

**PUBLIC NOTICE**

**EDUCATION**

**STATE BOARD OF EDUCATION**

**Notice of Action on Petition for Rulemaking**

**Educational Facilities**

**Safety Requirements for School Facilities**

**N.J.A.C. 6A:26-12**

Petitioner: Linda Dominquez.

**Take notice** that on September 2, 2015, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner requesting the State Board of Education amend N.J.A.C. 6A:26-12 to require all school districts to install railings on risers as a safeguard for students who are at risk of falling.

The petitioner's request indicates the amendments to N.J.A.C. 6A:26-12 to require all school districts to install railings on risers would be a precaution as the chances of falling off a barrier-free riser is a known, common, day-to-day risk for children.

A notice acknowledging receipt of the petition was published in the October 5, 2015, New Jersey Register at 47 N.J.R. 2506(a). In accordance with applicable law, the Department reviewed the petition and has determined that it does not have the statutory authority to adopt a regulation requiring school districts to install railings on risers. Risers that are permanently attached to the structure are addressed in the Uniform Construction Code (UCC), which is under the jurisdiction of the Department of Community Affairs (N.J.S.A. 52:27D-123). Risers that are temporary (considered furniture or equipment) are not regulated by the UCC because they are not part of the building structure. The Department of Education has the statutory authority to

review school facilities projects proposed by school districts, not to review and approve a school district's choice of furniture and equipment. Therefore, the petitioner's request is denied.