

OSFM, ISBE, and ROEs—A Great Cooperation in Illinois Public Schools

What is the history of School Inspections in Illinois?

Since 1915, Regional Superintendents have been charged with the duty to “...inspect the building plans and specifications of public school rooms and buildings...” (ILSC 5/3-14.20) “...Inspect and survey all public schools under his or her supervision...” (ILCS 5/3-14.20). It was the tragic fire at the Our Lady of the Angels school in Chicago in 1958 that led to the establishment of the code drafting committee for the first Health/Life Safety Code that would be used to construct and maintain public schools in Illinois. Case law (Minooka vs. Office of the State Fire Marshal) later confirmed that local municipalities, fire departments, fire protection districts, and the Office of the State Fire Marshal did not have the authority to enforce their adopted codes in public schools.

How did the inspection authority change?

A 2003 amendment to the School Code 105 ILCS 5/2-3.12 authorized the Office of the State Fire Marshal (OSFM) to conduct inspections of public schools (Chicago Public Schools are not a part of this program). This same statute also authorized OSFM to delegate a local “qualified fire official” to perform these inspections.

Who got involved?

The statute required the establishment of a task group with representatives from related State government agencies such as ISBE, the Capital Development Board, OSFM and the Illinois Department of Public Health as well as school representatives such as the Illinois Association of Regional School Superintendents (IARSS), and finally representatives from the fire service, municipalities, and the building trades. The resultant 41 IL Admin Code Part 111 prescribes the administration of this public school inspection program.

What was the purpose of changes?

In the end, the goal of the public school inspection program is a partnership between ISBE, IARSS, and the Illinois Fire Service (including OSFM). It is meant to be beneficial and cooperative. The qualified fire inspectors bring in their experience with building inspections, educating the school and Regional Office of Education (ROE) staff on health and life safety regulations and the ROE and school staff provides enlightenment from their unique perspective of school age children.

When did the changes begin to take effect?

In November 2006 OSFM, ISBE, and IARSS met to review the existing inspection checklist and glossary and to work out the logistics of providing training for ISBE administrators, OSFM inspectors, and fire service inspectors and to work out the logistics of running the program, pursuant to the requirements spelled out in Part 111.

Where do the rules come from?

The Health and Life Safety Code that is used to construct and maintain public schools in Illinois are adopted by and administered by the Illinois State Board of Education and are found in Title 23, Part 180 of the Illinois Administrative Code. In reality, depending upon the age of the school, or portion of a school, the requirements could come from one of eight different code publications. As discussed above, the codes adopted by local fire departments, fire protection districts, municipalities, or OSFM are not applicable in public schools.

Who provides training for inspectors?

OSFM is the only approved provider of the training for local fire department inspectors and for OSFM inspectors. Local inspectors must comply with prerequisite certification requirements as well as attend classroom instruction by the OSFM prior to being recognized as a Qualified Fire Official and being permitted to conduct public school inspections within their jurisdiction. OSFM has developed a two tiered program that allow local fire inspectors to gain access to this program. OSFM maintains a list of the Qualified Fire Official on its website that can be referenced to confirm their lawful ability to inspect public schools. The inspectors are not required to participate in continuing education to keep their qualification, but they are strongly encouraged to attend ongoing training classes to stay current with changes in the applicable code or in the program.

How often are schools inspected?

This is a mandatory annual inspection. If the local fire department does not have a Qualified Fire Official or decides they cannot perform these inspections anymore the schools will be transferred to the OSFM Fire Prevention Division inspection scheduling. OSFM Fire Prevention Division maintains records of all the public schools and their ongoing inspections. Inspectors are required to submit their reports to the ROE as well as to OSFM Fire Prevention Division within 15 calendar days of the inspection.

How do inspectors interact with Regional Office of Educations?

The rules require that all inspectors contact the assigned ROE to advise they are prepared to perform the annual inspections and make every attempt to perform the inspections with ROE staff. If, for whatever reason, the timing does not work out, the inspections do not have to be performed in conjunction with ROE staff. The only exception to this rule is Cook County, where OSFM was advised by the Intermediate Service Centers (ISC) to inspect the schools without ISC staff.

How do inspectors interact with the schools?

All OSFM and local fire inspectors (from here on out, "Qualified Fire Officials") are instructed to cooperate with their public schools to make sure the inspections are not interrupting any state mandated testing, or other activities where an inspection would create a distraction.

Are there things Fire Officials cannot do?

Qualified Fire officials cannot enforce their own adopted codes or ordinances, such as ordinances requiring key boxes, sprinkler ordinances, or NFPA 101 (2000) as adopted by OSFM. Only the codes adopted by ISBE are used during the inspection of public schools in Illinois.

Qualified Fire officials cannot enforce the violations they find. Qualified Fire Officials cannot shut down school, nor can they send kids home based on what they are seeing. The Authority Having Jurisdiction for public schools is the ROE and the ROE makes the final decision on code compliance and prioritization of same. The Qualified Fire Official's purpose is to document potential hazardous situations and violations based on the codes used by ISBE. Qualified Fire Officials are not required to return to perform re-inspections. Compliance is checked when they return the following school year.

Qualified Fire Officials cannot charge a fee to school districts for performing these inspections or for providing any other type of service such as performing plan reviews or witnessing systems testing.

What OSFM can do?

OSFM, by rule, acts as the liaison between fire service inspectors and the public schools. OSFM works with both ISBE and IARSS in resolving problems that arise with the program as well as code interpretations. This collaboration has worked very well since the outset of the program.

OSFM, by rule, must address situations of imminent danger that are reported to the agency by fire service inspectors, OSFM inspectors, school personnel, or citizens. This process works again through cooperative efforts between OSFM, IARSS, and ISBE.

OSFM has the right to perform follow-up inspections in areas where the public schools are inspected by the local Qualified Fire Official as a form of program qualitative assurance.

OSFM has the right to remove local fire service inspectors from their Qualified Fire Officials list if they determine the inspector(s) are not performing the job to the level expected or are not cooperating with OSFM or the public schools and ROE's within their jurisdiction.

What are some things Public Schools and ROEs cannot do?

Public schools and ROEs cannot prohibit fire officials from performing one annual inspection per school year.

Public schools and ROEs cannot prohibit fire officials from inspecting all areas of a school building.

Public schools and ROEs cannot prohibit the local fire department from witnessing one fire evacuation drill per school year.

What are some other activities of cooperation?

OSFM, ISBE, and IARSS have continued to work closely together in the following areas:

- Continued development of the Health and Life Safety Handbook and official checklists.
- Collaboration in the development of regulations related to school safety drills.
- Collaboration in the development of guidelines related to security concerns such as intruders and barricade devices.
- Collaboration in the development of regulations related to carbon monoxide detection.
- Working together to provide training for both school administrators and fire officials.