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ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

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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##### 180.APPENDIX A Building Code Applicability

**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].

**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; amended at 34 Ill. Reg. 9515, effective June 24, 2010; amended at 40 Ill. Reg. 3059, effective January 27, 2016; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

##### SUBPART A: GENERAL PROVISIONS

###### **Section 180.30 Definitions**

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"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 an agency currently listed on the Occupational Safety and Health Administration's Nationally Recognized Testing Laboratory (NRTL) Program.~~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, 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

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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. -These 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

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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.

"~~Mobile~~~~Vehicular~~ Facility" or "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

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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) 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).

"Qualified Inspector" means an individual approved by ISBE under Section 180.120 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).

"Electrical Code Inspector" means an individual qualified to conduct inspections required by the electrical code identified in Appendix [AK](#) to the International Building Code (Section 180.60(a)).

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

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

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

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

"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).

"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 ~~AK~~ 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).

"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).

"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).

"Regional Office of Education" has the meaning set forth in Article 3A of the School Code [105 ILCS 5/~~Art. 3A~~] and includes *the chief administrative officer of the educational service centers established pursuant to Section 2-3.62 of the School Code* ~~[105 ILCS 5/2-3.62]~~ (Section 3-0.01 of the School Code).

"Safety Survey Report" means a report prepared by a licensed design professional and ensuing from a decennial inspection required pursuant to Section 180.310 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 these 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

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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].

"State Board" means the State Board of Education.

"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 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 180.60 Applicability**

- a) Except as provided in subsection (b), every facility other than a ~~mobilevehicular~~ 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 IL 60478-5795, unless a variance or waiver is obtained pursuant to Section 180.70 or use of a temporary facility is authorized pursuant to Section 180.230. No later amendments to or editions of these standards are incorporated. The legal occupancy of any facility that existed on or before ~~December 31, 2024~~~~June 30, 2016~~ shall be permitted to continue without change; however, any repairs, alterations, occupancy changes, relocation, and/or additions to these existing facilities are subject to the ~~2024~~~~2015~~ International Existing Building Code (also see Appendix A of this Part).

With respect to any project for which the design contract is executed on or after ~~January 1, 2025~~~~July 1, 2016~~, the applicable standards shall be the ~~2024~~~~2015~~ International Building Code and its subcodes, as follows:

- 1) the ~~2024~~~~2015~~ International Energy Conservation Code (IECC);
- 2) the ~~2024~~ ~~2015~~-International Existing Building Code (IEBC);
- 3) the ~~2024~~ ~~2015~~-International Fire Code (IFC), excluding Chapter 4;



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- 4) the 2024 ~~2015~~ International Fuel Gas Code (IFGC);
  - 5) the 2024 ~~2015~~ International Mechanical Code (IMC); and
  - 6) the 2024 ~~2015~~ International Property Maintenance Code (IPMC).
- b) The applicability of the codes listed in subsection (a) shall be limited as set forth in this subsection (b).

1) Emergency and Crisis Response

Instead of Chapter 4 of the International Fire Code, 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.

2) Administrative Provisions

- A) Instead of the Plumbing Code listed in Section 101.4.3 and referenced elsewhere in the International Building Code, Section 180.60(b)(5) of this Part shall apply.
- B) Instead of Sections 102.6 and 102.6.2 of the International Building Code and Section 101.4.2 of the International Existing Building Code, Section 180.60(a) of this Part shall apply.
- C) Instead of Sections 103 through 106, 109, and 111 through 115 of the International Building Code, the requirements of Sections 180.40 through 180.70, 180.200 through 180.230 and 180.300 through 180.420 of this Part shall apply.

3) Storm Shelters

Instead of the provisions contained in Section 423 of the International Building Code, the ICC/NSSA Standard for the Design and Construction of Storm Shelters (ICC 500 2020~~2014~~), published jointly by the International Code Council and the National Storm Shelter Association, shall apply. No later amendments to or editions of these standards are incorporated.

- A) The standards of this subsection (b)(3) shall apply to any new school building construction project for which the design contract

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was executed on or after January 1, ~~2025~~2015. -(See Section 2-3.12(e-5) of the School Code.)

- B) As used in this subsection (b)(3), "new school building construction" means:
- i) any new, stand-alone school building with an aggregate Group E occupant load of 50 or more, as defined in Section 305 of the International Building Code; or
  - ii) one or more additions to an existing school building completed within a period of 24 months that increases the total square footage of the remaining existing building by 50% or more.- The storm shelter, which may be placed in the new addition or the existing building, must have sufficient capacity to serve both the addition or additions and the existing building.
- 4) Accessibility  
Instead of the accessibility provisions set forth in Chapter 11 of the International Building Code, the Illinois Accessibility Code (71 Ill. Adm. Code 400) shall apply (except as provided in Section 10-20.51 of the School Code ~~[105 ILCS 5/10-20.51]~~ regarding press boxes).
- 5) Plumbing  
Instead of the plumbing provisions set forth in Section ~~101.4.3~~101.3.2 of Chapter 1 and incorporated in Chapter 35 of the International Building Code, the requirements set forth in the Illinois Plumbing Code (77 Ill. Adm. Code 890) and Section 405.3.1 of the ~~2024~~2015 International Plumbing Code shall apply.
- 6) Boiler and Pressure Vessel Safety  
Instead of the provisions set forth in Chapter ~~1020~~ of the International Mechanical Code, the requirements set forth in the Illinois State Fire Marshal's rules titled Boiler and Pressure Vessel Safety (41 Ill. Adm. Code ~~2120~~20) shall apply.
- 7) Elevators  
Instead of the elevator provisions in the International Building Code, the requirements set forth in the Illinois State Fire Marshal's rules titled Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000) shall apply.

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8) Sprinkler Systems

In conjunction with the sprinkler requirements set forth in Section 22-23 of the School Code, the International Building Code, and the International Fire Code, the requirements set forth in 41 Ill. Adm. Code 109.110 (Compliance Standards) shall apply.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 180.80 Mobile~~Vehicular~~ Facilities**

A mobile facility or vehicular facility (e.g., mobile classroom, library, or science lab) 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 mobile~~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 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART B: REQUIRED QUALIFICATIONS

**Section 180.100 Approval Procedure for Plan Reviewers and Inspectors**

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

- a) Each individual seeking approval or renewal for any of the roles discussed in Sections 180.110 and 180.120 shall submit to the State Superintendent of Education:
  - 1) an application for the specific approvals or renewal sought, completed on a form prescribed by the State Superintendent;

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- 2) for each approval or renewal sought, an electronic copy of a recent 1" x 1" color photograph of the applicant (head and shoulders only);
- 3) an application fee of ~~\$30~~~~\$25~~ for one approval or renewal or ~~\$60~~~~\$50~~ for two or more approvals or renewals, although fees for employees of the State Board of Education, any Regional Office of Education or the Illinois Office of the State Fire Marshal shall be waived; and
- 4) the relevant additional information called for in Section 180.110 or 180.120, as applicable.

#### b) Validity and Renewal

The validity of the initial approval and any renewals shall be determined by the date on which the application was received.

- 1) Applications for approval or renewal received before July 1 shall be valid from the date of approval by the State Board of Education through a period of three years, starting on January 1 of the calendar year in which the application was received.
- 2) Applications received on or after July 1 shall be valid from the date of approval by the State Board of Education through a period of three years, starting on January 1 of the calendar year immediately following the year in which the application was received.

#### c) 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 school district administrator, a building owner, a licensed design professional, or a contractor;
  - C) performed duties outside the areas for which approval has been given;

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- 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 the individual's ~~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 an ~~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: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### 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 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 one complete electronic copy of all relevant construction documents or two printed copies of all relevant construction documents if complete copies cannot be provided electronically.
  - 1) Plans and specifications submitted as part of an application shall be prepared by or under the supervision of an architect or engineer. ~~They~~

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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, the reference shall identify the specific edition, section and subsections 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 that 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 the regional superintendent~~the 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;

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- 3) signed and dated Plan Review Records for any required sprinkler systems, which may be reviewed after a building permit is issued but before construction or other activity begins, provided that fire flow tests, preliminary hydraulic calculations showing estimated fire flow availability and an indication of whether a pump will be needed is reviewed by the regional superintendent prior to issuing a building permit; 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 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 180.225 Application for Certificate of Occupancy or Statement of Completion**

- a) A school board wishing to occupy a facility subject to this Part shall make application for a Certificate of Occupancy 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~~ ~~mobile~~ ~~vehicular~~ facility, as applicable (see Section 180.230). ~~The regional superintendent shall respond to a request for a certificate of occupancy within 20 calendar days after~~ ~~his or her~~ receipt of the request.
- b) When the work covered by a building permit for an existing facility is completed and the work has not affected the Certificate of Occupancy, a school district may submit a Statement of Completion in lieu of submitting an application for Certificate of Occupancy.
- c) Before signing the Certificate of Occupancy or the Statement of Completion, the regional superintendent shall review any inspection statements and called inspection records, as applicable to the project. ~~Called inspections shall be conducted and records provided by individuals qualified under Section 180.100.~~

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 180.230 Certificate of Occupancy**

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A certificate of occupancy shall be obtained prior to any occupancy of a facility, including a ~~mobile~~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), the regional superintendent shall issue a general certificate of occupancy. ~~The general certificate of occupancy shall state the specific facility for which a design professional has certified compliance with this Part.~~
- 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 the regional superintendent's~~his or her~~ inspection indicates that some areas can be occupied safely prior to full completion. The certificate of partial occupancy shall state the exact portions of the facility for which a design professional has certified compliance with this Part.
- 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 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 this noncompliance does not jeopardize the general health and safety of the students and others who occupy the facility.



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- 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 [Illinois](#) Modular Dwelling and Mobile Structure 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; and
  - D) The facility is connected to the fire alarm system and intercom or telephone system of a nearby school building, if this type of system is present.
- d) Certificate of Occupancy for a [Mobile](#)~~Vehicular~~ Facility  
When requested to do so, a regional superintendent shall issue a certificate of occupancy for a [mobile](#)~~vehicular~~ facility, provided that the facility meets the requirements of Section 180.80(a) and (b).

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART D: INSPECTIONS

##### **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 [electronically](#) 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 [Certification of Need shall also be completed](#)~~Statement of Facts and Assurance and a Summary of Financing, both~~ on [a form](#)~~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.

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- c) If the regional superintendent finds that the Safety Survey Report and relevant floor plans are complete and correct, the regional superintendent~~the or she~~ shall approve the report; if the regional superintendent finds that the report and floor plans are incomplete or contain errors, the regional superintendent~~the 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, the State Superintendent~~the 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 the State Superintendent~~the or she~~ approves the report, the State Superintendent~~the 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 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

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**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 Certification of Need~~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) Financing
  - 1) Fire prevention and safety financing shall only be approved if:
    - A) 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;
    - B) 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 10-20.43 of the School Code ~~[105 ILCS 5/10-20.43]~~), 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; and
    - C) the facility for which fire prevention and safety funds are requested has been issued a General Certificate of Occupancy in accordance with Section 180.230(a) that establishes that the facility was originally in compliance with all applicable codes.
  - 2) In addition to meeting the requirements of subsection (b)(1), a facility for which fire prevention and safety funds are requested that is being replaced under Section 17-2.11(f) of the School Code shall ensure the facility is demolished, sold or boarded up, and in no case used for school purposes.
- c) If the regional superintendent finds that the request is complete and approvable,

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the regional superintendent~~he or she~~ shall so certify and forward the request with the certification to the State Superintendent of Education. ~~If the regional superintendent disapproves the request, the regional superintendent~~he or she~~ shall so certify and return the request with the 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, 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, the State Superintendent~~he or she~~ shall so certify and return the approved request with the 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 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 180.530 Emergencies**

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

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

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- b) If it is determined that fire prevention and safety financing will be required to address an emergency whose projected cost exceeds the amount specified in ~~clause (xi) of~~ Section 10-20.21(a)(xi) of the School Code, the district superintendent or other authorized person shall notify the regional superintendent and the State Superintendent of Education or designee of the nature of the emergency and the steps to be taken. ~~The regional superintendent and the State Superintendent or designee shall give preliminary authorization to proceed and provide any special instructions that may be pertinent. Formal confirmation of this authorization is required and shall be pursued as outlined in subsections (b)(1) through (4).~~
- 1) The board of education, either at a regular meeting or at a special meeting called for that purpose, shall adopt a resolution declaring:
- A) The existence of an emergency;
  - B) Whether funds needed to address the emergency are available;
  - C) Whether the work must be bid or the board desires to exempt itself from the bidding requirements on the basis of the emergency determined in accordance ~~with clause (xiv) of~~ Section 10-20.21(a)(xiv) of the School Code;
  - D) What interim measures are contemplated to sustain operations;
  - E) The number of members of the board and the numbers voting in favor of and against the motion to adopt the resolution.
- 2) ~~Two copies of the board's resolution shall be dated and signed by the president and secretary of the board and the district superintendent and submitted in person, by fax, or by mail as soon as possible to the regional superintendent and State Board.~~
- 3) ~~No later than 30 calendar days after receipt of the resolution, the regional superintendent shall review the facts, call for any additional information if necessary, and, when satisfied that the situation constitutes an emergency, notify the State Superintendent or designee of his or her approval of the request.~~
- 4) ~~No later than 10 business days after receiving notification of approval from the regional superintendent, the State Superintendent or designee~~

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~~shall prepare a Certificate of Authorization for Emergency Procedures. The Certificate of Authorization for Emergency Procedures shall authorize the district to initiate work to be financed with fire prevention and safety funds or funds loaned to the Fire Prevention and Safety Fund prior to the formal approval of such work through the normal process. However, said Certificate may be granted only on the conditions that:~~

- 2A) Proper application for use of fire prevention and safety funds (see Section 180.500) ~~must~~will be initiated and prosecuted by the district within 90 days of approval of the preliminary authorization, in a timely manner by the district; The board's resolution in subsection (b)(1) must be dated and signed by the president and secretary of the board and the district superintendent. An electronic copy of the resolution along with the fully signed preliminary authorization must be uploaded and attached to the electronic application for the use of fire prevention and safety funds.
- 3B) The work undertaken shall in all respects conform to the requirements of this Part and such other standards as may be applicable to the situation;;  
~~and~~
- 4C) Final approval of the use of fire prevention and safety funds will be predicated on the finding that the facts enunciated in the board resolution are or were substantially true.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **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., and 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

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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~~ October 1 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

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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 "[Standard Practice for Measuring Payback for Investments in Buildings and Building Systems](#)~~ASTM Standards on Building Economics, Fifth Edition,~~ [version E1121-15](#), 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 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 180.APPENDIX A Building Code Applicability**

The building codes listed in Section 180.60(a) are applicable to each public school building; however, a building remains in compliance with the code in effect at the time it was constructed, as set forth in this Appendix A, until the building is modified or occupancy changes.

Applicable Codes	Date of Design Contract								
	Before 7/1/65	7/1/65 to 3/23/95	3/24/95 to 7/5/98	7/6/98 to 10/2/05	10/3/05 to 9/24/07	9/25/07 to 12/31/09	1/1/10 to 6/30/16	7/1/16 to 12/31/24 <del>Present</del>	1/1/25 to Present
23 Ill. Adm. Code 185 (now repealed)	X								
23 Ill. Adm. Code 175 (now repealed)		X							



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Applicable Codes	Date of Design Contract								
	Before 7/1/65	7/1/65 to 3/23/95	3/24/95 to 7/5/98	7/6/98 to 10/2/05	10/3/05 to 9/24/07	9/25/07 to 12/31/09	1/1/10 to 6/30/16	7/1/16 to 12/31/24 <del>Present</del>	1/1/25 to Present
1993 BOCA National Fire Prevention Code	X	X	X						
1993 BOCA National Property Maintenance Code	X	X	X						
1993 BOCA National Building Code			X						
1996 BOCA National Building Code				X					
2003 International Code Council*					X				
2006 International Code Council*						X			
2009 International Code Council							X		
2015 International Code Council								<u>X</u>	<del>X</del>
<u>2024 International Code Council</u>									<u>X</u>

\* Includes the International Building Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International Gas Code, International Mechanical Code, and International Property Maintenance Code.

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(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)