

Note from Facilities Planning: -- The bill to delay the implementation of the new mandate regarding moveable gym partitions has now passed both houses. It would delay the implementation until 12/31/02 and give districts the ability to apply for a further waiver until 6/1/03.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 305, 409-f and 3602 and Chapter 217 of the Laws of 2001.

Part 155 of the Regulations of the Commissioner of Education is amended by adding a new section 155.25, effective August 29, 2002, as follows:

155.25 Safety requirements for electrically operated partitions.

(a) Purpose. The purpose of this subdivision is to establish standards pursuant to Education Law section 409-f, relating to the construction, maintenance and operation of electrically operated partitions located in classrooms or other facilities used by students in public and nonpublic schools or educational institutions within the State.

(b) Definitions. As used in this section, "electrically operated partition" means any partition, room divider, curtain or other similar device which is controlled through the operation of an electrical motor.

(c) Minimum construction, maintenance and operation standards for electrically operated partitions.

(1) Every electrically operated partition shall be equipped with two (2) key-operated, tamper-proof, constant pressure control stations that are wired in series, remotely located at opposite ends and opposite sides of, and in view of, the partition, and which are designed and constructed so as to require simultaneous activation of both control stations to operate the partition.

(2) The electric device controlling the operation of the partition shall be capable of being reversed at any point in the extend or stack travel cycle.

(3) Device(s) shall be provided for all partitions that will stop the forward or backward motion of the partition and stop the stacking motion of the partition when a body or object passes between the leading panel of such partition and a wall or other termination point, or when a body or object is in the stacking area of such partition.

(d) Safety requirements and operation guidelines for electrically operated partitions. The board of education, trustees, principal or other person in charge of every public or private school or educational institution within the State shall ensure that:

(1) Appropriate and conspicuous notice regarding the safe and proper operation and supervision of the electrical device operating such partition shall be posted in the immediate vicinity of each operating mechanism, on both sides of the separation and adjacent to the operating mechanism.

(2) A procedure is established for the notification of all school employees and all other persons who regularly make use of the area where such device is located of the safe and proper procedure for the operation of the mechanism. Staff shall be apprised of safety features and trained in the safe operation of the partition. In addition, such training shall include discussion of past accidents and the potential and possibility of serious injury or death, and information regarding the administrative and civil penalties and accountability for non-compliance with legal requirements, including the penalties for disabling safety equipment required pursuant to Education Law section 409-f. Records shall be maintained regarding the training provided.

(3) Students shall not be permitted to operate such partition. Any students present while the partition is being operated shall be under the direct supervision of trained staff

and shall be required to stand away from and not be allowed to cross the path of the moving partition.

(4) Safety features shall not be tampered with, overridden or by-passed. All equipment must be maintained in accordance with the manufacturer's instructions, including the manufacturer's recommended service interval, and records of such maintenance shall be permanently retained at the district or private school.