 Sec. 34-18.39. Radon testing.

2 (a) ~~Every~~ ~~It is recommended that every occupied~~ school
3 building of the school district that is occupied or will be
4 occupied shall be tested by January 1, 2029 and shall be
5 retested ~~tested~~ every 5 years thereafter for radon pursuant to
6 rules established by the Illinois Emergency Management Agency
7 and Office of Homeland Security (IEMA-OHS ~~IEMA~~).

8 (b) It is recommended that ~~new schools of~~ the school
9 district use ~~be built using~~ radon resistant new construction
10 techniques in the construction of new schools. The radon
11 resistant techniques shall be in accordance with IEMA-OHS, ~~as~~
12 ~~shown in the United States Environmental Protection Agency~~
13 ~~document, Radon Prevention in the Design and Construction of~~
14 ~~Schools and Other Large Buildings.~~

15 (c) The school district may maintain, make available for
16 public review, and notify parents and faculty of all test
17 results under this Section. The district shall report radon
18 test results to the State Board of Education, which shall
19 prepare a report every 2 years of the results from all schools
20 that have performed tests, to be submitted to the General
21 Assembly and the Governor.

22 (d) ~~If IEMA exempts an individual from being required to~~
23 ~~be a licensed radon professional, the individual does not need~~
24 ~~to be a licensed radon professional in order to perform~~
25 ~~screening tests under this Section.~~ The school district may
26 elect to have one or more employees from the district attend an

1 ~~IEMA-OHS-approved~~ ~~IEMA-approved~~, ~~Internet-based~~ training
2 course on school testing in order to receive, from IEMA-OHS,
3 an exemption from being required to be a licensed radon
4 professional to conduct radon screening tests ~~testing~~ in
5 schools in the school district. These school district
6 employees must perform the measurements in accordance with
7 procedures approved by IEMA-OHS ~~IEMA~~. If an exemption from
8 IEMA-OHS ~~IEMA~~ is not received, the school district must use a
9 licensed radon professional to conduct measurements.

10 (e) If the results of a radon screening test under this
11 Section are found to be 4.0 pCi/L or above, the school district
12 shall ~~may~~ hire a licensed radon professional to perform
13 confirmatory measurements ~~before any mitigation decisions are~~
14 ~~made~~. If the confirmatory measurements verify radon levels of
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2 and determine (i) any actions the school district must take
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13 shall be modified until the results of a radon screening test
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