

AGENDA

STATE BUILDING CODE TECHNICAL REVIEW BOARD

Friday, October 12, 2018 - 9:00a.m.

Tuckahoe - Henrico County Public Library
1901 Starling Drive Henrico, Virginia

- I. Roll Call **(TAB 1 - September Agenda Package)**
- II. Approval of August 17, 2018 Minutes **(TAB 2 - September Agenda Package)**
- III. Approval of Final Order **(TAB 3 - September Agenda Package)**

In Re: Appeal of KEBCO Enterprises, Inc. (Kenneth Bullock)
Appeal No 18-03
- IV. Approval of Final Order **(TAB 4 - September Agenda Package)**

In Re: Appeal of Joshua and Makiba Gaines
Appeal No 18-05
- V. Public Comment
- VI. Appeal Hearing **(TAB 4A - October Agenda Package)**

In Re: Appeal of Dr. Eric W. Bond (Augusta County Public Schools)
Appeal No. 18-04
- VII. Appeal Hearing **(TAB 5 - September Agenda Package)**

In Re: Appeal of Harvey Dupree (A...H Variety)
Appeal No. 18-06
- VIII. Appeal Hearing **(TAB 6 - September Agenda Package)**

In Re: Appeal of Jack D. Singleton
Appeal No. 18-09
- IX. Appeal Hearing **(TAB 7 - September Agenda Package)**

In Re: Appeal of Anthony Grant Jr.
Appeal No. 18-10
- X. Secretary's Report

VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD

IN RE: Appeal of Dr. Eric W. Bond (Augusta County Public
Schools)
Appeal No. 18-04

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VIRGINIA:

BEFORE THE
STATE BUILDING CODE TECHNICAL REVIEW BOARD (REVIEW BOARD)

IN RE: Dr. Eric W. Bond, Superintendent for Augusta County Public Schools
Appeal No. 18-04

REVIEW BOARD STAFF DOCUMENT

Suggested Summary of the Appeal

1. In April of 2018, a representative of the State Fire Marshal's Office (SFMO) conducted inspections at Cassell and Rivershead Elementary Schools located at 1301 Rockfish Road and 239 Don Hanger Circle respectively in Augusta County.

2. On April 27, 2018, the SFMO issued Notices of Violation to each of the schools concerning the Virginia Statewide Fire Prevention Code (SFPC) Section 1030.2.1 (Security devices and egress locks) concerning the installation of security devices, SFPC Section 401.2 (Approval) concerning the fire safety plan, emergency procedures, and employee training program, and SFPC Section 404.2.3.1 (Lockdown plan contents) pertaining to the lockdown plans.

3. Mr. Bond filed an appeal to the Review Board on May 9, 2018. The appeal was based on receiving a modification from the Building Official for the door hardware to be utilized in an "active shooter" event. The modification was granted after having reviewed the ability for school and emergency personnel to disengage the device in an emergency situation.

4. This staff document along with a copy of all documents submitted will be sent to the parties and opportunity given for the submittal of additions, corrections or objections to the staff document, and the submittal of additional documents or written arguments to be included in the information distributed to the Review Board members for the appeal hearing before the Review Board.

Suggested Issues for Resolution by the Review Board

1. Whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 1030.2.1 (Security devices and egress locks) exists, or whether the authority to approve door hardware and locks at the time of construction rests with the Building Code Official.

2. Depending on the determination of issue number one, whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 401.2 (Approval) exists.

3. Depending on the determination of issue number one, whether to overturn or uphold the decision of the State Fire Marshal that a violation of the SFPC Section 404.2.3.1 (Lockdown plan contents) exists.

BASIC DOCUMENTS

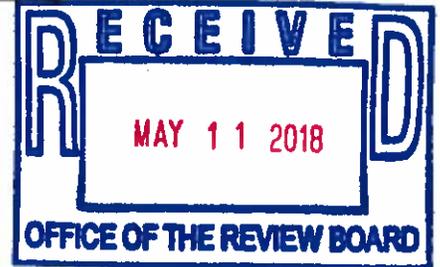
ORIGINAL

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
State Building Codes Office and Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300, Richmond, Virginia 23219
Tel: (804) 371-7150, Fax: (804) 371-7092, Email: sbco@dhcd.virginia.gov

APPLICATION FOR ADMINISTRATIVE APPEAL

Regulation Serving as Basis of Appeal (check one):

- Uniform Statewide Building Code
- Statewide Fire Prevention Code
- Industrialized Building Safety Regulations
- Amusement Device Regulations



Appealing Party Information (name, address, telephone number and email address):

Dr. Eric W. Bond, Superintendent for Augusta County Public Schools
 18 Government Center Lane, PO Box 960 Verona, VA 24482
 540-245-5100 ewbond@augusta.k12.va.us

Opposing Party Information (name, address, telephone number and email address of all other parties):

Mr. Michael Reilly, Executive Director Kenneth Kent, Deputy State Fire Marshal
 Western Regional Office, State Fire Marshals Office
 6744 Thirlane Road Roanoke, VA 24019 540-561-7033 Kenneth.Kent@vdfp.virginia.gov

Additional Information (to be submitted with this application)

- Copy of enforcement decision being appealed
- Copy of record and decision of local government appeals board (if applicable and available)
- Statement of specific relief sought

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2018 a completed copy of this application, including the additional information required above, was either mailed, hand delivered, emailed or sent by facsimile to the Office of the State Technical Review Board and to all opposing parties listed.

Note: This application must be received by the Office of the State Technical Review Board within five (5) working days of the date on the above certificate of service for that date to be considered as the filing date of the appeal. If not received within five (5) working days, the date this application is actually received by the Office of the Review Board will be considered to be the filing date.

Signature of Applicant: 

Name of Applicant: Dr. Eric W. Bond
(please print or type)

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Western Regional Office
State Fire Marshals Office
6744 Thirlane Road
Roanoke, VA 24019
Phone: (540) 561-7033
Fax: (540) 561-7544

**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

04/27/2018

Owner/Occupant: Augusta County School Board Building Name: Cassell Elm- Classrooms Address: 1301 Rockfish Road Waynesboro, 22980	File Number: W-7942-012 Occ/Use Code: SCH
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The following violation(s) of the Virginia Statewide Fire Prevention Code were observed during an inspection of the captioned property. You are responsible for correcting these violation(s) within the specified time limit.

Code Section	Violation(s)	Correct By
1030.2.1	<p>Security devices and egress locks. Security devices affecting the means of egress shall be subject to approval of the fire code official. Special locking arrangements including, but not limited to access-controlled egress doors, security grills, locks and latches, and delayed egress locks shall be installed and maintained as required by this chapter.</p> <p>Installed security devices have not been approved by Fire Code Official.</p> <p>The installed devices cannot be approved by the Fire Code Official and must be removed as they do not comply with applicable code requirements for door operations including type of hardware, hardware height and number of actions required to unlatch a door. Please note that the installed devices are also potentially in conflict with the requirements of the Americans with Disabilities Act.</p>	4/30/2018

Failure to correct violations within the time limit specified in this notice may result in appropriate legal proceedings. An owner or occupant may appeal a decision of the State Fire Marshal to the State Building Code Technical Review Board within fourteen (14) days from receipt of this notice.

Notice Issued To: **Mindy Garber, Principal**

Page 1 of 3

Inspected By: **Kenneth Kent, Deputy State Fire Marshal**

Date: 4/27/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Western Regional Office
State Fire Marshals Office
6744 Thirlane Road
Roanoke, VA 24019
Phone: (540) 561-7033
Fax: (540) 561-7544

**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

04/27/2018

Owner/Occupant: Augusta County School Board	File Number: W-7942-012
Building Name: Cassell Elm- Classrooms	Occ/Use Code: SCH
Address: 1301 Rockfish Road Waynesboro, 22980	

The following violation(s) of the Virginia Statewide Fire Prevention Code were observed during an inspection of the captioned property. You are responsible for correcting these violation(s) within the specified time limit.

401.2	Approval: Where required by this code, fire safety plans, emergency procedures and employee training programs shall be approved by the fire code official. Fire Safety Plans have not been approved by the Fire Code Official. The submitted plans do not meet the requirements of the Fire Prevention Code.	5/27/2018
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Failure to correct violations within the time limit specified in this notice may result in appropriate legal proceedings. An owner or occupant may appeal a decision of the State Fire Marshal to the State Building Code Technical Review Board within fourteen (14) days from receipt of this notice.

Notice Issued To: **Mindy Garber, Principal**

Page 2 of 3

Inspected By: **Kenneth Kent, Deputy State Fire Marshal**

Date: 4/27/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Western Regional Office
State Fire Marshals Office
6744 Thirlane Road
Roanoke, VA 24019
Phone: (540) 561-7033
Fax: (540) 561-7544

**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

04/27/2018

Owner/Occupant: Augusta County School Board Building Name: Cassell Elm- Classrooms Address: 1301 Rockfish Road Waynesboro, 22980	File Number: W-7942-012 Occ/Use Code: SCH
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The following violation(s) of the Virginia Statewide Fire Prevention Code were observed during an inspection of the captioned property. You are responsible for correcting these violation(s) within the specified time limit.

404.2.3.1	Lockdown plan contents. Lockdown plans shall be approved by the fire code official and shall include the following: 1. Initiation. The plan shall include instructions for reporting an emergency that requires a lockdown. 2. Accountability. The plan shall include accountability procedures for staff to report the presence or absence of occupants. 3. Recall. The plan shall include a prearranged signal for returning to normal activity. 4. Communication and coordination. The plan shall include an approved means of two-way communication between a central location and each secured area. Lockdown Plans have not been approved by the Fire Code Official. The submitted plans do not meet the requirements of the Fire Prevention Code.	5/27/2018
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Notice Issued To: **Mindy Garber, Principal**

Page 3 of 3

Inspected By: **Kenneth Kent, Deputy State Fire Marshal**

Date: 4/27/2018

Michael Reilly
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Phone: (540) 561-7033
Fax: (540) 561-7544

**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

04/27/2018

Owner/Occupant: Augusta County School Board Building Name: Riverheads Elementary School-Administration Address: 239 Don Hanger Circle Staunton, 24401	File Number: W-7948-001 Occ/Use Code: SCH
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The following violation(s) of the Virginia Statewide Fire Prevention Code were observed during an inspection of the captioned property. You are responsible for correcting these violation(s) within the specified time limit.

Code Section	Violation(s)	Correct By
1030.2.1	<p>Security devices and egress locks. Security devices affecting the means of egress shall be subject to approval of the fire code official. Special locking arrangements including, but not limited to access-controlled egress doors, security grills, locks and latches, and delayed egress locks shall be installed and maintained as required by this chapter.</p> <p>Installed security devices have not been approved by Fire Code Official.</p> <p>The installed devices cannot be approved by the Fire Code Official and must be removed as they do not comply with applicable code requirements for door operations including type of hardware, hardware height and number of actions required to unlatch a door. Please note that the installed devices are also potentially in conflict with the requirements of the Americans with Disabilities Act.</p>	4/30/2018

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Notice Issued To: **John Matherly, Principal**

Page 1 of 3

Inspected By: **Kenneth Kent, Deputy State Fire Marshal**

Date: 4/27/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



Western Regional Office
State Fire Marshals Office
6744 Thirlane Road
Roanoke, VA 24019
Phone: (540) 561-7033
Fax: (540) 561-7544

**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

04/27/2018

Owner/Occupant: Augusta County School Board Building Name: Riverheads Elementary School-Administration Address: 239 Don Hanger Circle Staunton, 24401	File Number: W-7948-001 Occ/Use Code: SCH
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401.2	Approval: Where required by this code, fire safety plans, emergency procedures and employee training programs shall be approved by the fire code official. Fire Safety Plans have not been approved by the Fire Code Official. The submitted plans do not meet the requirements of the Fire Prevention Code.	5/27/2018
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Notice Issued To: **John Matherly, Principal**

Page 2 of 3

Inspected By: **Kenneth Kent, Deputy State Fire Marshal**

Date: 4/27/2018

Michael Reilly
Executive Director

Brian M. McGraw, P.E.
State Fire Marshal



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**Commonwealth Of Virginia
Department of Fire Programs
State Fire Marshal's Office
Inspection Notice**

Date of Inspection:

04/27/2018

Owner/Occupant: Augusta County School Board Building Name: Riverheads Elementary School-Administration Address: 239 Don Hanger Circle Staunton, 24401	File Number: W-7948-001 Occ/Use Code: SCH
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Notice Issued To: **John Matherly, Principal**

Page 3 of 3

Inspected By: **Kenneth Kent, Deputy State Fire Marshal**

Date: 4/27/2018

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond
Superintendent

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

May 9, 2018

Office of the State Technical Review Board
Main Street Centre, 600 E. Main Street, Suite 300
Richmond, VA 23219

Re: Statement of specific relief sought for fire code violations stated by Mr. Kenneth Kent, Deputy State Fire Marshal on 04/27/2018 {1030.2.1; 401.2; 404.2.3.1}

State Technical Review Board,

Augusta County Public Schools, specifically Cassell Elementary and Riverheads Elementary, received violations for a security device that is used in our School Lockdown Safety Plan. We also received violations (2) for the school safety plans associated with the use of this security device.

We are asking the State Technical Review Board to overturn all three (3) violations as stated by Mr. Kenneth Kent, Deputy Fire Marshal as presented in writing on 04/27/2018.

Sincerely,



Dr. Eric W. Bond
Superintendent

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond

Superintendent

Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

September 14, 2016

Request for code modification

G. W. Wiseman,

I am requesting a code modification for the new Riverheads Elementary School which is currently being constructed and scheduled for a completion date of July, 2017. I am specifically requesting to have a modification to Hardware 1008.1.9.1 and Unlatching 1008.1.9.5 to allow for the availability to use a classroom door brace in hostile intruder situations.

We would only place this equipment within classrooms and not on any fire rated doors or doors with panic hardware. The reason for this modification request is to allow for added safety procedures during hostile intruder situations to be available to add strength to the door in order to deny access by the intruder. The equipment will only be used in an intruder situation. The equipment does come with a tool for administration or emergency personnel to release the equipment. Tools will be provided to school administrators, School Resource Officers and other emergency personnel in the Fire and Rescue Departments.

Sincerely,



Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration

Attachment: Nightlock Security Device (3 pages); Nightlock Release Tool (1 page)

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond

Superintendent

Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

September 14, 2016

Request for code modification

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Sincerely,



Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration

Attachment: Nightlock Security Device (3 pages); Nightlock Release Tool (1 page)

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond

Superintendent

Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

September 14, 2016

Procedures for using a door brace in a school building

G. W. Wiseman,

School procedures for the use of a door brace on a classroom door are as follows:

The door brace will only be used in a “Code Yellow Lockdown Immediately” situation or a practiced drill for a “Code Yellow Lockdown Immediately” situation. This terminology will only be used in an Intruder or Hostage situation. The door brace will not be used for any other drills or situations.

Sincerely,



Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



16-920

September 15, 2016

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration
P.O. Box 960
Verona, VA 24482

Dear Dr. Shifflett:

Re: Permit # 7-2016

I have reviewed your request for a modification and based on the information provided, your request has been granted to Section 1008.1.9.1 and 1008.1.9.5 of the IBC. Please let me know if I can be of any further assistance.

Sincerely,

Granville W. Wiseman
Building Official

GW/srs

Staunton (540) 245-5700

TOLL FREE NUMBERS

From Deerfield (540) 939-4111 From Bridgewater, Grottoes
Harrisonburg, Mt. Solon & Weyers Cave (540) 828-6205
FAX (540) 245-5066

Waynesboro (540) 942-5113



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



16-919

September 15, 2016

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration
P.O. Box 960
Verona, VA 24482

Dear Dr. Shifflett:

Re: Permit # 53-2016

I have reviewed your request for a modification and based on the information provided, your request has been granted to Section 1008.1.9.1 and 1008.1.9.5 of the IBC. Please let me know if I can be of any further assistance.

Sincerely,

Granville W. Wiseman
Building Official

GW/srs

Staunton (540) 245-5700

TOLL FREE NUMBERS
From Deerfield (540) 939-4111 From Bridgewater, Grottoes
Harrisonburg, Mt. Solon & Weyers Cave (540) 828-6205
FAX (540) 245-5066

Waynesboro (540) 942-5113

**DOCUMENTS AND
WRITTEN ARGUMENTS
SUBMITTED BY
DR. ERIC BOND
(AUGUSTA COUNTY PUBLIC
SCHOOLS)**

G. RODNEY YOUNG, II

ryoung@timberlakesmith.com
Direct Dial: 540.712.7597
Cell: 540.255.1223

TimberlakeSmith
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OFFICE ADDRESS

25 North Central Ave.
Staunton, VA 22401

May 31, 2018

www.timberlakesmith.com

By electronic mail (travis.luter@dhcd.virginia.gov), Telefax (804.371.7092), and Regular Mail

W. Travis Luter, Sr., C.B.C.O.
Assistant Secretary, State Building Code Technical Review Board
Commonwealth of Virginia
Department of Housing and Community Development
Division of Building and Fire Regulation
State Building Codes Office
Main Street Centre
600 East Main Street, Suite 300
Richmond, Virginia 23219

**Re: *Appeal No. 18-04
Augusta County School Board
State Fire Marshal Inspection Notices of April 27, 2018 for Cassell Elementary School
and Riverheads Elementary School***

Dear Mr. Luter:

I serve as general counsel to the Augusta County School Board (hereinafter referred to as “ACSB” or “School Board”). Please accept this letter and the accompanying exhibits as additional information in support of the Augusta County Public Schools’ (ACPS) Application for Administrative Appeal as referenced above. The timely filed Application for Administrative Appeal was received by the State Building Code Technical Review Board (TRB) on May 11, 2018.

A. Statewide Fire Prevention Code Notice of Violations.

On April 27, 2018, Kenneth Kent, Deputy State Fire Marshal, issued three Statewide Fire Protection Code (SFPC) violations for two ACPS newly constructed schools, Cassell Elementary School (CES) and Riverheads Elementary School (RES). The violations related to the following provisions of the SFPC:

- Code section 1030.2.1 Security devices and egress locks
- Code section 401.2 Fire Safety Plan
- Code section 404.2.3.1 Lockdown Plan Contents

Each of the six Inspection Notices, identifying the specific violations, were attached to the previously filed Application for Administrative Appeal; accordingly, they are not attached to this filing.

The violations all related to a barricade security device, known as the “Nightlock Lockdown,” installed in classrooms at the newly constructed CES and RES. When in use, the Nightlock Lockdown device, provides the occupants of a classroom the ability to temporarily block entry into the room during a school-wide lockdown because of an unauthorized invader, such as a school shooter. Attached as Exhibit 1 is a photograph of the device, which can be freely inserted and removed from a Door Plate Slot and a Floor Plate Hole once a school-wide lockdown ends or if the occupants need to exit the room. Significantly, the Nightlock Lockdown device can be disabled from outside the room using the metal Release Tool, also depicted in Exhibit 1, which can be implemented by placement under the barricaded door before lifting the tool to displace the L-shaped bracket. The installation instructions for the Nightlock Lockdown are attached as Exhibit 2.

ACPS administration corrected the cited SFPC violations in a timely manner, as required by the State Fire Marshal. The violation of section 1030.2.1 at both schools was corrected by the compliance date of April 30, 2018, as evidenced by the email exchange between Dr. Douglas Shifflett, the ACPS Assistant Superintendent for Administration, and Mr. Kent. The April 30, 2018 email exchange is attached as Exhibit 3. On May 25, 2018, Dr. Shifflett sent an email to Mr. Kent with attached updated Crisis Plans for both CES and RES to correct the cited violations of sections 404.2.3.1 and 401.2. The May 25, 2018 email is attached as Exhibit 4.

As noted earlier, ACPS initiated an appeal of the SFPC violations by submitting its Application for Appeal, which was received by the TRB on May 11, 2018.

B. Process Followed by ACPS Before Installing Security Device.

At a time when school shootings have reached epidemic proportions, public school leaders have an obligation to investigate and implement reasonable security measures to minimize the risk of harm to students and staff posed by an active shooter/intruder event. As part of the new construction of CES and RES, ACPS administration considered the installation of a security device to prevent intruders from entering classrooms during a temporary, lockdown situation.

Virginia Department of Education publications contemplate the use of temporary barricade security devices to prevent armed intruders from entering public school classrooms. The Virginia Department of Education and the Virginia Department of Criminal Justice Services, Virginia Center for School and Campus Safety publish *The Virginia Educator’s Guide for Planning and Conducting School Emergency Drills* (rev. 2015) and it states on page 17, “please note that any locks added to a school building must be approved by the local building official.” A copy of the page 17 of this resource is attached as Exhibit 5. Also, *Critical Incident Response for School Faculty and Staff* (2015), published jointly by the Virginia Department of Behavioral

Health and Developmental Services; the Virginia Department of Criminal Justice Services, Virginia Center for School and Campus Safety; the Virginia Department of Education; and the Virginia State Police, identifies three types of responses in emergency situations, including responding to a critical situation involving an active shooter. The document, at page 5, identifies those safety responses as: lockdown, evacuate, and shelter-in-place. Applicable and cited sections of this document are attached as Exhibit 6. This document also identifies the following three additional steps to take in preventing an active shooter from entering a hiding place: a) lock the door; b) blockade the door with heavy furniture; and c) hide behind solid objects such as file cabinets. *Id.*, p. 8.

ACPS administration engaged in discussions with local law enforcement and fire officials, construction professionals involved in the construction of CES and RES, and local building code officials before moving forward with the installation of the security devices in classrooms. On December 9, 2015, local law enforcement sent a video of the Nightlock Lockdown device to Dr. Shifflett. On December 11, 2015, administration met with local law enforcement personnel and the local fire chief to discuss the device. Neither had concerns with adding this device in the two schools. In September 2016, administration began discussions with the project architect about adding the security device to the new school building and informed the architect that in a previous meeting with the Augusta County Sheriff and the local fire chief, neither expressed any reservations about the installation of the device.

On September 8, 2016, administration discussed the device with the local building inspector G.W. Wiseman and the process for seeking a building code modification. A meeting took place with Mr. Wiseman on September 9, 2016. On September 14, 2016, Dr. Shifflett wrote to Mr. Wiseman and requested a code modification to permit the installation of the device. As stated by Dr. Shifflett in his letters,

The reason for this modification request is to allow for added safety procedures during hostile intruder situations to be available to add strength to the door in order to deny access by the intruder. The equipment will only be used in an intruder situation. The equipment does come with a tool for administration or emergency personnel to release the equipment. Tools will be provided school administrators, School Resource Officers and other emergency personnel in the Fire and Rescue Departments.

Dr. Shifflett's letters to Mr. Wiseman are attached as Exhibit 7. Mr. Wiseman approved the requested modification on September 15, 2016. Mr. Wiseman's letters are attached as Exhibit 8. On September 19, 2016, administration and the project architect decided on the locations for installation of the devices and the information was communicated to the general contractor on the projects. Thereafter, on February 2, 2017, the devices were installed in the two schools. Both schools opened for use on August 8, 2017.

At a meeting with State Fire Marshal Brian McGraw on May 24, 2018, Dr. Shifflett outlined the regular training provided on the use of the device. As pointed out in that meeting, drills are conducted on the use of the device four times per school year, involving both administrators and students. During each drill, building administrators use the release tool to disengage, from outside of 50 building doors, the Nightlock device. Further, the release tools are widely available. At each building, two tools are available to administrators, one for the custodian, one each for the Superintendent and Assistant Superintendent of Schools, three for the ACPS maintenance department, eight for law enforcement including school resource officers, and three for the local fire department.

C. Request for TRB to Reverse or Modify the State Fire Marshal’s Notice of Violations.

ACPS installed the Nightlock devices in every classroom in two newly constructed elementary schools. The decision was based on a desire to provide a temporary security device, easily engaged and disengaged (by those inside the rooms and by use of a widely distributed release tool from outside), to provide enhanced safety for students and staff in the event of an intruder or school shooter scenario. Resource material from the VDOE and other state agencies suggests that in the event of an active shooter scenario, students and staff should blockade a door with heavy furniture to prevent entry by an intruder. In contrast to the barricade created by the Nightlock device, blocking a door with heavy furniture would create a far greater safety risk in the event of a fire because the barricade could not be easily disengaged or removed by students inside the room or by rescue personnel attempting to gain ingress from outside the room.

ACPS officials evaluated the device in question in a methodical manner, involving local law enforcement and fire personnel, design professionals, and the local building code inspector before installing the security devices. Additionally, the division’s project architect communicated directly with Mr. Wiseman, the local building inspector, providing him with information from the manufacturer of the device and requesting input from Mr. Wiseman regarding approval of or a code variance for the device to be installed. A copy of architect Ronald Hotinger’s September 6, 2016 email to Mr. Wiseman is attached as Exhibit 9.

The TRB has the authority to reverse or modify the decision of the State Fire Marshal. See 13VAC5-51-121(K). Moreover, by statute, the Board of Housing and Community Development has the authority to modify, amend or repeal any provisions of the SFPC “as the public interest requires.” See Va. Code §27-97. Additionally, the 2018 edition of the National Fire Protection Association (NFPA) Life Safety Codes has been revised to permit the use of “Classroom Door Locking to Prevent Unwanted Entry.” See sections 15.2.2.2.4 and 16.2.2.2.6.

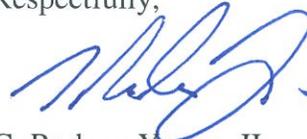
Providing a modification or reversal of the violations in this case serves the public interest. While ACPS certainly recognizes the public safety benefits of consistent application of the SFPC, those benefits must be balanced against the potentially life-threatening risks associated with armed intruders in the Commonwealth’s public schools. The risk is not theoretical; unfortunately, far too many incidents involving the tragic shooting of innocent students and school staff have occurred in our nation’s schools in the recent past. The Nightlock

Lockdown device is for use only in lockdown emergencies to prevent entry by an armed intruder. It is easily engaged and disengaged, and it can be disengaged from outside the classroom by use of a specially designed release tool. It is a far safer mechanism than the use of heavy furniture or other obstacles placed in front of a classroom door to prevent ingress by an outsider. And, adequate training in the use of the device is part of the division's emergency plan and drill procedures.

Finally, members of the Virginia House of Delegates and the Virginia State Senate recognize the need to apply the SFPC in a manner that also considers the significant safety concerns of students and staff and the risks posed by an armed intruder. Attached as Exhibit 10 for the TRB's consideration is a letter dated April 5, 2018 from the Honorable R. Steven Landes, member of the House of Delegates and its Select School Safety Committee to Brian M. McGraw, Virginia State Fire Marshal. And, attached as Exhibit 11 for the TRB's consideration is a letter dated May 17, 2018 from the Honorable R. Steven Landes, the Honorable Richard P. Bell, and the Honorable Emmett W. Hanger, Jr. to Michael T. Reilly, Executive Director, Virginia Department of Fire Programs. As noted in their letter, Delegates Landes and Bell, and Senator Hanger, all support ACPS' appeal and the reversal or modification of the notice of violations to permit ACPS to use the security device in question.

For the reasons stated in this letter, the Augusta County Public Schools respectfully requests that the TRB reverse or modify the violations cited by the State Fire Marshal to permit the school division to use the Nightlock Lockdown device in emergency circumstances to prevent ingress by an intruder who poses risk of harm to students and staff. If the TRB needs any further information in support of this appeal, please feel free to contact me.

Respectfully,



G. Rodney Young, II

Enclosures

Cc: Dr. Eric Bond
Superintendent
Augusta County Public Schools

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration
Augusta County Public Schools

May 31, 2018
Page 6

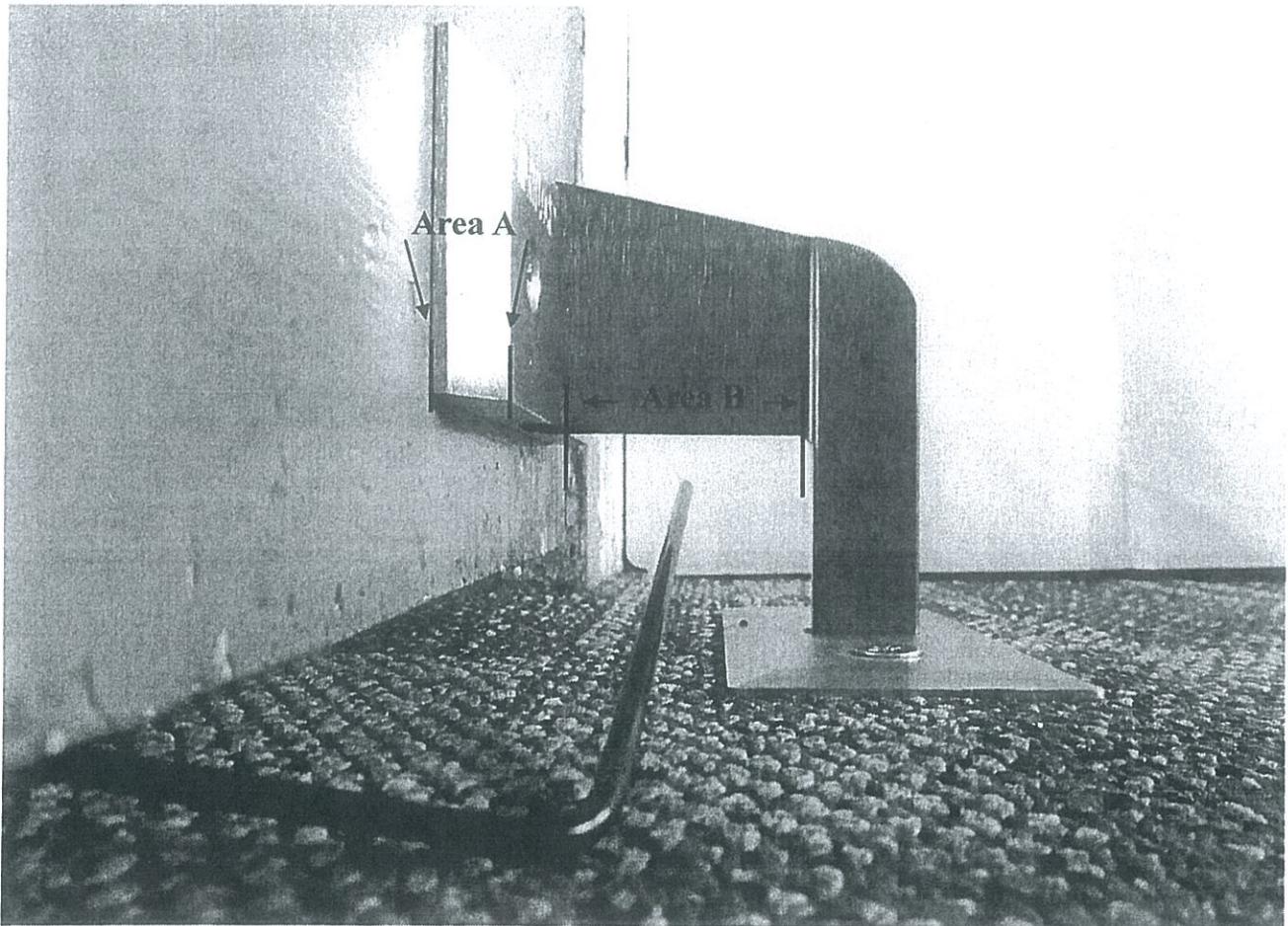
Kenneth Kent
Deputy State Fire Marshal
Western Regional Office
State Fire Marshal's Office
6744 Thirlane Road
Roanoke, Virginia 24019
Kenneth.kent@vdfp.virginia.gov

NIGHTLOCK[®] LOCKDOWN

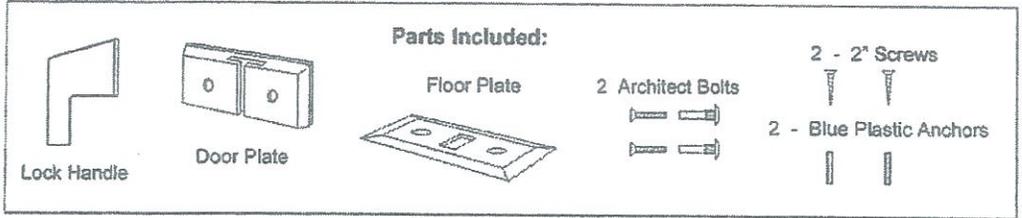
By Taylor Brothers Door Lock LLC
Ph: 855-644-4856 www.classroomlockdown.com

1. If installed properly, the Red Locking Handle should slide up and down in the Door Plate Slot and the Floor Plate Hole freely, facilitating an easy movement upward when using the Release Tool. (If Red Lock Handle is hard to lift and binding occurs in the locked position, adjust the lock mounting)
2. When using the release Tool :
From outside the room, push the Release Tool squarely and completely to the door surface, before lifting to release. This will cause the Release tool (lifting end) to make contact with the Red Locking Handle in the right position (Area B). You cannot lift the Red Locking Handle if Release Tool contacts the Door Plate in (Area A), this could cause the Release Tool to bend.

Designated personnel should practice with the Release Tool, to ensure proper technique.



NIGHTLOCK LOCKDOWN - Installation Instructions



SEE REVERSE SIDE FOR (Low Profile) Floor Plate INSTALLATION INSTRUCTIONS

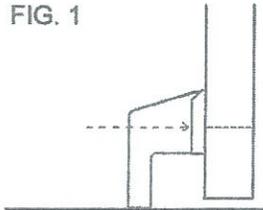


FIG. 1

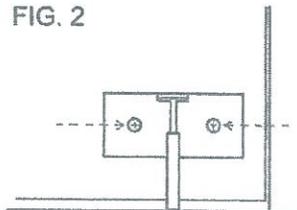


FIG. 2

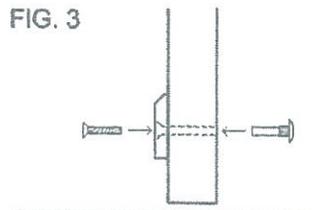


FIG. 3

Step 1. Position Door Plate and Handle on inside of door and near opening edge of door, to locate holes. See FIG. 1 and FIG. 2. Handle will rest on floor.

Step 2. Drill 3/8" Dia. holes completely through door. To eliminate splintering, drill small pilot hole first, then drill with 3/8" drill bit half way through from both sides of door. Fasten door plate to door with 2 architect bolts, (included). See FIG. 3

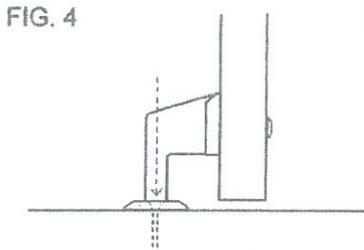


FIG. 4

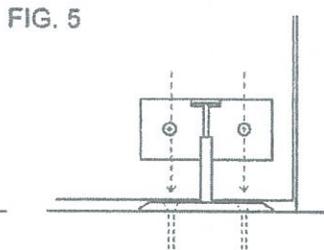


FIG. 5

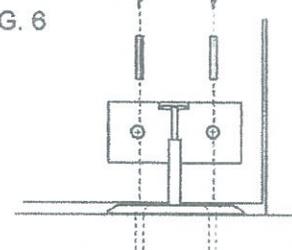


FIG. 6

Step 3. Position Floor Plate under Handle with Handle inserted into rectangular hole of Floor Plate. Check for squareness to door and ease of insertion. Locate and mark screw holes on floor. FIG. 4 and FIG. 5

Step 4. Drill 5/16" Dia. holes deep enough to accept screws. Insert Blue Plastic Anchors, (included) into 5/16" Dia. holes and fasten floor plate to floor with 2 screws, (included). See FIG. 6

★ REVIEWS

TOOLS NEEDED:
POWER DRILL / SCREW DRIVER
3/8" DIA. DRILL BIT (for wood or metal door).
5/16" DIA. DRILL BIT (for concrete or masonry use).

Patent Pending

INSTALLATION TUTORIAL VIDEOS:
Available Online At: www.classroomlockdown.com
See Other Nightlock Products At: www.nightlock.com
For Ordering and Customer Service 855-644-4856

IMPORTANT:

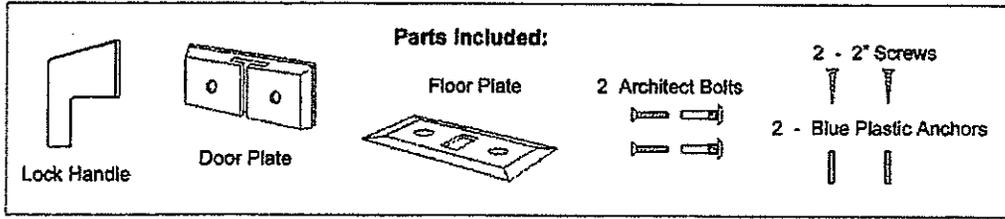
Practice Drills - Schedule regular practice drills. Teachers should be skilled and ready to react during an emergency.
Lock Handle Location - Teachers should check daily to ensure lock handle is available and ready for use, in it's proper secure location.
Janitorial / Maintenance - Keep floor plate hole clear of debris with regular cleaning. Check bolts and screws periodically to ensure they are tight and secure.
Extra Lock Handles and Emergency Release Tool - Make regular checks to ensure extra lock handles and emergency release tools are available if needed, and kept at a secure location such as an administrators office.



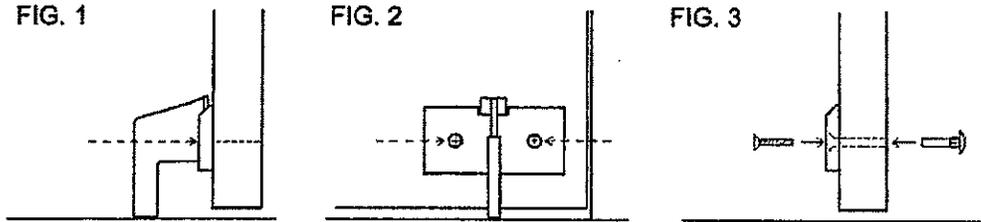
Taylor Brothers Door Lock
Flint, Michigan 48505 USA

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NIGHTLOCK LOCKDOWN - with Low Profile Floor Plate - Installation Instructions

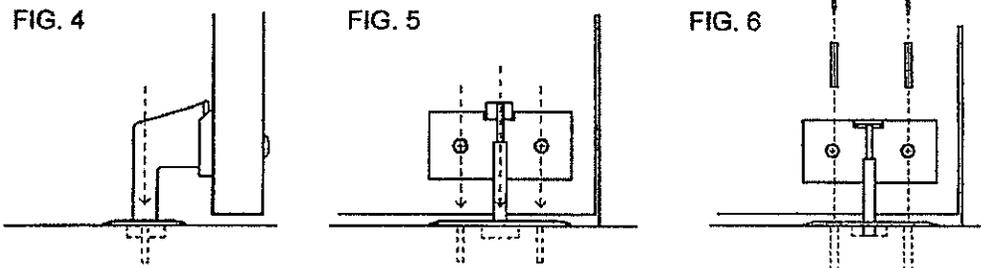


SEE REVERSE SIDE FOR (Non-Low Profile) Floor Plate INSTALLATION INSTRUCTIONS



Step 1. Position Door Plate and Handle on inside of door and near opening edge of door, to locate holes. See FIG. 1 and FIG. 2 Allow handle to protrude 3/8"-1/2" above Door Plate. Handle will rest on floor.

Step 2. Drill 3/8" Dia. holes completely through door. To eliminate splintering, drill small pilot hole first, then drill with 3/8" drill bit half way through from both side of door. Fasten door plate to door with 2 architect bolts, (included). See FIG. 3



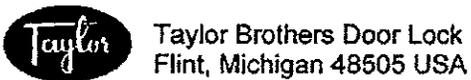
Step 3. Position Floor Plate under Handle with Handle inserted into rectangular hole of Floor Plate. Check for squareness to door and ease of insertion. Locate and mark screw holes on floor. Remove Handle and locate core hole location at center of rectangular hole in Floor Plate. FIG. 4 and FIG. 5 This center core hole is necessary to allow the handle to drop through the Low Profile Floor Plate, for proper operation.

Step 4. Drill 5/16" Dia. holes deep enough to accept screws. Drill a 1-1/4" Dia. hole at center core hole location, 3/8"-1/2" deep. Insert Blue Plastic Anchors, (included) into 5/16" Dia. holes and fasten floor plate to floor with 2 screws, (included). See FIG. 6

TOOLS NEEDED:
 POWER DRILL / SCREW DRIVER
 3/8" DIA. DRILL BIT (for wood or metal door).
 5/16" DIA. DRILL BIT (for concrete or masonry use).
 1-1/4" DIA. CORE BIT (for concrete or masonry use).

Patent Pending
INSTALLATION TUTORIAL VIDEOS:
 Available Online At: www.classroomlockdown.com
 See Other Nightlock Products At: www.nightlock.com
 For Ordering and Customer Service 855-644-4856

IMPORTANT:
Practice Drills - Schedule regular practice drills. Teachers should be skilled and ready to react during an emergency.
Lock Handle Location - Teachers should check daily to ensure lock handle is available and ready for use, in it's proper secure location.
Janitorial / Maintenance - Keep floor plate hole clear of debris with regular cleaning. Check bolts and screws periodically to ensure they are tight and secure.
Extra Lock Handles and Emergency Release Tool - Make regular checks to ensure extra lock handles and emergency release tools are available if needed, and kept at a secure location such as an administrators office.



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DOWNLOAD Nightlock Lockdown Installation Instructions In PDF

TIP SHEET

For the Low Profile 1/8" thick floor plate install

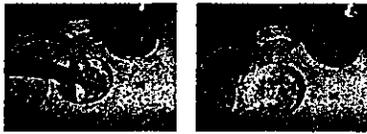
For Drilling the extra Center Hole

USE: 1-1/4" DIAMOND GRIT HOLE SAW

- 1. Hold saw at an angle to start hole, then straight down 3/8" to 1/2" deep.
To extend hole saw life, use a little water during cut.



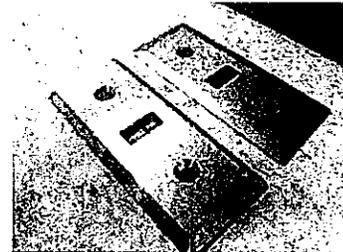
- 2. Chisel out center, for a flat surface.
Don't forget safety glasses.



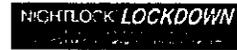
Floor Plate Options



The 1/8" thick Low Profile floor plate option requires 1 extra step during installation. A shallow recessed hole in the floor, below the center hole, only 1/8" inch deep. Easy to do, see the Center Hole Tip Sheet.



Both options are the same price and have the same strength rating.



★ REVIEWS

Share this:



Augusta County
Public Schools



Doug Shifflett <dwshiffl@augusta.k12.va.us>

Re: Acknowledgement of our telephone conversation

1 message

Doug Shifflett <dwshiffl@augusta.k12.va.us>
To: "Kent, Kenneth" <kenneth.kent@vdfp.virginia.gov>

Tue, May 1, 2018 at 7:32 AM

Mr. Kent,
Your summation is correct. Thanks for documenting our steps in this process. -Doug

Douglas W. Shifflett, Jr., Ed.D.
Assistant Superintendent for Administration
Augusta County Public School

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On Mon, Apr 30, 2018 at 4:46 PM, Kent, Kenneth <kenneth.kent@vdfp.virginia.gov> wrote:
Dr. Shifflett,

This email is to acknowledge our telephone conversation this afternoon regarding the Notice of Violation/ Inspection Notice at Cassell and Riverheads Schools.

In summary, you stated that the "Lockdown Devices", metal angles, will be removed from the library and classrooms by the end of today, April 30, 2018. The metal angles will be secured in office vault, which has limited access. You further stated that the devices will be stored and not used, until final resolution of a possible appeal to the Technical Review Board.

We also spoke about the other violations on the Notice of Violation and you stated that you are in process of revising the plans and you will submit them for approval when when completed.

Please advise if I missed anything from our telephone conversations. I will be visiting both schools to verify compliance.

Thanks,
--

Kenneth L. Kent

Deputy State Fire Marshal

State Fire Marshal's Office, Division 3, Western Region
6744 Thirlane Road
Roanoke, VA 24019

(540) 580-0175 Cell

kenneth.kent@vdfp.virginia.gov

www.vafire.com

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G. Rodney Young, II

From: Doug Shifflett <dwshiff@augusta.k12.va.us>
Sent: Friday, May 25, 2018 9:58 AM
To: Kent, Kenneth (VDFP)
Subject: Updated Crisis Plans for Cassell and Riverheads
Attachments: Cassell Crisis Plan. updated.pdf; RES Crisis Plan . updated.pdf

Mr. Kent,

I have included our updated Crisis Plans that includes the needed changes regarding the cited violation of 404.2.3.1 and 401.2 on our Lockdown procedures. Both of these violations had a correction deadline of 5/27/2108.

Both plans are attached. Plans have also been updated at each school in the administrative offices and front office. We will update the staff's notebooks when they return in late July.

Please call or email if you have any questions.

Thanks, Doug

Douglas W. Shifflett, Jr., Ed.D.
Assistant Superintendent for Administration
Augusta County Public School

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The Virginia Educator's Guide for Planning and Conducting School Emergency Drills 2015



Acknowledgments

Virginia Department of Criminal Justice Services
Virginia Center for School and Campus Safety
1100 Bank Street
Richmond, VA 23219

Virginia Department of Education
P.O. Box 2120
Richmond, VA 23218-2120

Released July 2014
Revised January 2015

All web-based links were current as of January 28, 2015.

For additional copies, please contact:

Donna Michaelis, Manager
or
Shellie MacKenzie, School and Campus Safety Training and Program Coordinator
Virginia Center for School and Campus Safety
Virginia Department of Criminal Justice Services

This document is also available online at
www.dcjs.virginia.gov/vcscs

Lockdown Drill

Definition:

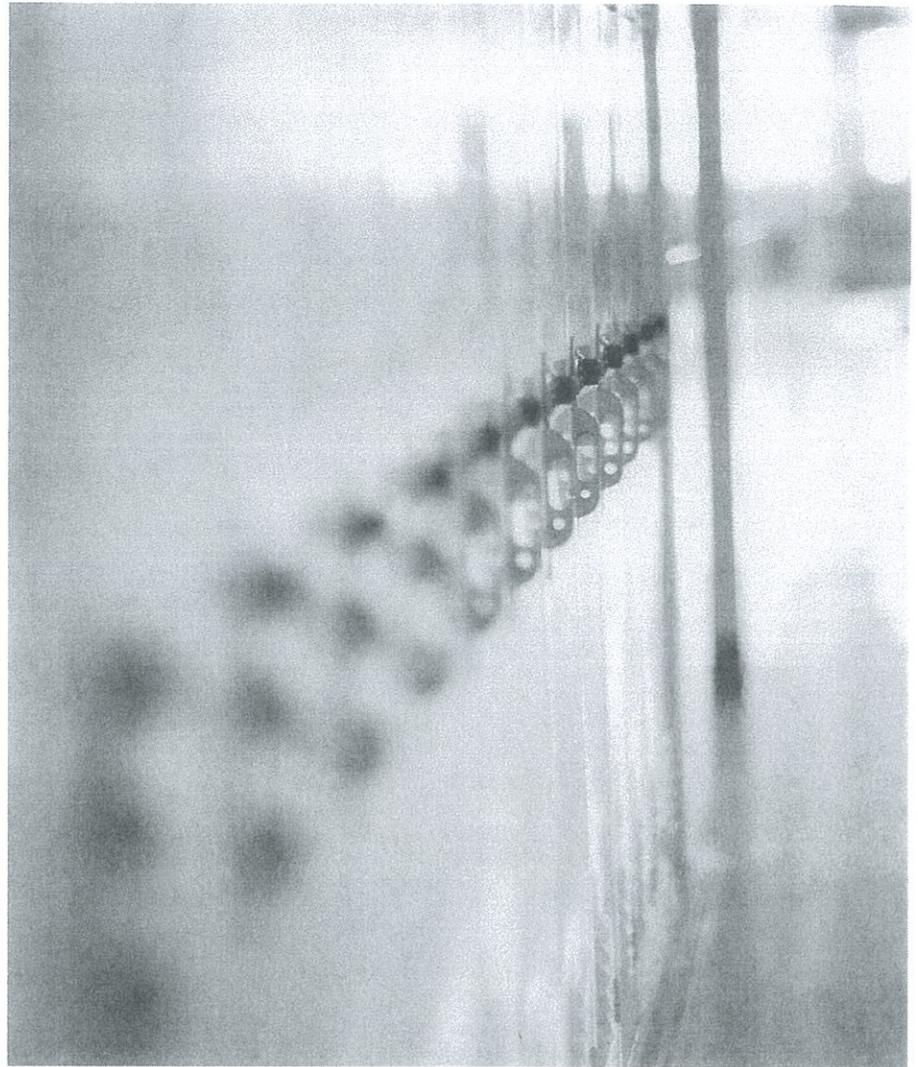
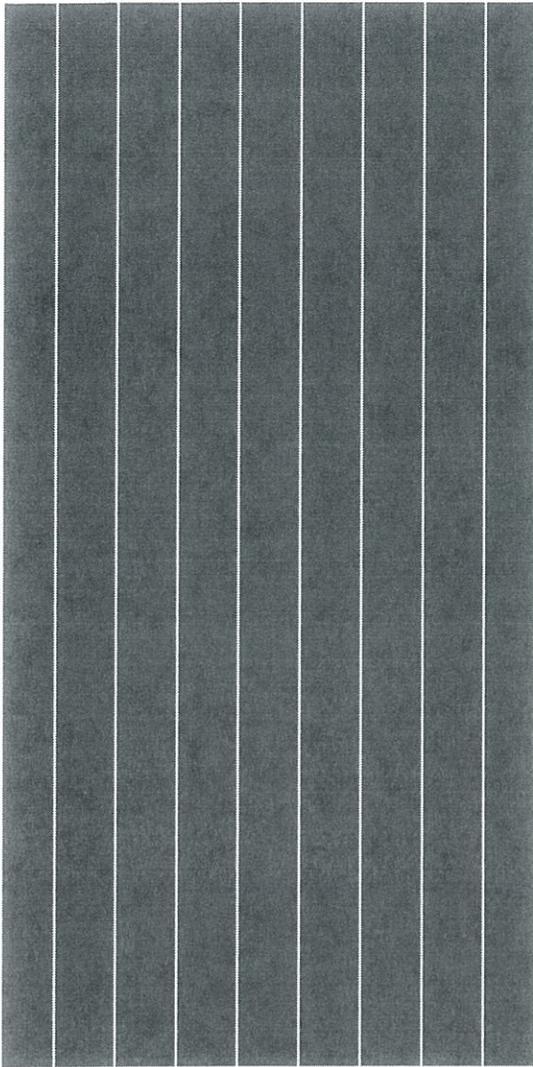
A variation of a shelter-in-place, when all staff and students are directed by the administration to report to, or to remain in, the classrooms with the additional instruction that teachers lock their doors to prevent entry, cover windows, and account for all students under their care, while having students silently sit away from windows and against solid walls. The purpose of a lockdown is to prevent people outside of the building from gaining entrance. No one should be locked into a building where they are not able to escape. A key, tool or special knowledge, such as a code, should not be required to open a door to leave the building. Also, please note that any locks added to a school building must be approved by the local building official.

Response Actions:

- Lock all exterior doors, provided it is safe to do so
- Instruct students to silence all cell phones, computers and other devices that may make noise
- Instruct students to silently move to pre-determined seated positions, preferably against solid walls, not visible from windows or doors, and away from windows
- Follow predetermined process of closing blinds, turning off lights, and placing "All Clear" or other notification card based upon requirements or plans in your locality
- Remain in these positions until receiving further instructions*
- Evaluate the students on performance, giving immediate praise if their response actions matched directions
- Complete an evaluation of the drill process (see Appendix A-2 for an example)
- Debrief on "lessons learned" from the evaluation with staff, and possibly students

***NOTE:** A critical incident in which a lockdown is necessary is when an active shooter is present. While this event is highly unlikely, should it occur, a "Run, Hide, Fight" response may be added to the decision-making process. These behaviors are not part of compulsory, required drills.

Online training is available regarding an active shooter incident. It includes deviating from the standard lockdown procedure when there is imminent danger and no other alternatives are present. This may include running to evacuate if safe to do so. Hiding is the recommended action in a no warning incident when safe evacuation is not possible, and as a very last resort, fighting to protect yourself and students. The video, *Critical Incident Response for School Faculty and Staff* may be accessed at <http://vimeopro.com/rsanimation/va-schools-active-shooter> Password "rsmaccess".



Critical Incident Response for School Faculty and Staff

2015



DBHDS
Virginia Department of
**Behavioral Health and
Developmental Services**

ACKNOWLEDGMENTS

Virginia Department of Behavioral Health and Developmental Services
P.O. Box 1797
Richmond, VA 23218

Virginia Department of Criminal Justice Services
Virginia Center for School and Campus Safety
1100 Bank Street
Richmond, VA 23219

Virginia Department of Education
P.O. Box 2120
Richmond, VA 23218-2120

Virginia State Police
7700 Midlothian Turnpike
Richmond, VA 23235

Risk and Strategic Management Consulting (RSM) of Herndon, Virginia, graciously donated the production of the video, *Critical Incident Response for School Faculty and Staff*, which is an essential component of this training.

Please direct any questions about this manual to:

- Donna Michaelis, Manager, Virginia Center for School and Campus Safety at 804-371-6506, donna.michaelis@dcjs.virginia.gov
- Shellie MacKenzie, School and Campus Safety Program and Training Coordinator, Virginia Center for School and Campus Safety at 804-225-1863 or shellie.mackenzie@dcjs.virginia.gov
- Jo Ann Burkholder, Coordinator, Student Assistance Systems, Virginia Department of Education, Office of Student Services at 804-371-7586 or joann.burkholder@doe.virginia.gov

Active Shooter Defined (Video count: 00:00-04:44)

The United States Department of Homeland Security² and other law enforcement agencies offer the following description of the term “active shooter”:

An individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearm(s) and there is no pattern or method to their selection of victims.

Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims.

Because active shooter situations are often over within ten to fifteen minutes, before law enforcement arrives on the scene, individuals must be prepared both mentally and physically to deal with an active shooter situation.

There is no specific profile attached to an individual or group of individuals who commit such acts (See Appendix B: The School Shooter: A Quick Reference Guide). However, active shooter situations have been initiated by individuals (including students) known or unknown to the school community. Additionally, armed criminals or, in rare cases, domestic or international terrorists, may instigate an active shooter situation. Active shooters may target a school, university, or childcare center, and other social venues such as sporting events, museums, rail and bus stations, and recreational facilities where students may visit during field trips.

While active shooter situations are very rare, staff must be vigilant and aware of their surroundings and understand how to respond appropriately and effectively to protect students and themselves should a physical threat occur. Rarely do individuals simply “snap.” There are signs that staff can be aware of to potentially prevent an attack. This may include suspicious people watching a facility or taking photographs, or strange calls and unusual behavior by students, staff, parents, or visitors. You should never feel embarrassed to report this information to the school administration or to law enforcement.

Responding to the Critical Situation of an Active Shooter

Emergency Operation Plans (EOPs) are updated annually by school divisions and individual schools. School personnel participate in professional development sessions on school safety, practices, and procedures. School personnel and students practice safety drills regularly throughout the school year. **Lockdown, evacuate, and shelter-in-place** are the three main safety responses or drills that are practiced annually. In any critical situation, one or all of these three safety responses may be employed. The use of multiple responses is particularly significant in an active shooter critical incident. **Run, hide, or fight** are three additional specific safety responses germane to active shooter situations.

² U.S. Department of Homeland Security, *Active Shooter – How to Respond*, Washington, DC, www.dhs.gov October 2008.

If it is safe to do so, evacuate the premises (informing students which route to take and where they should go), and move well away from the school to a safe location. School personnel should take the following actions:

- Have an escape route and plan in mind before moving.
- Account for all students. Have a teacher's aide or another responsible individual lead the students out, while checking for the last student out of the room or area.
- Leave all belongings behind and instruct students to do the same.
- Break windows to escape if located on the ground floor. Clear away glass and lay mats or clothing over the windowsill to prevent injury. An adult should climb out first to help students exit the window safely.
- Prevent individuals from entering an area where an active shooter may present a threat. Warn people to stay away without endangering self or others.
- Keep hands visible if police officers are outside.
- Follow the instructions of any police officer.
- Do not attempt to move wounded people.
- Call 911 when conditions are safe.
- Listen for special instructions over the intercom.

Hide (Video count: 11:21-13:12)

Hide is essentially an extreme version of a routine lockdown procedure and the recommended action to take in a "no warning" incident, versus a lockdown that is announced over an intercom. If evacuating is not possible, the school personnel and students should find a place to hide where the active shooter is less likely to find the hiding location. Whether school personnel and students are in the school building or on the sports field or a field trip, the hiding places should:

- be out of the active shooter's view;
- provide protection if shots are fired in the direction of the hiding spot;
- be away from doors and windows as bullets can pass through these easily, and;
- not trap or restrict options for escape if that is possible.

Take the following precautions to prevent an active shooter from entering the hiding place:

- Lock the door.
- Blockade the door with heavy furniture.
- Hide behind solid objects such as file cabinets.

If the active shooter is nearby then complete the following actions:

- Lock the door.
- Silence cell phones or pagers.
- Turn off any source of noise such as radios and televisions.
- Hide behind large items such as cabinets and desks.
- Remain quiet and instruct others to do the same.

When reporting the threat to the police take the following steps:

- Remain calm.
- Dial 911, if possible in order to alert police to the active shooter's location. If speaking on the phone is not an option, leave the line open and allow the dispatcher to listen to what is happening.

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond
Superintendent

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

September 14, 2016

Request for code modification

G. W. Wiseman,

I am requesting a code modification for the new Riverheads Elementary School which is currently being constructed and scheduled for a completion date of July, 2017. I am specifically requesting to have a modification to Hardware 1008.1.9.1 and Unlatching 1008.1.9.5 to allow for the availability to use a classroom door brace in hostile intruder situations.

We would only place this equipment within classrooms and not on any fire rated doors or doors with panic hardware. The reason for this modification request is to allow for added safety procedures during hostile intruder situations to be available to add strength to the door in order to deny access by the intruder. The equipment will only be used in an intruder situation. The equipment does come with a tool for administration or emergency personnel to release the equipment. Tools will be provided to school administrators, School Resource Officers and other emergency personnel in the Fire and Rescue Departments.

Sincerely,



Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration

Attachment: Nightlock Security Device (3 pages); Nightlock Release Tool (1 page)

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond
Superintendent

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

September 14, 2016

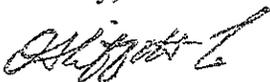
Request for code modification

G. W. Wiseman,

I am requesting a code modification for the new Cassell Elementary School which is currently being constructed and scheduled for a completion date of July, 2017. I am specifically requesting to have a modification to Hardware 1008.1.9.1 and Unlatching 1008.1.9.5 to allow for the availability to use a classroom door brace in hostile intruder situations.

We would only place this equipment within classrooms and not on any fire rated doors or doors with panic hardware. The reason for this modification request is to allow for added safety procedures during hostile intruder situations to be available to add strength to the door in order to deny access by the intruder. The equipment will only be used in an intruder situation. The equipment does come with a tool for administration or emergency personnel to release the equipment. Tools will be provided to school administrators, School Resource Officers and other emergency personnel in the Fire and Rescue Departments.

Sincerely,



Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration

Attachment: Nightlock Security Device (3 pages); Nightlock Release Tool (1 page)

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond
Superintendent

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

September 14, 2016

Procedures for using a door brace in a school building

G. W. Wiseman,

School procedures for the use of a door brace on a classroom door are as follows:

The door brace will only be used in a “Code Yellow Lockdown Immediately” situation or a practiced drill for a “Code Yellow Lockdown Immediately” situation. This terminology will only be used in an Intruder or Hostage situation. The door brace will not be used for any other drills or situations.

Sincerely,



Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



16-920

September 15, 2016

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration
P.O. Box 960
Verona, VA 24482

Dear Dr. Shifflett:

Re: Permit # 7-2016

I have reviewed your request for a modification and based on the information provided, your request has been granted to Section 1008.1.9.1 and 1008.1.9.5 of the IBC. Please let me know if I can be of any further assistance.

Sincerely,

Granville W. Wiseman
Building Official

GW/srs

Staunton (540) 245-5700

TOLL FREE NUMBERS
From Deerfield (540) 939-4111 From Bridgewater, Grottoes
Harrisonburg, Mt. Solon & Weyers Cave (540) 828-6205
FAX (540) 245-5066

Waynesboro (540) 942-5113





COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



16-919

September 15, 2016

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration
P.O. Box 960
Verona, VA 24482

Dear Dr. Shifflett:

Re: Permit # 53-2016

I have reviewed your request for a modification and based on the information provided, your request has been granted to Section 1008.1.9.1 and 1008.1.9.5 of the IBC. Please let me know if I can be of any further assistance.

Sincerely,

Granville W. Wiseman
Building Official

GW/srs

Staunton (540) 245-5700

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From Deerfield (540) 939-4111 From Bridgewater, Grottoes
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FAX (540) 245-5066

Waynesboro (540) 942-5113



Doug Shifflett <dwshiff@augusta.k12.va.us>

Classroom lock down device proposed for ACPS classrooms

1 message

Ronald Hotinger <rhotinger@cra-architects.com>
 To: "G.W. Wiseman" <gwiseman@co.augusta.va.us>
 Cc: "Doug Shifflett Jr." <dwshiff@augusta.k12.va.us>, Hal Hart <hhart@cra-architects.com>

Tue, Sep 6, 2016 at 12:07 PM

Mr. Wiseman,

ACPS Administration are interested in installing lockdown devices or classroom door interior barricades as described in the attached literature. And Dr. Shifflett has asked CRA to obtain a cost quote from the contractor to install such devices at the typical classroom doors on both the Cassell and Riverheads new elementary schools.

We felt that this request should first be presented to you for review. The manufacturer provides the below response to this question in their FAQ section on-line. And that as the AC Building Official, whether your office takes no exception, but if so then will you consider such under a code variance request?

We understand that the 'Nightlock' information was presented to AC Sheriff and Fire Chief by ACPS staff, and nothing was mentioned that it would not be against regulations.

Please note that the manufacturer indicates a special tool is provided for releasing the device by officials such as School Staff, Law Enforcement and/or First Responders.

FYI, we have attached the manufacturer's literature from their website:

<http://nightlock.com/classroom-lockdown-2/>

— IS THIS ACCEPTED BY LOCAL OR STATE FIRE CODES?

Most State Fire Marshall's approve devices like Nightlock Lockdown. Most lockdown policy procedures for classrooms include "Barricading the classroom door," with items such as desks or furniture. Many Fire Code Officials are now applying a variance in the codes to allow temporary Barricade devices for emergency events. The variances include that they are portable/removable, have a tool to release the device and/or be defeated by Law Enforcement or First Responders. As codes are constantly being updated and changed, we suggest working with local police and fire department. If further questions or concerns should arise, contact NIGHTLOCK at sales@nightlock.com

Thank you in advance for your review and response. Let us know if have additional questions.

Regards,

Ron



Ronald M. Hotinger, RA, LEED AP BD+C
 Senior Project Manager/Construction Administration

p: 434-975-7262

c: 434-989-9188

Crabtree, Rohrbaugh & Associates
 Architects

Pennsylvania * Virginia * Maryland * West Virginia

find us at:



Classroom-Lockdown-Flyer.pdf

https://mail.google.com/mail/u/0/?ui=2&ik=29cc8ee70e&jsver=FPvd7uxXULs.en.&cbl=gmail_fe_180508.13_p10&view=pt&q=nightlock





COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

R. STEVEN (STEVE) LANDES
POST OFFICE BOX 12
VERONA, VIRGINIA 24482

TWENTY-FIFTH DISTRICT

April 5, 2018

COMMITTEE ASSIGNMENTS:
EDUCATION (CHAIRMAN)
APPROPRIATIONS (VICE CHAIRMAN)
PRIVILEGES AND ELECTIONS
RULES

Mr. Brian M. McGraw
Virginia State Fire Marshall
1005 Technology Park Drive
Glen Allen, Virginia 23059-4500

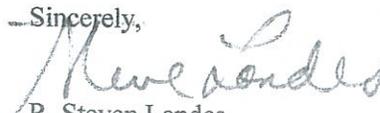
Dear Mr. McGraw:

I want to take this opportunity to officially ask you and your staff to put a "hold" on interpreting approval of devices designed for classroom security which falls under your authority in VA Fire Code 1030.2.1, related to security devices and egress locks. As we are all aware, there is much concern about the increasing amount of school shootings and a public outcry for better protection of students and staff in our school systems. It is time for the General Assembly along with the newly formed House Select Committee on School Safety to consider all means available which might provide better protection in a school setting.

In speaking with Superintendent Eric Bond of Augusta County Public Schools, he showed me a door barricade device called Nightlock. With the building of two new schools in Augusta County, the school system worked with both the County Building Inspector and Augusta County Sheriff who both approved installing these security measures into the two new schools only to have the Fire Marshall representative say under 1030.2.1 they cannot be approved and activated.

It is incumbent on all of us to do everything in our power to provide protection for our citizens and most especially the children entrusted to our care. It is past time to amend or adjust the fire code to allow the newest and best security devices for the protection of students and staff in our schools.

As a member of the Select School Safety Committee, I urge you to give serious consideration of this request. I look forward to your response and to working cooperatively with you and other officials to provide the best and most up-to-date security to protect our students.

Sincerely,

R. Steven Landes

RSL/jww

cc: The Honorable M. Kirkland Cox
Speaker of the House of Delegates

The Honorable Brian J. Moran
Secretary of Public Safety & Homeland Security



Commonwealth of Virginia

GENERAL ASSEMBLY

RICHMOND

May 17, 2018

Michael T. Reilly
Executive Director, VA Dept. Fire Programs
1005 Technology Park Drive
Glen Allen, VA 23059-4500

Dear Director Reilly,

We write united as follow-up to a letter dated April 5th to the State Fire Marshal and a subsequent meeting with you and Delegate Landes regarding an interpretation issue of a temporarily placed safety device in the event of a school shooting or other attack against our children.

As you know the House Select School Safety Committee is reviewing numerous avenues to harden schools and protect students. Augusta County, while building two new schools worked with the County Building Inspector and County Sheriff's Office to install NightLock door barricade devices for temporary use during a lockdown situation. The Fire Marshal representative however has since said the devices are not permitted per Code Section 1030.2.1. It is our understanding that that citation is in the appeal process.

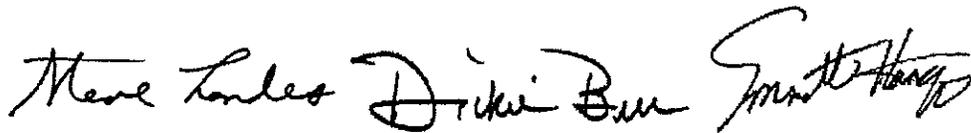
We have toured the schools and seen the device and are prepared to legislate an appropriate fix to the law and regulations to insure that during a lockdown situation, for a temporary use only, that the Nightlock or similar door barricades are permitted by law in order to slow an intruder's access into a classroom or other room where our students are assembled.

In an effort to work collaboratively and cooperatively with you and your department we would like to discuss what actions can be taken to insure the necessary changes are made. We also would like this letter to serve as our endorsement in Augusta County's appeal for the citations issued.

Common-sense must prevail. Currently, if a lockdown situation takes place teachers are instructed to barricade the door with anything to slow an intruder, including putting furniture and large heavy objects in front of the door. The NightLock is much faster and easier to put into action and certainly, easier to remove than furniture and other barricades placed in an emergency situation. Though we are all aware and appreciate the need for ingress and egress in an everyday situation, a temporary status of lock-down is just that a temporary situation to save lives in the immediate situation of an active shooter. We must modernize our building and fire safety laws to take into account today's world.

We look forward to working with you and your department to remedy this situation and ensure our students' safety in a lockdown situation.

Sincerely,



R. Steven Landes
VA Delegate
25th District

Richard P. Bell
VA Delegate
20th District

Emmett W. Hanger, Jr.
VA Senator
24th District

**DOCUMENTS AND
WRITTEN ARGUMENTS
SUBMITTED BY THE
STATE FIRE MARSHAL'S OFFICE**



COMMONWEALTH of VIRGINIA

Michael T. Reilly
EXECUTIVE DIRECTOR

Brian M. McGraw, P.E.
STATE FIRE MARSHAL

Virginia Department of Fire Program

State Fire Marshal's Office
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: 804/ 371-0220
Fax: 804/ 371-3367

June 4, 2018

W. Travis Luter, Sr., C.B.C.O.
Assistant Secretary to the State Building Code TRB
Department of Housing & Community Development
Division of Building & Fire Regulation
600 East Main Street, Suite 300
Richmond, Virginia 23219

Dear Mr. Luter,

Please accept this letter as the State Fire Marshal's Office (SFMO) response to the request for additional documents related to the Application for Administrative Appeal submitted by Dr. Eric Bond on behalf of Augusta County Public Schools.

We offer the following information for consideration by Staff and the Members of the Technical Review Board:

- Copies of letters to G.W. Wiseman dated September 14, 2016, and headed "Request for fire code modification" were provided to the State Fire Marshal's Office via E-mail (copy attached) on April 23, 2018. These letters (copies attached) clearly indicate that requests were for **fire code** modifications.
- The Building Official granted modifications under Sections 1008.1.9.1 and 1008.1.9.5 of the IBC.
- Section 1030.2.1 of the 2012 SFPC states: "Security devices affecting the means of egress shall be subject to approval of the fire code official. Special locking arrangements including, but not limited to access-controlled egress doors, security grills, locks and latches, and delayed egress locks shall be installed and maintained as required by this chapter."

- The “Nightlock Lockdown 1” devices installed for use in Cassell Elementary School and Riverheads Elementary School constitute “security devices and egress locks” and, therefore, are subject to approval by the Fire Code Official in accordance with Section 1030.2.1 of the Statewide Fire Prevention Code.
- The 2012 IFC Commentary states the following regarding Section 1030.2.1: “In our society, security is an ever-growing concern and often the solutions to enhancing the security of buildings conflict with the life-safety concerns of building and fire codes. This section provides the fire code official with an important measure of control over the installation or modification of security devices that could have an adverse effect upon the egress system of a building.
- The 2018 International Fire Code contains a new Section 1031.2.2 that states: “In Group E occupancies, Group B educational occupancies and Group I-4 occupancies, egress doors from classrooms, offices and other occupied rooms shall be permitted to be provided with locking arrangements designed to keep intruders from entering the room where all of the following conditions are met:
 1. The door shall be capable of being unlocked from outside the room with a key or other approved means.
 2. The door shall be operable from within the room in accordance with Section 1010.1.9.
 3. Modifications shall not be made to existing listed panic hardware, fire door hardware or door closers.
 4. Modifications to fire door assemblies shall be in accordance with NFPA 80.
- Section 1010.1.9 of the 2018 International Fire Code contains the same requirements as Section 1008.1.9 of the 2012 Virginia Construction Code and the 2012 SFPC, including:
 - Egress doors shall be readily operable from the egress side without the use of a key or special knowledge or effort.
 - Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches minimum and 48 inches maximum above the finished floor.
 - The unlatching of any door or leaf shall not require more than one operation.
- The introduction of the new Section 103.2.2 in the 2018 IFC demonstrates clear intent by the ICC that supplemental locking devices intended for use during lock downs in schools comply with the operating principles described above.
- The Building Official does not have the authority to grant modifications to the Statewide Fire Prevention Code (SFPC). In accordance with SFPC Section 106.5, that authority rests with the Fire Official. Since Augusta County does not have a local fire official, the State Fire Marshal is the Fire Official in accordance with COV §27-98 and SFPC Section 104.2.

- Even if the Building Official has jurisdiction over this issue through the Virginia Uniform Statewide Building Code, the modification granted by the Building Official only addresses Section 1008.1.9.1, which states “Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 shall not require tight grasping, tight pinching or twisting of the wrist to operate”; and Section 1008.1.9.5, which states “The unlatching of any door or leaf shall not require more than one operation”. It does not grant relief from the hardware mounting height requirements, which the provided devices do not meet.
- SFPC Section 106.5, Modifications, states: “The fire official may grant modifications to any provision of the SFPC upon application by the owner or the owner’s agent provided that the spirit and intent of the SFPC are observed and public health, welfare and safety are assured”.
- The “Requests for Fire Code Modification” that were submitted do not provide any documentation to demonstrate that the spirit and intent of the SFPC are met. In essence, the requests are for waivers of a code requirement. The SFPC does not grant the Fire Code Official the authority to grant waivers to SFPC requirements. Similarly, the Building Code does not grant the Building Official the authority to grant waivers to Building or Fire Code requirements.
- Similarly, Dr. Bond’s letter, dated May 9, 2018, asks that the Technical Review Board “overturn” all three violations cited by the SFMO. There has been no documentation submitted to demonstrate compliance with the specific code requirements or the spirit and intent of the SFPC. In essence, the Appellant is asking the TRB to grant a waiver to the SFPC specifically,
 - Section 1030.2.1, which states that “security devices affecting the means of egress shall be subject to approval of the fire code official”;
 - Section 401.2, which states “where required by this code, fire safety plans, emergency procedures and employee training programs shall be approved by the fire code official”; and
 - Section 404.2.3.1, which states that “Lockdown plans shall be approved by the fire official”.
- The attached letter to school officials outlines the history of large life loss school fires in the United States. We have not experienced fires of this nature in over 50 years **because of** the fire and life safety regulations that were developed in response to these incidents.
- While the provided devices may serve a specific need in the event of an active violence incident, they are readily available for use for unintended purposes that could result in harm to students or staff such as a student deploying the device to trap a teacher or another student in the room in order to do them harm. There are no physical controls to prevent such use.

- Several manufacturers offer upgraded door hardware specifically designed for classroom doors that provided added security while still complying with the Fire Code. There are also retrofit devices to provide a locking feature to existing door hardware that comply with the requirements of the Fire Code.
- Submission of the modification requests demonstrates knowledge that the provided devices do not comply with the code. However, neither School Officials nor the Building Official engaged the State Fire Marshal's Office in discussions regarding the issue. Had the SFMO been engaged in the discussions, a code compliant solution could have been incorporated into the construction of the schools at a reasonable cost. Instead, we discovered the devices during a routine fire prevention inspection.

The safety of students and staff in our schools is of paramount importance to the State Fire Marshal's Office. However, we should not be increasing physical security at the expense of fire safety.

Sincerely,



Brian M. McGraw, P.E.
State Fire Marshal



COMMONWEALTH of VIRGINIA

Virginia Department of Fire Programs

Michael T. Reilly
EXECUTIVE DIRECTOR

Brian M. McGraw, P.E.
STATE FIRE MARSHAL

State Fire Marshal's
Office
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: 804/ 371-0220
Fax: 804/ 371-3367

April 26, 2018

Dear School Official,

The safety of students and staff in our schools is of paramount importance to the Virginia State Fire Marshal's Office. It has come to our attention that some schools are taking actions in response to recent active violence incidents in schools that may compromise fire and life safety protections.

The United States has a long history of school fires with larges losses of life, including:

- Our Lady of Angels School, Chicago, IL December 1, 1958 95 deaths
- The Lake View School, Collinwood, OH March 4, 1908 175 deaths
- Cleveland Hill School Fire, Cheektowaga, NY March 31, 1954 15 deaths
- St. John's Parochial School, Peabody, MA October 28, 1915 21 deaths
- Babbs Switch School, Hobart, OK December 24, 1924 32 deaths
- Bath Consolidated School, Bath, MI May 18, 1927 46 deaths

The lessons learned from these fires led to the fire and life safety requirements that apply to schools today, including: fire drills, fire detection and alarm systems, fire sprinkler systems and multiple exits. While we have not experienced a large loss of life fire in a US school in the last 50 years, we still have fires in schools. A study by the US Fire Administration for the three-year period from 2009 to 2011 showed an estimated 4,000 school building fires reported to US fire departments each year. These fires caused an estimated 75 injuries and \$66.1 million in property loss. Fatalities occurred at a rate of 0.4 per 1,000 fires. Injuries occurred at a rate of 13.5 per 1,000 fires.

A variety of "supplemental locking devices" have been introduced in response to recent active violence incidents. Many of these devices conflict with building, fire and life safety codes and the Americans with Disabilities Act. The current Virginia Uniform Statewide Building Code contains the following requirements for door operating and locking hardware:

- Doors shall be readily openable from the egress side without the use of a key or special knowledge or effort (USBC §1008.1.9)
- Door handles, pulls, latches, locks and other operating devices shall be installed between 34 and 48 inches above the finished floor (USBC §1008.1.9.2)
- The unlatching of any door shall not require more than one operation (USBC §1008.1.9.2)

In addition, the Statewide Fire Prevention Code contains the following requirements:

- Required exits shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency when the building area served by the means of egress is occupied (SFPC §1030.2)
- Security devices affecting means of egress shall be subject to approval of the fire code official. Special locking arrangements including, but not limited to access-controlled egress doors, security grills, locks and latches, and delayed egress locks shall be installed and maintained as required by this chapter (SFPC §1030.2.1)
- Required fire safety plans, emergency procedures and employee training programs are required to be approved by the fire code official (§401.2)
- Upon activation of a fire alarm signal, employees or staff shall immediately notify the fire department (§401.3.2)
- A person shall not, by verbal or written directive, require any delay in the reporting of a fire to the fire department (§401.3.3)
- Lockdown plans shall be approved by the fire code official (§404.2.3.1)

Increased security initiatives must be balanced with fire and life safety requirements. We believe that security and fire safety are not mutually exclusive; we can achieve both by working together to identify and implement solutions. As such, we remind you special locking arrangements and changes to fire safety plans, emergency procedures and employee training programs are required to be approved by the fire official. In some jurisdictions, the fire official is the local fire marshal. In those jurisdictions that do not have a local fire marshal, the State Fire Marshal is the fire official. We encourage you to include the appropriate fire official in discussions with school staff, law enforcement personnel, and other interested parties to develop appropriate solutions.

Sincerely,



Brian M. McGraw, P.E.
State Fire Marshal



McGraw, Brian <brian.mcgraw@vdfp.virginia.gov>

Fwd: Augusta County

1 message

Kent, Kenneth <kenneth.kent@vdfp.virginia.gov>
 To: Brian McGraw <brian.mcgraw@vdfp.virginia.gov>
 Cc: "Claude Hutton (VDFP)" <Claude.Hutton@vdfp.virginia.gov>

Mon, Jun 4, 2018 at 11:11 AM

Email 2 of 2, with requested information.

Ken

----- Forwarded message -----

From: **Hutton, Claude** <claude.hutton@vdfp.virginia.gov>
 Date: Mon, Apr 23, 2018 at 11:35 AM
 Subject: Fwd: Augusta County
 To: Kenneth Kent <kenneth.kent@vdfp.virginia.gov>
 Cc: "Hutton, Claude (VDFP)" <Claude.Hutton@vdfp.virginia.gov>

Augusta Schools - Request to Building Official for Modification

----- Forwarded message -----

From: **Doug Shifflett** <dwshiffl@augusta.k12.va.us>
 Date: Mon, Apr 23, 2018 at 11:23 AM
 Subject: Augusta County
 To: "Hutton, Claude (VDFP)" <Claude.Hutton@vdfp.virginia.gov>

See attached for the two letters and the cover sheet with the explanation of device usage. I did not include the device attachments or the release tool information as this is part of our school safety program.

Douglas W. Shifflett, Jr., Ed.D.
 Assistant Superintendent for Administration
 Augusta County Public School

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--
 Claude O. Hutton, P.E., Chief Deputy SFM

VDFP –SFMO Western Region – Divisions 3, 4, & 6

Chilhowie Phone 276-646-0266 ext 406, Fax 276-646-0269, Cell 276-791-3241

Claude.Hutton@vdfp.virginia.gov

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--

Kenneth L. Kent

Deputy State Fire Marshal

State Fire Marshal's Office, Division 3, Western Region
6744 Thirlane Road
Roanoke, VA 24019

(540) 580-0175 Cell

kenneth.kent@vdfp.virginia.gov

www.vafire.com

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Copies of Cassell and Riverheads Elementary code modifaction.pdf
91K

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond

Superintendent

Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

September 14, 2016

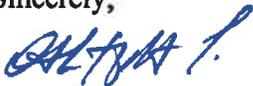
Request for fire code modification

G. W. Wiseman,

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Sincerely,



Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration

Attachment: Nightlock Security Device (3 pages); Nightlock Release Tool (1 page)

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond
Superintendent

Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
(540) 949-6134
FAX # (540) 245-5115

September 14, 2016

Request for fire code modification

G. W. Wiseman,

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Sincerely,



Dr. Douglas W. Shifflett, Jr.
Assistant Superintendent for Administration

Attachment: Nightlock Security Device (3 pages); Nightlock Release Tool (1 page)

AUGUSTA COUNTY SCHOOL BOARD

Dr. Eric W. Bond

Superintendent

Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration

P.O. Box 960
18 Government Center Lane
Verona, VA 24482

(540) 245-5100
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FAX # (540) 245-5115

September 14, 2016

Procedures for using a door brace in a school building

G. W. Wiseman,

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Sincerely,



Dr. Douglas W. Shifflett, Jr.

Assistant Superintendent for Administration