**Section 180.530 Emergencies**

For purposes of this Section, *an emergency is a situation that presents an imminent and continuing threat to the health and safety of students or other occupants of a facility, requires complete or partial evacuation of a building or part of a building, or consumes one or more of the 5 emergency days built into the adopted calendar of the school or schools or would otherwise be expected to cause such school or schools to fall short of the minimum school calendar requirements.* [105 ILCS 5/17-2.11]

a) If the estimated cost of the emergency is less than the amount stated in clause (xi) of Section 10-20.21(a) of the School Code [105 ILCS 5/10-20.21(a)], the school district may begin the work before receiving authorization from the State Board of Education in accordance with the procedures set forth in Section 17-2.11 of the School Code and Section 180.500 of this Part.

b) If it is determined that fire prevention and safety financing will be required to address an emergency whose projected cost exceeds the amount specified in clause (xi) of Section 10-20.21(a) of the School Code, the district superintendent or other authorized person shall notify the regional superintendent and the State Superintendent of Education or designee of the nature of the emergency and the steps to be taken. The regional superintendent and the State Superintendent or designee shall give preliminary authorization to proceed and provide any special instructions that may be pertinent. Formal confirmation of this authorization is required and shall be pursued as outlined in subsections (b)(1) through (4).

1) The board of education, either at a regular meeting or at a special meeting called for that purpose, shall adopt a resolution declaring:

A) The existence of an emergency;

B) Whether funds needed to address the emergency are available;

C) Whether the work must be bid or the board desires to exempt itself from the bidding requirements on the basis of the emergency determined in accordance with clause (xiv) of Section 10-20.21(a) of the School Code;

D) What interim measures are contemplated to sustain operations;

E) The number of members of the board and the numbers voting in favor of and against the motion to adopt the resolution.

2) Two copies of the board's resolution shall be dated and signed by the president and secretary of the board and the district superintendent and submitted in person, by fax, or by mail as soon as possible to the regional superintendent and State Board.

3) No later than 30 calendar days after receipt of the resolution, the regional superintendent shall review the facts, call for any additional information if necessary, and, when satisfied that the situation constitutes an emergency, notify the State Superintendent or designee of his or her approval of the request.

4) No later than 10 business days after receiving notification of approval from the regional superintendent, the State Superintendent or designee shall prepare a Certificate of Authorization for Emergency Procedures. The Certificate of Authorization for Emergency Procedures shall authorize the district to initiate work to be financed with fire prevention and safety funds or funds loaned to the Fire Prevention and Safety Fund prior to the formal approval of such work through the normal process. However, said Certificate may be granted only on the conditions that:

A) Proper application for use of fire prevention and safety funds (see Section 180.500) will be initiated and prosecuted in a timely manner by the district;

B) The work undertaken shall in all respects conform to the requirements of this Part and such other standards as may be applicable to the situation; and

C) Final approval of the use of fire prevention and safety funds will be predicated on the finding that the facts enunciated in the board resolution are or were substantially true.

(Source: Amended at 34 Ill. Reg. 9515, effective June 24, 2010)