

HB3095



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3095

Introduced 2/22/2005, by Rep. Tom Cross

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 07212 NHT 37367 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. 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 ~~the~~ State of Illinois as to minimum standards necessary
21 to 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.)