



WILLIAM J. SCOTT

ATTORNEY GENERAL

STATE OF ILLINOIS

500 SOUTH SECOND STREET

SPRINGFIELD

62706



August 16, 1973

FILE NO. S-606

SCHOOLS:

Application of the Handicapped
Facilities Act to School Buildings

Honorable Michael J. Bakalis
Superintendent of Public Instruction
Springfield, Illinois, 62706

Dear Superintendent Bakalis:

I have your letter of May 14, 1973, which raises
the following question:

"Does the Handicapped Act Chapter III,
Ill. Rev. Stat. 1971, Section 11 et.
seq. apply to the construction of the
new high school in the Zion-Benton
Township High School District No. 126."

The Facilities for the Handicapped Act sets out
a method of assuring that handicapped persons will not be
denied access to places open to the general public. (Ill.
Rev. Stat. 1971, ch. 111, pars. 11 through 18 inclusive.)
The provision of facilities for the handicapped in all public
buildings is the purpose of the Act. (Ill. Rev. Stat. 1971,
ch. 111, par. 13.) Standards for these facilities are

Honorable Michael J. Bakalis - 2.

prescribed by the Department of General Services. (Ill. Rev. Stat. 1971, ch. 111, par. 14.) After the Act's effective date, all public contracting authorities which approve the construction or remodeling of a public building are required to find that the contract provided for facilities for the handicapped which meet the standards of the Act. (Ill. Rev. Stat. 1971, ch. 111, par. 15.) The Act conditions the validity of a building permit on a recitation that the plans meet its standards. Ill. Rev. Stat. 1971, ch. 111, par. 16.

Public buildings are defined by Section 2 of the Act which provides:

"'Public building' means: (a) a building, structure or improved area owned or leased by this State or its political subdivisions; (b) a building, structure or improved area used primarily by the general public as a place of gathering or amusement, including but not limited to: theaters, restaurants, hotels and stadia. All public accommodations are public buildings." * * * (Emphasis added)
Ill. Rev. Stat. 1971, ch. 111, par. 12.

Honorable Michael J. Bakalis - 3.

The Facilities for the Handicapped Act applies to all new construction or any remodeling of a public building. Your letter raises the question of whether a school building falls within this definition.

A school district is a minor subdivision of the State created to administer a part of the public school system. (Leviton v. Board of Education, 374 Ill. 594, 599; People v. Wood, 411 Ill. 514, 522; Board of Education v. Board of Education, 11 Ill. App.2d 408, 414.) Thus a school building would be a building owned by a political subdivision of the State.

Schools are treated as public buildings for the purposes of "An Act to regulate the means of egress from public buildings" which provides in part:

"That all public buildings now in process of construction or hereafter to be built or constructed, which may or shall be used for churches, school houses," * * *
(Emphasis added)
Ill. Rev. Stat. 1971, ch. 111, par. 1.

Honorable Michael J. Bakalis - 4.

In opinions of this office dealing with the laws requiring an architect for all buildings used by the general public, the Attorney General has held that school buildings (1955 Atty. Gen. Op. 236); courthouses (1964 Atty. Gen. Op. 179); and motels (1963 Atty. Gen. Op. 121) are public buildings.

Therefore, it is my opinion that the Facilities for the Handicapped Act is applicable to the construction of a new high school in the Zion-Benton Township High School District No. 126.

The material accompanying your letter indicates that your question was prompted by concern over the necessity of constructing an elevator in the new high school building. You should note that elevators are specifically mentioned in defining "Facilities for the Handicapped". (Ill. Rev. Stat. 1971, ch. 111, par. 2.) The Department of General Services has published standards pursuant to its authority under the Act. These standards are contained in a State

Honorable Michael J. Bakalis - 5.

publication "Standard Specifications for Facilities for the Handicapped". Page 14 of this publication deals specifically with elevators. Whether this standard would require the new high school building to include an elevator is a factual determination. This decision should be made by the contracting authority. It is the Attorney General's policy to answer only questions of law. I cannot make factual determinations. See 1971, Atty. Gen. Op., Page IX, Point 5.

Yours very truly,

A T T O R N E Y G E N E R A L