

1 AN ACT in relation to 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  
5 Section 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,  
9 the Capital Development Board, and the State Fire Marshal a  
10 school building code that will conserve the health and safety  
11 and general welfare of the pupils and school personnel and  
12 others who use public school facilities.

13 The document known as "Efficient and Adequate Standards  
14 for the Construction of Schools" applies only to temporary  
15 school facilities, new school buildings, and additions to  
16 existing schools whose construction contracts are awarded  
17 after July 1, 1965. On or before July 1, 1967, each school  
18 board shall have its school district buildings that were  
19 constructed prior to January 1, 1955, surveyed by an  
20 architect or engineer licensed in the State of Illinois as to  
21 minimum standards necessary to conserve the health and safety  
22 of the pupils enrolled in the school buildings of the  
23 district. Buildings constructed between January 1, 1955 and  
24 July 1, 1965, not owned by the State of Illinois, shall be  
25 surveyed by an architect or engineer licensed in the State of  
26 Illinois beginning 10 years after acceptance of the completed  
27 building by the school board. Buildings constructed between  
28 January 1, 1955 and July 1, 1955 and previously exempt under  
29 the provisions of Section 35-27 shall be surveyed prior to  
30 July 1, 1977 by an architect or engineer licensed in the  
31 State of Illinois. The architect or engineer, using the

1 document known as "Building Specifications for Health and  
2 Safety in Public Schools" as a guide, shall make a report of  
3 the findings of the survey to the school board, giving  
4 priority in that report to fire safety problems and  
5 recommendations thereon if any such problems exist. The  
6 school board of each district so surveyed and receiving a  
7 report of needed recommendations to be made to improve  
8 standards of safety and health of the pupils enrolled has  
9 until July 1, 1970, or in case of buildings not owned by the  
10 State of Illinois and completed between January 1, 1955 and  
11 July 1, 1965 or in the case of buildings previously exempt  
12 under the provisions of Section 35-27 has a period of 3 years  
13 after the survey is commenced, to effectuate those  
14 recommendations, giving first attention to the  
15 recommendations in the survey report having priority status,  
16 and is authorized to levy the tax provided for in Section  
17 17-2.11, according to the provisions of that Section, to make  
18 such improvements. School boards unable to effectuate those  
19 recommendations prior to July 1, 1970, on July 1, 1980 in the  
20 case of buildings previously exempt under the provisions of  
21 Section 35-27, may petition the State Superintendent of  
22 Education upon the recommendation of the Regional  
23 Superintendent for an extension of time. The extension of  
24 time may be granted by the State Superintendent of Education  
25 for a period of one year, but may be extended from year to  
26 year provided substantial progress, in the opinion of the  
27 State Superintendent of Education, is being made toward  
28 compliance.

29 Within 2 years after the effective date of this  
30 amendatory Act of 1983, and every 10 years thereafter, or at  
31 such other times as the State Board of Education deems  
32 necessary or the regional superintendent so orders, each  
33 school board subject to the provisions of this Section shall  
34 again survey its school buildings and effectuate any

1 recommendations in accordance with the procedures set forth  
2 herein. An architect or engineer licensed in the State of  
3 Illinois is required to conduct the surveys under the  
4 provisions of this Section and shall make a report of the  
5 findings of the survey titled "safety survey report" to the  
6 school board. The school board shall approve the safety  
7 survey report, including any recommendations to effectuate  
8 compliance with the code, and submit it to the Regional  
9 Superintendent. The Regional Superintendent shall render a  
10 decision regarding approval or denial and submit the safety  
11 survey report to the State Superintendent of Education. The  
12 State Superintendent of Education shall approve or deny the  
13 report including recommendations to effectuate compliance  
14 with the code and, if approved, issue a certificate of  
15 approval. Upon receipt of the certificate of approval, the  
16 Regional Superintendent shall issue an order to effect any  
17 approved recommendations included in the report. Items in  
18 the report shall be prioritized. Urgent items shall be  
19 considered as those items related to life safety problems  
20 that present an immediate hazard to the safety of students.  
21 Required items shall be considered as those items that are  
22 necessary for a safe environment but present less of an  
23 immediate hazard to the safety of students. Urgent and  
24 required items shall reference a specific rule in the code  
25 authorized by this Section that is currently being violated  
26 or will be violated within the next 12 months if the  
27 violation is not remedied. The school board of each district  
28 so surveyed and receiving a report of needed recommendations  
29 to be made to maintain standards of safety and health of the  
30 pupils enrolled shall effectuate the correction of urgent  
31 items as soon as achievable to ensure the safety of the  
32 students, but in no case more than one year after the date of  
33 the State Superintendent of Education's approval of the  
34 recommendation. Required items shall be corrected in a

1 timely manner, but in no case more than 5 years from the date  
2 of the State Superintendent of Education's approval of the  
3 recommendation. Once each year the school board shall submit  
4 a report of progress on completion of any recommendations to  
5 effectuate compliance with the code. For each year that the  
6 school board does not effectuate any or all approved  
7 recommendations, it shall petition the Regional  
8 Superintendent and the State Superintendent of Education  
9 detailing what work was completed in the previous year and a  
10 work plan for completion of the remaining work. If in the  
11 judgement of the Regional Superintendent and the State  
12 Superintendent of Education substantial progress has been  
13 made and just cause has been shown by the school board, the  
14 petition for a one year extension of time may be approved.

15 As soon as practicable, but not later than 2 years after  
16 the effective date of this amendatory Act of 1992, the State  
17 Board of Education shall combine the document known as  
18 "Efficient and Adequate Standards for the Construction of  
19 Schools" with the document known as "Building Specifications  
20 for Health and Safety in Public Schools" together with any  
21 modifications or additions that may be deemed necessary. The  
22 combined document shall be known as the "Health/Life Safety  
23 Code for Public Schools" and shall be the governing code for  
24 all facilities that house public school students or are  
25 otherwise used for public school purposes, whether such  
26 facilities are permanent or temporary and whether they are  
27 owned, leased, rented, or otherwise used by the district.  
28 Facilities owned by a school district but that are not used  
29 to house public school students or are not used for public  
30 school purposes shall be governed by separate provisions  
31 within the code authorized by this Section.

32 The 10 year survey cycle specified in this Section shall  
33 continue to apply based upon the standards contained in the  
34 "Health/Life Safety Code for Public Schools", which shall

1 specify building standards for buildings that are constructed  
2 prior to the effective date of this amendatory Act of 1992  
3 and for buildings that are constructed after that date.

4 The "Health/Life Safety Code for Public Schools" shall be  
5 the governing code for public schools; however, the  
6 provisions of this Section shall not preclude inspection of  
7 school premises and buildings pursuant to Section 9 of the  
8 Fire Investigation Act, provided that the provisions of the  
9 "Health/Life Safety Code for Public Schools", or such  
10 predecessor document authorized by this Section as may be  
11 applicable are used, and provided that those inspections are  
12 coordinated with the Regional Superintendent having  
13 jurisdiction over the public school facility. Any agency  
14 having jurisdiction beyond the scope of the applicable  
15 document authorized by this Section may issue a lawful order  
16 to a school board to effectuate recommendations, and the  
17 school board receiving the order shall certify to the  
18 Regional Superintendent and the State Superintendent of  
19 Education when it has complied with the order.

20 The State Board of Education is authorized to adopt any  
21 rules that are necessary relating to the administration and  
22 enforcement of the provisions of this Section. The code  
23 authorized by this Section shall apply only to those school  
24 districts having a population of less than 500,000  
25 inhabitants.

26 (Source: P.A. 89-397, eff. 8-20-95; 90-811, eff. 1-26-99.)