

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
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CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180  
HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

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AUTHORITY: Implementing and authorized by Sections 2-3.12, 2-3.25, 2-3.137, and 17-2.11 of the School Code [105 ILCS 5/2-3.12, 2-3.25, 2-3.137, and 17-2.11].

SOURCE: Adopted at 19 Ill. Reg. 5004, effective March 24, 1995; amended at 22 Ill. Reg. 12514, effective July 6, 1998; amended at 29 Ill. Reg. 15904, effective October 3, 2005; amended at 31 Ill. Reg. 14296, effective September 25, 2007; amended at 32 Ill. Reg. 13351, effective July 25, 2008; amended at 33 Ill. Reg. 15265, effective October 20, 2009.

## SUBPART A: GENERAL PROVISIONS

**Section 180.10 Purpose and Scope**

- a) The purpose of this Part is to establish minimum standards for public school facilities which will protect the health, safety, and general welfare of the pupils, school personnel, and others who use them.
- b) The requirements set forth in this Part shall apply to all Illinois public school districts except those governed by Article 34 of the School Code. The facilities of districts governed by Article 34 are subject to the requirements of Section 180.250 of this Part (see Section 22-23 of the School Code [105 ILCS 5/22-23]) and in all other respects shall comply with local building codes.

(Source: Amended at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.20 Severability**

If any provision of this Part or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end the provisions of this Part are declared to be severable.

**Section 180.30 Definitions**

"Annual Inspection" means the inspection conducted annually under the authority of a regional superintendent, as required by Section 3-14.21 of the School Code [105 ILCS 5/3-14.21].

"Approved Inspection Agency" (also commonly referred to as "Nationally Recognized Testing Laboratory") means any of the following:

American Gas Association Laboratories

Central Experiment Station, Bureau of Mines, U.S. Department of the Interior

Engineering Experiment Station, Ohio State University

Factory Mutual Laboratories (Factory Mutual Engineering Division)

Forest Products Laboratory, U.S. Department of Agriculture

National Bureau of Standards, U.S. Department of Commerce

Southwest Research Institute

Underwriters' Laboratories, Inc.

Underwriters' Laboratories of Canada

"Architect" means an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Professional Regulation which implement that Act (68 Ill. Adm. Code 1150).

"Called Inspection" means a routine visit by a design professional or a qualified inspector to a construction site, as may be required by the codes referred to in Section 180.60 of this Part, to check for compliance with applicable codes during a specific phase of construction and to ensure that the permit holder does not deviate from the approved plans and specifications.

"Called Inspection Record" means a form, used during a called inspection to capture information regarding compliance and noncompliance, that is prepared by a design professional or a qualified inspector and accompanied by a copy of that individual's proper identification.

"Change in Use" means any change in how an existing facility is operated, or the purpose for which it is used, that requires greater structural strength, changes in provisions for ingress or egress, or changes in the electrical system, plumbing system, heating, ventilating, and air conditioning system, fire protection system, or other system required by this Part.

"Construction Documents" means the written and pictorial documents prepared or assembled by a design professional to describe the design, location, and physical characteristics of a project involving construction or other like activities subject to the requirements of this Part. Such documents include plans, specifications, inspection reports, test reports, maps, educational specifications, enrollment projections, maintenance logs, safety reference plans, and other, similar, descriptive documents.

"Plans" are drawings. They show what a building, system, or component looks like or will look like at a particular stage of construction.

"Specifications" are instructions. They identify materials to be used, methods to be employed, quality of workmanship required, equipment to be installed, details and calculations to be considered, and the relationships among design components.

"Decennial Inspection" means the inspection of all buildings in a school district conducted at least every 10 years as required by Section 2-3.12 of the School Code, which shall be conducted by a design professional and shall result in a safety survey report as defined in this Section.

"Design Professional" means either an architect or an engineer as defined in this Section.

"Engineer" means an engineer licensed to practice in Illinois under the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1380).

"Facility" means land, buildings, structures and improvements other than buildings, and permanent, fixed equipment attached to or incorporated in any building owned or used for school purposes by a school district subject to this Part. This definition excludes facilities owned by a school district but not used for public school purposes, which shall be subject to local building codes.

"Vehicular Facility" means a vehicular structure that is mounted on a chassis and wheels, subject to transportation from place to place along normally traveled streets, roads, and highways, and subject to occupancy and use virtually immediately upon arrival at its destination.

"Like Activity" means any work involving or similar to construction that is performed with respect to any facility of a school district subject to the requirements of this Part, including but not limited to reconstruction, substantial alteration, repair, remodeling, renovation, or change in use. Repairs that qualify as minor repairs shall not be considered "like activities" subject to the requirements of this Part.

"Minor Repairs" are any repairs to an individual building or structure that are not subject to the bidding requirements of Section 10-20.21 of the School Code, with the following exceptions:

Cutting away of any wall, partition, or portion thereof;

Cutting or removal of a structural beam or load-bearing support;

Removal of or change in a required means of egress;

Rearrangement of parts affecting exit requirements;

Addition to, alteration of, replacement, or relocation of any standpipe, drain leader, or gas, soil, waste, water supply, sewer drainage, vent or similar piping; electrical wiring; or mechanical or other required building system.

"Permanent, Fixed Equipment" means furniture and equipment affixed to the wall of a building or otherwise attached so that it is not readily portable or movable. Examples include wall-mounted cafeteria tables, automated external defibrillators, basketball backboards, fume hoods, and built-in lockers.

"Plan Review Record" means a written record of the evaluation of construction documents that is used to determine compliance with the codes that apply to a particular project, completed by a design professional or a qualified plan reviewer and accompanied by a copy of that individual's proper identification.

"Plan Review Statement" means a written statement made by a design professional and accompanied by a copy of that individual's proper identification, indicating that construction documents have been reviewed based upon any of the

codes identified in Section 180.60(b) of this Part that are applicable to the project and have been determined to be in compliance with the relevant requirements.

“Proper Identification” means, as applicable to the function performed:

a credential issued by the State Board of Education (ISBE) identifying the types of plan reviews or inspections an individual is qualified to perform under this Part; or

evidence of licensure as a design professional; or

evidence of compliance with the requirements of Section 180.300(a)(1) of this Part.

“Qualified Inspector” means an individual approved by ISBE under Section 180.120 of this Part to conduct inspections of school facilities.

“Building Code Inspector” means an individual qualified to conduct inspections required by the building code identified in Section 180.60(a) of this Part.

“Electrical Code Inspector” means an individual qualified to conduct inspections required by the electrical code identified in Appendix K to the International Building Code (Section 180.60(a) of this Part).

“Energy Conservation Code Inspector” means an individual qualified to conduct inspections required by the energy conservation code identified in Section 180.60(a)(1) of this Part.

“Fire Code Inspector” means an individual qualified to conduct inspections required by the fire code identified in Section 180.60(a)(3) of this Part.

“Mechanical Code Inspector” means an individual qualified to conduct inspections required by the mechanical code identified in Section 180.60(a)(5) of this Part.

“Qualified Plan Reviewer” means an individual approved by ISBE under Section 180.110 of this Part to conduct plan reviews and to submit one or more plan review records for codes referenced in Section 180.60 of this Part.

“Building Code Plan Reviewer” means an individual qualified to conduct plan reviews and to submit plan review records of construction documents

for projects involving the building code identified in Section 180.60(a) of this Part.

“Electrical Code Plan Reviewer” means an individual qualified to conduct plan reviews and to submit plan review records of construction documents for projects involving the electrical code identified in Appendix K to the International Building Code.

“Energy Conservation Code Plan Reviewer” means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the energy conservation code identified in Section 180.60(a)(1) of this Part.

“Fire Code Plan Reviewer” means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the fire code identified in Section 180.60(a)(3) of this Part.

“Mechanical Code Plan Reviewer” means an individual qualified to conduct plan reviews and submit plan review records of construction documents for projects involving the mechanical code identified in Section 180.60(a)(5) of this Part.

"Safety Survey Report" means a report prepared by a licensed design professional and ensuing from a decennial inspection required pursuant to Section 180.310 of this Part or another inspection conducted by a licensed design professional.

"School Building" or "School" means a building occupied in whole or in part by public school students or intended for occupancy by such students.

“Structural Engineer” means an engineer licensed to practice in Illinois under the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1480).

"The School Code" means the School Code [105 ILCS 5].

"Variance" means an alternative to a code requirement that is judged to provide equal or superior performance or protection compared to the code requirement, and is approved by the State Superintendent.

"Waiver" means an exemption from a code requirement that is approved pursuant to Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g] and the State Board's rules at 23 Ill. Adm. Code 1.100.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.40 Responsibilities of Local School Board**

- a) Each local school board shall maintain and operate every facility under its jurisdiction in full and continuous compliance with the requirements of this Part and shall visit and inspect the several schools for this purpose as the interests of the district may require.
- b) Each local school board shall comply with the recordkeeping requirements set forth in Subpart B of this Part.
- c) Each school board shall secure approval for any construction or like activity subject to the requirements of this Part and shall follow the procedures set forth herein.
- d) Prior to constructing or conducting like activity, purchasing, leasing, or renewing a lease for any building or temporary facility, a local school board shall submit to the regional superintendent for approval the construction documents and/or safety reference plans for it. No facility shall be occupied before the regional superintendent has issued a certificate of occupancy.

**Section 180.50 Responsibilities of Regional Superintendent**

- a) The regional superintendent shall enforce the provisions of this Part and shall act on any question relative to the installation, alteration, repair, maintenance or operation of facilities owned, operated, or used by school districts within or subject to his or her jurisdiction.
- b) The regional superintendent shall receive applications and issue permits for the occupancy, construction, substantial alteration, repair, remodeling, renovation, demolition, movement, or change in use of facilities owned, operated, or used by school districts as required by this Part, including applications for authority to raise or use fire prevention and safety funds.
- c) The regional superintendent shall issue all necessary notices and orders to ensure compliance with this Part.
- d) The regional superintendent shall ensure completion of all inspections required by Sections 3-14.20, 3-14.21 and 3-14.22 of the School Code. All reports of such inspections and any test results shall be in writing. The regional superintendent is authorized, if he or she deems necessary, to engage expert opinion.
- e) Whenever inspections are necessary by any other department or agency, the regional superintendent shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other responsible departments or agencies for the purpose of eliminating conflicting orders before any are issued.
- f) The regional superintendent shall keep official records of applications received, permits and certificates issued, reports of inspections, and notices and orders issued. Such records shall be retained as long as the facilities to which they relate remain in existence.
- g) The regional superintendent shall report annually to the State Board of Education on or before October 1, summarizing all of the transactions relating to the administration and enforcement of this Part for the fiscal year ended on the preceding June 30. This report shall be prepared on forms supplied by the State Board of Education.
- h) The regional superintendent and his or her designees shall carry proper identification when inspecting structures or premises in the performance of duties required by this Part.

- i) The regional superintendent and his or her designees are authorized to enter the structure or premises of any facility owned, operated or used by a school district in order to conduct the inspections necessary to ensure compliance with this Part. Prior to entering a space not otherwise open to the public, the regional superintendent shall make a reasonable effort to locate a responsible party, present proper identification, and request entry.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.60 Applicability**

- a) Except as provided in subsection (b) of this Section, every facility other than a vehicular facility shall conform to the standards identified in this subsection (a) and published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795, unless a variance or waiver is obtained pursuant to Section 180.70 of this Part or use of a temporary facility is authorized pursuant to Section 180.230 of this Part. No later amendments to or editions of these standards are incorporated by this Section. The effective date called for in Section 3410.2 of the International Building Code (IBC) shall be the effective date shown for this Section 180.60. Except for the “minimum conditions” presented in the International Property Maintenance Code and the International Fire Code, the IBC permits a facility constructed prior to its effective date to be maintained in compliance with the building code that previously applied to the facility, and provides separate provisions governing the alteration, repair, change of occupancy, replacement of component parts or systems, and enlargement of an existing facility. (IBC, Section 102.6; Chapter 34, and the International Existing Building Code)
  - 1) Through December 31, 2009, the applicable standards shall be the 2006 International Building Code and its subcodes as follows:
    - A) the 2006 International Energy Conservation Code (IECC);
    - B) the 2006 International Existing Building Code (IEBC);
    - C) the 2006 International Fire Code (IFC), excluding Chapter 4;
    - D) the 2006 International Fuel Gas Code (IFGC);
    - E) the 2006 International Mechanical Code (IMC); and
    - F) the 2006 International Property Maintenance Code (IPMC).
  - 2) With respect to any project for which the design contract is executed on or after January 1, 2010, the applicable standards shall be the 2009 International Building Code and its subcodes, as follows:
    - A) the 2009 International Energy Conservation Code (IECC);
    - B) the 2009 International Existing Building Code (IEBC);

- C) the 2009 International Fire Code (IFC), excluding Chapter 4;
  - D) the 2009 International Fuel Gas Code (IFGC);
  - E) the 2009 International Mechanical Code (IMC); and
  - F) the 2009 International Property Maintenance Code (IPMC).
- b) The applicability of the codes listed in subsection (a) of this Section shall be limited as set forth in this subsection (b).
- 1) The provisions of 29 Ill. Adm. Code 1500 (Joint Rules of the Office of the State Fire Marshal and the Illinois State Board of Education: School Emergency and Crisis Response Plans) shall apply instead of Chapter 4 of the International Fire Code.
  - 2) The administrative provisions of this Part shall apply instead of the administrative provisions contained in Sections 101.4.4, 103-108, 110-113, and 115 of Chapter 1 of the International Building Code.
  - 3) The Illinois Accessibility Code (71 Ill. Adm. Code 400) shall apply instead of the accessibility provisions set forth in Chapter 11 of the International Building Code.
  - 4) The requirements set forth in the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall apply instead of those expressed in Section 101.4.4 of Chapter 1 and incorporated in Chapter 35 of the International Building Code.
  - 5) The requirements set forth in the Illinois State Fire Marshal's rules titled Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120) shall apply instead of those expressed in the Boiler and Pressure Vessel Safety Code (ASME 98) published by the American Society of Mechanical Engineers and incorporated in Chapter 35 of the International Building Code.

(Source: Amended at 33 Ill. Reg. 15265, effective October 20, 2009)

**Section 180.70 Variances and Waivers**

- a) When a requirement or standard set forth in any code incorporated by Section 180.60 cannot be satisfied, a school board may apply for a waiver of that requirement or standard pursuant to Section 2-3.25g of the School Code and the State Board's rules at 23 Ill. Adm. Code 1.100.
- b) Except as limited by subsection (b)(3) of this Section, when a requirement or standard set forth in any code incorporated herein can be satisfied by an alternative means, a school board (or the district superintendent, if such authority is delegated by the school board) may apply for a variance as defined in Section 180.30 of this Part.
  - 1) The affected facility must have been surveyed by a licensed design professional.
  - 2) The architect or engineer conducting the survey shall certify and document in what particular respects the proposed alternative provides performance or protection equal or superior to that provided by the code requirement(s) from which a variance is sought.
  - 3) The requirements relative to sprinkler systems set forth in Section 180.250 of this Part may not be varied pursuant to this subsection (b). Waivers or modifications of those requirements may only be requested pursuant to Section 2-3.25g of the School Code and the State Board's rules at 23 Ill. Adm. Code 1.100.
- c) Procedure for Obtaining Variances
  - 1) An authorized representative of the board of education shall complete and submit an application for approval of a variance to the State Superintendent through the regional superintendent.
  - 2) An application shall:
    - A) Describe the variance or variances being sought;
    - B) Identify the board of education seeking the variance, the basis upon which it is seeking the variance, and the facility for which each variance is being sought;
    - C) Attest that the variance is being submitted pursuant to authority granted by the board of education;

- D) Indicate the date upon which the board of education adopted a resolution to seek the variance;
  - E) Indicate the specific rule from which each variance is sought;
  - F) Include, by attachment, the statements, supporting documents, and certification of the architect or engineer who surveyed the facility; and
  - G) Be signed by an authorized representative of the board.
- 3) Upon receipt of an application for approval of a variance or variances, the regional superintendent shall record the identifying information, the date of submission, and the subject rule or rules in his or her records and forward the application, his or her recommendation regarding each variance's approval, and supporting materials to the State Superintendent.
  - 4) Upon receipt of the application for approval of a variance or variances, the State Superintendent may appoint a technical review panel which will review the application and supporting materials, recommend approval or denial of each variance, and recommend any special conditions under which approval should be granted.
  - 5) For each requested variance, the State Superintendent shall issue either a letter indicating approval, the date, and any special conditions, or a letter of denial. He or she shall return the application, supporting materials, and letter of approval or denial to the regional superintendent for processing and forwarding to the board of education.
  - 6) Upon receipt of the State Superintendent's decision, the regional superintendent shall amend his or her records to reflect the conditions and particulars of approval, if approved; or proceed with enforcement of the code if disapproved; and forward the documents to the district originating the application for implementation.
- d) Variances shall be subject to review and revocation:
- 1) In conjunction with any substantial repair, alteration, new construction, or change in use that may affect the conditions upon which the variance was granted;

- 2) If material facts upon which the variance was based change or are found to be false or erroneous;
- 3) In the course of review and approval of the next decennial survey conducted in accordance with Subpart D of this Part; or
- 4) When a code is amended to incorporate the substance of a variance.

(Source: Amended at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.80 Vehicular Facilities**

A vehicular facility may be used, provided that:

- a) It is licensed and/or titled as required by applicable provisions of the Motor Vehicle Code and rules promulgated by the Secretary of State or the Department of Transportation; and
- b) The regional superintendent has inspected the vehicular facility and found that it does not pose a serious threat to the life or safety of its occupants; and
- c) It has received a certificate of occupancy from the regional superintendent.

(Source: Amended at 22 Ill Reg. 12514, effective July 6, 1998)

## SUBPART B: REQUIRED QUALIFICATIONS

**Section 180.100 Approval Procedure**

The provisions of subsection (a) of this Section notwithstanding, a design professional may perform any of the roles discussed in Sections 180.110 and 180.120 of this Part without securing the specific approvals discussed in those Sections.

- a) Each individual seeking approval for any of the roles discussed in Sections 180.110 and 180.120 of this Part shall submit to the State Superintendent of Education:
  - 1) an application for the specific approvals sought, completed on a form prescribed by the State Superintendent;
  - 2) for each approval sought, a copy of a recent 1" x 1" color photograph of the applicant (head and shoulders only), with the applicant's name printed on the back;
  - 3) an application fee of \$25 for one approval or \$50 for two or more approvals; and
  - 4) the relevant additional information called for in Section 180.110 or 180.120 of this Part, as applicable.
- b) Validity and Renewal of Approval
  - 1) When an individual has received approval based upon successful completion of the most recent version of the relevant examination, the approval shall be valid for the period that ends one year after the next version of that examination is made available, or for a period of three years, whichever ends later. In order to renew the approval at that time, the individual shall present evidence of either successful completion of the updated examination or current, relevant certification by the International Code Council.
  - 2) When an individual has received approval based upon current, relevant certification by the International Code Council, the approval shall be valid for the same period as the Council's certification. In order to renew the approval at the end of that time, the individual shall present evidence of either renewed certification by the Council or successful completion of the then-current version of the relevant examination.

- 3) Subsequent renewals of approval shall be available as stated in subsections (b)(1) and (2) of this Section.
- c) Renewal of approval shall be accomplished by means of the procedure stated in subsection (a) of this Section, except that an individual who relied on training or experience or on a bachelor's degree to fulfill a portion of the requirements for original approval, as specified in the applicable provision of Section 180.110 or 180.120 of this Part, shall not be required to resubmit the evidence of meeting that requirement.
  - d) Denial and Revocation of Approval
    - 1) The State Superintendent of Education shall deny or revoke the approval of any individual whose payment for an application fee is returned for insufficient funds or who is determined to have:
      - A) falsified information on his or her application;
      - B) submitted fraudulent documentation to a regional superintendent, a building owner, a licensed design professional, or a contractor;
      - C) performed duties outside the areas for which approval has been given;
      - D) performed duties under this Part in a manner hazardous to school personnel or students, or otherwise behaved in a manner unsuitable to a school environment; or
      - E) permitted the use or duplication of his or her proper identification by another person.
    - 2) The State Superintendent shall provide written notification to any individual who is denied approval or whose approval is revoked, stating the basis for the action taken.
    - 3) An individual who believes that his or her approval has been unduly denied or revoked shall submit a written request for a review no later than 10 days after receipt of the Superintendent's notification. Grounds for a review shall be limited to incorrectness of the specific basis given for the Superintendent's action.

- 4) The State Superintendent shall consider the information presented in the individual's response and render a final administrative decision.

(Source: Old Section repealed at 29 Ill. Reg. 15904, effective October 3, 2005; new Section adopted at 31 Ill. Reg. 14294, effective September 25, 2007)

**Section 180.110 Specific Requirements for Plan Reviewers**

- a) Each individual seeking approval to serve as a qualified building code plan reviewer shall submit to the State Superintendent of Education:
  - 1) evidence of successful completion of the most recent version of the Commercial Building Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as a Combination Plans Examiner, a Building Code Official, or a Master Code Professional; and
  - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable commercial building codes, or evidence of licensure as a design professional or a structural engineer, or evidence that the individual holds:
    - A) a bachelor's degree in architecture, engineering, or construction with at least 1,000 hours of training or experience in one of those fields or project management, or
    - B) a bachelor's degree in a field other than architecture, engineering, or construction with at least 2,000 hours of training or experience in architecture, engineering, construction, or project management.
- b) Each individual seeking approval to serve as a qualified electrical code plan reviewer shall submit to the State Superintendent of Education:
  - 1) evidence of successful completion of the most recent version of the Commercial Electrical Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as an Electrical Code Official, Combination Plans Examiner, or Master Code Professional; and
  - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable electrical codes, or evidence of successful completion of an electrical apprenticeship program registered by the U.S. Department of Labor or by a State Apprenticeship Program pursuant to 29 CFR 29 (Labor Standards for the

Regulation of Apprenticeship Programs), or evidence of licensure as a design professional or a structural engineer, or evidence that the individual holds a bachelor's degree as specified in subsection (a)(2) of this Section.

- c) Each individual seeking approval to serve as a qualified energy conservation plan reviewer shall submit to the State Superintendent of Education:
  - 1) evidence of successful completion of the most recent version of the Commercial Energy Conservation Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795); and
  - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable energy conservation codes, or evidence of licensure as a design professional or a structural engineer, or evidence that the individual holds a bachelor's degree as specified in subsection (a)(2) of this Section.
  
- d) Each individual seeking approval to serve as a qualified fire code plan reviewer shall submit to the State Superintendent of Education:
  - 1) evidence of successful completion of the most recent version of the Fire Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795) or evidence of current certification:
    - A) by the Council as a Fire Code Official or a Master Code Professional; or
    - B) by the Office of the State Fire Marshal as a Fire Inspector II/Plan Examiner; or
    - C) by the National Fire Protection Association as a Certified Fire Plan Examiner; and
  - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable fire codes, or evidence of licensure as a design professional or a structural engineer, or evidence that the individual holds a bachelor's degree as specified in subsection (a)(2) of this Section.

- e) Each individual seeking approval to serve as a qualified mechanical code plan reviewer shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Mechanical Code Plans Examiner examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795) or evidence of current certification by the Council as a Mechanical Code Official, a Combination Plans Examiner, or a Master Code Professional; and
  - 2) written certification of at least 4,000 hours of training or experience involving plan reviews, inspection, design, construction, or maintenance of commercial buildings for compliance with applicable mechanical codes, or evidence of licensure as a design professional or a structural engineer, or evidence that the individual holds a bachelor's degree as specified in subsection (a)(2) of this Section.

(Source: Old Section repealed at 29 Ill Reg. 15904, effective October 3, 2005; new Section adopted at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.120 Specific Requirements for Inspectors**

- a) Each individual seeking approval to serve as a qualified building code inspector shall submit to the State Superintendent of Education:
  - 1) evidence of successful completion of the most recent version of the Commercial Building Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as a Building Inspector, Commercial Combination Inspector, Combination Inspector, Building Code Official, or Master Code Professional; and
  - 2) one of the items of evidence called for in Section 180.110(a)(2) of this Part.
- b) Each individual seeking approval to serve as a qualified electrical code inspector shall submit to the State Superintendent of Education:
  - 1) evidence of successful completion of the most recent version of the Commercial Electrical Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as an Electrical Inspector, Commercial Combination Inspector, Combination Inspector, Building Code Official, Electrical Code Official, or Master Code Professional; and
  - 2) one of the items of evidence called for in Section 180.110(b)(2) of this Part.
- c) Each individual seeking approval to serve as a qualified energy conservation code inspector shall submit to the State Superintendent of Education:
  - 1) evidence of successful completion of the most recent version of the Commercial Energy Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795); and
  - 2) one of the items of evidence called for in Section 180.110(c)(2) of this Part.
- d) Each individual seeking approval to serve as a qualified fire code inspector shall submit to the State Superintendent of Education:

- 1) evidence of successful completion of the most recent version of the Fire Code Building Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795) or evidence of current certification:
    - A) by the Council as a Fire Code Official or a Master Code Professional; or
    - B) by the Office of the State Fire Marshal as a Fire Prevention Officer; or
    - C) by the National Fire Protection Association as a Fire Inspector I or II; and
  - 2) one of the items of evidence called for in Section 180.110(d)(2) of this Part.
- e) Each individual seeking approval to serve as a qualified mechanical code inspector shall submit to the State Superintendent of Education:
- 1) evidence of successful completion of the most recent version of the Commercial Mechanical Code Inspector examination (International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), or evidence of current certification by the Council as a Mechanical Code Official, a Commercial Combination Inspector, or a Master Code Professional; and
  - 2) one of the items of evidence called for in Section 180.110(e)(2) of this Part.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2006)

## SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

**Section 180.200 Application for Building Permit**

No construction or other, like activity as defined in Section 180.30 of this Part shall begin until a building permit has been obtained pursuant to the following provisions.

- a) The school board shall file an Application for a Building Permit ("application") with the regional superintendent having jurisdiction over the board of education in question, on a form prescribed by the regional superintendent. If the board is not the owner, the board shall attach an affidavit from the owner indicating the owner's consent for the proposed work.
- b) The completed application shall be accompanied by two copies of all relevant construction documents.
  - 1) Plans and specifications submitted as part of an application shall be prepared by or under the supervision of an architect or engineer. They shall bear the stamp of, and the following certification signed by, the responsible architect or engineer:

“I hereby certify that these plans and specifications were prepared under my supervision and to the best of my knowledge comply with (here insert the code or codes, including the edition, upon which the plans and specifications were drawn), as well as the applicable requirements of 23 Ill. Adm. Code 180.

These plans and specifications consist of the following:

(here list the plates or sheets constituting the plans & specifications)

(Seal) by \_\_\_\_\_  
(Architect/Engineer Signature)

\_\_\_\_\_  
(Date Signed) (Lic. # and Exp. Date)”

- 2) Whenever reference is made in plans or specifications to this Part or the codes incorporated by Section 180.60, such reference shall identify the specific edition, section and subsection(s) applicable to the subject in question.

- c) Upon receipt of an application, the regional superintendent shall record the date of submission by the school board and assign a unique identification number to said application. This identification number shall be used on all building permits issued pursuant to the application.
- d) The regional superintendent shall not issue a building permit until he or she has reviewed:
  - 1) signed and dated Plan Review Statements for the International Property Maintenance Code, the Illinois Accessibility Code, the Illinois Boiler and Pressure Vessel Safety Code, and the Illinois Plumbing Code, as applicable to the project;
  - 2) signed and dated Plan Review Records for the International Building Code, the International Energy Conservation Code, the International Fire Code, the International Mechanical Code and the International Fuel Gas Code, as applicable to the project;
  - 3) signed and dated Plan Review Records for any required sprinkler systems, or fire flow tests and preliminary hydraulic calculations showing estimated fire flow availability and indicating whether a pump will be needed, provided that a Sprinkler Plan Review Record shall be submitted before construction or other, like activity begins; and
  - 4) if the proposed work involves the installation of a closed, prefabricated mechanical system (e.g., a window air conditioner or heating, ventilating, air conditioning (HVAC) unit), an evaluation report on that system from an approved inspection agency and verified that the report supports the use of the mechanical system in question as proposed.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.210 Issuance of Building Permit**

The regional superintendent, after having determined that the plans and specifications submitted comply with all applicable requirements, shall approve such plans and specifications in writing. He or she shall record such approval and the date thereof on each of the copies submitted and shall issue the building permit(s) needed for the work approved.

- a) The building permit shall be construed as an authorization to proceed with the work approved. It shall not be construed as relieving the applicant and/or architect or engineer, contractor, or subcontractor of responsibility for compliance with the requirements of this Part.
- b) Any deviation from the approved plans and specifications must be approved, in writing, by the regional superintendent.
- c) A permit shall become invalid if the work authorized thereby is not begun within 6 months of the date of issuance.

**Section 180.220 Inspections During and Upon Completion of Construction**

- a) During and upon completion of construction or any like activity, the regional superintendent shall ensure that called inspections required by the codes applicable to the project are conducted by individuals who are qualified in accordance with Section 180.120 of this Part.
- b) The regional superintendent shall not issue a certificate of occupancy until he or she has reviewed Called Inspection Records for the International Building Code, the International Energy Conservation Code, the International Fire Code, the International Fuel Gas Code, and the International Mechanical Code, as applicable to the project, showing a qualified inspector's signed authorization to proceed after each phase of construction.
- c) Upon completion of construction or any like activity, and before issuance of a certificate of occupancy, the regional superintendent or designee shall make an inspection or cause such an inspection to be made. Any violations of the approved construction documents and building permits shall be noted, and the holder of the permit shall be notified of the discrepancies. No certificate of occupancy shall be issued until such discrepancies have been remedied.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.225 Application for Certificate of Occupancy**

A school board wishing to occupy a facility subject to this Part shall make application to the regional superintendent, on a form prescribed by the regional superintendent. A board may request either a general certificate of occupancy, a certificate of partial occupancy, a certificate of occupancy for a temporary facility, or a certificate of occupancy for a vehicular facility, as applicable (see Section 180.230 of this Part). The regional superintendent shall respond to a request for a certificate of occupancy within 20 calendar days after his or her receipt of such a request.

(Source: Added at 22 Ill Reg. 12514, effective July 6, 1998)

**Section 180.230 Certificate of Occupancy**

A certificate of occupancy shall be obtained prior to any occupancy of a facility, including a vehicular facility.

a) General Certificate of Occupancy

When the work covered by a building permit is complete or a facility complies with the requirements of this Part, and upon presentation of accurate safety reference plans for the facility certified by an architect or engineer to be in compliance with this Part (see Section 180.120 of this Part), the regional superintendent shall issue a general certificate of occupancy.

b) Certificate of Partial Occupancy

When requested to do so, a regional superintendent shall issue a certificate of partial occupancy before completion of the entire work covered by a permit, provided that his or her inspection indicates that some area(s) can be occupied safely prior to full completion.

c) Certificate of Occupancy for a Temporary Facility

When requested to do so, a regional superintendent shall issue a one-year certificate of occupancy for a temporary facility, allowing use of a facility that does not comply with all the requirements of this Part, provided that all the following requirements are met.

- 1) Use of the facility is necessary to meet a temporary need of the school district, as verified by the regional superintendent.
- 2) The school board presents a plan either for replacement of the temporary facility with a facility meeting the requirements of this Part or for the elimination of the temporary need upon which the request is based. The school board's plan includes positive action to accomplish this end within a specified period of time, during which the certificate may be annually renewed.
- 3) The facility has been surveyed by a licensed design professional, whose report is attached identifying the respects in which the facility fails to comply with the requirements of this Part and certifying that such noncompliance does not jeopardize the general health and safety of the students and others who occupy the facility.

- 4) If the facility is a premanufactured unit such as a mobile home, trailer unit, or other, similar structure, the application shall include evidence that all of the following conditions exist:
- A) The facility has received the seal of approval issued by the Illinois Department of Public Health pursuant to the Manufactured Housing and Mobile Home Safety Act [430 ILCS 115];
  - B) The facility is anchored as specified in the Illinois Mobile Home Tiedown Act [210 ILCS 120];
  - C) The facility is separated from other buildings by the distance required pursuant to the standards referenced in Section 180.60 of this Part; and
  - D) The facility is connected to the fire alarm system and intercom or telephone system of a nearby school building, if such a system is present.

d) Certificate of Occupancy for a Vehicular Facility

When requested to do so, a regional superintendent shall issue a certificate of occupancy for a vehicular facility, provided that the facility meets the requirements of Section 180.80(a) and (b) of this Part.

(Source: Amended at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.240 Demolition or Movement of Buildings or Other Structures**

Demolition or movement of a building or other structure shall require a permit.

- a) Before a building or other structure is demolished or removed, the school district superintendent shall notify all utilities having service connections within the structure, such as water, electric, gas, sewer, telephone, and television connections. No permit to demolish or remove a building or other structure shall be issued until a release is obtained from each affected utility.
- b) If temporary removal of buildings or other structures on adjoining lots is necessitated by and approved as part of proposed work (e.g., temporary removal of a fence to accommodate construction machinery), the regional superintendent shall verify that written notice has been given by the applicant to the owners of such buildings or other structures before he or she grants a permit for their removal.
- c) Whenever a building or other structure is demolished or removed, the premises shall be maintained free from hazardous conditions. For example, grades shall be restored, debris shall be removed, and necessary retaining walls and fences shall be erected.
- d) Buildings or other structures subject to this Part which have been condemned or closed by a regional superintendent shall be subject to local ordinances with respect to demolition or removal.

### Section 180.250 Sprinkler Systems

This Section sets forth the requirements and standards for sprinkler systems installed in school buildings pursuant to the provisions of Section 22-23 of the School Code. *The requirements set forth in this Section shall apply to the school board, board of education, board of school directors, board of school inspectors, or other governing body of each school district in this State, including special charter districts and districts organized under Article 34.* (Section 22-23 of the School Code)

#### a) Applicability

- 1) In determining whether there will be “*construction of a new school building, or addition to an existing building, within any period of 30 months, having 7,200 or more square feet*”, and in determining whether school construction affects “*one or more areas of a school building that cumulatively are equal to 50% or more of the square footage of the school building*” (Section 22-23 of the School Code), each separate “fire area” as defined in the building code incorporated by Section 180.60 of this Part shall be considered as a separate building.
- 2) "School construction" means any of the activities enumerated in Section 22-23 of the School Code, when the affected building is occupied in whole or part by public school students or is intended for occupancy by such students.

#### b) Standards for Sprinkler Systems

Sprinkler systems shall conform to the requirements set forth in the International Building Code (see Section 180.60).

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.260 Sprinkler System Requirements and Applicability (Repealed)**

(Source: Repealed at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.270 Standards for Sprinkler Systems (Repealed)**

(Source: Repealed at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.280 Standards for Sprinkler System Plans and Specifications (Repealed)**

(Source: Repealed at 29 Ill Reg. 15904, effective October 3, 2005)

## SUBPART D: INSPECTIONS

**Section 180.300 Annual Building and Fire Safety Inspections**

## a) Regional Superintendent's Annual Building Inspection

The requirements of this subsection (a) shall apply not only to school buildings but also to all other facilities owned or used for school purposes by a school district subject to this Part.

- 1) Each regional superintendent who conducts annual building inspections and each designee of a regional superintendent who conducts annual building inspections shall complete a course on this topic conducted by the Illinois Association of Regional Superintendents of Schools. Only employees of regional offices of education and individuals employed on contract by regional offices shall serve as designees of regional superintendents for this purpose.
- 2) The regional superintendent or designee shall visit each facility and shall issue any necessary notices of violations within 10 calendar days and specify the corrective actions to be taken, as provided in Section 180.400(b) of this Part.
- 3) Following each inspection, the regional superintendent shall prepare for the local board of education a written report of the results within the time allotted under Section 3-14.21 of the School Code on a form supplied by the State Superintendent of Education. The report shall also be submitted to the State Superintendent, in writing or by such electronic means as the State Superintendent may authorize.
- 4) Each school board shall have a certificate of occupancy for each of its facilities and maintain these certificates in the district's administrative office.

## b) Annual Fire Safety Inspections

An annual fire safety inspection of each school building shall be conducted and coordinated with the inspection of the responsible regional superintendent of schools in accordance with the requirements of Section 3-14.21(c) of the School Code.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.310 Decennial Inspections**

Each school board subject to this Part shall have its school buildings surveyed in conformance with Section 2-3.12 of the School Code. *No less often than every ten years, each school board subject to this Part shall have its school buildings surveyed by a licensed design professional in conformance with the provisions of Section 2-3.12 of the School Code.*

- a) In the course of his or her on-site inspections, the architect or engineer shall check the accuracy of the safety reference plans, verify the information shown on the facility inventory records, and make such corrections as are necessary.
- b) The design professional conducting the survey shall prepare a safety survey report conforming to the requirements of Section 2-3.12 of the School Code and including the materials specified in Section 180.320 of this Part.

(Source: Amended at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.320 Safety Survey Report**

The safety survey report shall include for each facility either:

- a) a Certificate of Compliance, if the survey revealed no violations of applicable requirements; or
- b) a violation and recommendation schedule on a form provided by the State Board of Education.

(Source: Amended at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.330 Safety Reference Plans**

Safety reference plans are the drawings of a facility, updated after each construction project to include the applicable items required under this Section. These plans shall be updated to reflect all additions, alterations, and other changes to these facilities that affect the arrangement, use, rated capacity, student capacity, or other information required to be shown. They shall serve as a means of indicating the safety-related conditions of a facility, as an aid in developing emergency exit plans, and in other circumstances where reference to overall layouts is necessary.

- a) Each local school board shall maintain up-to-date safety reference plans for all facilities owned or used by the district for any school purpose. However, replacement of lost or destroyed safety reference plans will not be required if the regional superintendent determines that their replacement would be overly expensive or burdensome. Each set of safety reference plans shall include:
  - 1) A site plan meeting the requirements of subsection (e) of this Section;
  - 2) Schematic floor plans as described in subsection (f) of this Section;
  - 3) An attic plan meeting the requirements of subsection (h) of this Section, if required pursuant to subsection (g) of this Section; and
  - 4) Any additional drawings and/or schedules that may be necessary to effectively describe the nature and operational characteristics of the facility in question.
- b) Safety reference plans shall be drawn to scale, using a medium suitable for reproduction and revision. Each safety reference plan and revision shall be titled, dated, signed, and certified by the architect or engineer responsible for its preparation.
- c) Two complete sets of safety reference plans shall be provided for each facility, one to be kept by the board of education in a safe place and one to be kept on the site to which it applies.
- d) Whenever safety reference plans are completed or updated, they shall be submitted to the regional superintendent for review and approval.
- e) Each site plan shall be drawn to a scale sufficient to show the required information clearly and legibly, and shall include a legend. The site plan shall include the location and identification of:

- 1) Highways, boulevards, avenues, or streets bordering the site;
  - 2) Each building or other structure on the site;
  - 3) Each building located on adjacent property less than 75 feet away from a school building;
  - 4) Public fire hydrants and municipal fire alarm boxes adjacent to or on the site;
  - 5) Utility supply services (water, gas, electricity, etc.) leading into the site and into each building or other structure, their size, and the location of shut-offs for each service;
  - 6) Primary walkways, fire lanes, and bus loading and unloading zones;
  - 7) Play areas and automobile parking areas, and the surfacing material of each;
  - 8) Landscaping or other materials or areas on the site that might impede ingress or egress;
  - 9) Fences and gates, and their respective heights;
  - 10) Elevation with respect to sea level and location with respect to floodways and floodplains; and
  - 11) Unusual terrain.
- f) Each schematic floor plan shall be drawn for one floor of a building, to a scale sufficient to show the required information clearly and legibly, and shall include a legend. Each floor plan shall include the following information.
- 1) The identification of each fire area shown on the plan, and a statement establishing the height in stories, construction type, protection classification, and plan classification of each fire area.
  - 2) The elevation of each floor level with respect to the floor level of the lowest street floor. The street-floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress-egress from the building to a point 12 feet from the building line.

- 3) The location of all existing or proposed partitions and walls, the identification of those partitions and walls required to have a fire resistance rating, and the rating that is required.
  - 4) The identification of each room and space as to its occupancy and use.
  - 5) The designation of the rated population capacity and student enrollment capacity for each floor and each occupied room or space on that floor.
  - 6) The identification of the areas protected or proposed to be protected by a sprinkler or fire detection system.
  - 7) The location, arrangement, and width of each stairway, ramp, fire-resistive passageway, fire escape, and slide escape that serves as a required means of exit, and of each corridor, passageway, primary egress aisle, or balcony that provides the required path of travel to each of these exits.
  - 8) The location, direction of swing, width, type, and, where required, fire rating of each door located in the path of travel to a required exit or serving as part of a required exit.
  - 9) The locations of vertical openings and the existing or proposed protection for them.
  - 10) The existing or proposed locations of fire alarm boxes, fire alarm horns and lights, exit lights, emergency lighting, and fire alarm control panel.
  - 11) The location of primary air distributing or recirculating fans and designation of the areas served by each one.
  - 12) The location and identification of fuel burning equipment (both permanent and moveable).
  - 13) On the basement plan, or lowest street floor plan if no basement exists, the location and height of service tunnels and under-floor crawl spaces along with the existing or proposed method of separating these tunnels and spaces from adjacent occupied spaces.
- g) A plan shall be included for each attic that:
- 1) Is used, or can be used, for storage purposes; or

- 2) Is of combustible construction and used as an open-plenum chamber; or
  - 3) Has an average clear height from the top of the ceiling below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches.
- h) Each attic plan shall show:
- 1) The construction of the roof and ceiling;
  - 2) The slope of the roof and other details as necessary to illustrate the size and arrangement of the attic;
  - 3) Access doors, ducts, and other openings into the attic and existing or proposed protection for these openings;
  - 4) Existing or proposed fire-stopping for subdividing attics; and
  - 5) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

**Section 180.340 Local Board Action and Approval of Safety Survey Reports**

- a) The board of education shall complete an application for approval of the safety survey report on a form supplied by the State Superintendent of Education and, if the board determines that fire prevention and safety financing will be required, a Statement of Facts and Assurance and a Summary of Financing, both on forms provided by the State Superintendent.
- b) The board of education shall submit the application for approval to the regional superintendent of schools, along with a copy of the report and schematic floor plans for areas where violations were noted and work was recommended.
- c) If the regional superintendent finds that the Safety Survey Report and relevant floor plans are complete and correct, he or she shall approve the report; if the regional superintendent finds that the report and floor plans are incomplete or contain errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the regional superintendent shall disapprove the report. In either case, the regional superintendent shall forward the report and any floor plans to the State Superintendent for approval or disapproval.
- d) If the State Superintendent finds that the safety survey report is incomplete or contains errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the State Superintendent shall disapprove the report and return the material to the regional superintendent for return to the board of education.
- e) The State Superintendent shall approve or disapprove the report within 90 days after its submission by the regional superintendent. If he or she approves the report, he or she shall issue a Certificate of Approval.
- f) Upon receipt of the State Superintendent's certificate, the regional superintendent shall issue such orders as are necessary to effect any recommendations contained in the safety survey report.
- g) Submission of Other Survey Reports
  - 1) If, after having received approval of a safety survey report from the State Superintendent and before submission of the next required safety survey report, a board of education is ordered to have a complete or partial resurvey of its facilities conducted pursuant to Section 180.400 of this Part, it shall submit an updated report reflecting the results of said resurvey.

- 2) The report shall be submitted to the regional superintendent and the State Superintendent for approval or disapproval in the same manner as for a safety survey report resulting from a decennial inspection.

(Source: Amended at 31 Ill. Reg. 14296, effective September 25, 2007)

## SUBPART E: ADDRESSING VIOLATIONS

**Section 180.400 Violations**

If a regional superintendent determines that any facility may not comply with the provisions of this Part, the regional superintendent shall inspect or order inspection of the facility and correction of any violations identified.

- a) The regional superintendent may require a school board to have a facility surveyed by a licensed design professional if, in the judgment of the regional superintendent, such a survey is necessary to determine compliance with applicable provisions of this Part. (Section 2-3.12 of the School Code.)
- b) The regional superintendent shall serve a notice of violation or order on the school district superintendent, identifying the violation and ordering it corrected or discontinued within a specified period of time which shall in no case exceed the timelines set forth in Section 2-3.12 of the School Code.
  - 1) Within 15 calendar days after receipt of a notice of violation, or before expiration of the time allotted by the regional superintendent, whichever occurs sooner, a school district superintendent may appeal to the State Superintendent by submitting a written statement identifying the requirement in question and explaining why it is inapplicable or has been incorrectly applied. The district superintendent shall also submit a copy of such an appeal to the regional superintendent.
  - 2) The State Superintendent shall rule on any such appeal and shall transmit his or her decision in writing to the affected school district superintendent within 15 calendar days after receiving the appeal. The State Superintendent shall also transmit a copy of his or her ruling to the regional superintendent.
  - 3) If the State Superintendent's ruling supports the notice of violation, the regional superintendent shall proceed with enforcement of the requirement(s) in question. If the State Superintendent rules that no violation is present, the regional superintendent shall notify the district that the notice of violation is rescinded.
- c) When, in the opinion of the regional superintendent, there is imminent danger due to one or more violations, the regional superintendent shall cause the necessary work to be done to render the facility in question temporarily safe, whether or not the procedure called for in subsection (b) above has been initiated.

**Section 180.410 Unsafe Conditions**

- a) Whenever the regional superintendent shall find, in any facility, dangerous or hazardous conditions or materials, the regional superintendent shall have the authority to order such dangerous conditions or materials to be removed or remedied, whether or not a violation of any specific provision of this Part is involved. Such conditions may include, but are not limited to, the following.
- 1) Conditions liable to cause or contribute to the spread of fire.
  - 2) Conditions which interfere with the efficiency or operation of any fire protection equipment and system.
  - 3) Obstructions to or on fire escapes, stairs, passageways, doors or windows, which are liable to interfere with the egress of occupants or the operation of the fire department in case of fire.
  - 4) Accumulations of dust or waste material in air-conditioning or ventilating systems or grease in kitchen or other exhaust ducts.
  - 5) Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.
  - 6) Accumulations of rubbish, wastepaper, boxes, shavings or other combustible materials, or excessive storage of any combustible material.
  - 7) Hazardous conditions arising from defective or improperly utilized or installed electrical wiring, equipment or appliances.
  - 8) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.
  - 9) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.
  - 10) Any equipment, materials, processes or operations which are in violation of the provisions and intent of this Part.
- b) The regional superintendent shall have the authority to place out of service immediately any unsafe device or equipment regulated by this Part. Unsafe equipment may include, but is not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid

containers or other equipment on the premises or within the facility which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety.

- c) Any device or equipment placed out of service by the regional superintendent shall be plainly marked with a sign or tag, which shall not be tampered with, defaced or removed except by the regional superintendent.
- d) Equipment deemed unsafe and placed out of service by the regional superintendent shall not be operated after the date of the regional superintendent's order until the required repairs or changes have been made and the equipment has been approved.

**Section 180.420 Temporary Closing and Condemnation**

- a) If, in the opinion of the regional superintendent, a facility or part of a facility poses an imminent threat to the health or safety of its occupants, the regional superintendent shall temporarily close that facility or part of the facility pending determination of the extent of the hazard and order it evacuated immediately.
  - 1) The regional superintendent shall cause to be posted at each entrance to the affected facility a notice reading as follows: "This Facility is Unsafe and its Occupancy has been Prohibited by the Regional Superintendent."
  - 2) Notice of the closing shall also be served on the school district superintendent.
  - 3) No person shall enter a facility so closed, except for the purpose of inspecting, repairing, or demolishing it.
- b) The regional superintendent shall request that the facility or part of the facility be inspected by appropriate personnel from either the Department of Public Health, the State Fire Marshal, or the State Board of Education, depending upon the circumstances. The officials shall inspect the facility or part of the facility in question; state, in writing, whether the facility is unsafe, unsanitary, or unfit for occupancy; and indicate the reasons for their conclusions. (Section 3-14.22 of the School Code.) The report of the inspection required shall be submitted to the regional superintendent as soon as possible.
- c) Upon receipt of this report, the regional superintendent shall:
  - 1) Lift the closing order, if the report indicates that the facility is not unsafe, unsanitary, or unfit for occupancy; or
  - 2) Issue a condemnation order, if the report indicates this to be warranted, and include the listing of particulars contained in the report required pursuant to subsection (b) of this Section.

(Source: Amended at 29 Ill Reg. 15904, effective October 3, 2005)

## SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

**Section 180.500 Request for Authorization**

- a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, using a format prescribed by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:
  - 1) a Schedule of Violations, including a brief description of each violation and the recommended correction; and
  - 2) a Schedule of Recommended Work Items and Estimated Costs.
- b) Fire prevention and safety financing shall only be approved if:
  - 1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and
  - 2) the district does not have sufficient unrestricted funds in its operations and maintenance fund (Section 17-2 of the School Code [105 ILCS 5/17-2]), its school facility occupation tax fund (Section 10-20.40 of the School Code [105 ILCS 5/10-20.40], as added by P.A. 95-675), and/or its fire prevention and safety fund (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11]) to pay for the necessary work.
- c) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. *The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.*
- d) A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review.
- e) Except under emergency circumstances as provided for in Section 180.530 of this Part, *a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior*

*express authorization of the State Superintendent.* (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11])

- f) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.
- g) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

(Source: Amended at 32 Ill Reg. 13351, effective July 25, 2008)

**Section 180.510 Initiation of Work (Repealed)**

(Source: Repealed at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.520 Accounting for Fire Prevention and Safety Funds (Repealed)**

(Source: Repealed at 29 Ill Reg. 15904, effective October 3, 2005)

**Section 180.530 Emergencies**

- a) An emergency is a situation which 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.
- b) If it is determined that fire prevention and safety financing will be required to address an emergency, then 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 (1) through (4) below.
  - 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 or not 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;
    - 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) Upon receipt of the resolution, the State Superintendent or designee shall review the facts, call for any additional information if necessary, and, when satisfied that the situation constitutes an emergency, prepare a Certificate of Authorization for Emergency Procedures.

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- 4) 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 180.530) 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;
  - 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.

**Section 180.540 Cost Estimates**

- a) Administration and implementation of this Subpart require that many costs be estimated and certified as a prerequisite to approval of proposed work or determination of the applicability of particular rules. The following standards and procedures are to be used where certification of cost estimates is required.
- b) All cost estimates shall be based upon published price guides such as those compiled by R. S. Means Company, Inc., Frank Walker Company, and McGraw-Hill Cost Information Systems.
  - 1) The source of the cost figures shall be specifically identified by title, publisher, and period of effectiveness.
  - 2) The cost factors to be used shall be the mean or median costs published for such construction nationally.
  - 3) These raw cost estimates shall be adjusted by applying the appropriate inflation factors, size adjustment factors, and regional cost adjustment factors.
  - 4) The estimate shall be based upon the work to be performed as described in the violation and recommendation schedule.
  - 5) The estimate shall specify the unit or units of measure, the quantity of such units necessary, and the unit cost installed.
  - 6) A total of estimated costs must be provided, along with a general breakdown.
  - 7) The resulting figure shall be referred to as the Adjusted Gross Estimated Cost.
- c) Estimates of the replacement cost of a school shall be based upon the cost of constructing a new building of equal size, serving like grades, and for the same programmatic purposes as the facility to be replaced. The procedure is as follows.
  - 1) Determine the type of school to be built based upon its classification as derived from the school's enrollment reported to the State Board as of the last school day in September of the immediately preceding school year.
  - 2) Determine the size of the school to be built, based upon the square footage of the school to be replaced.

- 3) Multiply the square footage of the school to be built by the appropriate square-foot cost factor.
    - A) The published cost factor for elementary schools shall be used for preschools, kindergartens, and elementary schools.
    - B) The published cost factor for junior high/middle schools shall be used for schools housing various combinations of grades 5 through 9.
    - C) The published cost factor for high schools shall be used for schools housing combinations of grades 9 through 12.
  - 4) The resulting figure shall be referred to as the Adjusted Gross Estimated Replacement Cost of the school.
- d) For purposes of estimating costs related to energy conservation measures, the procedures outlined in "ASTM Standards on Building Economics, Fifth Edition," published by the American Society for Testing and Materials (2004; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187), shall be used. No later amendments to or editions of these standards are incorporated by this rule.
- 1) In addition, the sources of heating degree days, cooling degree days, and energy consumption data, and the basis for determining the efficiency of existing systems and equipment and their useful lifetimes shall be noted.
  - 2) Where Fire Prevention and Safety Funds are to be used to finance all or part of energy conservation measures, the payback period calculations must show that payback can be achieved over the useful lifetime of the proposed measure or 20 years, whichever is less.

(Source: Amended at 33 Ill Reg. 15265, effective October 20, 2009)