

STATE OF WEST VIRGINIA
EXECUTIVE DEPARTMENT
At Charleston
EXECUTIVE ORDER NO. 4-19
By the Governor

WHEREAS, it is critically important that all students and employees of public schools in the State of West Virginia know that they are in a safe environment; and

WHEREAS, the resulting vigilance to protect health, safety and welfare has led schools and school districts to consider, procure or install temporary door locking devices to reduce the risks to students, employees, and faculty; and

WHEREAS, while these temporary door locking devices would allow necessary access to the schools by emergency personnel and first responders in the event of a fire or other emergency, they are not explicitly permitted or sanctioned by applicable regulatory standards; and

WHEREAS, the State Fire Marshal currently lacks the authority to grant a waiver of the applicable regulatory standards which would allow the installation and limited use of these temporary door locking devices absent legislative action; and

WHEREAS, the State recognizes the need to take all reasonable steps to ensure the safety of our children and school personnel from all hazards, and that steps can be immediately taken to best balance those safety concerns; and

WHEREAS, it is imperative to create a procedure in which schools desirous of installing temporary door locking devices may seek approval for use and installation from the State Fire Marshal and, until there is proper legislation addressing the proper means of balancing the safety concerns arising from potential hazards, a State of Emergency exists.

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as Governor of the State of West Virginia, do hereby **ORDER** that:

1. A State of Emergency exists in West Virginia as it pertains to the regulatory prohibition on the installation and limited use of temporary door locking devices; and
2. The State Fire Marshal is hereby empowered to develop standards upon which any school may obtain written approval for a variance from any applicable state regulation under the authority of his or her office for the installation of a temporary door locking device and its limited use during training exercises, drills, or in a hostile event, or for the use of any such device heretofore installed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol, in the City of Charleston, State of West Virginia, this sixth day of September, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Seventh year of the State.

A handwritten signature in blue ink, appearing to read "Jim Justice", is written over the printed name of the Governor.

GOVERNOR

A handwritten signature in blue ink, appearing to read "Mac Warner", is written over the printed name of the Secretary of State.

SECRETARY OF STATE



TEMPORARY DOOR LOCKING DEVICES WV State Fire Marshal's Office Variance Request Process

Based on Executive Order No. 4-19, the use of a device by a staff member that prevents both ingress and egress through school doors in an emergency situation, active shooter hostile event response, and similar type drills will be permitted. The West Virginia State Fire Marshal's Office (SFMO) is placing interim measures for the use of **Temporary Door Locking Devices (TDLD)** in schools under the conditions set forth in this document.

The Conditions of Use and Operational Requirements for TDLDs are outlined as follows:

Temporary door locking devices in school buildings. *A temporary door locking device shall be permitted when approved by the State Fire Marshal through a review of all said devices being proposed for use in school buildings where a variance is being requested from the requirements of NFPA 101, 7.2.1.5.3:*

Conditions of use. *A temporary door locking device shall only be used on doors under the following conditions:*

- 1. Proof is provided by the administrative authority of a school building that a school safety plan has been adopted and filed; and*
- 2. The temporary door locking device shall only be used in an emergency and during active shooter drills; and*
- 3. During any type of training event, the temporary door locking device is engaged only by a staff member of the school building; and*
- 4. The temporary door locking device shall only be engaged for a finite period of time as determined by the administrative authority of a school building in accordance with the approved and adopted school safety plan or during an actual active shooter event until first responders instruct them to disengage the said device; and*
- 5. Proof is provided by the administrative authority of a school building that all appropriate fire responder agencies having jurisdiction for the school building have been notified prior to the use of the temporary door locking device; and*
- 6. In-service training on the use of the temporary door locking device is provided for school staff members and local first responders; records verifying this training shall be maintained on file and provided to the State Fire Marshal's Office upon request.*
- 7. The temporary door locking device can be opened by school staff, school administrators, from the egress side of the door; and by appropriate personnel such as first responders from the ingress side of the door.*

Operational requirements. *The temporary door locking device shall be permitted to be used in accordance with the following items:*

- 1. The temporary door locking device shall not be permanently mounted to the door.*

Exception: *Individual parts of the temporary door locking device assembly such as bolts, stops, brackets, pins, etc. that do not prevent normal ingress*



TEMPORARY DOOR LOCKING DEVICES WV State Fire Marshal's Office Variance Request Process

and egress through the door may be permanently mounted provided that when such parts are mounted on a labeled fire door assembly such installation does not appear to affect the fire rating of the fire door assembly.

- 2. The removal of the temporary door locking device, after it is engaged, shall not require more than one operation. **Exception:** Two operations may be permitted to remove a temporary door locking device, after it is engaged, if the school building is equipped throughout with an automatic sprinkler system.*

Provisions of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, may apply to the use of the temporary door locking device but are outside the scope of this agency's regulatory authority.

If a school chooses to use TDLDs, it must submit a Variance Request with required information to the WV State Fire Marshal for review and consideration for written approval. While the scope of the project will not necessitate the preparation of detailed construction documents, the application should include information sufficient to determine satisfactory measures are being met to implement the approved school safety plan, a statement that both law enforcement and fire officials have been notified of the proposed use of TDLDs, a description of the proposed TDLD, and, if applicable, a confirmation by the owner that any bolts, stops, brackets, pins employed by the device and that are permanently mounted to doors neither affect the normal ingress and egress through the door under normal or non-emergency conditions. This document does not prescribe in what form this information or evidence of such communications shall be provided.



Application for Use of Temporary Door Locking Device Variance Request to the WV State Fire Code

DATE: _____

ORGANIZATION REPRESENTED: _____

NAME OF SUBMITTER: _____

NAME OF BUILDING(S): _____

OWNER OF BUILDING(S): _____

BUILDING LOCATION(S) (ADDRESS): _____

FIRE SAFETY REQUIREMENT (State the specific fire safety requirement in question): NFPA 101, Sections 7.2.1.5.3 and 15.2.2.2.3

PROPOSED VARIANCE REQUESTED (The following questions shall be answered for consideration and review of the proposed variance):

- What Type of Temporary Door Locking Device (TDLD) are you proposing to use?

- Can the proposed TDLD be opened by Administrators, Staff, and First Responders from either side of the door where the device is used? Yes No
- Has an approved School Safety Plan been put in place? Yes No
- Has In-Service Training been provided to all personnel implementing the school safety plan and for the proposed TDLD being used? Yes No
- Has a Notification Plan been implemented when the TDLD is put in use for all drills and actual Active Shooter Hostile Event Response (ASHER)? Yes No

(Signature of Submitter)

(Date)

Mail To: WV State Fire Marshal's Office, 1207 Quarrier St., 2ND Floor, Charleston WV 25301



Application for Use of Temporary Door Locking Device
Variance Request to the WV State Fire Code

FOR FIRE MARSHAL'S OFFICE USE ONLY

VARIANCE REVIEWED BY: _____ ASSISTANT STATE FIRE MARSHAL & ASFM III

DATE: _____

SIGNED: _____

COMMENTS: _____

VARIANCE REVIEWED BY: _____ DEPUTY FIRE MARSHAL

DATE: _____

SIGNED: _____

COMMENTS: _____

VARIANCE REVIEWED BY: _____ STATE FIRE MARSHAL

APPROVED

REJECTED

DATE: _____

SIGNED: _____

COMMENTS: _____

